



WASHINGTON STATE
AUTONOMOUS VEHICLE
WORK GROUP

MEETING SUMMARY

Meeting: Licensing Subcommittee
Location: Highway Licensing Building, 1125 Washington St SE, Olympia
Date: July 11, 2019

First Name	Last Name	Organization	Executive Committee Member? (Y/N)
Tandy	Alexander	Department of Licensing (DOL)	N
Amanda	Anderson	<i>Unknown</i>	N
Curt	Augustine	Alliance of Automobile Manufacturers	N
Jason	Beloso	Washington State Department of Transportation (WSDOT)	N
Trevor	Daviscourt	WSDOT	N
Jeff	DeVere	DeVere Public Affairs	N
Bryan	Imai	Washington State Auto Dealers Association	N
Kim	Johnson	Washington State Legislature	N
Nicole	Maley	DOL	N
Kim	Mathis	Washington State Patrol	N
Markell	Moffett	WSP USA	N
Bryon	Moore	Washington State Legislature	N
Beau	Perschbacher	DOL	N
Stephanie	Sams	DOL	N
Carl	See	Washington State Transportation Commission	N
Thomas	Smailus	Washington Society of Professional Engineers	N
Will	Saunders	WA Office of the Chief Information Officer (OCIO)	N
Mike	Walton	PACCAR	N
Brenda	Wiest	Teamsters 117	Y
Drew	Wilder	University of Washington	N

WELCOME AND INTRODUCTIONS

Beau Perschbacher & Drew Wilder

- Introductions
- Review agenda

Topic closed.



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DISCUSS UW RECOMMENDATIONS

Drew Wilder

- University of Washington (UW) School of Law developed recommendations for AV law and definition changes
 - Originally presented to AV Work Group Executive Committee in October 2018, Subcommittees asked to review and provide feedback
 - 6 recommendations, under review by UW School of Law after continuing research
 - Preempt Local Regulation
 - Update Definitions
 - Self-Certification
 - Enhanced Infrastructure
 - Control Liability
 - Update Current Data Security Laws
 - General discussion on recommendations:
 - What approach does WA State want to take? Be an early adopter, or a follower?
 - Members interested to understand why the specific states used as comparators were selected, what methodology and parameters were used
 - Continuing research should include neighboring states and geographically similar states
 - Suggest UW School of Law develop pros and cons for each of the 6 recommendations
 - **ACTION ITEM:** Drew Wilder and Nicole Maley to summarize subcommittee feedback on recommendations and provide to UW School of Law
 - **ACTION ITEM:** Any subcommittee member / meeting attendee that would like to engage in pro/con development, please identify themselves and their perspective. Beau Perschbacher and Drew Wilder will follow up after meeting to coordinate.
 - Brenda Wiest (Teamsters) – Workforce implications
 - Mike Walton (PACCAR) – Auto industry perspective
 - Curt Augustine (Alliance of Automobile Manufacturers) – Auto industry perspective
 - **Preempt Local Regulation** – *Prevent unnecessary roadblocks to deployment of AVs* – Group discussion:
 - States with local regulation preemption may not have fully considered issue prior to implementing preemption
 - Jurisdictions may have special needs and require additional regulations beyond state's
 - Auto industry recognizes that local governments do have a role in testing and deployments, but object to having local sets of rules, similar to current vehicle regulations
 - Design and testing parameters should be at a national level rather than state or local
 - Suggest UW School of Law create a matrix of all states and their stance on preemption
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- Much of the language used in recommendations assume AV deployments are the priority, that government “shouldn’t get in the way of AV deployments” rather than working together to determine the best way to deploy to meet everyone’s needs
 - **Update Definitions** – *Revise RCW to accommodate new technology* – Group discussion:
 - Need to consider what other states are doing in the definition space
 - Adding definitions
 - Redefining statutes and rules to accommodate AVs
 - What states are not redefining
 - Members need additional time to review actual definitions
 - Uniform Law Commission (ULC) has recommended definitions for AVs that could be used as basis for UW School of Law review in late 2019
 - Additional definitions would need to be added that are not included in ULC’s definitions
 - **Self-Certification** – *Promote innovation and freedom to develop new technologies* – Group discussion:
 - States’ AV certification policies vary widely – some do not require any notification, others simply require possession of driver’s license or self-certification, some require testers to register and provide data.
 - System Technology & Data Security Subcommittee does not feel WA State self-certification is currently working. Need better data and understanding of who is testing, where and when.
 - Liability Subcommittee has concerns about how current self-certification process handles liability
 - Current process for self-certification in WA State:
 - Must have proof of insurance, liability is mandatory
 - Must comply with all Washington State motor vehicle laws
 - Vehicle must be equipped with automated driving systems that perform driving tasks
 - Two options to complete the self-certification process – Testing with or without a human operator present
 - Self-certifying company completes form – contact information, type of testing, self-certify that they meet the requirements – send to WA Department of Licensing, who posts on public website
 - Self-certification sometimes leans into defining vehicle design standards rather than requiring companies to simply demonstrate their ability to comply with requirements.
 - Recommend that states follow federal guidelines for vehicle standards, and define clear boundaries between federal and state roles regarding certification
 - **Enhanced Infrastructure** – *Encourage local, state and federal improvements in road systems and technologies to support AVs* – Group discussion:
 - Being reviewed by Infrastructure & Systems Subcommittee.
 - **Liability** – *Impose liability on AV systems and manufacturers while autonomous systems are in operation* – Group discussion:
 - Being reviewed by Liability Subcommittee, somewhat intersects with licensing and self-certification
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- Liability issue has not been considered by most states UW School of Law interviewed
- ULC suggests operation of AV in AV mode be subject to reasonable person standard
 - UW School of Law supports ULC recommendation
 - **ACTION ITEM:** Drew Wilder to ask UW School of Law what other standards beyond “reasonable person standard” were evaluated
- Liability requirements should be differentiated by transport type – personal, passenger transport, commercial, etc.

