



SUMMER 2026 COURSE SYLLABUS

Course Number: 247-R01

Course Title: Automated Vehicles Law

Credit Hours: 2

Grading Mode: Letter-graded

Meeting Day(s)/Time(s): MON/WED 6:00pm-7:50pm

Meeting Mode: ONLINE

Exam Day(s)/ Time(s): N/A

Final Exam Mode: TAKE HOME

Prerequisite(s): N/A

Corequisite(s): N/A

Instructor(s): GREGORY WALDEN

Contact Information: gwalden@gmu.edu

Office Hours: TBD

Course Overview

This course will also expose students to the basics of the law administered by U.S. DOT, NHTSA, and FAA, in the context of rulemakings and adjudications. This course also introduces students to several Constitutional provisions, such as the Commerce Clause, the Supremacy Clause, the Takings Clause, the court-recognized right to travel and the court-created dormant Commerce Clause, and the Fourth Amendment.

Course Learning Outcomes

- (1) Students will receive an introduction into all major aspects of automated vehicles law, covering both drones and self-driving cars, from the highly automated to the fully autonomous.
- (2) Students will gain a basic understanding of the structure and forms of Federal statutory and administrative law and will review tort law principles of negligence and strict liability.

Reading(s) & Supplement(s):

There is no textbook for this class – none exists at this time. Materials will be placed on TWEN, and court decisions not placed on TWEN may be accessed through Westlaw. Reading assignments for each class are provided below. This list may be revised during the course, based on any new developments.

Grading Policies

Final %:

The final exam will be 100% of your grade; you will also be eligible for a one-third-grade increase (e.g., “B” to “B+”) based on substantial class participation and attendance.

Classroom Policies

Attendance: Per AR 3-1.4, “maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student’s program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements.”

Absences: Per AR 4-1.1, “if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session.”

Use of Technology & AI:

Use of Generative Artificial Intelligence in the drafting or writing of papers or any other course work or assignments in this class is prohibited. According to AR 4 -3: “Generative artificial intelligence (GAI) is a type of artificial intelligence that uses algorithms to generate new content, such as text or images, based on the data it has been trained on. For purposes of this regulation, GAI is not intended to encompass legal research databases and word processing applications that, while incorporating AI - based elements or enhancements, do not generate novel text.” Use of GAI in a course that prohibits the use of GAI, constitutes an academic integrity violation.

Recording Class Sessions:

Recording of class sessions by any means is prohibited. See AR 4-2.2: “Unless expressly permitted in writing by an instructor, no portion of a class session or an examination may be preserved by means of a recording device (such as an audio recording device or a camera).”

Use of Technology:

Students may use laptops or iPads for class. Cameras must be turned on for the length of each class.

University Email:

Students must use their Mason email account to receive university or law school information, including communications related to this class.

Use of Electronic Text Books During Exams:

Students are permitted one laptop computer for exam taking purposes. Additional laptop computers or any other electronic data storage devices are not allowed in an exam room, unless permitted by the course instructor's written exam instructions. Electronic text books (e-books) may be used during exams that are designated as open book by the instructor, and the instructor allows text books to be used during the exam and allows access to a student's computer files during the exam (open exam). E-books may not be used in exams where the instructor does not allow students to access their computer files during the exam (secure exam) even if the instructor permits access to text books. If the instructor has blocked access to the internet or computer files, you must bring a hard copy of the allowed text book(s) you wish to consult. Students will need to borrow or otherwise locate a hard copy of the e-book or print resources needed from the e-book to take into the exam room. The instructor determines the length of the examination and whether or not it is secure or open and what, if any, study materials are permitted during the exam. Students are responsible for adhering to the instructor's standards for all examinations, which are included in the examination materials.

Course Schedule & Assignments

Week 1:

Date: 5/18 and 5/20

Topic:

Federal, State, and local responsibilities over transportation

Assignment(s):

- *US DOT and modal administrations – different certification models*
- *State and local authorities – differences in allocation of responsibility between air and surface transportation*
- *Constitutional law provisions shaping transportation law*
 - *Commerce Clause/dormant Commerce Clause*
 - *Spending Clause*
 - *Takings Clause*
 - *Supremacy Clause – express and implied preemption*
 - *First Amendment*
 - *Fourth Amendment*
 - *Right to travel*

State and local police powers and private property rights

- *Private property rights and public right to transit airspace*
- *Police powers: Zoning, land use, and condemnation*

United States v. Causby, 328 U.S. 256 (1946)

Week 2 and Week 3:

Date: 5/27, 6/1 and 6/3

Topic:

Unmanned aircraft systems – drones

Assignment(s):

- *DOT, FAA rules*
- *Express and implied preemption*
- *Congressional action*

Huerta v. Pirker, N.T.S.B. Order No, EA-5730, 2014 WL 8095629

FAA, Busting Myths about the FAA and Unmanned Aircraft (Feb. 26, 2015)(TWEN)

FAA, Office of Chief Counsel, State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheets (Dec. 2015; July 2023) (TWEN)

Huerta v. Haughwout, 2016 WL 3919799 (D. Conn.)

