

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1096 Session of 2018

INTRODUCED BY BROWNE, RAFFERTY, RESCHENTHALER, VULAKOVICH, KILLION, McGARRIGLE, BOSCOLA, BLAKE, YUDICHAK AND SABATINA, MARCH 28, 2018

AS AMENDED ON THIRD CONSIDERATION, SEPTEMBER 25, 2018

AN ACT

1 Amending ~~Title~~ TITLES 74 (TRANSPORTATION) AND 75 (Vehicles) of <--
2 the Pennsylvania Consolidated Statutes, IN AVIATION ADVISORY <--
3 COMMITTEE, FURTHER PROVIDING FOR AVIATION ADVISORY COMMITTEE;
4 in general provisions, further providing for definitions; in
5 rules of the road in general, providing for platooning; and
6 providing for highly automated vehicles.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 ~~Section 1. Section 102 of Title 75 of the Pennsylvania~~ <--
10 ~~Consolidated Statutes is amended by adding definitions to read:~~

11 SECTION 1. SECTION 6304 OF TITLE 74 OF THE PENNSYLVANIA <--
12 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBSECTION TO READ:
13 § 6304. AVIATION ADVISORY COMMITTEE.

14 * * *

15 (C.1) VACANCIES.--IF A POSITION UNDER SUBSECTION (A) HAS
16 BEEN VACANT FOR 120 DAYS, AN APPOINTMENT SHALL BE MADE ON A
17 ROTATING BASIS BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND
18 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO FILL THE VACANCY.

19 * * *

1 SECTION 2. SECTION 102 OF TITLE 75 IS AMENDED BY ADDING
2 DEFINITIONS TO READ:

3 § 102. Definitions.

4 Subject to additional definitions contained in subsequent
5 provisions of this title which are applicable to specific
6 provisions of this title, the following words and phrases when
7 used in this title shall have, unless the context clearly
8 indicates otherwise, the meanings given to them in this section:

9 * * *

10 "Highly automated work zone vehicle." A motor vehicle
11 equipped either with an automated driving system, or connected
12 by wireless communication or other technology to another vehicle
13 allowing for coordinated or controlled movement, used in an
14 active work zone as ~~implemented~~ APPROVED by the department or <--
15 the Pennsylvania Turnpike Commission, AS APPLICABLE. <--

16 * * *

17 "Platoon." A group of motor vehicles, buses, military
18 vehicles or motor carrier vehicles operated by a ~~human~~ DRIVER <--
19 traveling in a unified manner at electronically coordinated
20 speeds at following distances that are closer than would be
21 reasonable and prudent without such coordination. The term does
22 not include a school bus or a school vehicle.

23 * * *

24 Section ~~2~~ 3. Title 75 is amended by adding a section to <--
25 read:

26 § 3317. Platooning.

27 (a) General rule.--THE DEPARTMENT SHALL BE THE LEAD <--
28 COMMONWEALTH AGENCY ON PLATOONING.

29 (B) EXCEPTION.--Nonlead vehicles in a platoon shall not be
30 subject to the provisions of section 3310 (relating to following

1 too closely).

2 ~~(b)~~ (C) Visual identifier.--All vehicles in a platoon must <--
3 be marked with a visual identifier on the power unit. The
4 department, after consultation with the Pennsylvania State
5 Police AND THE PENNSYLVANIA TURNPIKE COMMISSION, shall publish <--
6 guidelines in the Pennsylvania Bulletin establishing ESTABLISH <--
7 the criteria and placement of the visual identifier AS PART OF <--
8 SUBSECTION (E).

9 ~~(e)~~ (D) Restrictions.--A platoon shall observe the following <--
10 restrictions:

11 (1) A maximum of three vehicles shall be in a platoon.

12 (2) Vehicles in a platoon shall travel only on limited
13 access highways or interstate highways, unless otherwise
14 permitted by the department or the Pennsylvania Turnpike
15 Commission, as applicable.

