METRO
2019 LEGISLATIVE ISSUE IDENTIFICATION

Department: Planning and Development   **Date:** 10 October 2018

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ISSUE: Automated vehicles (AV)

BACKGROUND: Automated vehicles (AVs) use sensors and advanced control systems to operate independently of input from a human driver. AVs are currently being tested, typically with backup human drivers ready to take control if necessary, in communities throughout the U.S. Most testing has taken place in warm, dry climates. AVs are not yet capable of navigating in snow, heavy rain, and other extreme weather conditions, but the technology is improving rapidly. Most experts expect AVs to begin operating in full deployment within one to five years.

AVs are likely to have sweeping impacts on safety, transportation equity, jobs, congestion, emissions, and health. It is too early to say whether these impacts will be positive or negative, but it is critical that Metro and our local partners have insight into and oversight of how AVs use our streets so that we can plan and manage the transportation system as technology evolves. Local and regional advocacy on AV policy has focused in the near term on ensuring that agencies have access to data on AV travel so they can monitor impacts and are not pre-empted from fulfilling their responsibilities to manage the transportation system.

As of October 2018, 29 U.S. states had enacted AV legislation, which ranges widely in scope and responsiveness to local and regional concerns. Beginning in April 2018, Oregon, which has not yet enacted legislation regarding AV testing or deployment, convened the Task Force on Autonomous Vehicles to develop policy recommendations for the Legislature to consider during the 2019 session. The task force consists of 34 members representing the Legislature, state agencies, labor and advocacy groups, industry, and local and regional transportation agencies.

In its first phase, the task force was charged with developing a report with recommendations that cover licensing and registration, law enforcement, insurance and cybersecurity. This report was issued in September 2018. The task force's purview covers both testing and deployment of AVs, but its 2018 report focused on testing. Since testing is more imminent and limited in scope than deployment this made it easier for the task force to reach consensus, but it also means that the report is largely silent on the issues of greatest concern to Metro.

Metro and its partners will likely need to address the following concerns during the 2019 legislative session:
- Pre-emption: multiple industry representatives on the task force have already stated their support for pre-empting local and regional agencies' authority to restrict or oversee AV testing. Ride-hailing companies like Uber and Lyft, which plan to be among the first to deploy AVs, seem likely to push for accompanying legislation that would pre-empt local governments' ability to regulate ride-hailing services.

- Data sharing: industry has sought to limit the AV data that is shared with local and regional agencies to the bare minimum needed by law enforcement to investigate a crash by a test vehicle. More comprehensive data sharing is needed to enable responsible oversight of testing and inform future AV policy.
- Testing vs. deployment: Legislation that focuses narrowly on testing and does not address deployment would mainly benefit the handful of Oregon companies that are developing AV technology that they want to test locally instead of serving the public interest. Such legislation could also allow companies to deploy AVs without adequate public oversight.

RECOMMENDATION: Support legislation advancing AV testing provided that it:
- Does not pre-empt local authority to establish traffic laws, including laws that apply to AVs.
- Includes requirements to share data on AV travel patterns and other information necessary to ensure that testing is safe and inform long-term policy.
- Addresses AV deployment, either by prohibiting deployment until the state adopts relevant legislation or by including the key elements of a responsible deployment policy. Metro outlined these elements in a platform that was included in our comments on the task force report. The platform includes points related to safety, workforce development, transportation equity, transportation funding, transparency, and local authority.

LEGISLATIVE HISTORY: HB 4036 (2018) established the Task Force on Autonomous Vehicles. While the bill initially only included state agencies on the task force, Metro and our partners successfully advocated for local and regional agencies to be included as well. HB 3246, which failed to pass during the 2017 session, would have pre-empted local regulation of ride-hailing services. Industry may advance similar legislation in 2019. The proposed AV START Act (S.1885), which would codify the federal role in regulating AVs, raises many of the same concerns associated with state legislation related to data sharing, pre-emption, testing and safety.

OTHER INTERESTED PARTIES: Metro's public agency partners the City of Portland (representing the League of Cities) and TriMet (representing the Oregon Transit Association) also serve on the task force. Metro, Portland and TriMet submitted a joint comment letter on the task force report, which included the platform discussed above. That platform was drafted in collaboration with several other task force members, including representatives from the Amalgamated Transit Union, Oregon Environmental Council, Oregon Trial Lawyers' Association, Teamsters, AFL-CIO, University of Oregon, and consumer protection advocates.

More generally, local and regional agencies, labor and advocacy groups, and certain industry representatives on the task force have all voiced support for AV legislation that addresses deployment, though industry's perspective on what that legislation should contain would likely differ from that of the other groups listed. Meanwhile, state agencies and companies that are developing AV technology in Oregon favor an incremental approach focused on testing.

IMPACT IF PROPOSED ACTION OCCURS: Metro and its public agency partners would have the authority and access to data needed to maximize the benefits and minimize the negative impacts of AVs in the Portland region.