



MEETING SUMMARY

Meeting: Licensing Subcommittee

Location: Teleconference / Virtual

Date: June 28, 2021

First Name	Last Name	Organization
Curt	Augustine	Alliance for Automotive Innovation
Ted	Bailey	Washington Department of Transportation (WSDOT)
Jason	Beloso	WSDOT
Debi	Besser	Washington Traffic Safety Commission (WTSC)
Daniela	Bremmer	WSDOT
Leonard	Byrne	Society for Engineers
Joe	Depinto	Washington Association of Vehicle Subagents (WAVS)
Sam	Dreiman	Argo.AI
David	Edmonson	TechNet
Matthew	Eng	City of Seattle
Bryan	Imai	Washington State Auto Dealers Association
Jill	Johnson	Washington Department of Licensing (WA DOL)
Brent	Ludeman	Waymo
Katie	Marshall	Self-Driving Coalition for Safer Streets
Kimberly	Mathis	Washington State Patrol
Kyle	Miller	WSDOT
Markell	Moffett	WSP USA
Corey	Paulsen	WA DOL
Beau	Perschbacher	WA DOL
Max	Platts	WSDOT
Abigail	Potter	Washington Trucking Associations
Sadeeq	Simmons	WA DOL
Ryan	Spiller	Alliance for Automotive Innovation
Arlyn	Upshaw	Self-Driving Coalition for Safer Streets
Drew	Wilder	Vicarious Liability Risk Mgmt, LLC

WELCOME AND INTRODUCTIONS

Beau Perschbacher & Drew Wilder

- Introductions
- Review agenda

Topic closed.



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UPDATE ON THE IMPLEMENTATION OF SSB5460

Jill Johnson, DOL

- Substitute Senate Bill (SSB) 5460 Implementing recommendations of the autonomous vehicle work group
- Final bill that passed included the following:
 - Remove the RCW language that prohibits television screens in vehicles
 - AVs and advanced vehicles today may have screens, which this RCW language was prohibiting
 - Other laws in effect address the safety intent of this RCW language
 - Moves the implementation of HB2676 Section 2 Reporting out one year – was supposed to take effect October 2021, is now pushed to October 2022
 - Reporting to Law Enforcement & crash reporting
 - Department of Licensing was supposed to complete the first report to Legislature December 2021, now due December 2022 – includes a high-level overview of the self-certification program, who was participating, information provided by companies
 - Definition of what “autonomous vehicle” means – Level 4 and 5 only, as defined by SAE
 - One aspect that was in original SB5460 language that was removed from the bill is granting rulemaking authority to the DOL for administering the self-certification program
 - This will be a discussion piece moving forward, better understanding of why this is a concern to industry
- Lots of discussion with lawmakers during session around AVs; Continuing the discussion with industry
- Discussion
 - Alliance for Automotive Innovation noted that the bill passed in the 2020 legislative session with lots of finetuning done last minute
 - Want to continue working out details on reporting and notifications so that the industry is reporting useful information
 - Legislators noted they have other things on their plates this session, to address in future sessions

Topic closed.

ISSUES AROUND AVs IN WA

Arlyn Upshaw and Katie Marshall, Self-Driving Coalition for Safer Streets

- There is not a lot of AV testing occurring in Washington State. DOL has tried reaching out to self-certified companies, not a lot of activity. What can the state do to get more testing? Specifically, on the regulatory side, are there things we are doing to discourage testing? What more could be done as a state agency?
 - One of the biggest deterrents for Washington State is there is no clear path to deployment. With testing, while the state has a good testing program, testing is expensive and requires significant investment.
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Having a clear path to deployment encourages that investment. The goal is for a commercial operation. States where we see significant testing like Arizona has a clear path to deployment.

