




GoE on LIAV – WP.1/GE.3

The line-by-line review of 1949-
and 1968 conventions on Road
Traffic: requirement for a driver
and driver obligations

The task from GE.3 – A line-by-line review



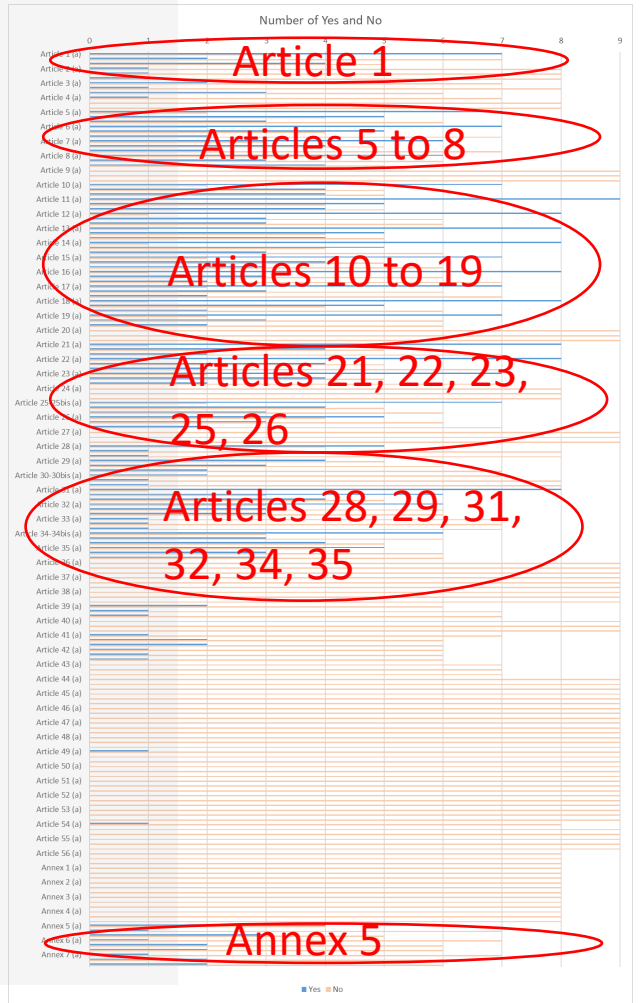
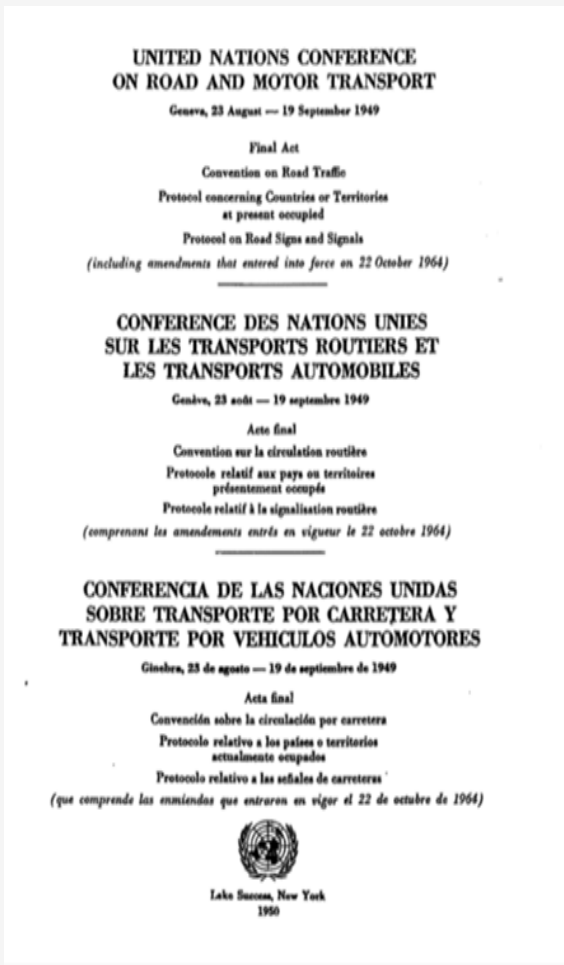
47. The expert from France, GE.3 Vice-Chair, presented (on behalf of the GE.3 bureau) Presentation 6, with a set of three questions aimed to support the collective assessment of any gaps in the conventions and resolutions under the auspices of WP.1. She explained that the questions were based on the input received from the two subgroups Co-Chairs, OICA/CLEPA, University of South Carolina, Poland, Japan, German. She also offered a modus operandi for the way forward including the organization of informal (virtual) meetings in English only. The Group of Experts endorsed the proposal with the three questions reading:

- (a) Is this provision ambiguous as it applies to ADS (if yes, is the provision not comprehensive of ADS? Is anything missing?)
- (b) Does this provision compromise road user safety when it applies to ADS?
- (c) Does this provision prevent the use of ADS in international road traffic (including cross border operations)? (If yes, what are the barriers/obstacles in this provision)?

