

# PBOT

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**Chloe Eudaly** Commissioner **Chris Warner** Interim Director

April 29, 2019

Senator Beyer and Representative McKeown  
Joint Committee on Transportation  
900 Court Street NE, Salem OR 97222

RE: HB 2770-3

Co-Chair Beyer, Co-Chair McKeown, and Members of the Committee:

Thank you for the opportunity to comment on HB 2770-3, which would permit the testing of highly automated vehicles in Oregon. The City of Portland, which represents the League of Oregon Cities on the Automated Vehicle Task Force (AVTF), is committed to the safe testing of highly automated vehicles (AV) in ways that advance both cities' and the State's adopted policy goals. HB 2770 helps adapt Oregon's laws to prepare for an automated vehicle future and begins to lay a foundation for making sure that Oregonians across the state will be safe from death and injury when companies test new technologies in their communities.

The City of Portland supports HB 2770 and believes that it would be further strengthened with some additional language in the legislation to:

- 1) Require the notification of local authorities and ensure compliance with local regulations;
- 2) Guarantee access to data that public-sector can use to advance local and state policy goals; and,
- 3) Expressly prohibit the commercial deployment of highly automated vehicles.

Require local notification and compliance:

A fundamental responsibility of local government is to protect public health, safety and welfare; ensure safe passage on public rights-of-way; and, govern activity in the public streets. To fulfill this responsibility, cities need access to information about what is happening in the public street and how it might impact safety, health, equity, environmental outcomes, and the distribution of people and resources. As such, ODOT should be required to notify local transportation agencies to make them aware of AV tests within their jurisdictions. We respectfully request that Section 5(1) be updated to direct ODOT to share copies of testing permits with local jurisdictions if any portion of testing is to occur within their jurisdictional limits.

In addition, we recommend that local notification extend beyond law enforcement and first-responders to include the chief city transportation engineer. Local transportation officials have a unique understanding of the transportation system in ways that other local officials might be unaware. For example, the chief transportation engineer will know where high-crash corridors are located, or when and where construction is planned. It is highly unlikely automated vehicle manufacturers or other local officials will have this information and, in this way, the notification of the chief transportation engineers would help guarantee that testing is conducted safely in every



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community across Oregon. We request that Section 9 be updated to include the notification of chief transportation engineers and that their expertise on local conditions be used to review and approve testing routes, dates, and times.

Finally, we recommend that legislation make explicit the requirement for AVs to comply with state and local laws, extending beyond “rules of the road” to include relevant local ordinances. To manage local issues, like congestion, local jurisdictions may enact ordinances to manage the unique context of their transportation systems. As we transition to an autonomous future, the City of Portland feels strongly that HB 2770-3 should be clear that local governments have the authority to establish additional traffic laws within their jurisdictions, as acknowledged in the 2018 AVT Final Report. We respectfully request that Section 5(2) be updated to clarify this.

Public-sector access to data that can be used to advance local and state policy goals:

As explained above, cities are responsible for managing the public right-of-way; ensuring safe passage on public rights-of-way; and, governing activity in the public streets. As managers of the public realm, including the publicly-funded infrastructure on which for-profit AV companies will operate, public sector entities are rightly aiming to define policies and practices to ensure AVs will improve traffic safety, decrease congestion, boost transportation choices, and support a strong economy and vibrant community development. To fulfill the responsibility of our role and implement the expectations of our communities, cities will require certain information from AVs to enforce existing laws, advance adopted policy goals, and develop new laws that protect and advance the public interest. In addition, as regulators of commerce in the public realm, cities will require access to data and information created by AV companies operating on the public street to appropriately manage, regulate, and permit their operations. We respectfully request that legislation acknowledge these needs and that Section 6 is updated to direct ODOT to adopt rules around data sharing with the appropriate local and state entities.

Prohibit the commercial deployment of automated vehicles:

In its 2018 Final Report, the Oregon Autonomous Vehicle Task Force agreed to focus solely on testing and remain silent on deployment. We interpreted the AVTF’s agreed silence on deployment policy implied a prohibition on commercial deployment until the Task Force would collectively addressed those issues. However, as currently written, HB 2770-3 does not expressly prohibit commercial deployment. The City of Portland believes that legislation should create a bright-line between testing and deployment and explicitly prohibit AV passenger or commercial vehicles from providing commercial service or for-hire transportation service under this law. We request that HB 2770-3 include the AVTF definition of “deployment” in Section 2 and include a provision in Section 4 noting that deployment is prohibited.

As members of the Joint Committee on Transportation may be aware, both the media and corporate marketing have created significant hype around the readiness of highly automated vehicles over the last few years. However, the bubble has recently popped as many now better understand the immense technical challenges to delivering on the vision of highly automated vehicles. Previous speculation said AVs would be all over the roads today, but many in the industry are now saying it might take a decade until the technology is ready for more widescale deployment. The City of Portland points this out to note that Oregon has the time to ensure our AV testing framework is effectively enabling the development of the technology, while also affording policymakers time to take a deliberate and mindful approach to establishing a longer-term deployment framework that will protect and advance the public good throughout the State and all of its communities.

Thank you for the opportunity to provide testimony in support of HB 2770-3. We strongly urge you to support this bill and the additional recommendations we have provided.

Respectfully,

Eric Hess  
City of Portland  
League of Oregon Cities’ Representative, Oregon AVTF