16 (3) The department or the Pennsylvania Turnpike
17 Commission, as applicable under paragraph (2), may restrict
18 vehicle movement under this section for operational or safety
19 reasons, including, but not limited to, emergency conditions.

20 (E) PLAN FOR GENERAL PLATOON OPERATIONS.--A PERSON MAY <--
21 OPERATE A PLATOON ON A HIGHWAY OF THIS COMMONWEALTH IF THE
22 PERSON FILES A PLAN FOR GENERAL PLATOON OPERATIONS WITH THE
23 DEPARTMENT. THE DEPARTMENT SHALL REVIEW THE PLAN IN CONSULTATION
24 WITH THE PENNSYLVANIA STATE POLICE AND THE PENNSYLVANIA TURNPIKE
25 COMMISSION, AS APPLICABLE. IF THE PLAN IS NOT REJECTED BY THE
26 DEPARTMENT WITHIN 30 DAYS AFTER RECEIPT OF THE PLAN, THE PERSON
27 SHALL BE ALLOWED TO OPERATE THE PLATOON.

28 Section 3 4. Title 75 is amended by adding a chapter to <--
29 read:

30 CHAPTER 85

1 HIGHLY AUTOMATED VEHICLES

2 Sec.

3 8501. Definitions.

4 8502. Highly automated ~~work zone~~ vehicle. <--

5 8503. ~~Commonwealth agency.~~ <--

6 ~~8504. Highly Automated Vehicle Advisory Committee.~~

7 § 8501. Definitions.

8 The following words and phrases when used in this chapter
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Advisory committee." The Highly Automated Vehicle Advisory
12 Committee established in section 8504 (relating to Highly
13 Automated Vehicle Advisory Committee).

14 § 8502. Highly automated ~~work zone~~ vehicle. <--

15 (a) General rule.--~~The department or the Pennsylvania~~ <--
16 ~~Turnpike Commission, as applicable, shall authorize the~~
17 ~~locations in Pennsylvania, on a periodic basis, to permit the~~
18 ~~deployment of a highly automated work zone vehicle.~~

19 ~~(b) Requirements.--A highly automated work zone vehicle~~
20 ~~shall not require a human operator only when operating in an~~
21 ~~active work zone.~~

22 ~~§ 8503. Commonwealth agency.~~

23 ~~(a) Authorization. The department and the Pennsylvania~~
24 ~~Turnpike Commission may deploy a highly automated work zone~~
25 ~~vehicle in accordance with section 8502 (relating to highly~~
26 ~~automated work zone vehicle) or platoon in accordance with~~
27 ~~section 3317 (relating to platooning) if the department or the~~
28 ~~Pennsylvania Turnpike Commission owns the vehicle.~~

29 ~~(b) Sovereign immunity. As provided by section 11 of~~
30 ~~Article I of the Constitution of Pennsylvania, it is declared to~~

1 ~~be the intent of the General Assembly that a Commonwealth~~
2 ~~agency, its officials and employees, acting within the scope of~~
3 ~~their duties and in accordance with section 3317 or 8502, shall~~
4 ~~continue to enjoy sovereign immunity and official immunity and~~
5 ~~remain immune from suits. A claim against the Commonwealth and~~
6 ~~its officials and employees shall be brought only in the manner,~~
7 ~~in the court and in the cases as directed under 42 Pa.C.S. Ch.~~
8 ~~85 (relating to matters affecting government units). THE~~ <--
9 ~~DEPARTMENT SHALL BE THE LEAD COMMONWEALTH AGENCY ON HIGHLY~~
10 ~~AUTOMATED VEHICLES.~~

11 (B) HIGHLY AUTOMATED WORK ZONE VEHICLES.--THE DEPARTMENT OR
12 THE PENNSYLVANIA TURNPIKE COMMISSION, AS APPLICABLE, SHALL
13 AUTHORIZE THE LOCATIONS IN PENNSYLVANIA, ON A PERIODIC BASIS, TO
14 APPROVE THE DEPLOYMENT OF A HIGHLY AUTOMATED WORK ZONE VEHICLE.
15 A DRIVER MAY BE REQUIRED IN A HIGHLY AUTOMATED WORK ZONE VEHICLE
16 WHEN USED IN AN ACTIVE WORK ZONE.

