

SENATE No. 2351

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote the safe integration of autonomous vehicles into the transportation system of the Commonwealth.

PETITION OF:

NAME:

Jason M. Lewis

DISTRICT/ADDRESS:

Fifth Middlesex

SENATE No. 2351

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 2351) of Jason M. Lewis for legislation to promote the safe integration of autonomous vehicles into the transportation system of the Commonwealth. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2115 OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act to promote the safe integration of autonomous vehicles into the transportation system of the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 63. Definitions applicable to Secs. 63 to 63F

2 (A) The following words, as used in Sections 63 to 63F, inclusive, shall have the
3 following meanings:

4 (1) “Automated driving system” means a combination of hardware and software that has
5 the capability to perform driving tasks by controlling and combining braking, throttle, and
6 steering functionality without the active physical control or monitoring by a human driver.

7 (2) “Autonomous vehicle” means any motor vehicle equipped with an automated driving
8 system that has been integrated into that vehicle, where the automated driving system performs

all driving tasks and monitors the driving environment without the expectation that a human driver will be available to respond appropriately to a request to intervene. An autonomous vehicle does not include a vehicle that merely is equipped with one or more collision avoidance systems, including, but not limited to, electronic blind spot assistance, automated emergency braking systems, park assist, adaptive cruise control, lane keep assist, lane departure warning, traffic jam and queuing assist, or other similar systems that enhance safety or provide driver assistance, but are not capable, collectively or singularly, of driving the vehicle without the active control or monitoring of a human driver. The term “autonomous vehicle” consists of all vehicles with driving automation at Level 4 and Level 5 as defined by SAE International as of the effective date of this legislation.

(3) “Level three vehicle” means any motor vehicle equipped with an automated driving system that has been integrated into that vehicle, where the automated driving system performs all driving tasks and monitors the driving environment with the expectation that a human driver will be available to respond appropriately to a request to intervene. A level three vehicle does not include a vehicle that merely is equipped with one or more collision avoidance systems, including, but not limited to, electronic blind spot assistance, automated emergency braking systems, park assist, adaptive cruise control, lane keep assist, lane departure warning, traffic jam and queuing assist, or other similar systems that enhance safety or provide driver assistance, but are not capable, collectively or singularly, of driving the vehicle without the active control or monitoring of a human driver. The term “level three vehicle” consists of all vehicles with driving automation at Level 3 as defined by SAE International as of the effective date of this legislation.

(4) “Zero emissions vehicle” means a motor vehicle that produces zero exhaust emissions of any criteria pollutant or precursor pollutant, or greenhouse gas, excluding emissions from air conditioning systems, under any and all possible operating modes or conditions.

(5) The term “public transit” shall include any train, passenger bus, passenger ferry boat, water shuttle or other equipment used in public transportation owned by or operated under the authority of a regional transit authority as set forth in section 3 of chapter 161B, the Massachusetts Bay Transportation Authority, the Massachusetts Port Authority, or the Massachusetts Department of Transportation.

(6) “Department” means the Massachusetts Department of Transportation.

(7) “Registrar” means the Registrar of Motor Vehicles.

(8) An “operator” is the person or entity providing use of a level three or autonomous vehicle commercially, publicly, or privately. Operators include, but are not limited to, the following: commercial passenger transportation service companies, commercial freight service companies, transit authorities, academic or research institutions developing automated driving systems, and individual owners or lessors of privately owned autonomous vehicles.

(9) A “passenger” of a level three or autonomous vehicle is any person physically present in an autonomous vehicle while the autonomous vehicle’s automated driving system is engaged.

(10) A “manufacturer” of an autonomous vehicle is:

(a) The person or entity that originally manufactures a vehicle and equips an automated driving system on the originally completed vehicle; or

(b) In the case of a vehicle not originally equipped with an automated driving system by the vehicle manufacturer, the person or entity that modifies the vehicle by installing an automated driving system to convert it to an autonomous vehicle after the vehicle was originally manufactured.

(11) “Testing” means analysis and evaluation of level three or autonomous vehicles by a manufacturer, an operator, or an expert third party engaged by a manufacturer or operator.

(12) “Deployment” means use of autonomous vehicles by members of the public who may but need not be employees or agents of manufacturers or operators of autonomous vehicles.