- There was not a lot in place in Arizona that could indicate a ‘clear path to deployment’ – What is it about Arizona that provides that?
 - There are two sides to “Why Arizona?” – Attractive conditions brought initial testing, including proximity to other states allowing operations; and Arizona’s regime does not specifically call out a testing/pilot program, which allows for deployment.
 - Does not have to be a clear Step 1-Step 2 (testing then deployment), rather leave it open and do not reference testing in the first place.
 - Arizona’s Executive Order was codified, which provides certainty.
 - Also looked at California, where there are clear regulations and references to testing.
 - Many reasons California has active testing – many companies are headquartered there, so it is a natural place to testing; weather is a factor;
 - Another deterrent is uncertainty. While law is not in effect, questions around notifications are outstanding and substantial.
 - Prior notifications to law enforcement (and timing of that) can be resource intensive.
 - Companies are looking for stability and consistency, helps show a clear path to deployment, not a regulatory structure that is still in flux
 - Self-Driving Coalition has model AV legislation, does not use the words testing or deployment – uses “operate”.
 - Definitions are consistent with SAE
 - Provides consistency across jurisdictions
 - For licensing, model legislation clarifies automated driving systems (ADS) is considered the driver for compliance with traffic and motor vehicles in level 4 and 5 ADS
 - For insurance, model legislation is consistent with applicable laws that already exist, such as duties following a crash, minimum risk condition, collision reporting
 - ADS vehicles are appropriately registered
 - Defines a specific department for authority, such as a department of licensing
 - Provisions for when a human driver can operate a vehicle, who is the driver at a given point
 - States the SDC has seen allow deployment is one step – a structure focused on operation rather than limiting to testing or pilots.
 - Washington’s minimum insurance requirements have deterred some companies from testing in the state
 - 15 companies were self-certified, after insurance requirement implemented the numbers fell to 6 – some just were not testing, others expressed the insurance requirement was too high
 - DOL reaching out to self-certified companies again this year, down to only 3 companies that have maintained insurance requirements and are hoping to or are actively testing – BMW, Waymo, NVIDIA
 - Some companies have found it helpful to have the ability to provide proof of self insurance
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- For many companies, the insurance requirement was not a big deal, the concern is focused on notifications and details of reporting, such as being required to report all incidents
 - Industry wants to report data that makes sense and that can be used to study/analyze
 - Recommend only reporting when automation is engaged
 - For law enforcement notifications, concern with having to report to every law enforcement agency in the state / path of travel, would prefer having a central agency to provide data and then other agencies can tap into that – concerned with *how* to report, not with reporting the information itself
 - Significant resources needed if companies have to report to any/all law enforcement and first responder agencies at the state, regional, and local level prior to or during testing
 - For notifications and reporting, are there concerns for privacy?
 - Notification to law enforcement – no
 - Some concerns for privacy in States with significant event reporting requirements, such as location and addresses of ridehailing users being reported
 - Potential conflicts between equity concerns and privacy concerns in relation to location data
 - DOL heard some concerns about privacy/disclosure around the insurance requirements when that first passed, were able to mitigate it pretty easily
 - Lessons learned on what not to do? What other states or countries are doing that discourages testing
 - Requiring a human driver consistently present in the vehicle. Not able to fully test technology intended to be operated driverless in some instances.
 - Example – New York has a law that applies to all drivers, one hand must be on the wheel at all times – this forces the requirement to have a human driver present in an AV
 - Some states have more express requirements specific to AVs, such as Vermont
 - This is probably the biggest deterrent to a company looking to enter a state
 - Concurrent authority between agencies is a challenge – such as in California where the Department of Motor Vehicles (DMV) and Public Utilities Commission (PUC) have concurrent authority
 - DMV permits for testing with or without an operator, has separate permitting for deployment
 - If a company wants to commercialize, also needs a permit from the PUC
 - Dual, and sometimes conflicting authority is difficult to deal with
 - What states have a path to deployment? Arizona has little regulation, while California has a lot. As regulators, it is difficult to understand where the line is.
 - Arizona has no distinction of testing vs. deployment
