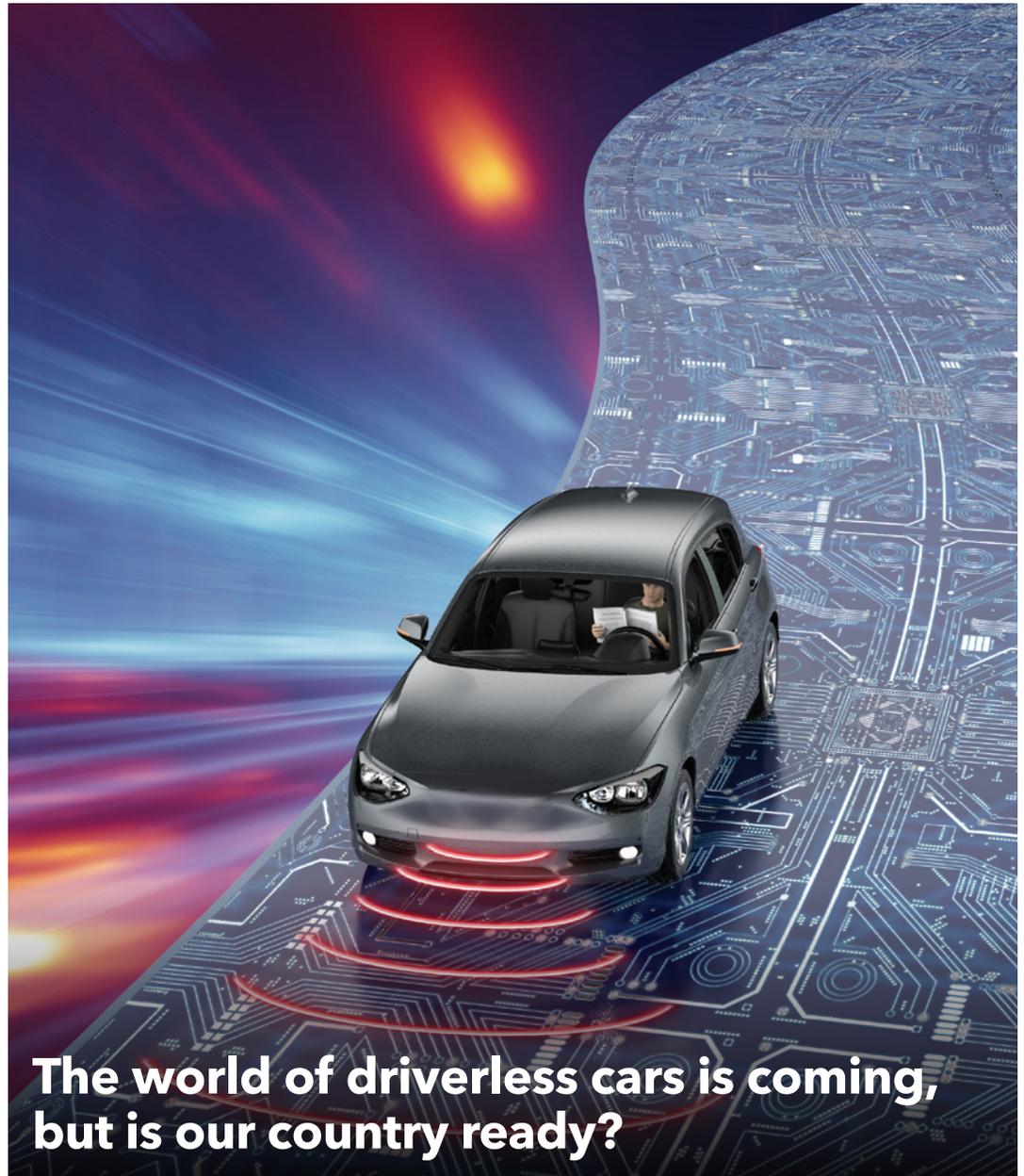


DRIVERLESS CARS: THE LEGAL LANDSCAPE



**The world of driverless cars is coming,
but is our country ready?**

Wednesday, June 14, 2017 | 9 a.m.-4:15 p.m.

