



MEETING SUMMARY

Meeting: System Technology & Data Security Subcommittee
Location: Teleconference
Date: February 24, 2021

Attendees:

Name	Organization
Ginger Armbruster	City of Seattle
Debi Besser	Washington Traffic Safety Commission
Dylan Dias	Neal Analytics
Sam Dreiman	Argo AI
Zack Hudgins	WaTech
Molly Jones	WTIA
Mi Ae Lipe	Driving in the Real World
Brent Ludeman	Waymo
Daniel Malarkey	Sightline Institute
Steven Maheshwary	Washington Department of Commerce
Leo McCloskey	Echodyne
Tyler Milligan	Milligan Partners
Markell Moffett	WSP USA
Theresa Ramsdell	Tesla Owners Washington
James Restucci	WSTC Commissioner, AV Work Group Executive Committee Chair
Katy Ruckle	Washington Technology Solutions (WaTech)
Michael Schutzler	Washington Technology Industry Association (WTIA)
Ryan Spiller	Alliance for Automotive Innovation
Ian Wesley	WSDOT

INTRODUCTIONS & WALKTHROUGH AGENDA

Katy Ruckle

- Introductions
- Walk through agenda

Topic closed.



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UL4600 STANDARDS RECAP ON JOINT MEETING WITH SAFETY SUBCOMMITTEE / NHTSA FRAMEWORK FOR AUTOMATED DRAFTING SYSTEM SAFETY DOCKET NO. NHTSA-2020-0106

Katy Ruckle & Michael Schutzler

- Joint session with safety subcommittee to discuss UL4600 safety standard¹
 - For this subcommittee, the standard aligns to this subcommittee's search for a potential cybersecurity standard for AVs
 - Daniel Malarkey with the Sightline Institute presented UL4600 during the joint subcommittee session, and why it seems relevant for these two subcommittees to better understand and follow the evolution of UL4600
- National Highway Traffic Safety Administration (NHTSA) issued ²the Framework for Automated Drafting System Safety Docket No. NHTSA-2020-0106 and requested comments on:
 - specific ways in which Functional Safety, SOTIF, and/or UL 4600 could be adopted, either modified or as-is,
 - into a mechanism that NHTSA could use to consider the minimum performance of an ADS or
 - a minimum risk threshold an ADS must meet within the context of Vehicle Safety Act requirements.
- NHTSA has requested comments by April 1st
 - Sightline Institute submitted a letter to NHTSA's notice of proposed rulemaking, advocating for adoption of UL4600 and asking NHTSA to take the lead in developing standards for AVs
 - AASHTO is preparing comments, WSDOT comment will be included in this
 - Suggest keeping existing federal/state boundaries and roles
 - There shouldn't be 50 different versions – this should be handled at the federal level
 - Discussion: How should this be handled by this subcommittee? Should this subcommittee submit comment? Have a position?

¹ UL4600 Standard for Safety for the Evaluation of Autonomous Vehicles and Other Products:
<https://ul.org/UL4600>

² NHTSA docket issuance and request for comment: <https://www.nhtsa.gov/press-releases/public-comment-automated-driving-system-safety-principles>



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- Could members of this subcommittee come to an agreement to signal to NHTSA that from a system technology and data security perspective, we want to see federal action on this? It may help industry move forward with a clear safety framework rather than state-specific patchwork of regulations
- General agreement that federal needs to take the lead on this
- No agreement on what that looks like or how this subcommittee could/should approach or comment
- Recommendation made that subcommittee members weigh in on NHTSA proposed rulemaking individually rather than through this subcommittee
- WSDOT Secretary is co-chairing AASHTO's efforts in the C/AV space
 - Having WSDOT co-chair gives us a strong voice at the table
- National Association of Regional Councils (NARC) Board attempting to foster legislation as well
- If guidelines at the federal level delay and the state steps forward to fill the gap, this subcommittee should come together with a position/input at the state level
- Background on how this subcommittee got to this point, having this conversation:
 - Originally looked at privacy which resulted in identifying that privacy is a larger issue than AVs, there is no need to have AV-specific regulations, they should follow overarching privacy laws
 - Then this subcommittee moved on to cybersecurity – where are the choke points, the worrisome areas, where are they being regulated?
 - UL4600 came up in this evaluation of cybersecurity standards – it somewhat addresses (or at least attempts to address) the security side of systems that make AVs possible
- This subcommittee is not in a position to recommend specific legislation for the purpose of AV cybersecurity, protection, networks, etc. specific to the State of Washington.
 - This subcommittee is, however, in a position to bring to the Executive Committee that UL4600 is a standard to be aware of, study, and evaluate



