

HOUSE BILL REPORT

HB 2970

As Reported by House Committee On:
Transportation

Title: An act relating to the establishment of an autonomous vehicle work group.

Brief Description: Establishing an autonomous vehicle work group.

Sponsors: Representatives Hudgins, Morris, Kloba and Muri.

Brief History:

Committee Activity:

Transportation: 2/5/18, 2/6/18 [DPS].

Brief Summary of Substitute Bill

- Tasks the Washington State Transportation Commission (Transportation Commission) with convening a work group of executive and legislative branch representatives to develop policy recommendations to address the operation of autonomous vehicles (AVs) on public roadways in the state.
- Requires an annual report to the Governor and the appropriate legislative committees, including recommendations on proposed modifications to state law and rules to address the emergence and deployment of AV technology in the state.
- Makes the operations of the work group subject to an appropriation to the Transportation Commission.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Pike, Riccelli, Rodne, Shea, Stambaugh, Tarleton, Valdez, Van Werven and Young.

Staff: Mark Matteson (786-7145).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

In September 2016 the National Highway Traffic Safety Administration (NHTSA) first issued guidance and a proposed model state policy relating to automated driving systems (ADS), also known as autonomous vehicles (AVs). Automated driving systems or AVs are vehicles in which some or all driving functions are performed by the vehicle and not a person.

In September 2017 the NHTSA, in conjunction with the United States Department of Transportation (USDOT), issued updated voluntary guidance, including best practices, both for state legislatures and for state officials responsible for administering transportation policies, regarding ADS. Among other things, the guidance suggests that state legislatures provide: a technology-neutral environment; licensing and registration procedures to allow for the deployment of ADS; and reporting and communications methods for public safety officials. In addition, the guidance suggests that state legislatures review traffic laws and regulations that may serve as barriers to the operation of ADS. For state administrators of transportation policies, the guidance suggests that states consider: oversight roles, including the designation of a lead agency and the formation of a jurisdictional ADS technology committee; an application and permission process for entities to test ADSs on public roadways; specific considerations for ADS test drivers and operations; registration and titling concerns; working with public safety officials; and liability and insurance.

In June 2017 the Governor issued an Executive Order requiring the Office of the Governor to convene and facilitate an AV work group and authorized pilot programs for the testing of AVs. The AV work group is required to include the following executive branch agencies: the Washington State Department of Transportation (WSDOT), the Department of Commerce, the Department of Licensing (DOL), the Washington State Patrol (WSP), the Washington Traffic Safety Commission (WTSC), and the Office for Regulatory Innovation and Assistance.

The Executive Order authorized the testing of AVs both with and without a human operator present as part of the pilot program. The AV work group is permitted to request periodic briefings and updates on the pilot program, as well as to propose changes or clarifications to state policies, rules, and statutes to the Governor based on the results of the pilot program to facilitate the expanded safe operation of AVs.

The Executive Order tasked the AV work group with examining emerging automated transportation technology in other modes, including freight, aviation, transit, passenger rail, marine vessels, ferries, and points of convergence with connected, shared, and electric vehicles. The Executive Order also tasked the AV work group with assessing the state government's role in cultivating the safe development of automated technology in vehicles.

Summary of Substitute Bill:

The Washington State Transportation Commission (Transportation Commission) is required to convene a work group to develop policy recommendations to address the operation of AVs

on public roadways in the state. The operation of the work group is subject to an appropriation to the Transportation Commission in the transportation budget.

The AV work group must include, from the executive branch:

- the Governor, or his or her designee;
- the Insurance Commissioner, or his or her designee;
- the Director of the DOL, or his or her designee(s);
- the Secretary of the WSDOT, or his or her designee(s);
- the Chief of the WSP, or his or her designee(s); and
- the Director of the WTSC, or his or her designee(s).

The AV work group may also include, from the executive branch:

- the Assistant Secretary of the Department of Social and Health Services Aging and Long-Term Support Administration, or his or her designee(s); and
- the Deputy Director of the Department of Enterprise Services who oversees fleet administration, or his or her designee(s).

The AV work group must include, from the legislative branch:

- the chairs and ranking members, or their designees, of the standing committees in both the House of Representatives and the Senate that oversee policy on:
 - transportation;
 - state government; and
 - technology.

The AV work group may also include, from the legislative branch:

- the chairs and ranking members, or their designees, of the standing committees in both the House of Representatives and the Senate that oversee policy on:
 - public safety; and
 - insurance.

