



October 25, 2017

SENT VIA EMAIL

Mr. Bryan Soublet
Deputy Director/Chief Counsel
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820

RE: Title 13, Division 1, Chapter 1, Articles 3.7 and 3.8 – Autonomous Vehicles: Modified Express Terms: Revised 10/10/17

Dear Mr. Soublet,

We, the undersigned, representing the breadth and depth of the technology, innovation and manufacturing industries, provide the following comments on the Notice of Modification of Proposed Regulations Title 13 – Motor Vehicles, which modifies the proposed regulations for the testing and deployment of autonomous vehicles without a driver (the “Proposed Regulations”). We appreciate that the Department has recognized the need for guidance for fully autonomous vehicle testing and deployment which are critical to achieving the terms, intent and spirit of SB 1298 (Padilla, 2012).

In creating a path to deployment of autonomous vehicles without human drivers, the Proposed Regulations show that California is supportive and engaged in the future of autonomous vehicles. We applaud the Department in making significant improvements to the proposed regulations in the following sections:

- Section 227.02. Definitions. The addition of the definition of a “minimal risk condition”;
- Section 227.22. Term of Permit. The expansion of the duration of a testing permit from one to two years, as well the expansion of renewal permit from one to two year period;
- Section 227.32. Requirements for Autonomous Vehicle Test drivers. The addition of the exception clause in (c);
- The modifications to the regulations that reflect NHTSA’s updated Federal Automated Vehicles Policy, removing the requirement for manufacturers to submit a Safety Assessment Letter (formerly required under 227.38(g));
- Section 228.00 Purpose. Recognition of NHTSA’s authority over vehicle safety and performance.

For California to continue to lead in the autonomous vehicle space, we recommend the following revisions to the Proposed Regulations regarding local notifications, amending an application to deploy, data recorders and disengagement reports which otherwise may deter testing and deployment in the state.

§227.38 Manufacturer's Permit to Test Autonomous Vehicles that do not Require a Driver

We stated in our April 24, 2017 comments Section 227.38(a) should be amended to provide clarification that manufacturers may choose to interpret the local coordination requirement as pure notification by a manufacturer to those jurisdictions, to ensure consistency across jurisdictions. While we thank the Department for clarifying the notification to become more specific, the requirements are overly burdensome, especially 227.38(a)(2) and (4), which, respectively, requires a manufacturer to list all the public roads in the jurisdiction where the vehicles will be tested and the days and times that testing will be conducted on public roads. Taking into consideration the millions of miles of testing conducted by companies on California roads and the constant expansion of operational design domains during testing, this type of notification requirement to hundreds of authorities across the state could delay testing and ultimately deployment of autonomous vehicles in California, as well as create a new burden on local jurisdictions that would receive notifications on a daily basis of new roadways tested from dozens of companies across the state. *Section 227.38 should be amended to remove (a)(2) and (4) or at the very least the notification requirement would benefit from being up-leveled to a disclosure of each jurisdiction in which testing is taking place or as it relates to (a)(4) amend to read "the time period during which testing will occur".*

§228.10 Amendment of Application

We appreciate the deletion of "material change" in Section 228.10 (b), but are frustrated that the section now mandates filing an amended application for public deployment prior to implementing the specific changes to the vehicle. Requiring approval of an amended application prior to making changes to a vehicle when there is no deadline for the DMV to approve or deny an amended application pursuant to this section results in significant delays and could drastically slow or halt the ability of companies to deploy autonomous vehicles or install much needed updates or other system changes. If the Department is concerned that a company can deploy a vehicle with the changes identified in the amendment prior to department approval of the amended application, we believe section 227.10(c) addresses that concern in (c): "A manufacturer shall not deploy vehicles with the changes specified in this section until the amended application has been approved by the department". *Section 228.10(b) should be amended to delete "prior to implementing".*

§228.06 Application for a Permit for Post-Testing Deployment of Autonomous Vehicles on Public Roads

Section 228.06(a)(6) continues to seek a "commercially available tool" for data recorders, when the SAE's committee on advanced event data recorders has yet to release a draft standard to address this topic and SB 1298 (Padilla) did not speak to the commercial availability of tools for crash reconstruction. Further frustrating this

requirement is the fact that crash reconstruction data is proprietary and often encrypted, thus such a tool doesn't exist today. *To remove another barrier to deployment, Section 228.06(a)(6) should be removed or alternatively the requirement should be modified to require access and retrieval by the manufacturer regardless of the tool or method used.*

§227.50 Reporting Disengagement of Autonomous Mode

While we appreciate the changes modifications made to this section, we reiterate concerns about the required disengagement reporting in perpetuity. Disengagements of autonomous mode are not an accurate indicator of autonomous vehicle safety or technological development. *Section 227.50 (b) should be amended to include an end date for the requirement annual submission, but no later than the end of 2018.*

Conclusion

We thank you for your time and consideration of our comments. We acknowledge that this transformational industry creates unique regulatory questions and challenges and appreciate the Department's commitment and hard work in finalizing the regulations in a timely manner. We look forward to continuing to work together to ensure the safety of Californians is addressed while also being provided the myriad of benefits of self-driving cars.

Respectfully,



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