Topic closed.

WHAT ARE THE MAJOR ISSUES WITH LICENSING AVs

Beau Perschbacher, Stephanie Sams & Drew Wilder

- Overview of June 28 Executive Committee meeting:
 - Original Executive Committee membership government-focused – Legislators (4 House, 4 Senate), Transportation Commission, State Agencies (DOL, DOT, WTSC, WSP, OIC)
 - Added other jurisdictions, public and private sector partners prior to June meeting
 - Labor, business, disability rights advocates, minority and women owned businesses, communities of color, local jurisdictions, etc.
 - How an idea becomes a law – process and roles:
 - Subcommittees – Organic start for ideas, discussion and research. Where ideas are vetted.
 - Executive Committee – Vets subcommittee recommendations, endorses recommendations by majority vote. Reports all recommendations to Transportation Commission, regardless of final vote
 - Transportation Commission (WSTC) – Considers all recommendations, endorses recommendations by majority vote. Reports all recommendations to Governor and Legislature, regardless of final vote.
 - Governor & Legislature – Reviews Annual Report, endorses bills, schedules hearings and considers funding needs through budget process.
 - Disability Rights Washington presentation:
 - All AV Work Group efforts need to take accessibility and equity into consideration.
 - Best time to consider is now, while laws are being developed.
 - **ACTION ITEM:** Stephanie Sams to provide Disability Rights Washington presentation deck to subcommittee members.
 - Subcommittee Updates and Recommendations:
 - Each subcommittee provided update on efforts and any recommendations for Executive Committee to consider
 - Two new subcommittees created – “Labor & Workforce” and “Health & Equity”
 - One recommendation from Licensing Subcommittee was transferred to Safety Subcommittee prior to Executive Committee meeting
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- What are the issues the Licensing Subcommittee should focus on moving forward?
 - Drivers
 - Vehicles – what counts as a vehicle?
 - Reporting to the State
 - Privacy and data sharing
 - Last subcommittee meeting (4/18/19) – group discussion on how companies report AVs
 - Vehicle Identification Number (VIN) works for AV manufacturers
 - Companies that take existing vehicles and retrofit for AV testing – How do they report? What unique identifier is available?
 - Currently no way to identify AVs or ADAS features from VIN, have to research online to determine whether a year/make/model has AV or ADAS technologies
 - Knowing when AVs are sold in WA will help determine how prevalent they are, where they are being operated (assumption based on ownership location)
 - Whose responsible for reporting an AV – manufacturer, dealer, retrofitting shop?
 - Manufacturer can report if an AV was manufactured
 - Dealer may be able to report in AV/ADAS technology known
 - Third party that retrofits existing vehicle with AV/ADAS technologies can report at time of retrofit. No control after it leaves shop.
 - If retrofitted in another state then sold to owner in WA, how does responsible party know to report to WA State?
 - Best to report AV technology at time of titling/registration in WA
 - VIN not be flexible enough to adapt with technology as AVs are customized throughout lifecycle
 - Most vehicles have onboard diagnostics (OBD) ports that report vehicle information, could be used to identify AVs.
 - Could use process similar to previous emissions testing process where vehicles required to go to brick and mortar to report. Could access OBD then.
 - Note that many AVs are hybrid electric or electric vehicles, which are not required to follow OBD standards for reporting data. This may limit OBD use for reporting AVs.
 - Overlap of design and operator licensing
