

**State of Maine**  
**Commission on Autonomous Vehicles**  
**Meeting Minutes**

November 7, 2018 – Department of Transportation - Augusta

**Attending:** Parker O'Brien, Kara Aguilar, Herb Thomson, Jonathan Rubin, Patty Morneault, Frank Kimball, Brian Parke, Bruce Scott, Larry Boivin, Tom Lynch, Garry Hinckley, Greg Jordan, Rebecca Grover, Bruce Van Note, Mark Lutte

Guests: Tom Brown (Maine Automobile Dealers Association), Melissa Landry (Maine Automobile Dealers Association), Wayne Emmington (FHWA), Toni Kemmerle (MaineDOT Legal Services Office)

Citizens in attendance: none

### Minutes

There were no changes to the minutes of the October 3, 2018 meeting.

#### Tom Brown, Melissa Landry - Maine Automobile Dealers Association

- There have been tests of delivery vehicles in Miami. Washington D.C. will also begin testing autonomous delivery vehicles.
- State DOT/law enforcement/motor vehicle divisions are developing an application process to monitor and quantify AVs on the roadways. Liability will be mostly directed to equipment manufacturers and technology developers, and most vehicles require a human in the vehicle.
- The vehicles have limited routes – however Phoenix, Arizona seems to have fairly open routes, and allow vehicles without a human in the vehicle.
- So far, there is no private ownership of AVs nor are individuals allowed to test AVs. The AVs are owned by the manufacturer or company that is doing the testing. The technology itself is currently being controlled and maintained by the developer.
- There is some legislation in the works. A bill was passed unanimously in the U.S. House of Representatives to create an initial regulatory framework for autonomous driving technology – not sure if it will make it through the U.S. Senate before personnel change.
- Dealership personnel will get training once private ownership has been cleared.
- There is an occasional private citizen who inquires about being able to test AVs. At this point they are unsure who is going to be first to offer these vehicles to the public.

#### Discussion with Tom Brown and Melissa Landry

*Has there been any talk or thought about the current inspection standards and how they'll apply to CAVs?*

There has been nothing discussed to their knowledge at this point. It is clear that there will be different areas of inspections that will need to be reviewed.

*Some of these technologies are available now. What is the learning curve in using this technology?*

There is a significant learning curve, and many customers haven't taken time to learn or dealers haven't had the ability to teach people what these vehicles are all about. Some people are bringing back new vehicles equipped with these technologies and asking to go back to their standard, base vehicles.

*Are there infrastructure technologies that you are aware of that we need in order for these vehicles to operate in Maine?*

The sensors in these vehicles will be looking for special types of paint and signatures on signs that enable the technology to tell the vehicle where they are. Yes, there will have to be some consistency among the states, which is what some of the federal legislation is about.

*Are these vehicles mostly electric or are they relying more so on gas vehicles?*

To their understanding, most of these vehicles will rely on electric.

## Resume Discussion of Application Process to Authorize Pilot Projects

Rulemaking Overview – Toni Kemmerle, MaineDOT Legal Services Office

When the rule is filed, we then let the legislative office know that the rule has been filed.

Other than that, it's a matter of working between the agency and the Secretary of State's office.

The process is fairly clear and set up by the Secretary of State. The Secretary of State guides you through, the Attorney General's Office has input at several points, and the public has a chance for public comment. Interested parties are copied and notified of the rules. The whole process is fairly smooth.

A rule is something that, in this case, needs to be done in compliance with the statute. A rule is defined as any part of a regulation, standard, code, statement of policy that is intended to be judicially enforceable and makes specific the law administered by the agency or described procedures of the agency. The rule is based on the law with further details for the agency's procedures for carrying out the law.

Rules are enforceable, and are similar to regulations.

The process for routine-technical is fairly simple:

- You have the directive
- Look at the statute you are enforcing and figure out the procedures and processes you want to set out
- Draft the rule
- Get feedback on the rule
- Put the proposed rule into proper form
- You do not have to have a public hearing, but you can and it is sometimes done.
- A hearing it is just an opportunity to hear comments on the rule. and is very focused.

If you do not have a hearing, the rule is published for 30 days, people have an opportunity to make comment, then there is a period where the agency responds to the comments. If there are a lot of comments, group responses can be made. Sometimes, a rule is modified in response to public comments.

