Oregon Task Force on Autonomous Vehicles
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Chair Tannenbaum and Members of the Task Force:

On behalf of the member companies of TechNet, thank you for the opportunity to provide public comment on the subcommittee recommendations. TechNet represents more than 85 of the nation’s leading technology companies. Our diverse membership includes dynamic startups to the most iconic companies on the planet. Also included in our membership are leaders in autonomous vehicle development.

The development of autonomous vehicles will enable tremendous societal benefits by improving vehicle safety and access to transportation for disabled people, the elderly, and others who cannot currently drive themselves. Fully autonomous vehicles will improve safety by reducing the severity and frequency of automobile accidents and will mitigate other inefficiencies of current motor vehicle use, such as congestion.

We support policies that encourage the safe deployment of fully autonomous vehicles on public roads in the United States.

As the task force is deliberating on the recommendations being presented today from the subcommittees, we appreciate your taking our comments into consideration prior to the vote.

We support the Law Enforcement and Crash Reporting recommendations that current Oregon laws are sufficient to cover most possible law enforcement interactions with autonomous vehicles, with the recognition that in the future statues may need to adapt as technology continues to develop. We also support the recommendation to wait for guidance from the federal government regarding event data recorders, in recognition of state and federal roles in regulating motor vehicles.

We support the Cybersecurity and Long-Term Policy recommendation to encourage manufactures to participate in industry information sharing entities.

We have strong concerns with subcommittee recommendations that provide no pathway to autonomous vehicle deployment. Federal guidance already supports deployment and the model state policy written by the American Association of Motor Vehicle Administrators references deployment.
The recommendation to limit Oregon to testing permits significantly sets the state back behind California and other states. The governing statute in California in 2012 allowed the state Department of Motor Vehicles to issue both testing and deployment regulations.

A number of states have issued deployment regulations and self-certification regulations and structures, which Oregon could look to as examples. Nine states have already expressly authorized driverless deployment through legislation, and two more have done so through Executive Orders.

It is not necessary for Oregon to wait for federal legislation or new federal standards to establish a framework for autonomous vehicle deployment.

Simply put, without a pathway to deployment, there is no incentive for companies to test in the state under many of these recommendations. Therefore, the likelihood that any meaningful testing occurs in Oregon in the next few years would be very low.

To that end, the Cybersecurity and Long-Term Policy recommendation for an independent workforce study is of little use if the state does not allow use of autonomous vehicles in a commercial capacity.

The Licensing and Registration subcommittee recommendation regarding the self-certification to state traffic laws should acknowledge that occasionally, the greater good demands cautiously taking an action that is not strictly consistent with the law. For example, a vehicle crossing a double yellow line when a lane of traffic is blocked in order to keep traffic flowing when there is no safety imperative to remain stopped.

Some of the subcommittee recommendations are inconsistent with the recommendations of another. The recommendation from the Liability and Insurance subcommittee regarding event data recorders is inconsistent with the Law Enforcement and Crash Reporting recommendation to wait for guidance from the federal government regarding event data recorders. As previously stated, we support the approach provided through the Law Enforcement and Crash Reporting recommendation in this respect.

With respect to liability concerns, existing regulatory and tort systems are designed to adapt to new technologies and have successfully adapted to many new technologies in the past.

Existing liability principles are designed to be applied on a case-by-case basis. These principles have been applied to countless new and transformational technologies in the past. There’s no reason to believe that these principles cannot be similarly applied to autonomous vehicles and generate fair outcomes. While existing liability principles can effectively and fairly allocate liability, when a person
or entity is found liable, they should have sufficient financial resources to compensate injured parties.

To provide additional assurance that injured parties will be compensated, a few states have adopted higher insurance requirements. We recommend that the Insurance and Liability subcommittee recommendation for higher insurance requirements sunsets in a couple of years, which would be similar to the state of Georgia’s approach (which sunsets December 31, 2019). As autonomous vehicles become more widely available to individual consumers, the insurance coverage requirements should become more aligned with the requirements for conventional vehicles.

From a regulatory perspective, the National Highway Traffic Safety Administration (NHTSA) regulates design, construction, and performance of all autonomous vehicles. All federal motor vehicle safety standards that apply to conventional vehicles apply to autonomous vehicles. Historically, new vehicle technologies have been introduced into commerce long before NHTSA issues a federal safety standard specific to that technology. Before there is a federal motor vehicle safety standard governing a new technology, NHTSA protects public safety through its enforcement authority. For example, electronic stability control (ESC) was introduced more than 10 years before NHTSA issued a safety standard. During that time, millions of vehicles were equipped with ESC before NHTSA issued a federal safety standard, which drastically improved vehicle safety. According to NHTSA crash data, ESC reduced fatal single-vehicle crashes by 55 percent.

As a whole the recommendations do not provide any timeline for allowing driverless testing in the state.

We are concerned that well-intentioned state policy frameworks will unintentionally stifle innovation and impede the safety benefits of this technology. We encourage this task force to avoid recommending policies that will create or maintain barriers to the testing, development, and deployment of this technology and the benefits that come with it.

Thank you.