 - FMCSA has many rules for original design
 - Retrofitting that occurs after point of sale may not reflect operator licensing
 - ULC approach is to separate vehicle ownership from operator.
 - Vehicle operation as a service.
 - Person or entity in control of AV is identified and regulated as a driver separately from the vehicle itself.
 - Entity operating on the road is responsible for licensing, liability, etc.
 - Could have another licensing/endorsement class “Remote Operator”
 - If operated remotely by entity out of state, does WA still have jurisdiction?
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- Level of autonomy and purpose changes licensing needs
 - Could require certificate on software configuration at time of registration, and requirement that when software changes, AV must register for new autonomy level
 - Transportation Network Companies (TNCs) have slightly different regulatory frameworks from taxis and passenger vehicles
 - Need to capture AV purpose
 - Need to determine whether “for hire” or not for operating permits
 - Commercial/heavy AVs could have endorsements similar to now (e.g. weight)
 - Levels of autonomy, endorsements, and separation of liability helpful during crash investigations
 - Need to coordinate with other subcommittees on what flagging a vehicle as an AV for licensing may do to other areas such as liability
 - How to handle exemptions – federal, state, farm vehicles. If AV, should still be required to follow AV laws.
 - What is the benefit to a company to self-certify a vehicle as an AV?
 - May be putting company at risk to identify vehicle as AV, may skip process.
 - May be offered discounts (e.g. insurance) that would benefit company to report AV.
 - Need to consider whether an additional fee would be associated with registering as an AV, may cause additional burden on AV company/customer.
 - Need to determine what data is needed for the purpose of licensing and regulating AVs appropriately.
 - **ACTION ITEM:** Licensing Subcommittee to coordinate with Will Saunders to setup joint work session on data requirements between Licensing Subcommittee and System Technology & Data Security Subcommittee in August or September.
 - When evaluating existing laws to be removed/replaced, need to consider secondary impacts it may have.
 - Example: TV Viewers RCW being evaluated for change/removal. Identified other laws that cover the intent of the TV Viewer RCW to cover bases (distracted driving laws).
 - Need to make sure any changes to existing laws do not negatively affect regulations on traditional vehicles.
 - Consider adding AVs as new chapters so as not to disturb existing laws
 - **ACTION ITEM:** Stephanie Sams and Beau Perschbacher will continue working offline the AV identification / declaration issue
 - Type of information is needed in declaration – Vehicle information, owner residence, level of autonomy, equipment (e.g. trailers)
 - Need to figure out how to handle software
 - Transparency of information for testing purposes – who is testing and where
 - Separation of Personal and Commercial AVs for regulation purposes
 - Similar to separating based on level of autonomy. Separate by AV purpose/type.
 - Airline industry as an example, mostly autonomous now.
 - What is the difference between a commercial and a private plane?
 - What is the difference between a commercial and a private pilot?
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COORDINATING WITH OTHER SUBCOMMITTEES

Drew Wilder

- Group discussion on how best to coordinate with other subcommittees
 - Two new subcommittees created at June 28 Executive Committee meeting
 - Address on a case-by-case basis, dependent on the topic
 - Joint subcommittee coordination / meetings for overlapping topics

Topic Closed.

MEETING ADJOURNED.
