

Date of Hearing: April 17, 2017

**ASSEMBLY COMMITTEE ON TRANSPORTATION**

Jim Frazier, Chair

AB 1141 (Berman) – As Amended April 17, 2017

**SUBJECT:** Autonomous vehicles: freight vehicles

**SUMMARY:** Requires the Department of Motor Vehicles (DMV) to adopt regulations for the testing of autonomous vehicles used to transport freight. Specifically, **this bill:**

- 1) Requires DMV, on or before September 30, 2018, to adopt regulations setting forth standards for the testing of autonomous vehicles used to transport freight.
- 2) Requires DMV to consult with the California Department of Transportation and the California Highway Patrol on topics including, but not limited to, appropriate routes for testing and compliance with state and federal requirements for commercial drivers.
- 3) Requires an autonomous vehicle used to transport freight to have an operator in the driver's seat at all times while being operated, and provides that the operator is subject to the maximum hours a driver is permitted to drive in a work period, as specified.

**EXISTING LAW:**

- 1) Authorizes the operation of autonomous vehicles on public roads for testing purposes under certain circumstances specified in regulations adopted by the DMV.
- 2) Requires an autonomous vehicle being operated for testing purposes be operated by a driver who possesses the proper class of license for the type of vehicle being operated and meet the following requirements:
  - a) The operator is an employee of, contractor of, or otherwise designated by the manufacturer of the autonomous technology;
  - b) The driver is seated in the driver's seat, monitoring the safe operation of the autonomous vehicle, and capable of taking over immediate manual control of the autonomous vehicle in the event of an autonomous technology failure or other emergency; and,
  - c) The manufacturer performing the testing obtains insurance in the amount of \$5 million, as specified.
- 3) Prohibits the operation of autonomous vehicles on public roads for non-testing purposes unless the manufacturer of the vehicles submits an application to DMV that is approved pursuant to DMV regulations.
- 4) Requires DMV, by January 1, 2015, to adopt regulations setting forth requirements for the application to operate autonomous vehicles on public roads for non-testing purposes.

**FISCAL EFFECT:** Unknown

**COMMENTS:** In response to arguments for the traffic safety benefits of increasingly automated vehicle technology, the Legislature passed and Governor Brown signed legislation requiring DMV to adopt regulations for the operation of autonomous vehicles on California's public roads in 2012 [SB 1298 (Padilla), Chapter 570, Statutes of 2012]. The rollout of DMV's regulations was separated into two stages: regulations for insurance requirements for the purposes of testing autonomous vehicles and regulations for the full deployment of autonomous vehicles on California roads for non-testing purposes. Both sets of regulations were required to be adopted by January 1, 2015. DMV adopted testing regulations on May 19, 2014, and submitted proposed regulations for non-testing purposes for public comment on March 10, 2017. The public comment period will end on April 24, 2017, and DMV anticipates adopting finalized regulations before the end of 2017.

DMV's proposed regulations currently exclude vehicles with a gross vehicle weight rating over 10,000 pounds from being authorized for testing or deployment by manufacturers. This includes most vehicles that would be used to transport freight, such as truck tractors trailers, and other commercial vehicles. The decision to exclude those vehicles from the initial regulatory framework for autonomous vehicles was based on safety concerns relating to larger vehicles being operated on roadways autonomously, with potentially greater safety hazards to motorists and pedestrians if an accident were to occur, and on a desire on the part of DMV to establish baseline regulations for "regular" autonomous vehicles first.

This bill would set a deadline in statute for DMV to adopt regulations relating to autonomous vehicles used to transport freight. It would address the safety concerns relating to larger autonomous vehicles by specifically requiring an operator to be seated in a vehicle's driver's seat, and by subjecting that operator to hours-of-service requirements that are imposed on conventional commercial drivers.

The author argues that this bill will help ensure that autonomous technology makes available the potential safety benefits it could provide. According to the author, this bill "puts California in a position to lead with the next generation of [autonomous vehicle] technology."

While other states have a variety of rules for the testing of autonomous vehicles, ranging from no restrictions on testing at all to partial prohibitions on testing of some vehicles, testing of the type of vehicles contemplated under this bill has taken place with significant media attention elsewhere, such as an autonomous beer truck delivery in Colorado in October 2016.

*Committee concerns:* This bill may not be necessary. While DMV has chosen to exclude commercial vehicles from its current regulatory package, the department is not statutorily required to do so, nor does existing law explicitly prohibit DMV from authorizing the testing and deployment of those vehicles. In a Senate Insurance Committee informational hearing on March 8, 2017, DMV indicated that after the current proposed deployment regulations are finalized, commercial autonomous vehicle regulations would be part of the next phase of DMV rulemaking.

*Double referral:* This bill will be referred to the Assembly Communications and Conveyance Committee should it pass out of this committee.

*Previous legislation:* SB 1298 (Padilla), Chapter 570, Statutes of 2012, established conditions for the operation of autonomous vehicles upon public roadways.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

**Analysis Prepared by:** Justin Behrens / TRANS. /