Section 63A. Autonomous vehicle policy and regulatory authority

(A) It shall be the policy of the commonwealth of Massachusetts to promote the integration of autonomous vehicles into the commonwealth for the purpose of improving the transportation system and encouraging economic development, complying with greenhouse gas emissions targets set out in chapter 21N, and to allow autonomous vehicles on the public ways of the commonwealth subject to such restrictions as are necessary to ensure protection of the commonwealth’s people and environment, adequate funding of the commonwealth’s transportation infrastructure, and compliance with state and federal laws.

(B) The Department is hereby authorized in accordance with the provisions of chapter 30A to promulgate such rules as are necessary to carry out its duties under Sections 63 through 63F of this chapter and in accordance with the purpose set forth in subsection (a) of this section. In promulgating any such regulations, the Department shall seek to protect the commonwealth’s most impacted and disadvantaged communities and ensure equal protection and the equitable distribution of the benefits and costs associated with the introduction of autonomous vehicles.

Section 63B. Level three and autonomous vehicles allowed

(A) A level three vehicle may be tested on public ways within the commonwealth only if the level three vehicle:

(1) Has a failure alert system to notify the passenger when a system failure is detected;

(2) Meets the federal motor vehicle safety standards for its model year and all other applicable safety standards and performance requirements established by state and federal law;

(3) Relies on the most recent version of all software used as part of its automated driving system and such software has been updated to the latest available version within 30 days of the release of any such updated version;

(4) is clearly marked as an autonomous vehicle in a manner approved by the Registrar; and

(5) Has a system that captures and stores such data as the Department deems necessary through rules promulgated in accordance with the provisions of chapter 30A, after consultation with the Registrar. Any such system must be open-source and based on common standards, with an operating system that has been made public so that components performing the same function can be readily substituted or provided by multiple providers. The data captured and stored by such system shall include, but not be limited to, real-time distance traveled and real-time number of passengers. Data relating to real-time distance traveled and real-time number of passengers shall be stored, with the capability of being cross-referenced, for a reasonable time period as established by the Department, provided that such period shall not exceed eighteen months. Data relating to safety shall be stored for a reasonable time period after the vehicle has been removed

from services, established by the Department, provided that such period shall not exceed eighteen months.

In issuing any regulations setting requirements for data collection from autonomous vehicles, the Department shall take all necessary steps:

(a) To protect the privacy of individuals including, but not limited to, the operators and passengers of autonomous vehicles; and

(b) To ensure the security of the data-collection system, the resistance of the system to tampering, and the accuracy of the data captured and stored by the system.

Such steps shall include limiting the availability of any sensitive data to the public.

(B) An autonomous vehicle may be tested or deployed on public ways within the commonwealth only if the autonomous vehicle:

(1) Has a mechanism that is readily accessible to passengers, that does not rely on wireless connectivity, and that, if engaged, forces the vehicle to expediently come to the closest safe stop and allow passengers to exit.

(2) Has a failure alert system to notify the passenger when a system failure is detected;

(3) Meets the federal motor vehicle safety standards for its model year and all other applicable safety standards and performance requirements established by state and federal law;

(4) Relies on the most recent version of all software used as part of its automated driving system and such software has been updated to the latest available version within 30 days of the release of any such updated version;

(5) is clearly marked as an autonomous vehicle in a manner approved by the Registrar;
and

(6) Has a system that captures and stores such data as the Department deems necessary through rules promulgated in accordance with the provisions of chapter 30A, after consultation with the Registrar. Any such system must be open-source and based on common standards, with an operating system that has been made public so that components performing the same function can be readily substituted or provided by multiple providers. The data captured and stored by such system shall include, but not be limited to, real-time distance traveled and real-time number of passengers. Data relating to real-time distance traveled and real-time number of passengers shall be stored, with the capability of being cross-referenced, for a reasonable time period as established by the Department, provided that such period shall not exceed eighteen months. Data relating to safety shall be stored permanently.

In issuing any regulations setting requirements for data collection from autonomous vehicles, the Department shall take all necessary steps:

(a) To protect the privacy of individuals including, but not limited to, the operators and passengers of autonomous vehicles; and

(b) To ensure the security of the data-collection system, the resistance of the system to tampering, and the accuracy of the data captured and stored by the system.

