

Autonomous cars will shortly be on the roads in Montréal

■ LÉONIE GAGNÉ
with the collaboration of Chantal Saint-Onge, student-at-law
Lavery Legal Lab on Artificial Intelligence (L³AI)

Autonomous cars have really taken off in the last few years, particularly due to the interest of both consumers and the businesses who develop and improve them. In this context, on April 5 and 10, 2017, the City of Montréal and the Government of Québec respectively announced significant investments in the electrification and intelligent transportation sector to make the Province of Québec a pioneer of that industry.

Investments from the City of Montréal and the Government of Québec

The City of Montréal intends to invest \$3.6M toward the creation of the Institute on Electrification and Intelligent Transportation, created as a part of the Transportation Electrification Strategy developed to fight climate change and promote innovation. The creation of the Institute on Electrification and Intelligent Transportation is one of the ten strategic orientations that the Transportation Electrification Strategy puts forward. The City of Montréal explains that [TRANSLATION] "the Institute will rely on the collaboration of partners, including universities and the Innovation District, and on the availability of land near downtown Montréal in order to create a world-class site to develop, experiment and promote innovation and new concepts in the field of electric and intelligent transportation".¹ The mission of the Institute is, among other things, to create a testing corridor and an experimentation area in downtown Montréal for autonomous vehicles.

In addition, an autonomous shuttle project is already under way, involving "Arma" minibuses developed by Navya, a partner of the Keolis Group. These vehicles are automated at level 5, meaning that they are entirely automated. The first road test is anticipated to take place in the context of the International Association of Public Transport's (UITP) Global Public Transport Summit, which will be held in Montréal from May 15 to 17, 2017.

For its part, the Government of Québec has undertaken to invest \$4.4M [TRANSLATION] "to support the electric and intelligent vehicles industrial cluster"². This industrial cluster will be set up in spring 2017 and its business plan will be established by an advisory committee created for such purpose. [TRANSLATION] "The cluster will help position Québec among the world leaders in the development of ground transportation and their transition to an all-electric and intelligent transportation" stated Dominique Anglade, Minister of Economy, Science and Innovation and Minister responsible for the Digital Strategy.

Issues related to driving autonomous vehicles in Québec

Intelligent cars were introduced in the Québec market and have earned their place over the last few years. They are referred to as autonomous when they possess at least a "conditional" degree of automation, commonly referred to as level 3 on the scale of automation degrees³. This level of automation allows for dynamic driving of the vehicle by its control system but requires the driver to remain available.

Under the Québec *Automobile Insurance Act*⁴, the owner of an automobile is liable for the property damage caused by such automobile with some exceptions. This statute also provides for a no-fault liability regime allowing victims of a car accident to claim an indemnity for the bodily injuries they suffer. As to the *Highway Safety Code*⁵, it governs, among other things, the use of vehicles on public roads.

¹ Transportation Electrification Strategy 2016-2020, published by the City of Montréal.

² GOVERNMENT OF QUÉBEC, Information feed - "Québec annonce 4,4 millions de dollars pour soutenir la grappe industrielle des véhicules électriques et intelligents", online.

³ For more details, please consult the *Need to Know* newsletter, "Autonomous vehicles in Québec: unanswered questions".

⁴ *Automobile Insurance Act*, CQLR, c. A-25.

⁵ *Highway Safety Code*, CQLR, c. C-24.2, art. 1.



To our knowledge, no legislative amendment has been proposed to this day to fill this legal void prior to autonomous vehicles appearing on the Québec roads. In this regard, it is appropriate to note that the Province of Ontario recently passed the Regulation 306/15⁶, which outlines who may drive autonomous vehicles on Ontario roads and in which context.

Comments

Many questions remain unanswered as to the content of the projects and initiatives recently announced by the City of Montréal and the Government of Québec. This lack of information creates uncertainty as to the scope of specific regulations governing the use of autonomous vehicles in the Province of Québec which would possibly need to be passed. However, Ms. Elsie Lefebvre, Associate councilor for the City of Montréal, responsible for the Transportation Electrification Strategy, declared that [TRANSLATION] "there will be guidelines and the projects will be supervised to ensure that there is no danger on the road", without giving details on the scope of such measures.

In the wake of these announcements, many issues deserve to be discussed. What will be the degree of automation of the autonomous vehicles allowed to be driven in the Province of Québec? Who will drive these vehicles and who will insure them? Will special permits be required? Will these vehicles be allowed to be driven on public roads or exclusively on closed circuits? In the event of an accident, who will be held liable? What will be the legislative measures passed to adequately govern the use of these vehicles? Many questions remain and not many answers are provided for the time being. This is something to follow...

■ LÉONIE GAGNÉ
514 878-5409
lgagne@lavery.ca

⁶ Pilot Project – Automated Vehicles, O Reg 306/15.

YOU CAN CONTACT THE MEMBERS OF THE INSURANCE GROUP WITH ANY QUESTIONS CONCERNING THIS NEWSLETTER.

ANNE BÉLANGER	abelanger@lavery.ca	514 877-3091
FRÉDÉRIC BÉLANGER	fredbelanger@lavery.ca	418 266-3096
CLAUDIA BÉRUBÉ	cberube@lavery.ca	819 346-3661
DOMINIC BOISVERT	dboisvert@lavery.ca	514 878-5493
FRÉDÉRIC BRETON	fbreton@lavery.ca	819 346-7506
MYRIAM BRIXI	mbixi@lavery.ca	514 878-5449
MARIE-CLAUDE CANTIN	mccantin@lavery.ca	514 877-3006
GENEVIÈVE CHAMBERLAND	gchamberland@lavery.ca	819 346-2562
LOUIS CHARETTE	lcharette@lavery.ca	514 877-2946
MARIKA COUTURE-HOULE	mcouturehoule@lavery.ca	819 346-0340
LÉONIE GAGNÉ	lgagne@lavery.ca	514 878-5409
JULIE GRONDIN	jgrondin@lavery.ca	514 877-2957
JEAN HÉBERT	jhebert@lavery.ca	514 877-2926
JONATHAN LACOSTE-JOBIN	jlacostejobin@lavery.ca	514 877-3042
MAUDE LAFORTUNE-BÉLAIR	mlafortunebelair@lavery.ca	514 877-3077
BERNARD LAROCQUE	blarocque@lavery.ca	514 877-3043
CLAUDE LAROSE	clarose@lavery.ca	418 266-3062
MARTIN PICHETTE	mpichette@lavery.ca	514 877-3032
BENJAMIN POIRIER	bpoirier@lavery.ca	514 877-2989
MARIE-HÉLÈNE RIVERIN	mhriverin@lavery.ca	418 266-3082
IAN ROSE	irose@lavery.ca	514 877-2947
JEAN SAINT-ONGE, Ad. E.	jsaintonge@lavery.ca	514 877-2938
VIRGINIE SIMARD	vsimard@lavery.ca	514 877-2931
MAUDE ST-GEORGES	mstgeorges@lavery.ca	514 878-5642
EVELYNE VERRIER	everrier@lavery.ca	514 877-3075

Lavery created the Lavery Legal Lab on Artificial Intelligence (L³AI) to analyze and monitor recent and anticipated developments in artificial intelligence from a legal perspective. Our Lab is interested in all projects pertaining to artificial intelligence (AI) and their legal particularities, particularly the various branches and applications of artificial intelligence that will rapidly appear in all businesses and industries.