17 § ~~8504~~ 8503. Highly Automated Vehicle Advisory Committee. <--

18 (a) Establishment.--The Highly Automated Vehicle Advisory
19 Committee is established under the jurisdiction of WITHIN the <--
20 department.

21 (b) Composition.--The advisory committee shall consist of
22 not more than 21 members. The members shall be as follows: <--

23 (1) The secretary, who shall chair the advisory
24 committee.

25 (2) The Commissioner of Pennsylvania State Police.

26 (3) The Chief Executive Officer of the Pennsylvania
27 Turnpike Commission.

28 (4) The chairperson and minority chairperson of the
29 Transportation Committee of the Senate.

30 (5) The chairperson and minority chairperson of the

1 ~~Transportation Committee of the House of Representatives.~~

2 ~~(6) Not more than 14 members of the public, appointed by~~
3 ~~the Secretary of Transportation, that may include a diverse~~
4 ~~group of representatives, including, but not limited to,~~
5 ~~business, academia, local authorities, insurance, safety~~
6 ~~advocates, consumer advocates, engineers, labor~~
7 ~~organizations, environmental experts, and other members~~
8 ~~determined to be appropriate by the Secretary of~~
9 ~~Transportation.~~

10 ~~(7) Each member under paragraphs (2), (3), (4) and (5)~~
11 ~~may designate an alternate to serve in the member's stead.~~
12 ~~The member shall notify the chairperson in writing of the~~
13 ~~designation.~~

14 ~~(c) Terms. The terms of each member appointed by the~~
15 ~~Secretary of Transportation shall be for three years. A member~~
16 ~~of the advisory committee may be reappointed for additional~~
17 ~~terms. An individual appointed to fill a vacancy shall serve for~~
18 ~~the unexpired term and shall be eligible for reappointment.~~

19 ~~(d) Powers and duties. The powers and duties of the~~
20 ~~advisory committee shall be to advise and consult the Governor,~~
21 ~~the secretary and the General Assembly on all aspects of highly~~
22 ~~automated vehicles and may do any of the following, including,~~
23 ~~but not limited to:~~

24 ~~(1) Develop technical guidance.~~

25 ~~(2) Evaluate best practices.~~

26 ~~(3) Recommend legislation and policy.~~

27 ~~(4) Engage in continued research and evaluation of the~~
28 ~~technology necessary to ensure safe testing, deployment and~~
29 ~~continued innovation in this Commonwealth.~~

30 ~~(e) Meetings and expenses. The following shall apply:~~

1 ~~(1) The advisory committee shall meet at least three~~
2 ~~times annually, but may hold additional meetings as are~~
3 ~~called by the chairperson of the advisory committee. The~~
4 ~~chairperson shall provide notice at least 14 days in advance~~
5 ~~for regular meetings and shall provide a minimum of three~~
6 ~~days' notice for special meetings.~~

7 ~~(2) The secretary shall maintain a record of meeting~~
8 ~~attendance by members and shall provide written notice to~~
9 ~~appointed members who miss two consecutive meetings. An~~
10 ~~appointed member under subsection (b) (6) who misses three~~
11 ~~consecutive meetings without good cause acceptable to the~~
12 ~~chairperson of the advisory committee may be replaced by the~~
13 ~~secretary.~~

14 ~~(3) Minutes of the meetings shall be prepared and filed~~
15 ~~with the advisory committee and distributed to each member.~~
16 ~~Each record shall be a matter of public record.~~

17 ~~(4) An appointed member under subsection (b) (6) may not~~
18 ~~receive per diem expenses.~~