Such steps shall include limiting the availability of any sensitive data to the public.

Section 63C. Level three and autonomous vehicle testing and deployment

(A) A manufacturer or operator may test level three or autonomous vehicles on the public ways of the commonwealth or may test, deploy, or sell or lease for deployment autonomous vehicles for use on the public ways of the commonwealth only if the manufacturer or operator has been certified by the Registrar.

(B) A manufacturer or operator may apply to the Registrar for certification under this section. The application shall be in the form prescribed by the Registrar in consultation with the Department. The application shall establish that:

(1) The level three vehicle or autonomous vehicle and the automated driving system meet all applicable requirements of section 63B of this chapter; and

(2) The level three vehicle or autonomous vehicle shall be operated only in accordance with Section 63D of this chapter.

(C) The Registrar, in consultation with the Department, shall promulgate rules in accordance with the provisions of chapter 30A, for the testing of level three vehicles and the testing, deployment, and sale or leasing for deployment of autonomous vehicles. The rules shall establish standards for equipment used in and for the performance of level three and autonomous vehicles that the Department determines are necessary to ensure the safe operation of such vehicles on the public ways of the commonwealth and set inspection requirements specific to such vehicles. The rules shall include a waiver for autonomous vehicles of such inspection requirements as the Registrar deems appropriate in accordance with section 7A of chapter 90. The rules shall also provide for sharing of the data captured and stored in accordance with Section 63B(a)(6), including providing the public with open access to such data, subject to such

155 safeguards as the Registrar deems necessary for the protection of privacy. The rules may include,
156 but need not be limited to, the following:

157 (1) The establishment of a pilot program for testing level three or autonomous vehicles,
158 or the phased integration and deployment of autonomous vehicles;

159 (2) Limits on the number of level three or autonomous vehicles that may be tested or, in
160 the case of autonomous vehicles, deployed at any given time on the public ways of the
161 commonwealth;

162 (3) Special license requirements relating to the testing or deployment of autonomous
163 vehicles appropriate to the class of vehicle based on weight rating or number of passengers; and

164 (4) Criteria for revocation, suspension, or denial of an application or certification under
165 this section.

166 (D) A manufacturer or operator shall submit proof of liability insurance with an
167 application made under this section. Such insurance shall provide coverage in an amount to be
168 established by the Registrar.

169 (E) The Registrar may certify a manufacturer or operator under this section only if the
170 Registrar determines that the level three or autonomous vehicles covered by the certification are
171 safe to operate on the public ways of the commonwealth. Such determination shall include at a
172 minimum a finding that the level three or autonomous vehicles covered by the certification are in
173 compliance with all federal standards and regulations including, but not limited to, the
174 Performance Guidance set forth by the National Highway Traffic Safety Administration and
175 applicable Federal Motor Vehicle Safety Standards.

176 (F) The Registrar by rule shall establish fees for applications made under this section.

177 The fees shall be in amounts adequate to pay all administrative costs incurred by the department
178 in administering this part. Zero-emission vehicles shall be exempt from application fees
179 established under this section.

180 Section 63D. Operation of level three and autonomous vehicles

181 (A) A level three vehicle from a certified manufacturer may be tested on the public ways
182 of the commonwealth, but only if a passenger with the proper license for the type of motor
183 vehicle being tested is present and is adequately trained to pilot and monitor the vehicle as a
184 fallback-ready human driver.

185 (B) Notwithstanding sections 17 and 18 of chapter 90 of the General Laws, or any
186 general or special law, or regulation to the contrary, the speed limit for autonomous vehicles
187 shall be 25 miles per hour on public ways in a thickly settled or business district, as defined in
188 section 1 of said chapter 90, 15 miles per hour within a duly established school zone when
189 children are present, and the same as the prevailing speed limit on all other public ways.

190 (C) Notwithstanding the other provisions of this chapter, any municipality with a
191 population density greater than or equal to 4,500 people per square mile shall have the power to
192 limit autonomous vehicles to only motor vehicles providing public transportation as set forth in
193 section one of chapter 159A, transportation network vehicles as set forth in section one of
194 chapter 159A1/2 provided that for purposes of this subsection, “driver” shall include the operator
195 of an autonomous vehicle, or vehicles carrying an average of 1.8 or more passengers per vehicle
196 mile traveled as calculated on a monthly basis per vehicle or fleet of commonly-owned vehicles.