Report of the Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic on its seventh session – December 4 2023

<https://unece.org/sites/default/files/2024-01/ECE-TRANS-WP.1-GE.3-2023-4e.pdf>

Results of the survey – answers to 1949 and 1968 Conventions, (a), (b) and (c)



Main issues identified in the survey



1. How is the requirement for a driver met in vehicles with an ADS engaged?
 - Who is the driver?
 - Who is responsible for the dynamic and non-dynamic driving task (DDT and non-DDT)?
2. Do rules of the road, which are set as driver requirements, need to be complied with by vehicles controlled by an ADS?
3. Common understanding of technical requirements in the Conventions where it is not clear how a vehicle controlled by an ADS is compliant
4. The nature of the Resolutions (non-binding and high level) – the risk of differences in interpretation and implementation

Informal meetings



Two meetings held by videoconference to discuss issues 1 and 2:

27 June - attended by experts from 12 contracting parties from 4 continents as well as industry and academia – **focus on requirement for a driver**

4 July – attended by experts from 11 contracting parties from 4 continents as well as industry – **focus on rules set as driver/user requirements**

The implications for AV deployment in international traffic were also discussed.

Summary of discussions (1)

Requirement for a driver

- There was broad consensus that the requirement for a driver under both Conventions means that the driver must be a legal person.
- However, some interpret that the driver has to be a natural person (a human) while others consider it can be a company.
- Countries with the two interpretations have developed solutions for complying with the requirement for a driver under domestic legislation, to enable AV deployment.
- Some pointed out that a human designated as driver does not necessarily hold the responsibility for the DDT when an automated driving system is engaged.

Summary of discussions (2)

Performance of the dynamic driving task (DDT)

- There was broad support for the concept that a human can delegate the DDT to a (automated driving) system capable of performing it without the need for a human as a fallback for ensuring road safety (as per the 2018 Resolution) – whether legally the human remains the driver or not.
- There was also broad support for ensuring that there is clarity on roles and responsibilities when an ADS is performing the DDT; both relating to the behaviour of the vehicle on the road and wider driver responsibilities (e.g. vehicle loading and roadworthiness).
- Some countries have created legislation to clarify who is the driver, and roles and responsibilities – including transferring responsibilities from a human driver to a company responsible for the performance of the ADS.

Summary of discussions (3)

Traffic rules set as driver/road user requirements

- There was broad agreement that automated vehicle use should be subject to the same rules as conventional vehicles, including compliance with rules set as driver requirements.
- Some traffic rules are written as broad principles which require judgement of individual situations or interpretation on how they apply to automated vehicles. And some rules may need to be interpreted flexibly at least in unusual circumstances (e.g., road obstructions, extreme weather) – it was noted that these issues are explored in the [Guidelines and recommendations for Automated Driving System safety requirements, assessments and test methods to inform regulatory development](#) adopted by WP.29.
- An ADS should at least operate consistently with the rules relating to the DDT; how compliance with other rules (such as roadworthiness) should be achieved is less clear and may change as technology evolves.

Review – what we have achieved since February 2023

- GE.3 started the assessment as requested by ITC at its 2023 session.
 - ➔ The modality of the first iteration of the assessment were set by ECE/TRANS/WP.1/GE.3/2023/4, para 47.
- Items considered during the first iteration of the assessment were:
 - «the driver»
 - «Performance of the DDT»
 - «Traffic rules set as driver/road user requirements»

State of play in the analysis

Issues already identified:

- Is there a need to clarify that the road traffic rules set as driver/user requirements apply to AVs?
- What is the functionality threshold for enabling delegation of the DDT to the ADS? May need to retain flexibility as the technology evolves...
- How can contracting parties cooperate to establish the identity of the entity(ies) responsible for compliance with DDT and non-DDT related traffic rules?

Issues still to be discussed:

- Compliance of AVs with vehicle requirements under the legal instruments
- Any further issues that need to be considered in the assessment?

Potential next steps – for discussion in GE.3:

- Start the drafting of a short document for each issue identified so far, to document the initial conclusions that can be drawn from this first iteration of the assessment.
- Reflect on organizational matters to conduct assessment of the “issues still to be discussed” (2nd stage of the assessment).