



A Gradual Introduction

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Due to many factors, the road to self-driving vehicles for most trucking companies will come in stages.

The Road to Automation

Driverless vehicles and trucking load assignment apps are on the way, and trucking professionals must consider how these disruptive revolutions will affect accident litigation.

Transportation litigators and claims specialists need to

prepare for technology failure claims and whether there will be liability for not “keeping up with the Joneses.”

The future of transportation technology is a hot topic in the news. This is especially so with all the publicity surrounding the use of autonomous vehicles on our nation’s roadways. Just recently, for example, Embark, a tech startup, announced that its modified Peterbuilt tractor made the first coast-to-coast journey by an automated truck. See Seth Clevenger, *Embark Self-Driving Truck Completes Coast-to-Coast Test Run* (Feb. 6, 2018), ttnews.com. Imagine a world with self-driving cars and trucks on our nation’s roadways. Will it be a world where there are fewer crashes? Will it make life more efficient

and safe for everyone? Moreover, when will it happen? Some view the idea of self-driving trucks as a way to streamline and safeguard the method in which goods are transported across the country, embracing the positives of the new technology.

If self-driving vehicles do take over the nation’s roadways, it will take years, even decades to implement. While there is much excitement, motivation, and publicity surrounding deployment of fully autonomous vehicles (commercial and non-commercial), many questions are unanswered at this time. What is safe enough? How much testing needs to be done? Is our infrastructure ready (Will there be dedicated lanes)? How will fully

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Michelle Rafter, *Soaring Insurance Rates Stymie New Independent Truckers* (June 6, 2017), <http://www.trucks.com>. It does not take an insurance expert to figure out that if a carrier is paying out more than it is bringing in on any given line of business, that line of business may be cut back or premiums drastically increased.

As a whole, the insurance industry seems to have been slow to adjust rates for insureds with collision avoidance systems. In January 2016, the Associated Press reported that of the 11 biggest auto insurers in the United States, only two offered discounts for these systems. Tom Krisher, *Few Insurers Cut Rates for New Electronic Safety Devices*, Assoc. Press (June 8, 2016), ap.news.com. As these systems become more standard and additional crash data comes in, it makes sense that rate increases should slow.


As the above-referenced studies show, the implementation of these systems will decrease the total number of accidents and severe losses. Therefore, reported losses for insurance companies and their

insureds will also decrease. This, logically, will further help slow rate increases. Technology such as drive-cam and GPS also help insurance carriers more accurately make liability determinations. They also help refute fraudulent claims. Reducing the number and severity of claims, having clear evidence to establish liability, and having evidence to combat fraud also help insurance carriers reduce the number of cases going into suit, thus reducing litigation expenses. These factors all help to keep the combined ratio down, which should help keep rate increases in check.

Gradual Transformation

The road to self-driving vehicles for most trucking companies will come in stages. Before moving the driver completely away from the duties of driving, most companies will likely gradually evaluate and implement technology that requires less involvement on the part of the driver. A proven return on investment and the ongoing advancement in technology

will speed this process. Legislation and regulation, as well as societal resistance, may slow the process. It's one thing for a two-ton car without manual controls to lose control and cause a crash. It's quite another for an 80,000-pound, 18-wheeler, which would cause far more damage. The timing for the introduction of self-driving technology into the transportation industry is critical. If technology is introduced too quickly before reliability has been established, accidents will occur, and the overall effect on the transportation industry could be negative.

Any time the public's trust is damaged, it is very difficult to regain it, specifically in the era of large verdicts and reptile theory. However, if done appropriately and carefully, the implementation of technological advancements into the transportation industry should decrease the severity and total number of accidents, slow insurance premium growth, help contain adverse verdicts, and increase the public trust in the transportation industry as a whole. 



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