Subcommittee on Vehicle Code and Public Safety Minutes
May 20, 2019

Attendance
Subcommittee Members: Lt. Tim Tannenbaum, Carlos Contreras (alternate for Carly Riter), Marie Dodds, Robert Nash, Jeremiah Ross
Other Task Force Members: Kristine Cornett, (alternate for David McMorries), Evan Manvel (alternate for Carrie MacLaren), Mark MacPherson, Galen McGill, David McMorries, Claire Prihoda (staff for Rep. Susan McLain), Aeron Teverbaugh (alternate for Rick Blackwell)
ODOT Staff: Jenna Adams-Kalloch, Maureen Bock, Linda Beuckens, Paul Duncan, Michelle Godfrey, Ali Lohman, Monica Love, David Martin, Bill Merrill, Ty Yoder
Public: Phil Donovan (representing Google/Waymo), Serena Hewitt (DOJ)

Welcome and Review of Minutes
Subcommittee lead Lt. Tim Tannenbaum welcomed the group. The subcommittee reviewed and approved the minutes from the April 8, 2019 meeting.

Presentation on Oregon’s Vehicle Code
Serena Hewitt, Attorney-in-Charge of the Oregon Department of Justice General Counsel Division, Government Services Section, explained how the terms operator, driver, passenger, and person are defined in or defined in relation to Oregon’s Vehicle Code. Hewitt presented with a brief memo with these definitions and an example statute. The memo can be found here on the task force website. Hewitt discussed whether “actual physical control” is a necessary element of vehicle operation. This uncertainty stems from changes made to the vehicle code in 1983.

Question and Answer
Lt. Tannenbaum asked about the impacts of altering definitions, such as operator, in the Vehicle Code to accommodate automated vehicles as opposed to creating a new section in the Vehicle Code with self-contained definitions for automated vehicles. Hewitt suggested that a separate section governing automated vehicles may be preferable to avoid unintended consequences that could result from amending the definitions for the entire code. Jeremiah Ross agreed that minimizing the possibility for unintended consequences should be a priority.

Robert Nash suggested that any statute will need to be carefully written to allow for insurers to write polices that could accommodate different uses and ownership models for automated vehicles.

The subcommittee discussed whether a non-permissive operator or “hacker” of an automated vehicle could qualify as an operator.

Ali Lohman clarified the definition of a level three automated vehicle and asked how an updated vehicle code could accommodate dual-mode vehicles, which are vehicles that can be entirely autonomous while retaining the ability to be operated by a conventional human driver.
**Next Steps**

The subcommittee will meet to compare the different approaches to incorporating automated vehicles into the Vehicle Code. Lt. Tannenbaum will coordinate with ODOT staff to schedule the next meeting.