

Autonomous Vehicles and the Current State of Affairs in the Trucking Industry

March 9, 2022

On December 22, 2021, the world's first fully autonomous semi-truck traveled over 80 miles from Tucson, Arizona to Phoenix, Arizona.¹ The truck traveled on both streets and highways, without a human in the vehicle and without human intervention."²

TuSimple, the company responsible for the autonomous semi-truck's voyage, reported that the trip took one hour and twenty minutes, and that they worked with the Arizona Department of Transportation and law enforcement to ensure that their testing procedures were safe and compliant with the laws of Arizona and the United States.³ The trucking company reported that this milestone was the "critical first step in scaling autonomous trucking operations on the TuSimple Autonomous Freight Network."⁴

TuSimple's achievement may accelerate other trucking company's plans for electric, autonomous trucks. However, there are a number of technological leaps that will need to be made before autonomous trucks become the norm. Potentially even more of an issue, the public will need to adjust to the idea of self-driving trucks. According to a survey conducted by CarGurus, only 12% of respondents reported that they would feel comfortable with sharing the roads with self-driving delivery trucks/fleets.⁵

Of the areas of concern to the general public, one of the most uncertain issues within this industry space comprise of the legal implications of autonomous trucks. Currently, autonomous vehicles are regulated at the state level, with only a third of states having passed regulations for autonomous vehicles on roadways.⁶ The federal government has been hesitant to pass laws on autonomous vehicles, and "many of the current official views tend to be more a case of recommendations regarding safety protocols rather than being specific regulations."⁷ Currently, the most significant piece of federal legislation that Congress has passed is the "SELF DRIVE" Act, with the purpose of "establish[ing] the federal role in ensuring the safety of highly automated vehicles by encouraging the testing and deployment of such vehicles."⁸ However, due to the lack of comprehensive federal legislation, state and local governments have started to enact "patchwork" legislation designed at regulating autonomous vehicles where they are being utilized.⁹ The result of this is a lack of uniformity, frustrating the industry's ability to create policies that are consistently nationally-tailored.

However, players within the industry have taken steps to alleviate the concerns among non-commercial drivers and the general public. TMC has partnered with the Federal Motor Carrier Safety Administration (FMCSA), seeking "greater deployment and effective utilization of Advanced Driver Assistance System (ADAS) technologies through the Tech-Celerate Now Program," with proposed recommended practices for the innovative industry space that are intended to provide support in the course of the process.¹⁰ The goal of this partnership is to create literacy and familiarity among drivers, create new protocols for inspections, and to provide technician training for ADAS. All of these initiatives should demonstrate to the general public that educational measures are being put in place to both directly or indirectly quell concern among the general public regarding autonomous trucks, but it will take time for the general public to feel "comfortable" with the idea of autonomous vehicles. Continued safety and training measures of this sort will keep this initiative of promoting comfortability with self-driving vehicles "rolling" forward.

Of much concern to individuals is the question of who is liable in a collision or other accident involving autonomous trucks.¹¹ Normally, in civil lawsuits involving accidents or other issues relating to trucking, the driver is usually named as the defendant, and the plaintiff would bring a claim for the driver's negligent operation of the truck.¹² However, with self-driving trucks, a would-be plaintiff would be hard-pressed to name a defendant, given that no one would actually

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be driving the vehicle.¹³ In this instance, “it is likely that in addition to typical claims against the human driver and the truck owner/company, plaintiffs will look to the developers, manufacturers, and providers of the autonomous software.”¹⁴ Thus, it is imperative that corporations comprehend the legal implications that their self-driving trucks operate under and take appropriate steps to ensure that they are as protected as they can be prior to implementing autonomous technology in their fleets.¹⁵

¹ Tuckers News Staff, [Autonomous Truck Makes Tri with No One Onboard, No Human Intervention](#), TRUCKERS NEWS (Jan. 3, 2022).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ CARGURUS, [SELF-DRIVING VEHICLE SENTIMENT SURVEY 3](#) (2021).

⁶ Business News - Transportation, [What are the Legal Implications of Autonomous Delivery and Cargo Trucks?](#), AZ BIG MEDIA (Feb. 5, 2020).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Robert Braswell and Jack Legler, [TMC Eyes Automated Driving Systems With New Recommended Practices](#), Transport Topics (Jan. 28, 2022).

¹¹ CARGURUS, [SELF-DRIVING VEHICLE SENTIMENT SURVEY 3](#) (2021).

¹² Maine Motor Transport Association, [Self-Driving Trucks – Who is Liable](#).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*