Singer v. Newton, 284 F. Supp.3d 125 (D. Mass. 2017)

Brennan v. Dickson, 45 F.45 F.4th 48 (D.C. Cir. 2022)

Sikkelee v. Precision Airmotive Corp., 907 F.3d 701 (3d Cir. 2018), *cert. denied* (2020)

National Press Photographers Association, et al. v McCraw, et al., 90 F.4th 770 (5th Cir. 2024) (TWEN)

Week 4:

Date: 6/8

Topic:

Unmanned aircraft systems -- State tort law

Assignment(s):

- *State and local laws*

Boggs v. Merideth, 2017 WL 1088093 (W.D. Ky.)

Restatement (Second) of Torts §§158, 159 (trespass and aerial trespass) (pages 277-284; 652A & 2B (invasion of privacy and intrusion upon seclusion) (pages 376-380); 821A-E, 822 (public and private nuisance) (pages 85-94, 100-105, 108-115)(TWEN)

Uniform Tort Law Relating to Drones (TWEN)

American Law Institute Restatement (Fourth) of Property -- "trespass-by-overflight" provision (TWEN)

Selected provisions in State law (TWEN)

Date: 6/10

Topic:

Automation of cars and trucks

Assignment(s):

- *SAE International Automation Levels*
- *US DOT, NHTSA, FMCSA*
 - *Certification & Exemptions*
 - *NHTSA and FMCSA preemption – case law*
 - *NHTSA and FMCSA rulemakings*
- *State and local laws – rules of the road, and more?*
- *Tesla: NTSB and NHTSA investigations*

Automated Vehicles 4.0, *Ensuring American Leadership in Automated Vehicle Technology* (Jan. 2020) (TWEN) (selected pages)

NHTSA Notice Regarding Applicability of NHTSA FMVSS Test Procedures, 85 Fed. Reg. 83143 (Dec. 21, 2020)

NHTSA Standing General Order 2021-01—Incident Reporting for Automated Driving systems (ADS) and Level 2 Advanced Driver Assistance Systems (ADAS)(TWEN), as amended Aug. 5, 2021

NHTSA Final Rule – Occupant Protection for Vehicles with Automated Driving Systems, 87 Fed. Reg. 18560 (Mar. 30, 2022)

Week 5:

Date: 6/15

Topic:

Automation of cars and trucks (cont.)

Assignment(s):

- *SAE International Automation Levels*
- *US DOT, NHTSA, FMCSA*
 - *Certification & Exemptions*
 - *NHTSA and FMCSA preemption – case law*
 - *NHTSA and FMCSA rulemakings*
- *State and local laws – rules of the road, and more?*
- *Tesla: NTSB and NHTSA investigations*

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NHTSA Final Rule – Occupant Protection for Vehicles with Automated Driving Systems, 87 Fed. Reg. 18560 (Mar. 30, 2022)

Date: 6/17

Topic:

Congressional action on driverless vehicles

Assignment(s):

- S. 1885 (AV Start Act) (115th Congress) (TWEN)
- Why Congress has failed to enact a bill
- Fate of electric vehicle provisions in Bipartisan Infrastructure Act and Inflation Reduction Act in the 119th Congress
- What to expect from Trump Administration and 119th Congress

Week 6:

Date: 6/22 and 6/24

Topic:

Automated cars – Tort law

Assignment(s):

- *Negligence & strict liability for defective products*
- *How has vehicle automation affected tort law to date?*
- *How might tort law evolve to address autonomous cars and trucks?*
- *Who are defendants?*
- *Invasion of privacy*

In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation, 978 F.Supp.2d 1053 (C.D. Cal. 2013)

Restatement (Second) of Torts §402A (pages 347-358) (TWEN)

Restatement (Third) of Torts §§ 1-5 and 15 (TWEN) (pages 5-9, 14-40, 111-115, 120-123, 130-136- and 231-233)

Week 7:

Date: 6/29

Topic:

Government operation of automated vehicles

Assignment(s):

- *Tort liability – Federal Tort Claims Act & State laws*
- *4th Amendment – Invasion of privacy – search and seizure*

California v. Ciraolo, 476 U.S. 207 (1986)

Florida v. Riley, 488 U.S. 445 (1989)

Long Lake Township v. Maxon, 2021 WL 1047366 (Mich. Ct. App.), *vacated and remanded*, 973 N.W. 2d 615, 2022 WL 4281509 (Sept. 15, 2022) (on remand)

Federal Tort Claims Act, 28 U.S.C. §§1346, 268 (TWEN)

Date: 7/1

Topic:

Particular issues of law and policy

Assignment(s):

- *Spectrum -- V2V, V2X*
- *Advanced Air Mobility (air taxis)*
- *Ethics – the trolley problem*
- *How might artificial intelligence change the legal liability framework?*
- *Cybersecurity*

B. Smith, *The Trolley and the Pinto: Cost-Benefit Analysis in Automated Driving and Other Cyber-Physical Systems*, 4 Tex. A&M L. Rev. 197 (2017) (TWEN)

Week 8:

Date: 7/6

Topic:

Review class and exam preparation

Student Resources

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703-380-1434 or Counseling and Psychological Services (CAPS) at 703-993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703-993-8730, or emailing titleix@gmu.edu.

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[University Life](#)