**Jack Morton Auditorium
Media and Public Affairs Building
805 21st Street, NW**

George Washington University Law School | Washington, D.C.

THE BIG PICTURE:

- Today, manufacturers are primarily responsible for self-certification of the safety of their vehicles. Should the introduction of driverless cars, also known as highly automated vehicles (HAVs), change that basic approach?
- Can we strike a proper balance between protecting the public and not unduly stifling innovation?
- What kinds of new issues arise in determining who is liable for accidents involving driverless cars?
- What are the proper roles of the federal and state governments in achieving those goals?

AGENDA

PROGRAM MODERATOR

Alan B. Morrison, Lerner Family Associate Dean for Public Interest and Public Service Law,
George Washington University Law School

8:30 a.m. Registration and Continental Breakfast

9 a.m. Welcome

Blake D. Morant, Dean and Robert Kramer Research Professor of Law, GW Law

9:05 a.m. Opening Discussion and Overview

Jonathan Weinberger, Auto Alliance

TOPICS

- What is a driverless car, now and in the short- and long-term future?
- How will they be used by individuals, businesses, governments, and transportation services?
- What are the specific public and private benefits that are anticipated from HAVs?

9:45 a.m. Panel 1: The Testing Phase

PANELISTS

Bernard C. Soriano, California Department of Motor Vehicles

Ralph Menzano, AT121

Peter Kurdock, Advocates for Highway and Auto Safety

John M. Simpson, Consumers Watchdog

TOPICS

- California's DMV has proposed regulations for the testing of driverless vehicles. What will manufacturers have to submit, and what the DMV will have to find in order to approve an application?
- Why is it essential that driverless cars be tested in real-world conditions, and what will the manufacturers, the component suppliers, the regulators, and the public learn from on road testing?
- What rules does the National Highway Traffic Safety Administration have that bear on testing driverless cars?
- What information (data) will manufacturers be required to gather and submit during the testing phase, and to whom will it be made available and for what uses?
- What role will or should cities and towns have in deciding whether driverless cars can be tested on their streets?

11 a.m. Panel 2: The Deployment Phase

PANELISTS

Bernard C. Soriano, California Department of Motor Vehicles

Charlie Haake, Global Automakers

Joan B. Claybrook, Public Citizen

Stephen Wood, National Highway Traffic Safety Administration

Panel 2: The Deployment Phase (*continued*)

TOPICS

- What kind of regulatory system (premarket approval, compliance with specific standards, enhanced recall authority, or other) would be desirable for the actual deployment of driverless vehicles by ordinary drivers?
- Would the necessity of issuing federal rules specific to driverless cars cause undue delay in bringing some or all of their features to market, or are there legitimate safety concerns that justify those delays?
- What rules does NHTSA now have that bear on the deployment of driverless cars?
- What data, crash-related and other, should be collected for deployed vehicles?

12:30 p.m. Lunch

1:15 p.m. Special Remarks from Ralph Nader

1:30 p.m. Panel 3: Liability and Insurance

“Rules and laws allocating tort liability could have a significant effect on both consumer acceptance of HAVs and their rate of deployment. Such rules also could have a substantial effect on the level and incidence of automobile liability insurance costs in jurisdictions in which HAVs operate.”
NHTSA Policy Statement, p. 46.

PANELISTS

Harvey Rosenfield, Consumer Watchdog

Victor Schwartz, Shook, Hardy & Bacon

Robert L. Rabin, Stanford Law School

Tom Karol, National Association of Mutual Insurance Companies

TOPICS

- At the state level, should liability issues be decided by the courts, the legislature, administrative agencies, or some combination of them?
- Is this an exceptional area where the federal government should impose a national standard for deciding issues of liability?
- Regardless of who decides the liability question, what is the best (right) answer as to who should be liable: the manufacturer, the vehicle owner, the component part or software maker, or some combination of them?
- If there is uncertainty on the liability issues, how will that affect the willingness of HAV manufacturers to proceed and the ability of insurance companies to provide coverage?

