

# Washington State Autonomous Vehicle Work Group Subcommittee Recommendation Form

<b>Subcommittee</b>	Safety Subcommittee
<b>Date of Meeting</b>	October 22, 2020
<b>Voting Members Present</b>	

Instructions:

- 1) List subject of discussion
- 2) Write a detailed description of the recommendation, including the timeframe recommended for adoption, the agencies and stakeholders affected, and any fiscal implications. Identify potential challenges, including funding, regulation, legislation, education, etc. List recommended remedies to address identified challenges.
- 3) Check all required changes and write in any that are not listed. Provide a brief explanation of the change needed
- 4) Check all impact areas affected and list recommendations for addressing identified impacts. Write in any impact areas not listed.
- 5) If the recommendation has been voted on, please list votes in favor and against. If no vote was taken, please note why.

## 1) RECOMMENDATION

As the AV Safety Subcommittee, we want to ensure that Washington has a well understood and safe framework in place for safe AV testing and operation. In support of the Governor's Executive Order (EO) 17-02 and HB 2676, we recommend clarifying the definition of "autonomous vehicle" as referred to in these documents.



## 2) RECOMMENDATION DESCRIPTION, CHALLENGES, AND MITIGATION

### Description:

“Autonomous vehicle” is not defined in either the Governor’s Executive Order (EO) 17-02 or HB2676. Many national road safety organizations, including the American Association of Motor Vehicle Administrators (AAMVA), the American Automobile Association (AAA), and the National Highway Traffic Safety Administration (NHTSA), all encourage the adoption of terminology standards developed by the SAE International in [SAE J 3016-2018](#). This document describes levels of automation that range from 0 for no vehicle automation to 5 for full vehicle automation. While levels 0 to 3 require a human driver, levels 4 and 5 have advanced automated driving features that allow the vehicle to function without a human driver.

### Challenges:

This lack of a clear definition hampers the safety subcommittee's discussions of how best to support the safe testing and deployment of autonomous vehicles. If the Governor’s Executive Order 17-02 and HB 2676 apply only to levels 4 and 5, then the safety subcommittee and other subcommittees can focus their discussions on the legal framework for vehicle systems that do not require that a human driver is present in the vehicle.

However, without this clarity, the safety subcommittee wonders if it is the intention of Washington’s legislature that we include level 3 vehicles, which have automated driving features that allow automated driving, but still require a human driver to take over control of the vehicle whenever the automated driving system requests.

Additionally, the safety subcommittee is concerned that without clarity, Washington could face legal challenges in applying the laws that could impact EO 17-02 and HB2676 and the safety measures afforded in these documents.

### Recommended Remedies:

The safety subcommittee anticipates the need for a legal framework that specifically addresses safety considerations for level 4 and 5 automation that are distinctly different from our current regulations, which assume a driver is present in the vehicle. We recommend defining “autonomous vehicle” using nationally recognized definitions, such as SAE International’s definitions of level 4 and 5 vehicles which can be operated without a human driver.

The safety subcommittee recognizes that autonomous driving systems are an innovative and rapidly changing technology, therefore we leave the mechanism for the definition, whether it is defined by rulemaking, legislation, executive order, or some other manner to the executive committee.

### Additional Notes:



## 2) RECOMMENDATION DESCRIPTION, CHALLENGES, AND MITIGATION

The American Association of Motor Vehicle Administrators published, “Safe Testing and Deployment of Vehicles Equipped with Automated Systems Guidelines” Edition 2, October 2020. It provides recommendations for consistent regulations between jurisdictions.

## 3) REQUIREMENTS IDENTIFIED

"X" or blank	Type of Change Required	Brief Description of Change Needed
	Cost impact mitigation	
X	Legislative change	This clarification could be addressed through legislation, executive order, or administrative rulemaking by Department of Licensing, the state agency currently overseeing the testing of autonomous vehicles.
X	Regulatory change	
X	Other	

## 4) IDENTIFIED IMPLICATIONS AND IMPACTS

"X" OR BLANK	Impact Area	Description of Implication / Impact
	Infrastructure	
	Safety	
	Insurance	
	Health and livability	
	Environmental	
	Economic	
	Workforce	



#### 4) IDENTIFIED IMPLICATIONS AND IMPACTS

"X" OR BLANK	Impact Area	Description of Implication / Impact
	Equitable Access	
X	Other	Clarity regarding which vehicles the EO and law applies to would minimize confusion and ensure that all parties have a clear understanding of AV testing requirements in Washington.

#### 5) VOTES

	Aye
	Nay
	Abstained

DRAFT