

CLIENT ALERT

NHTSA Heads Down the Road to New Vehicle-to-Vehicle Communications Regulations

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On February 3, 2014, the National Highway Traffic Safety Administration (NHTSA) announced that it currently supports, and will eventually require, vehicle-to-vehicle (V2V) communication technology in light vehicles. V2V technology connects vehicles by allowing them to “talk” to each other through the exchange of data, such as speed and location, ten times per second. The technology will initially be utilized to provide warnings to drivers, but ultimately could be combined with self-driving vehicle technology to accelerate, brake, or steer the vehicle automatically. The main intent of V2V technology is to prevent collisions, but it could also be used to provide real-time information related to more efficient routes, thus alleviating traffic congestion, reducing emissions, and saving time.

The Technology:

V2V technology uses sensors that collect information 360 degrees around the vehicle, including information that the driver could not detect alone. A short-range radio network allows vehicles to communicate with each other about 300 yards apart, or even farther away as the information passes from car to car.

NHTSA is wrapping up a year-long pilot program testing V2V technology. The agency plans to release a report with its findings for public comment “in the coming weeks.” Subsequently, NHTSA will unveil a regulatory framework that would require V2V technology in new vehicles.

The Risks and Challenges:

While V2V technology has the potential to provide safety, environmental, and economic benefits, there are numerous risks and challenges to consider. Some include:

- **Compatibility problems with non-V2V vehicles** – As NHTSA indicated that its mandate would apply to new light vehicles only, existing light vehicles and all heavy vehicles could be on the road without the same technology. A substantial number of vehicles without the V2V technology would preclude maximum effectiveness, and could actually pose serious risks. For instance, if drivers begin to rely on V2V technology, they may not be aware of the risks posed by an unconnected vehicle.

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- [CPSC Proposes Revisions to Section 6\(b\) Information Disclosure Rule](#)
- [NHTSA Heads Down the Road to New Vehicle-to-Vehicle Communications Regulations](#)
- [FDA to Consider Overhaul of Over-the-Counter Drug Approval Process](#)
- [New Data Security Legislation On Horizon](#)

- **Cybersecurity and privacy** – NHTSA sought to preempt cybersecurity and privacy concerns by insisting that “V2V technology does not involve exchanging or recording personal information or tracking vehicle movements.” NHTSA acknowledged, however, that vehicles could be identified through certain procedures that can be employed if there is a safety problem. Some lawmakers are demanding more privacy protections: Senator Charles Schumer (D-NY), for example, has requested that NHTSA and the Federal Trade Commission (FTC) establish guidelines that would require vehicle manufacturers to notify drivers when they are being tracked and allow drivers to opt out from sharing information altogether. Allowing drivers to opt out of V2V technology would lessen the benefits of the information shared and increase driver uncertainty as to the comprehensiveness of the information.
- **Interoperability of parts** – To achieve the benefits of V2V technology, interoperability between vehicles and parts supplied by different manufacturers is required. NHTSA’s regulatory framework will likely account for this issue by requiring particular technological standards.
- **Communications interference** – The Federal Communications Commission (FCC) has been considering whether to open the frequency band currently dedicated to short-range communications and used for V2V testing to unlicensed wireless Internet devices. Opening the frequency band has generated some concerns about interference with V2V devices.

While NHTSA has now made clear that V2V technology is inevitable, there are still a number of challenges to ponder. Interested parties should keep a close eye on further developments and should contact the professionals listed below, or their regular Crowell & Moring contact, with any questions or for more information.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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