3 p.m. Panel 4: Additional Issues: Impact on Workers, Cyber-Security, Privacy, and Antitrust

PANELISTS

Enjoli DeGrasse, International Brotherhood of Teamsters

David Vladeck, Georgetown University Law Center

Joshua Corman, The Atlantic Council

Albert A. Foer, American Antitrust Institute

TOPICS

- What impact will a significant deployment of HAVs have on workers in a variety of fields, and what, if anything, should be done about it?
- Are the privacy principles that NHTSA has set forth in its September 2016 Policy Statement (pp 19-20) and enunciated by the Federal Trade Commission adequate, or should states include their own in approving HAVs, as the California DMV proposes?
- Should safety and privacy related concerns generated by software override to some extent the intellectual property rights of those who own or have the right to use the software?
- Are there real dangers of hackers taking control of an HAV and causing it to malfunction?
- Are there legitimate concerns about collusive behavior in the industry that may adversely affect costs to consumers and/or the level of safety that these cars will provide?

PARTICIPANTS

Michael Brooks is the Acting Director for the Center for Auto Safety, a nonprofit public interest organization working to provide consumers a voice in Washington on vehicle safety and quality. He has worked with the center as Staff Attorney since graduating from the George Washington University Law School in 2000, supporting the center's regulatory, legislative, and legal programs. He directs the center's advocacy activities, including litigation, federal crash data and safety research, rulemakings, press, and Freedom of Information efforts. He also develops content and manages the center's website, www.autosafety.org.

Joan B. Claybrook was Administrator of the National Highway Safety Administration from 1977 until 1981, and President of Public Citizen from 1982 until 2009, where she still serves on its board. Ms. Claybrook has devoted decades of her career to advocating for the development and implementation of technology to improve public safety and the environment. Ms. Claybrook is a graduate of Georgetown University Law Center and a member of its Board of Visitors. She serves on a number of boards, including Advocates for Highway and Auto Safety and Citizens for Reliable and Safe Highways. She was also a member of the Department of Transportation's National Freight Advisory Committee in 2015-16.

Joshua Corman is the Director of the Cyber Statecraft Initiative at the Atlantic Council's Brent Scowcroft Center on International Security. Mr. Corman previously served as CTO for Sonatype, Director of Security Intelligence for Akamai, and in senior research and strategy roles for The 451 Group and IBM Internet Security Systems. He co-founded RuggedSoftware and IamTheCavalry to encourage new security approaches in response to the world's increasing dependence on digital infrastructure. His unique approach to security focuses on human factors, adversary motivations, and social impact. He is also serving as an adjunct faculty member for Carnegie Mellon's Heinz College and on the 2016 HHS Cybersecurity Task Force.

Enjoli DeGrasse has been employed since 2008 by the International Brotherhood of Teamsters (IBT), where she is actively involved in providing technical and regulatory support to rank-and-file Teamster members, IBT Trade Divisions, and Local Union Affiliates on issues such as transportation safety, occupational safety and health, hazardous material handling, and worker safety and health training. She earned a master of science degree in public health with a specialty in industrial hygiene, risk assessment, and toxicology from Tulane University School of Public Health and Tropical Medicine and a bachelor of science degree in microbiology from Xavier University of Louisiana. Ms. Enjoli is a board certified industrial hygienist in comprehensive practice.

Albert A. ("Bert") Foer is the Founder and Former President of the American Antitrust Institute (AAI) and currently a Senior Fellow. Before founding the AAI in 1998, his career included private law practice in Washington, the Federal Senior Executive Service (in the Federal Trade Commission's Bureau of Competition), CEO of a mid-sized chain of retail jewelry stores for 12 years, trade association and nonprofit

leadership, and teaching antitrust to undergraduate and graduate business school students. Mr. Foer has published numerous articles, book chapters, and reviews relating to competition policy. He was presented the Consumer Federation of America's Esther Peterson Award for Consumer Service in June 2016.