Then, all elements are published by the Secretary of State (comments, responses, revised rule). Then rule is approved and the Secretary of State puts the rule into effect.

There is no obligation to make the changes, but the agency does need to provide reasoning on why those changes will not be made.

### *Discussion*

- MaineDOT would be the driver in consultation with the Department of Public Safety and the Secretary of State.
- This Commission would present a narrative of what they think a rule would look like, then the MaineDOT legal department could assist with language, and then the rule would be moved forward with the Secretary of State.
- Definitions are an extensive part of writing a rule.

*What is the usual timeframe for implementing the rule once we submit a first draft?*

- It depends on whether you decide to have a public hearing. With a public hearing, the process may take between two and three months, depending on the number of comments. You will want the AG's office to review as well, so give yourself time for that.

*Secretary of State doesn't conduct the public hearing?*

- Correct. They will schedule and advertise it, but the agency conducts the public hearing. It is intended to take comment, not to argue or discuss extensively with anyone.

Outline for Application Process

*Handout included in distributed packet – Outline of an Application Process for Autonomous Vehicle Pilot Projects in Maine*

*Discussion*

The application and rulemaking will probably be completed at the same time. Determination will need to be made as to who will be drafting these documents.

The city of Portland has defined some of the benefits they are hoping to achieve from a pilot. The RFP will likely outline further what these goals are. As previously discussed, it is understood that an AV provider would be the entity that applies to conduct a pilot in partnership with a municipality or other company.

The statute states that the Commission of the Department of Transportation, Secretary of State, and Commissioner of Public Safety will approve the application and also defines the applicant.

*Does the municipality have any say as to whether AVs are tested on their roadways if a roadway runs through their jurisdiction? Are hearings required and do they need to vote for approval? What level of support would we require from the municipality/host community?*

In Portland, there was a public forum with 60-70 people, and the proposal was well received and informative. There has been no council discussion about this issue, to our knowledge, at this time. We may want to indicate that council approval should be received prior to implementation.

Projects spanning long distances may prove challenging to collaborate and get approval through every municipality through which it passes. For example, would approval be needed by the Turnpike Authority, or by each individual jurisdiction? We should be careful not to make either approval mandatory. This may be an opportunity for supplemental documentation indicating evidence of the support of the affected communities.

There is currently no formal coordination or partnership on the pilot, between Portland and METRO.

We will also want to require a report back on the success of the pilot project (frequency, number of customers, etc.). In the rule, keep the wording generalized such that the Commissioner can act for the interest of the public and request additional data in the public interest as warranted. Flexibility is key. It is important to establish that sufficient communication/collaboration has been established between the tester and other parties (insurance, public, etc.)

One of the major motivators for Portland is to assist with resolving parking problems in the City.

Massachusetts is a good model for our rule and application.

The handouts are a good start. Members are asked to review and pass along any comments/concerns. Next steps will be to identify someone to produce the drafts.

## Around the Table

### *Portland AV Pilot*

Portland is planning an autonomous vehicle shuttle project, discussed at the last meeting. Since then, the INRIX mapping is nearly complete, or has been completed, and the city is interested in moving forward. They are developing a proposal from AV providers/manufacturers to help them develop pilot project.

The corridors under consideration are not considered typical corridors for testing, and may prove to be challenging for implementation. The route will need to be evaluated for feasibility.

As they move forward, it will be important for the Commission to move forward with establishing an application.

*A packet of CAV definitions was provided to members.*

- Herb will retire as of November 30, and may or may not be at the next meeting. We have not yet received guidance as to who will be chairing the committee after that.
- Uber is resuming their testing/pilot program.
- From FHWA:  
OMB published (Oct 17) MUTCD update – notice of proposed rulemaking March 2019  
New strategic plan has been posted
- 1.4 million rides have been completed by Ride Austin – work is being conducted at UMaine using this public dataset

## Agenda Items for Next Meeting

Review draft of rule and/or application.

## Public Comment

There were no comments from the public.

## Adjourn

Tentative next meeting at 1:30 p.m. on December 5th at the Department of Public Safety, if draft application and/or rule are ready for review.