Welcome and Review/Approval of Minutes

Meeting start 10:04am

Minutes from the June 12, 2018 subcommittee meeting approved.

Testing Framework

Tom McClellan directed the subcommittee to the “Comparisons of AV Testing Permit Requirements” document, which staff had updated to reflect the consensus items from the June 12, 2018 subcommittee meeting. The subcommittee began by reviewing the consensus items from the June 12, 2018 meeting and then considered the remaining topics.

Contact Information

The subcommittee confirmed the contact information requirements they outlined in the last meeting.

Vehicle Information

The subcommittee clarified the scope of the report would include SAE level 3-5 vehicles and that a testing permit would include SAE level of automation of test vehicles.

The subcommittee considered requiring notification of the number of vehicles in a test fleet, whether vehicles would need to be permitted individually, and if a cap on test vehicle numbers should be created. They discussed requiring VIN numbers to allow for monitoring of the size of fleets, but did not come to the conclusion that test fleets should be capped or made prohibitively expensive to permit.

Andrew Dick reminded the subcommittee of the National Highway Traffic Safety Administration definitions of testing and deployment, which the task force has been using.
Sean Waters noted that it is possible a “test” vehicle could be leased to a consumer for a time and wanted to make sure such a possibility would not be prohibited in this process.

Sean Waters suggested that manufacturers can provide VIN numbers of test vehicles at regular intervals instead of having to submit a permit or notification each time a new vehicle might be used.

**Driver Information**

Sean Waters agreed that requiring commercial driver’s licenses for test drivers of automated commercial vehicles would be appropriate, but raised privacy and administrative burden concerns around providing the other information listed. He noted that Daimler sometimes employs third-party drivers and it could be an administrative burden for them to collect and update information for this possibly variable roster of drivers.

Sean Waters said these requirements could be workable for the next few years if they are reconsidered later, taking into mind the evolving industry and technology. He suggested adding a sunset in 2021 or 2022.

Jon Isaacs said that transportation network companies (TNCs) would be fine with everything on the driver requirement list. He suggested aligning background check requirements with those currently required by Oregon cities for TNC drivers. He also suggested a requirement that driver information be maintained by manufacturers instead of requiring submission and notification for every driver.

Tom McClellan noted that some of these details might be better handled in rulemaking than statute.

**Prior Testing**

Sean Waters wanted to ensure that notice of prior revocation of a permit in another state would not necessarily be grounds for denial in Oregon and was opposed to the need for manufacturers to self-certify prior testing in specific conditions they want to test in. He spoke about difficulties with this system in Nevada.

Andrew Dick suggested wording that a manufacturer would have to self-certify their system was engineered to perform in whatever conditions they wanted to test in.

The subcommittee agreed this was an acceptable compromise.

Sean Waters suggested the commercial vehicles might have different obligations in this regard than passenger vehicles.

**Safety Requirements**

The subcommittee decided to include the requirement to certify that vehicles comply with all FMVSS or CMVSS or have an exemption.
The subcommittee decided to include the requirement that a system can comply with all traffic laws within its operational domain design, to account for a vehicle that may need to be tested with limited capabilities.

The subcommittee included the requirement that a vehicle has a ability to engage and disengage the autonomous technology easily accessible to the operator.

The subcommittee included the requirement that a vehicle has a visual indicator inside the cabin to indicate whether autonomous technology is engaged. Sean Waters felt this could be slightly redundant, but was not opposed.

The subcommittee specified that these prior two recommendations only apply to vehicles being tested with human drivers.

The subcommittee discussed requiring a vehicle to be equipped with the means to alert a human operator to take control if the autonomous vehicle technology fails. The subcommittee decided not to include this.

The subcommittee decided to recommend the requirements around law enforcement be referred to the Subcommittee on Law Enforcement and Crash Reporting.

The subcommittee decided not to include the recommendation that manufacturers must demonstrate their artificial intelligence and technology to the DMV.

**Additional Safety Requirements for Testing Without a Human Backup Driver**

The subcommittee decided to recommend following the American Association of Motor Vehicle Administrator’s (AAMVA) recommendation requiring a link to a remote operator who can assume control of the vehicle or have the vehicle achieve minimal risk condition instead of the California requirement that there be a communication link between the vehicle and the remote operator.

The subcommittee decided to refer consideration of the requirement that vehicles can display information to law enforcement officers to the Subcommittee on Law Enforcement and Crash Reporting.

The subcommittee referred consideration of the requirement to disclose to passengers what of their personal information will be collected and how it will be used to the Subcommittee on Cybersecurity and Long-Term Policy.

The subcommittee discussed the possibility that a manufacturer may be required to revise their permit application if SAE level or design domain changes from what was listed in their original application.

**Reporting Requirements**

The subcommittee decided to recommend that manufacturers must report to DMV crashes that result in damage of property or bodily injury.
The subcommittee decided not to recommend manufacturers must report citations for violations of law due to redundancy.

The subcommittee discussed after-test reporting.

Sean Waters felt this would be an onerous requirement. He raised concerns about patchwork reporting requirements from different states, especially on interstate test trips. He felt crash reporting requirements would be adequate to ensure safety and questioned if this kind of reporting would actually improve safety. Waters also was concerned about protection of intellectual property.

Andrew Dick explained reporting of disengagements and miles traveled, while not a completely reliable metric for technology performance, could allow for some insight into manufacturers’ progress.

Mark MacPherson felt reporting would be valuable for proving the reliability of new technology and said that he was concerned about manufacturers sacrificing safety for economic advantage.

Lt. Tim Tannenbaum questioned if this data really should be thought of as proprietary and sensitive.

Jon Isaacs said that industry might push for non-disclosure agreements around reported data.

The subcommittee tabled this discussion until their next meeting.

**Information about Routes and Times**

The subcommittee decided this was adequately addressed already.

**Fees and Fines**

The subcommittee decided to recommend a fee that would cover administrative costs and to include some penalty for non-compliance after a grace period.

**Motor Vehicle Code Recommendations**

The subcommittee turned its attention to recommendations from DMV on current statutes that may need to be modified to accommodate automated vehicles.

The subcommittee agreed to recommend the adoption of SAE definitions of user categories.

The subcommittee agreed to recommend that humans in AVs level 0-3 (and levels 4-5 if they perform part of the driving task) have valid driver’s licenses and that humans in level 4-5 AVs who perform no aspect of the driving task are passengers and do not need to be licensed.

The subcommittee agreed that discussion of anti-tampering measures should be referred to the Subcommittee on Cybersecurity and Long-Term Policy or the Subcommittee on Insurance and Liability.

Senator Fred Girod asked what agency or office will administrate the permitting process.
Tom McClellan answered that ODOT has been designed the lead agency, but it is not clear where in ODOT this process will be handled.

**Presentation Plan for Task Force Meeting**

Lt. Tim Tannenbaum will present the subcommittee’s recommendations in place of Tom McClellan at the Task Force meeting on July 12.

ODOT staff will distribute each subcommittee’s recommendations sometime in advance of the July 13 meeting.

**Public Comment**

None

**Meeting End 11:31am**

**Areas for Further Discussion**

Further discussion of disengagement and post-test reporting is needed.