Charlie Haake is Assistant General Counsel at the Association of Global Automakers, a trade association representing the U.S. operations of 12 international motor vehicle manufacturers. Working with Global Automakers' member companies, Mr. Haake provides legal and policy advice on a range of automotive matters, including fuel economy and vehicle emissions, motor vehicle safety, and connected automation. Prior to joining Global Automakers, Mr. Haake was an attorney with the law firm of Gibson, Dunn and Crutcher, where he practiced environmental litigation.

Tom Karol is General Counsel Federal of the National Association of Mutual Insurance Companies (NAMIC), the largest property/casualty insurance trade association in the country, with more than 1,400 member companies that represent 43 percent of the automobile insurance market. NAMIC is the property/casualty insurance industry leader for autonomous vehicles. Mr. Karol recently served on NHTSA panels relating to state jurisdiction and pre-market approval, served as a Board Member Advocates for Highway Safety and Auto Safety, and worked with the Insurance Institute for Highway Safety supporting the Virginia Tech Transportation Institute as part of the National Cooperative Highway Research Program.

Peter Kurdock is the Director of Regulatory Affairs for Advocates for Highway and Auto Safety. Prior to joining Advocates in 2013, he served in the legislative departments of several non-profit organizations in Washington, D.C. Peter also served as a legislative aide to U.S. Senator Frank R. Lautenberg (NJ) and Congressman Bill Pascrell, Jr. (NJ-9) where he handled transportation issues. In 2015, he was appointed by the Federal Motor Carrier Safety Administration (FMCSA) to serve on the Entry-Level Driver Training Advisory Committee (ELDTAC). The ELDTAC was established to conduct a negotiated rulemaking on entry-level driver training for drivers of commercial motor vehicles.

Ralph Menzano is ATI21's Co-Founder. He was formerly the Global Transportation Leader for Oracle Corporation, CIO for SEPTA (Philadelphia's Transit Agency), and has held vice president positions at JP Morgan Chase Bank, General Motors, and Saint Gobain. He has been a board member for Amtrak, LaSalle University, Villanova University, and Musicopia. He has authored numerous articles and a book titled *Making IT Happen*. He has been a frequent speaker at meetings of transportation associations and at smart cities conferences like Meeting of the Minds and Living Labs. He is an Adjunct Professor for the Graduate School at the University of Pennsylvania and holds an MBA degree from Philadelphia University.

Alan B. Morrison is the Lerner Family Associate Dean for Public Interest and Public Service Law at the George Washington University Law School, where he is responsible for overseeing its Innovation and Internet Initiative Program and also teaches civil procedure and constitutional law. He co-founded the Public Citizen Litigation Group with Ralph Nader and was its director for more than 25 years. He has taught at the law schools at Harvard, Stanford, NYU, Hawaii, and American Universities; was a commissioned officer in the Navy; and served as an Assistant U.S. Attorney in New York handling mainly civil cases.

Ralph Nader is the author of the 1965 Book *Unsafe at Any Speed*, which led directly to the passage of the National Traffic and Motor Vehicle Safety Act of 1966 and, four years later, the creation of the National Highway Traffic Safety Administration, the federal agency charged with assuring the safety of automobiles.

Robert L. Rabin, A. Calder Mackay Professor of Law at Stanford Law School, is an expert on torts and legislative compensation schemes, as well as on alternative regulatory schemes. He is the co-editor of a widely used casebook on tort law. Professor Rabin has served as advisor on the American Law Institute's Restatement of the Law (Third) of Torts, and Restatement of the Law (Third) of Products Liability. He was also a co-reporter for the American Law Institute Project on Compensation and Liability for Product and Process Injuries, and reporter for the American Bar Association Action Commission to Improve the Tort Liability System.

