



MARITIME LAW ASSOCIATION OF THE UNITED STATES

Summary of the Joint Meeting of the Government Counsel, Autonomous Ships and Smart Marine Technology, and Marine Torts and Casualty Committees

Fall 2023

The joint meeting addressed various aspects related to the operation of remotely operated and autonomous vessels and included a tabletop collision scenario involving an autonomous vessel in San Francisco Bay. Attendees discussed some of the legal and operational risks and responsibilities associated with casualties involving such vessels. A summary of the issues addressed is below.

1. Definitions and distinctions: Participants discussed the statutory and practical definitions of "Vessels," "Vehicles," and "Systems," highlighting the differences between these categories. Defining and differentiating these terms is essential to clarifying the roles and responsibilities of vessel owners in the event of a casualty.
2. Regulatory requirements: The meeting delved into the regulatory requirements for reporting marine casualties involving remotely operated and autonomous vessels. This included identifying potential owners and operators responsible for submitting Casualty Reporting Forms, as well as understanding the involvement of various federal, state, and local agencies with jurisdiction to investigate and oversee these operations.
3. Pre-emption concerns: Given the rapidly evolving nature of maritime operations involving autonomous vessels, the issue of pre-emption was discussed. This relates to any potential conflicts between federal and state regulations and the need for consistency in governing these technologies.
4. Drug and Alcohol Testing: Attendees discussed the application and practicality of enforcing Drug and Alcohol Testing for operators of remotely operated vessels. This included an assessment of the applicability of such requirements (if any) based on where the remote operator may be located and the flag state (if any) of the vessel.

5. Human oversight: The requirement for human oversight of larger fleets of autonomous vessels was examined. This addressed the need to maintain control and intervene when necessary, even in autonomous operations, and what would be an appropriate span of control for the monitoring of autonomous vessels.
6. Liability and responsibility: Participants discussed various legal aspects, including Personal Injury & Death claims, products liability, and the limitation of liability. The need for privity and knowledge in legal proceedings was highlighted.
7. Search & Rescue: The meeting considered Search & Rescue coordination and whether remotely operated and autonomous vessels have a duty to render aid in emergency situations. This involves understanding their responsibilities in assisting other vessels or individuals in distress.
8. Operator credentialing: The attendees discussed the credentialing of operators and regulatory requirements for autonomous vessels. This encompassed the enforcement of potential requirements, including suspension and revocation proceedings, civil penalties, criminal exposure, and determining state and federal jurisdiction in these matters.

In summary, the meeting provided a comprehensive overview of the legal, operational, and regulatory challenges associated with the deployment of autonomous and remotely operated vessels in the maritime industry. It emphasized the need for clarity, safety, and responsibility in this rapidly evolving field.