 - California is in a very different stage, and there are many reasons beyond regulation that contributes to California being an active AV testing and deployment state
 - Most states considered to have a clear path to deployment does not have clear delineation of testing and deployment, California being an outlier in that respect.
 - Pennsylvania may become one of these states, has robust testing program in place, but deployment is being considered
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- States considering testing fall into language referring specific to testing or pilot programs (temporary) which indicates the state is not moving towards deployment
 - Of the 30 states with some sort of regulation/language specific to AVs, about half are deployment
 - Self-certification vs. regulatory process for approving permits – industry prefers self-certification
 - Familiar process – Federal Motor Vehicle Safety Standards (FMVSS) is a self-certification process
 - Is more flexible, less resource intensive for companies and regulators
 - Approval processes can slow things down, particularly as questions asked in self-certification statement or permit applications require a lot of review and turnaround time can be lengthy
 - Looking for uniformity – waiting to see what federal level does, how long should a state wait before putting something in place at the state level if federal doesn't act
 - The “driver” is state/local level, the “vehicle” is federal level
 - Always a role for the state for licensing, insurance, rules of the road
 - Federal role for design elements, as they are now
 - Can't make 50 different versions of an AV
 - Looking to federal level to develop/revise existing or new FMVSS to accommodate vehicles equipped with ADS
 - Some companies rely on the National Highway Traffic Safety Administration (NHTSA) exemption authority for specific FMVSS, such as vehicles designed without a human driver – currently only about 2,000 vehicles allowed/exempted
 - A downside to self-certification is if something drastically goes wrong – catastrophic losses determine how the public buys in. Not all innovators are created equal.
 - Law enforcement interaction protocol did not make it into legislation this session following recommendation from work group
 - Looking to get into legislation soon
 - Can be a very helpful tool, note that devil is in the details though – work closely with stakeholders to define appropriately
 - HB2676 Section 2 on reporting got pushed out to 2022 what are industry's key concerns?
 - Industry wants to provide the needed information, wants to do so efficiently
 - Perhaps a website can be developed that provides a one-stop companies can submit information to?
 - Even reporting to each county would be easier than requiring notification to each individual law enforcement and first responder entity
 - For collision/incident reporting, report only when ADS is engaged at time of the incident (just prior, at time of incident, or just after)
 - Agencies likely don't want to receive over-reported information either, have to manage all of that data that is not useful
 - If the items discussed today were addressed, would that change what companies would want to test or deploy in Washington?
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- Hard to say. There are so many reasons a company tests/deploys somewhere. However, it likely wouldn't hurt to address these things, would be viewed as a benefit.
- Industry representatives plan to continue to work with regulators in the next legislative session to refine language from SSB5460
 - Legislators asked to not address during 2020 session
 - DOL requested that prior to industry approaching legislators, for industry to coordinate with DOL on what is being considered and work together on language, such as central reporting for law enforcement
 - Approximately 30 industry members talking through SSB5460 fixes to bring to DOL
- How important would it be to address the question of deployment, including language specific to deployment?
 - Executive Order says “no entity may test...” – It is focused on testing, recommend changing to “operate” which would encompass deployment as well
 - Could also retract the word “testing” in both legislation and Executive Order, and replace with a focus on “AV Operation”
 - Operating ADS vehicles (levels 4 and 5) should not have notification requirements, should not have to notify law enforcement where they are going
 - The ability to geographically locate and track ongoing AV "testing/operations/deployments" in real time is a fundamental government, public perception need
 - Noted that industry reports testing information to NHTSA's AV test initiative
 - NHTSA AV Testing tool may be a good tool for Washington to leverage, especially if the tool could capture more detailed info to meet some of those needs
 - Industry group discussing all of this, having a clear path to deployment is top of mind for private sector. Not sure Washington legislators are ready to make those changes when putting in SSB5460 fixes
 - AV Work Group planning to have an Industry Panel on SSB5460 at the July 27th AV Executive Committee meeting to have this discussion with the larger group

Topic Closed.

WRAP UP AND NEXT STEPS

Beau Perschbacher & Drew Wilder

- No additional business

Topic Closed.

MEETING ADJOURNED.
