

Wes Moore Governor

Aruna Miller Lieutenant Governor

Paul J. Wiedefeld Secretary

February 6, 2025

The Honorable Marc Korman Chair, Environment and Transportation Committee 250 Taylor House Office Building Annapolis, MD 21401

## **RE:** Letter of Information – House Bill 439 – Vehicle Laws – Fully Autonomous Vehicles – Human Safety Operators and Reporting Requirements

Dear Chair Korman and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 439 but offers the following information for the Committee's consideration.

HB 439 establishes numerous requirements surrounding fully autonomous vehicles with a gross vehicle weight greater than or equal to 10,0001 pounds, including: (1) requiring a human safety operator to be present when operating these vehicles on highways in the State; (2) requiring vehicle manufacturers to submit incident reports to the Motor Vehicle Administration (MVA) on any vehicle collisions, certain traffic violations, and other incidents that occur in the State; (3) requiring manufacturers of these vehicles to submit annual reports to the MVA on certain collision and vehicle disengagements that occur in the State; and (4) requiring the MVA to submit a report on findings and recommendations regarding the operation of certain fully autonomous vehicles to the General Assembly. Further, HB 439 requires MVA to establish and manufacturers to abide by an incident reporting standard for all fully autonomous vehicles, regardless of weight.

The MVA monitors emerging and innovative technologies – including connected and automated vehicles (CAV) – to adapt to, and take advantage of, technologies reshaping mobility choices and freight logistics. The rapidly developing and quickly emerging technology in the automated vehicle (AV) field has the potential to transform the way people and goods move through Maryland's transportation system, enhancing highway safety, increasing mobility options, and fostering economic productivity.

The U.S. Department of Transportation (USDOT) deems that automation has the potential to impact safety significantly by reducing crashes caused by human error, including crashes involving impaired or distracted drivers, resulting in saving of lives on America's roadways. There is considerable dedication and investment into safe testing, development, and validation of new and advanced vehicle technology with the enormous potential for improving safety and mobility – along with improving equity, air pollution, accessibility, and traffic congestion – from these burgeoning technologies.

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SAE International<sup>1</sup> is a global standards development and professional association and is widely considered the industry leader in defining standards in the AV field. SAE J3106 defines the SAE Levels from Level Zero (no driving automation) to Level 5 (full driving automation).<sup>2</sup> Most AV testing and deployments start on the test track, move to protected on-road testing, then testing in mixed traffic with a safety operator. Only after such extensive testing has proven an AV technology or system safe is it considered for fully self-driving without a human monitor.

HB 439 would place Maryland out of step with other jurisdictions across the country. The regulatory scheme that is developing nationally does not require having a driver present for Level Four or Five vehicles. In the last four years, seven states – including neighboring West Virginia and Pennsylvania – have enacted AV deployment frameworks, none of which require a human to be present in the AV. A "driver-in" requirement would likely have a deterrent effect on companies that are looking to test and deploy this technology in Maryland.

Since 2015, the MVA has supported a robust CAV Working Group which serves as the central point of coordination for the development and deployment of emerging CAV technologies in Maryland. Maryland's CAV Working Group includes elected officials, representatives from state and local government, highway safety organizations, private sector, automotive industry, and other transportation stakeholders. This group evaluates the latest research, including guidance from the American Association of Motor Vehicle Administrators (AAMVA) and the USDOT, tracks federal and state actions, and coordinates with all interested stakeholders. This collaborative program is setting a course for the future of CAVs in Maryland and prioritizing safety for all roadway users.

The Maryland Department of Transportation respectfully requests that the Committee consider this information when deliberating House Bill 439.

Respectfully submitted,

Christine E. Nizer Administrator Maryland Motor Vehicle Administration 410-787-7830 Matthew Mickler Director of Government Affairs Maryland Department of Transportation 410-865-1090

<sup>&</sup>lt;sup>1</sup> Formerly the Society of Automotive Engineers.

<sup>&</sup>lt;sup>2</sup> At the national level, references to "fully autonomous" vehicles include those that are designed to function without a human driver, specifically a Level Four or Level Five system.