

SENATE BILL REPORT

SB 5872

As of January 30, 2024

Title: An act relating to vehicle and operator requirements for autonomous vehicles.

Brief Description: Concerning vehicle and operator requirements for autonomous vehicles.

Sponsors: Senators Lovick, Dhingra, Hasegawa, Kuderer, Lovelett, Valdez and Wilson, C..

Brief History:

Committee Activity: Transportation: 1/30/24.

Brief Summary of Bill

- Requires a human safety operator to be physically present inside an autonomous vehicle (AV) when in operation to monitor performance and intervene if necessary.
- Requires AVs to meet federal standards and regulations for a motor vehicle, and the human safety operator to meet all state and federal requirements to operate motor vehicles and AVs.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Brandon Popovac (786-7465)

Background: Autonomous Vehicle Testing Pilot Program. In 2017, the Governor issued Executive Order 17-02, which authorized pilot programs for the testing of autonomous vehicles (AVs). The executive order authorized the testing of AVs both with and without a human operator present as part of the pilot program. To participate in the pilot program, all vehicle owners must attest to proof of financial responsibility, and developing entities must self-certify to the Department of Licensing (DOL) that they comply with all applicable requirements before beginning a pilot program.

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

Autonomous Vehicle Self-Certification Testing Pilot Program. To test an AV on public roadways, the following information must be provided to DOL by the entity testing the AV:

- contact information;
- the local jurisdiction where testing is planned;
- vehicle identification number; and
- proof of an insurance policy.

By February 1st of each year, self-certifying entities testing AVs must submit a report to DOL that includes information from the prior calendar year regarding collisions and moving violations that involve an autonomous motor vehicle during testing on a public roadway.

The entity testing the AV on a public roadway must provide written notice in advance of testing to every local and state law enforcement agency with jurisdiction over any of the public roadways on which testing will occur in the applicable jurisdictions.

To test an AV under the program, the testing entity must:

- hold an umbrella liability insurance policy that covers the entity in an amount of not less than \$5 million per occurrence for damages by reason of bodily injury or death, or property damage caused by the operation of an AV included in the AV self-certification testing pilot program; and
- maintain proof of this policy with DOL in a form and manner specified by DOL.

Autonomous Vehicle Work Group. The AV Work Group convened by the Washington State Transportation Commission was tasked with developing policy recommendations to address the operation of AVs on public roadways in the state. The AV Work Group was responsible for:

- following developments in AV technology, deployment, and policy;
- exploring changes to state law, rules, and policy;
- disseminating information on AVs;
- engaging the public to inform policy development at the direction of the Legislature; and
- developing and updating recommendations annually based on the input provided by the AV Work Group, and providing a report to the Governor and the Legislature by November 15th of each year.

Before it expired, the AV Work Group released a Roadmap to the Future report in December 2023 addressing the following focus areas to accommodate AV operations on state public roadways: agency readiness, public outreach, equity, safety, testing and pilots, and a path to deployment.

Society of Automotive Engineering International Standards. The Society of Automotive Engineering International (SAE) is a global association of more than 128,000 engineers and related technical experts in the aerospace, automotive, and commercial-vehicle industries.

SAE has developed international standard J3016 related to automated driving that include levels one to five of driving automation—level zero meaning no automation to level five meaning full vehicle autonomy. SAE standard J3016 was adopted by the U.S. Department of Transportation in 2016 for use in its federal automated vehicles policy.

Summary of Bill: Every AV registered in the state must meet federal standards and regulations for a motor vehicle.

Human safety operators must be physically present inside an AV when in operation to monitor performance and intervene if necessary, including operating, stopping, or shutting off the AV. The human safety operator must also meet all state and federal requirements to operate motor vehicles and AVs.

The operation of AVs under DOL's self-certification testing pilot program is subject to the new AV vehicle and operator requirements.

AV is defined as a motor vehicle equipped with a level four or five automated driving system under SAE standard J3016. Human safety operator is defined as a person who controls the entire dynamic driving task for an AV.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Human safety operators are the safest way to operate AVs. Many AVs have been involved in accidents and fatalities since 2019. AV technology must consistently show performance consistencies equal to other motor vehicle operations. AVs need to be responsibly integrated into other transportation systems. Public polling on AVs reveals concerns. Ten states have proposed regulations requiring human safety operators, which suggests AVs are not ready for full driverless technology. This intermediate step of a human safety operator is important. With current broadband limitations, full AV integration is not possible. AV operations impact career truck drivers. Requiring human safety operators addresses the liability issue for AV moving violations and accidents. AV technology might not detect children or persons of color. Airplanes still have flight operators when the plane is under autopilot control. AV testing contains some bias, especially towards persons with disabilities. There are vehicle miles traveled concerns when AVs are capable of longer travel. The bill is a step in the right direction, ensuring an educated and trained person is behind the wheel. AV technology is still in development so this bill is a backup insurance policy.

CON: The bill, in effect, is a ban on AV technology, and would prevent AV operations at scale in Washington State. No other state has banned driverless AV deployment. AVs would help with current epidemic of deaths in Washington. AVs are much more sustainable to meet climate goals, especially with fuel efficiency. The bill raises costs and ignores other AV testing results. The bill would delay lifesaving AV technology and set the AV industry back, in conflict with gains over the past few years. Better policies should be focused on reducing human driving errors. AVs make supply chains more efficient.

OTHER: It is important to maximize public safety. The bill should apply to level 3 AV vehicles as well. If Washington State wants to improve AV testing, a third party could monitor performance of SAE levels. More detail could be provided in the bill regarding human safety operator training. AV testing should be distributed equitably between all communities. A human safety operator should be mandatory initially but removed once safety audits are complete. AV test vehicles should always have such operators.

Persons Testifying: PRO: Senator John Lovick, Prime Sponsor; Sybill Hyppolite, Washington State Labor Council, AFL-CIO; Jessie Elliott, Air Line Pilots Association, International (ALPA); Larry Shannon, Washington State Association for Justice; Taylor Gardner, WA Assn of Sheriffs and Police Chiefs; Brenda Wiest, Teamsters 117; AJ Johnson, Washington state council of firefighters; Anna Zivarts.

CON: Jeff Farrah, Autonomous Vehicle Industry Association; Robert Singleton, Chamber of Progress; Jeff Gombosky, Tesla; Brandon Houskeeper, Alliance for Automotive Innovation; Ashley Sutton, TechNet.

OTHER: Jim Restucci, Wash. State Transportation Commission; William Widen; Philip Koopman, Carnegie Mellon University.

Persons Signed In To Testify But Not Testifying: No one.