

Why are self-driving cars exempt from traffic tickets in San Francisco?

Publication Date: 2024-01-04

Author: Kari Paul

Section: Technology

Tags: Technology, Self-driving cars, San Francisco, Law (US), California, features

Article URL: <https://www.theguardian.com/technology/2024/jan/04/self-driving-cars-exempt-traffic-tickets-san-francisco-autonomous-vehicle>



Autonomous vehicles in San Francisco are exempt from traffic tickets if there is nobody in the driver's seat, according to the San Francisco police department (SFPD), underscoring ongoing legal and safety concerns surrounding the expanding technology. California law has not caught up to the cars, even though they are already on the road, say public safety agencies and experts. SFPD policy states that officers can make a traffic stop of autonomous vehicles (AVs) for violations, but can only issue a citation if there is a safety driver in the vehicle overseeing its operations. Since June 2022, autonomous vehicles have been permitted to operate without safety drivers as long as they are inside the city limits. Officers can issue citations to the registered owner of an unoccupied vehicle in absentia for non-moving violations such as parking or registration offenses but not violations like speeding, running a red light, driving in the wrong lane or making an illegal turn. "At this time, no citation for a moving violation can be issued if the AV is being operated in a driverless mode," the SFPD said in a statement. The police did not elaborate as to why no traffic citations can be given to self-driving cars. The agency's response comes after NBC Bay Area published an internal memo on the matter from the SFPD chief, Bill Scott. Driverless cars' exemption from traffic citations highlights concerns experts have that laws have been slow to catch up to driverless technology. While other states that have approved autonomous vehicles – including Texas and Arizona – updated their laws to adapt to self-driving cars, California has not. Arizona changed its road safety protocols in 2018 to state that if an autonomous vehicle violates a traffic law, an "officer may issue a citation to the registered owner of the vehicle" even if no human is present. A 2017 update to Texas law states that the owner of an automated driver system is considered the operator of the vehicle in the case of a traffic violation, "regardless of whether the person is physically present in the vehicle while the vehicle is operating". California, largely seen as the US's largest market for robotaxis, does not have such legal updates. More than 500 autonomous vehicles between firms Waymo and Cruise were operational in San Francisco as of August even before the city approved an expansion, compared with 125 in Austin, Texas, for example. "It's a big issue because California is where the majority of robotaxis are operating," said Cassandra Burke Robertson, a professor at Case Western Reserve University school of law who has published analyses of liability law as it pertains to self-driving vehicles. "It's not just about traffic tickets, but how we will regulate autonomous vehicles more broadly." Another public safety agency threw up its hands at the question of traffic tickets for autonomous vehicles, disclaiming that it could not enforce laws that did not exist. In a statement, the California department of motor vehicles said that as part of the permitting process to hit the roads, an autonomous vehicle must be certified to comply with "all provisions of the California Vehicle Code". Though the vehicle code requires

that robotaxis comply with traffic laws, absent from it are clauses specifying how law enforcement should handle a misbehaving self-driving car and what penalties apply. "The DMV recognizes that autonomous technology is an evolving technology and remains committed to enhancing the regulatory structure to reflect the continued development of the technology," the agency said. While the SFPD clarified it cannot issue tickets to autonomous vehicles, the California highway patrol did not respond to a request for comment on its own policies on robotaxis. The Los Angeles police department, which has allowed self-driving cars in a limited capacity as of October 2023, did not immediately respond to a request for comment about whether autonomous vehicles can be ticketed in the city. The traffic ticket issue comes as San Francisco grapples with safety concerns surrounding driverless vehicles, which first came to the city in a limited capacity in 2022. In August 2023, self-driving car companies Waymo and Cruise were approved to expand operations following a controversial vote, despite complaints about a number of issues including vehicles blocking emergency response teams. In the weeks and months that followed the proliferation of the cars, locals reported the vehicles were causing "mayhem" in the city, and Cruise was forced to pull its driverless cars off the road after one of its vehicles was involved in a high-profile crash that nearly killed a pedestrian in October. Officials have accused the General Motors subsidiary of withholding crucial information on the accident, during which the pedestrian was dragged under the car. Waymo did not immediately respond to a request for comment. Cruise, which is not currently operating in a fully driverless capacity in San Francisco, declined to comment. After Cruise pulled its cars from the streets of San Francisco, autonomous vehicle firms may be rethinking their strategies – which was a good thing for public safety, Robertson said. "Cruise tried to ramp up very quickly in 2023, and that's when we started to hear reports of problems in San Francisco," she said. "In 2024, they're taking a step back and saying they are going to work closely with local officials."