19 ~~(5) The department shall provide appropriate staff~~
20 ~~support to enable the advisory committee to properly carry~~
21 ~~out the advisory committee's functions.~~

22 ~~(f) Annual report. The department shall provide an annual~~
23 ~~report of the activities under subsection (d) on the~~
24 ~~department's publicly accessible Internet website.~~

25 ~~Section 4. This act shall take effect in 90 days.~~

26 THE FOLLOWING MEMBERS:

<--

27 ~~(1) THE SECRETARY OF TRANSPORTATION, WHO SHALL SERVE AS~~
28 ~~THE CHAIRPERSON OF THE ADVISORY COMMITTEE.~~

29 ~~(2) THE SECRETARY OF COMMUNITY AND ECONOMIC DEVELOPMENT.~~

30 ~~(3) THE INSURANCE COMMISSIONER.~~

1 (4) THE SECRETARY OF LABOR AND INDUSTRY.
2 (5) THE COMMISSIONER OF PENNSYLVANIA STATE POLICE.
3 (6) THE CHIEF EXECUTIVE OFFICER OF THE PENNSYLVANIA
4 TURNPIKE COMMISSION.

5 (7) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
6 TRANSPORTATION COMMITTEE OF THE SENATE.

7 (8) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
8 TRANSPORTATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

9 (9) THE FOLLOWING MEMBERS TO BE APPOINTED BY THE
10 GOVERNOR:

11 (I) ONE MEMBER REPRESENTING A TRANSIT AUTHORITY IN
12 THIS COMMONWEALTH.

13 (II) ONE MEMBER REPRESENTING A TRANSPORTATION,
14 EDUCATIONAL OR RESEARCH INSTITUTION IN THIS COMMONWEALTH.

15 (III) ONE MEMBER REPRESENTING A TECHNOLOGY COMPANY
16 ENGAGED IN DEVELOPING HIGHLY AUTOMATED VEHICLES.

17 (IV) ONE MEMBER REPRESENTING A VEHICLE MANUFACTURER
18 ENGAGED IN DEVELOPING HIGHLY AUTOMATED VEHICLES.

19 (V) ONE MEMBER REPRESENTING BICYCLISTS OR
20 PEDESTRIANS IN THIS COMMONWEALTH.

21 (VI) ONE MEMBER REPRESENTING DRIVERS OR CONSUMERS IN
22 THIS COMMONWEALTH.

23 (VII) ONE MEMBER REPRESENTING A MUNICIPALITY OF THIS
24 COMMONWEALTH.

25 (VIII) ONE MEMBER REPRESENTING PLATOON OPERATIONS.

26 (IX) ONE MEMBER REPRESENTING AN INSURANCE COMPANY,
27 ASSOCIATION OR EXCHANGE WHO IS AUTHORIZED TO TRANSACT THE
28 BUSINESS OF MOTOR VEHICLE INSURANCE IN THIS COMMONWEALTH.

29 (C) VACANCIES.--IF A POSITION UNDER SUBSECTION (B) (9) HAS
30 BEEN VACANT FOR 120 DAYS, AN APPOINTMENT SHALL BE MADE ON A

1 ROTATING BASIS BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND
2 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO FILL THE VACANCY.

3 (D) ALTERNATES.--AN ADVISORY COMMITTEE MEMBER UNDER
4 SUBSECTION (B) (2), (3), (4), (5), (6), (7) OR (8) MAY DESIGNATE
5 AN ALTERNATE TO SERVE IN THE MEMBER'S ABSENCE. THE ADVISORY
6 COMMITTEE MEMBER SHALL NOTIFY THE CHAIRPERSON OF THE ADVISORY
7 COMMITTEE IN WRITING OF THE DESIGNATION.

8 (D.1) FURTHER ALTERNATES.--THE SECRETARY MAY DESIGNATE AN
9 ALTERNATE UNDER SUBSECTION (D) WHO MUST BE A DEPUTY SECRETARY.