Harvey Rosenfield is a consumer advocate and public interest lawyer. He founded Consumer Watchdog, a California-based consumer protection organization, in 1985. He wrote and led the campaign for the landmark insurance reform ballot initiative Proposition 103, passed by California voters in 1988, which required insurance companies to refund over \$1.2 billion to California motorists and has saved the state's consumers more than \$100 billion through stringent regulation of insurance company rates and a ban on discriminatory practices by insurance companies. Mr. Rosenfield graduated from Amherst College and earned both a JD and an MSFS from Georgetown University.

Victor Schwartz chairs Shook Hardy & Bacon L.L.P.'s Public Policy Group, which focuses on integrating litigation, government affairs, and public relations. Mr. Schwartz also has an active appellate practice and advises product manufacturers on liability prevention, litigation and public relations issues. He currently serves as General Counsel to the American Tort Reform Association. Mr. Schwartz is co-author of the most widely used torts casebook in the United States, Prosser, Wade and Schwartz's Torts (13th ed. 2015). Prior to entering the full time practice of law, Mr. Schwartz was a professor and Dean at the University of Cincinnati College of Law.

John M. Simpson, a former journalist, is a consumer advocate for Consumer Watchdog and is the Director of the organization's Privacy Project. He has been the lead advocate in the nonprofit nonpartisan group's efforts to ensure that self-driving cars are tested and ultimately deployed safely. His work helped ensure that important information about testing self-driving cars in California was made public by the Department

of Motor Vehicles. Mr. Simpson also directed the nonprofit public interest group's Stem Cell Oversight Project, which was intended to ensure that the people paying for California's \$6 billion stem cell research program—the taxpayers of the state—receive direct benefit from the research they are funding. Mr. Simpson is a leading voice on technological privacy, stem cell research issues, and self-driving car technology.

Bernard C. Soriano is Deputy Director for the California Department of Motor Vehicles and is the sponsor of the department's autonomous vehicles program. He has over 30 years of engineering and management experience in the private and public sector. He previously held positions at Hughes Space and Communications, where he designed satellite attitude control systems and was involved in their launch missions. He was also the Assistant Technical Director at the USGA Research and Test Center in New Jersey. In the public sector, Mr. Soriano was the Chief Information Officer for the Office of the Secretary of State and was the information technology task force leader on Governor Schwarzenegger's California Performance Review.

David Vladeck, A.B. Chettle, Jr., Professor at Georgetown University Law Center, teaches federal courts, civil procedure, administrative law, and serves as faculty director of its Center on Privacy and Technology. From 2009 to 2013, he directed the Federal Trade Commission's Bureau of Consumer Protection. Before joining the Law Center faculty in 2002, he spent over 25 years with Public Citizen Litigation Group. He is a member of the National Academy of Sciences Committee on Science, Law, and Technology; a Trustee of the Natural Resources Defense Council; a Senior Fellow of the Administrative Conference of the United States; and a member of the American Law Institute.

Jonathan Weinberger is Vice President of Innovation and Technology at the Auto Alliance and coordinates industry programming on issues surrounding autos and the "IoT." Mr. Weinberger most recently led strategic efforts behind the launch of an "IoT" technology firm. Prior to that, he served as Executive Secretary and Associate General Counsel in the White House Office of the U.S. Trade Representative. He was lead litigator on auto-related trade disputes with China and served as the intermediary with executives from several automakers. Mr. Weinberger also served as Executive Secretary of the U.S. Treasury and on the staffs of two Secretaries of State.

Stephen Wood, Acting Chief Counsel at the National Highway Traffic Safety Administration (NHTSA), has led the Chief Counsel Office's vehicle rulemaking and harmonization division for more than 30 years. He explored adapting NHTSA's regulatory framework to address self-driving vehicles in a 2012 article, "The Potential Regulatory Challenges of Increasingly Autonomous Motor Vehicles." More recently, he drafted portions of the September 2016 "Federal Automated Vehicles Policy." In the international arena, Mr. Wood was the lead USDOT lawyer on auto sector and cross-cutting regulatory process and cooperation issues in U.S.-EU trade negotiations. Next month, he will speak at a conference in Geneva on the Governance of the Safety of Automated Vehicles.

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