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- it (at a different level than this subcommittee) to determine whether or not it is a standard that would provide a framework for regulating the safe operation of AVs on Washington public roadways
- This subcommittee sunsets at the end of 2023, and may not be in a position to run with longer term items like this
 - Commissioner and AV Work Group Chair Restucci noted that this Work Group may not go away at its current sunset date, plans to go back to the Legislature and recommend we continue our work
 - This subcommittee does not have the authority to submit a letter to NHTSA without going through the Work Group process (recommending to Executive Committee) which won't happen before April 1st deadline
 - That does not stop individual organizations from submitting their own letters
 - The intent of this Work Group and its subcommittees was to create awareness, a forum for discussion and knowledge sharing – it doesn't require specific recommendations to function
 - When subcommittees were formed (2018), the thought behind a system technology and data security subcommittee was to have that lens on potential topics and legislation coming out, or changes in the industry
 - Example: Security credentials management system (SCMS) – USDOT has abandoned the national DSCMS solution....if states have to run their own SCMS solutions, this subcommittee could do a deep dive into how that could/should occur
 - Another potential topic under this subcommittee's purview is unmanned aerial vehicles (UAV) – transportation isn't just on the ground
 - UAVs need the same things ground transportation needs – signaling network, orientation and speed broadcasts, utility networks, sensors, cameras everywhere

Topic closed.



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LEGISLATIVE SESSION UPDATE

Katy Ruckle

- Many states are considering their own privacy legislation
 - California has existing privacy regulations
 - Virginia has passed privacy regulations
 - Washington is looking to pass its own through the Washington Privacy Act (WPA)³
 - Companies are lobbying the federal government to step in, to have privacy legislation at a federal level rather than a state level – do not want a patchwork of regulations
- WPA current status
 - Passed Senate Committee on Environment, Energy & Technology, substituted
 - Passed Senate Committee on Ways & Means, substituted
 - Waiting on Rules Committee
 - Bill will be heard in a new committee – Civil Rights & Judiciary Committee
- People’s Privacy Act⁴, largely authored by ACLU and sponsored by Kloba, did not pass out of policy committee
 - Some of the concepts in the introduced bill to incorporate into an amendment to the WPA when it moves from Senate to House
 - Sentiment of this issue is shared by members of the House
 - Some discourse around enforcement language, whether there should be a private right action
- Senate Bill 5460⁵ – Implementing recommendations of the autonomous vehicle work group
 - Sponsored by Senator Nguyen
 - Includes definition of “autonomous vehicle” to only include SAE levels 4 and 5, and removes RCW 46.37.480 section 1 relating to restriction of television viewers in vehicles

³ Washington Privacy Act SB 5062, 2021-22 session:

<https://app.leg.wa.gov/billssummary?BillNumber=5062&Year=2021&Initiative=False>

⁴ People’s Privacy Act HB 1433, 2021-22 session:

<https://app.leg.wa.gov/billssummary?BillNumber=1433&Year=2021&Initiative=false>

⁵ Autonomous Vehicle Work Group legislation SB 5460, 2021-22 session:

<https://app.leg.wa.gov/billssummary?billnumber=5460&year=2021>



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- Rulemaking authority for Department of Licensing was removed from substitute bill
- House Bill 1457⁶ – Insulation of broadband on limited access highways
 - Study on broadband requirements for AVs, partnerships the Department of Transportation could reach with broadband providers
 - Bill is moving in the House, referred to Rules
 - Potential concerns about data privacy for AVs – providers’ data going through a public service and having to disclose information on their AVs – currently it is only a study, exploring if partnerships are even possible
- Drafted proposed revision to the Washington Public Records Act, waiting to be introduced

Topic closed.

OPEN DISCUSSION

Katy Ruckle & Michael Schutzler

- This subcommittee looking to frame up a recommendation to bring forward to the Executive Committee this year – There are standards the Work Group should be aware of, monitor, and evaluate in terms of safety, cybersecurity, etc.
- Next meeting approximately 6 weeks out – Around April 7th, 2021

Topic closed.

MEETING ADJOURNED.

⁶ Broadband facilities on limited access highways HB 1457, 2021-2022 session:
<https://app.leg.wa.gov/bills/summary?BillNumber=1457&Initiative=false&Year=2021>