10 (E) TERMS.--AN ADVISORY COMMITTEE MEMBER MAY BE REAPPOINTED
11 FOR ADDITIONAL TERMS. THE TERMS OF ADVISORY COMMITTEE MEMBERS
12 APPOINTED BY THE GOVERNOR UNDER SUBSECTION (B) (9) SHALL BE THREE
13 YEARS. AN INDIVIDUAL APPOINTED TO FILL A VACANCY ON THE ADVISORY
14 COMMITTEE UNDER SUBSECTION (B) SHALL SERVE FOR THE UNEXPIRED
15 TERM AND SHALL BE ELIGIBLE FOR REAPPOINTMENT.

16 (F) MEETINGS AND EXPENSES.--THE FOLLOWING SHALL APPLY:

17 (1) THE ADVISORY COMMITTEE SHALL MEET AT LEAST THREE
18 TIMES ANNUALLY, BUT MAY HOLD ADDITIONAL MEETINGS AS ARE
19 CALLED BY THE CHAIRPERSON OF THE ADVISORY COMMITTEE. THE
20 CHAIRPERSON SHALL PROVIDE NOTICE AT LEAST 14 DAYS IN ADVANCE
21 FOR REGULAR MEETINGS AND SHALL PROVIDE A MINIMUM OF THREE
22 DAYS' NOTICE FOR SPECIAL MEETINGS.

23 (2) A RECORD OF MEETING ATTENDANCE SHALL BE MAINTAINED
24 AND APPOINTED MEMBERS MUST RECEIVE WRITTEN NOTICE IF TWO
25 CONSECUTIVE MEETINGS ARE MISSED. AN APPOINTED MEMBER UNDER
26 SUBSECTION (B) (9) WHO MISSES THREE CONSECUTIVE MEETINGS
27 WITHOUT GOOD CAUSE ACCEPTABLE TO THE CHAIRPERSON OF THE
28 ADVISORY COMMITTEE MAY BE REPLACED BY THE GOVERNOR.

29 (3) MINUTES OF THE MEETINGS SHALL BE PREPARED AND FILED
30 WITH THE ADVISORY COMMITTEE AND DISTRIBUTED TO ALL MEMBERS.

1 ALL RECORDS SHALL BE A MATTER OF PUBLIC RECORD.

2 (4) AN APPOINTED MEMBER UNDER SUBSECTION (B) (9) MAY NOT
3 RECEIVE PER DIEM EXPENSES.

4 (5) THE DEPARTMENT SHALL PROVIDE APPROPRIATE STAFF
5 SUPPORT TO ENABLE THE ADVISORY COMMITTEE TO PROPERLY CARRY
6 OUT THE ADVISORY COMMITTEE'S FUNCTIONS.

7 (G) POWERS.--THE ADVISORY COMMITTEE SHALL HAVE THE POWER TO
8 ADVISE AND CONSULT THE SECRETARY ON ALL ASPECTS OF HIGHLY
9 AUTOMATED VEHICLES AND PLATOONING IN THIS COMMONWEALTH AND MAY
10 UNDERTAKE ANY OF THE FOLLOWING, AT A MINIMUM:

11 (1) DEVELOPING TECHNICAL GUIDANCE.

12 (2) EVALUATING BEST PRACTICES.

13 (3) REVIEWING EXISTING LAWS, REGULATIONS AND POLICIES.

14 (4) ENGAGING IN CONTINUED RESEARCH AND EVALUATION OF
15 CONNECTED AND AUTOMATED SYSTEMS TECHNOLOGY NECESSARY TO
16 ENSURE SAFE TESTING, DEPLOYMENT AND CONTINUED INNOVATION IN
17 THIS COMMONWEALTH.

18 (H) ANNUAL REPORT.--THE DEPARTMENT SHALL PROVIDE AN ANNUAL
19 REPORT OF THE ACTIVITIES OF THE ADVISORY COMMITTEE UNDER
20 SUBSECTION (G) ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET
21 WEBSITE.

22 SECTION 5. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.