

The Sensor: Legal Insights into Autonomous Vehicles

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Driverless vehicles: Two years of autonomy on Québec roads

In April 2018, Québec amended legislation that authorized the implementation of pilot projects for autonomous vehicles.¹ This led to two novel projects: a public bus in the city of Candiac and a shuttle in Montréal's Olympic Park. Two years later, what has come of these projects? How did the public respond and what lessons have we learned from them? This article provides an overview of the two pilot projects implemented in Québec, and how they are paving the road for the future of driving (or, rather, *not* driving).

Candiac: an electric bus to promote public transportation

The Candiac project marks the first autonomous vehicle to circulate freely on public roads in Canada. According to André Fortin, Minister of Transport, it is the first of many projects we are likely to see in the coming years.²

"Canada's first self-driving shuttle" travels at 25km/h, and is free of charge to users.³ The fully electric shuttle runs from an incentive parking lot to a nearby park, following a route integrated into the city's usual traffic. In addition to trying out new mobility technologies, the aim is to incentivize the use of public transport, promote a local farmers market and make the city more accessible to all during the summer months.

After the first two-week trial period without any passengers, the shuttle welcomed residents of Candiac between May and October 2018.⁴ Although winter driving is possible, the bus only functions at temperatures of up to -10°C.

While the project has the permission to run for up to five years, it was paused in May 2019 due to roadwork. The city has not yet confirmed if the shuttle will be running for a third trial year in 2020.

For now, responses to the shuttle have been positive, highlighting the novelty and innovation that the project represents. In 2019 the City of Candiac was the recipient of the Québec Novae prize for sustainability for its autonomous bus project, highlighting the city's efforts to promote public transportation with efficient technology.⁵ This recognition is a promising step for the development of transportation technologies throughout Québec.

¹ *Autonomous Bus and Minibus Pilot Project Highway Safety Code*, C-24.2, r. 37.01.

² Radio-Canada, "Un autobus électrique sans chauffeur roulera à Candiac" (10 August 2018) [Radio Canada].

³ Sarah Leavitt, "Canada's first self-driving shuttle using public roads coming to Candiac" (10 August 2018).

⁴ Arrêté numéro 2018-16 du ministre des Transports, de la Mobilité durable et de l'Électrification des transports en date du 9 août 2018 édictant le Projet-pilote relatif aux autobus et aux minibus autonomes, art. 27 [A.M 2018-16].; *ibid.*

⁵ Ville de Candiac, "Candiac remporte deux prix Novae" (2019).

Olympic Park: making parks more accessible

From September 10 to December 7, 2018, two 12-passenger autonomous shuttles serviced the grounds of the Olympic Park. The project was part of a wider initiative by the City of Montréal to offer mobility options and integrate different modes of transportation.⁶ The final report published by the Olympic Park committee outlines the findings from the project, which are positive, while demonstrating that autonomous vehicles are still in their infancy.⁷

First, autonomous vehicles, such as the one tested in the Olympic Park, are still in the first stages of testing in colder climates, such as in Québec. In just two months of trial, recorded temperatures varied from 30°C to -11°C and the shuttle had trouble adapting. The other significant limiting factor of the shuttle was its speed. Although it can travel at up to 12km/h, the shuttle maintained a speed of 5.4km/h when operating on the site, given that the shuttle shared spaces with pedestrians, cyclists and other visitors.⁸

Complete autonomy is still a work in progress. For now, autonomous vehicles depend on pre-determined routes, and the intervention of operators to respond to new variables.

Insurance Considerations

The pilot projects in Candiac and in the Olympic Park have run smoothly overall and did not cause any major accidents.⁹ Nonetheless, the risk of accidents must be considered. This begs the question that if accidents do occur, who is liable?

To this end, Québec included a few exceptions to the *Automobile Insurance Act*, applicable to pilot projects. Provisions were amended on August 9, 2018 to increase the compulsory amount of liability insurance required for all autonomous buses and mini-buses operated in pilot projects to \$1 million.¹⁰ The coverage limit is lower than the \$5 million liability coverage required under the Ontario autonomous vehicles pilot program.¹¹ Furthermore, the province can recover amounts paid in indemnity as a result of accidents from both manufacturers and distributors.¹² If an accident is attributable to another driver, pedestrian or cyclist, the usual no-fault insurance coverage rule applies.¹³

Looking forward

The last two years have marked an important step forward in Québec regarding the use of autonomous transportation. The two pilot projects put in place have shown that it is possible to create spaces in which technology and individuals interact without fatal outcomes. There are undoubtedly still challenges to overcome, such as weather and manoeuvring. The activity in the province thus far reflects a glimpse into the mobility solutions of the future, one which undoubtedly includes higher levels of autonomous in our roads.¹⁴

⁶ Parc Olympique, “Rapport du projet pilote de navettes électriques autonomes | NÉArque 2018” (2018), p. 2 [Report].

⁷ *ibid.*, at p. 23.

⁸ *ibid.*, at p. 3.

⁹ Radio Canada, *supra* note 2.

¹⁰ A.M. 2018-16, *supra* note 4, art. 20.

¹¹ O.Reg. 306/16: Pilot Project- Automated Vehicles.

¹² *ibid.*

¹³ Radio Canada, *supra* note 2.

¹⁴ Report, *supra* note 6, at p. 21.

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*Monthly articles provided in **The Sensor: Legal Insights into Autonomous Vehicles** explore how autonomous vehicles are impacting industry sectors across the board and are written with the objective of helping to ensure our clients are well-positioned to deal with the related legal and regulatory challenges.*

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