In addition to the executive and legislative participants, the Transportation Commission may invite additional participation on an ongoing, recurring, or one-time basis from individuals representing additional state agencies, local and regional government, local law enforcement agencies, transit authorities, state colleges and universities, AV technology developers, motor vehicle manufacturers, insurance associations, network providers, software development companies, and other relevant stakeholders as appropriate.

In preparation for the use of AV technology in the state, the work group must:

1. follow developments in AV technology and deployment, and federal, state, and local policies related to the operation of AVs, including both commercial and passenger AVs;
2. explore approaches to the modification of state policy, rules, and laws to further public safety and prepare all state agencies for the emergence and deployment of AV technology, in consideration of state transportation system policy goals, as stated in law;
3. disseminate information, as appropriate, to interested stakeholders; and
4. at the direction of the Legislature, engage the public through surveys, focus groups, and other such means, in order to inform policy development.

The Transportation Commission must develop and update recommendations annually based on the input provided by the work group and that are consistent with state transportation system policy goals, as stated in law. The recommendations made may include proposed modifications to state law and rules to address the emergence and deployment of AV technology in the state. By November 15 of each year, the Transportation Commission must provide a report to the Governor and the relevant committees of the Legislature that describes the progress made by the work group and the Transportation Commission's recommendations.

The act expires on December 31, 2023.

Substitute Bill Compared to Original Bill:

The executive branch participation in the work group is modified to include the Governor or his or her designee, and the Insurance Commissioner or his or her designee is made permanent, rather than optional.

The work group is modified to include legislative branch participation, including the chair and ranking members of the House of Representatives and the Senate standing committees for which the jurisdiction includes transportation, state government, or technology. In addition, optional participants include the chair and ranking members of the House of Representatives and the Senate standing committees for which the jurisdiction includes public safety or insurance.

The operation of the work group is subject to an appropriation to the Transportation Commission.

The work group must monitor local policy development pertaining to AVs, in addition to state and federal policy development.

In addition to its other functions, the work group must: disseminate information, as appropriate, to interested stakeholders; and at the direction of the Legislature, engage the public through surveys, focus groups, and other such means, in order to inform policy development.

The annual reporting date is changed to November 15.

Appropriation: None.

Fiscal Note: Requested on February 4, 2018.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There are many people interested in AVs. This will be an ongoing effort, with bipartisan and bicameral, legislative and executive branch participation. This is an exciting bill.

This is a great start in getting some of the rules and regulations underway, but it is important that the manufacturers and developers of AVs get involved in the discussion so there is meaningful input and so policymakers have an understanding of the technology.

Private sector participation is essential in the discussion of AV policy development. Technological interests support the development of policies that establish the safe deployment of AVs on public roads.

Autonomous vehicle technology will bring improved safety, mobility, and convenience to roadways. The Automobile Association of America has worked with automakers and surveyed consumer attitudes; public education is very important. As the market moves toward the adoption of semi-AVs and then fully AVs, the risks will need to be managed appropriately. The road usage charge policy development at the Transportation Commission has been a good model. A similar model here would go a long way in helping members and their constituents in AV policy development.

At the University of Washington School of Law, research has included the development of autonomous commercial vehicles. These vehicles should be part of the scope of a work group.

The Transportation Commission has been participating in national discussions. Information that the Transportation Commission and other agencies have gathered will help advance the discussion. The reporting date should be moved to January 1 to allow more time for development each year, and the bill should be made effective immediately to allow the process to begin right away.

(Opposed) None.

(Other) The insurance industry is not an explicit part of the work group in this legislation but should be. Federal discussions have left topics like insurance to the states. The Insurance Commissioner has been involved in national discussions around AVs and should be a mandatory participant in the work group.

Persons Testifying: (In support) Representative Clibborn; Becky Bogard, General Motors; Jo Deutsch, TechNet; Mike Ennis, Association of Washington Business; Janet Ray, AAA Washington; Simone Montez and Drew Wilder, University of Washington School of Law; Reema Griffith, Washington State Transportation Commission; and Bruce Agnew, ACES Northwest Network.

(Other) Lonnie Johns-Brown, Office of the Insurance Commissioner; and Mel Sorensen, Property Casualty Insurers Association of America, American Family Insurance and Allstate.

Persons Signed In To Testify But Not Testifying: None.