197 Any such limitation need not apply to an entire municipality but may be applied to any
198 geographic area or areas within a municipality, as the municipality deems suitable.

199 (D) Notwithstanding the other provisions of this chapter, any municipality may by
200 ordinance or bylaw adopted by two-thirds vote of the city council in a city or by a two-thirds
201 vote of a town meeting in a town, establish a mileage limit on the distance that an autonomous
202 vehicle may travel within that municipality without a passenger present in the vehicle. This shall
203 not apply to freight or emergency vehicles.

204 (E) Notwithstanding the other provisions of this chapter, any municipality may by
205 ordinance or bylaw adopted by two-thirds vote of the city council in a city or by a two-thirds
206 vote of a town meeting in a town, establish autonomous vehicle parking charges subject to the
207 following provisions:

208 (1) Autonomous vehicles may travel on any public way without a passenger present in
209 the vehicle for up to two minutes.

210 (2) After two minutes, municipalities may charge any autonomous vehicle a fee in lieu of
211 parking charges.

212 (3) After 30 minutes, the municipality may require any autonomous vehicle to park.

213 (4) This section shall not apply to emergency vehicles.

214 (E) Whoever violates subsection sections 63A through 63D of this chapter shall be
215 subject to a fine of not more than \$500 for a first violation, \$1,000 for a second violation, and
216 \$2,500 for every violation thereafter. Any person who receives a citation for violating any
217 provision of these sections may contest such citation pursuant to section three of chapter 90C.

Section 63E. Road usage charge on autonomous vehicles

(A) A road usage charge is imposed on autonomous vehicles that operate on the public ways within this state pursuant to this Chapter.

(B) The Department shall, in accordance with the provisions of chapter 30A, promulgate rules regarding the computation, assessment, and collection of the road usage charge on autonomous vehicles.

(C) In promulgating rules regarding the computation of the road usage charge on autonomous vehicles, the Department shall, not later than 270 days following the effective date of this section:

(1) Establish a base per-mile rate on autonomous vehicles of no less than 2.5 cents per mile, provided that the minimum rate imposed under this paragraph shall be adjusted at the beginning of each calendar year, by the percentage, if any, by which the consumer price index, as defined in section 1 of the Internal Revenue Code, pursuant to 26 U.S.C. section 1, for the preceding year exceeds the consumer price index for the calendar year that ends before such preceding year;

(2) Allow for a reduction in the base per-mile rate on autonomous vehicles that are zero-emission vehicles;

(3) Allow for a reduction in the base per-mile rate on autonomous vehicles owned and operated by the commonwealth or by any city or town within the commonwealth;

(4) Allow for reductions in the base per-mile rate on autonomous vehicles for each passenger in an autonomous vehicle per mile;

(4) Allow for reductions in the base per-mile rate on autonomous vehicles for each mile traveled during off-peak travel hours as defined by the Department;

(5) Allow for reductions in the base per-mile rate on autonomous vehicles for each mile traveled in specified geographic areas where no or few public transit options are available;

(6) Allow for reductions in the base per-mile rate on autonomous vehicles for operators whose personal income, as documented by tax returns or other credible evidence, falls below a threshold established by regulation;

(7) Impose an increased per-mile rate on autonomous vehicles for each mile traveled without a passenger;

(8) Impose an increased per-mile rate or a tiered system of increased per-mile rates on autonomous vehicles with a weight greater than or equal to 4,000 pounds (taking into account any motor vehicle fuels excise tax paid for vehicles over 8,500 pounds);

(9) Impose an increased per-mile rate on autonomous vehicles for each mile traveled between 8 am and 8 pm within a severe congestion zone as designated by the Department through rules promulgated under this chapter; and

(10) Create such exemptions as are necessary to ensure that the road usage charge is reasonably related to the services provided by the Department, including, but not limited to, exempting travel on private property and out-of-state travel.

Section 63F. Allocation of road usage charge revenue

(A) All road usage charge revenue collected from autonomous vehicles pursuant to Section 63E shall be credited to the commonwealth Transportation Fund.

SECTION 2. This act shall take effect upon its passage.