

The Honorable Tim Hennessey, Chair
Members of the House Transportation Committee

City of Philadelphia, Office of Transportation, Infrastructure, and Sustainability

March 17, 2022

Good afternoon, Representative Oberlander and Members of the House Transportation Committee. My name is Kelley Yemen and I am the Director of Complete Streets in the Office of Transportation, Infrastructure, and Sustainability (OTIS) for the City of Philadelphia and here to submit testimony regarding proposed HAV legislation - **SB 965 AND HB 2398**

The City of Philadelphia Office of Transportation, Infrastructure, and Sustainability (OTIS) is responsible for driving change through Philadelphia's transportation and infrastructure systems. OTIS leads a diverse group of city departments and divisions including the City's Complete Streets Office, Department of Streets, and the Philadelphia Water Department among others. Through our policies and programs, we work to provide cost-effective, quality services with a focus on Philadelphia's 1.6 million residents.

We appreciate the legislature's attention to the future of highly autonomous vehicles (HAVs) in the Commonwealth. Our concerns with the HAV legislation as drafted are three-fold: 1) The legislation preempts municipalities' ability to regulate HAV operations in a similar manner to how municipalities regulate non-HAV vehicles today, and 2) amendments to the legislation from its original draft eliminate a requirement that a driver (in-vehicle or remote) oversee operation of an HAV; and 3) the draft legislation is ambiguous as to what provisions of the motor vehicle code apply to HAVs. We recommend solutions to these concerns and additional drafting updates to increase clarity of the legislation's intent.

§8510 – Control. Municipalities should retain the ability to set reasonable standards on the operations of HAVs within their jurisdictions.

OTIS is concerned that §8510 eliminates the reasonable ability of the City of Philadelphia to ensure the safety of the traveling public in the public right-of-way. While we believe that the legislation's intent is to ensure HAVs are not subject to restrictions different than regular, driver-

operated vehicles, there is too much space in the language as drafted for bad actors to operate while municipalities hands are tied. The section currently prohibits ***“a political subdivision of the Commonwealth [from adopting or enforcing] a policy, rule or ordinance that sets standards or otherwise burdens, prohibits, limits or regulates the operation of a highly automated vehicle.”***

We believe it is reasonable for Commonwealth municipalities to set common sense rules and standards on the operation of automated vehicles within their boundaries. The legislation as drafted would constrain Philadelphia’s ability to ensure the safety of its residents in the public right-of-way due to its overly broad language proscribing *any* standards for HAVs.

Taken literally, the City would be prohibited from enforcing speed limits or traffic lights, to name just two issues. We recommend the section be amended to state that HAVs shall not be regulated ***in a manner different than that of a non-HAV.***

§8504 – Operation of highly automated vehicles without a highly automated vehicle driver. Oversight by a human driver should be required for HAV operation in the Commonwealth.

Additionally, OTIS is concerned that amendments to proposed section §8504 now authorize HAVs to operate entirely without a driver. Previously this legislation referenced either a driver “on board’ or a driver “in a remote location”. The current draft removes reference to a driver on board or remote, with the effect of allowing HAVs to operate on the public roads of this Commonwealth without driver oversight.

We believe the prudent approach as this technology develops is to use the original language requiring oversight by a human operator whether onboard or remote. Requiring oversight by a human operator adds additional protection for the public by ensuring a person has ultimate control over the vehicle as these large autonomous vehicles are tested in the public right-of-way. Allowing the vehicles to operate without any control or oversight by a human operator creates an unnecessary risk to the traveling public.

§8506 – Operation of highly automated motor vehicles. The legislation text should be amended to more clearly identify what provisions of the motor vehicle code are applicable to HAVs.

Lastly, §8506 as written is unclear as to where certain responsibilities lie with relation to HAV operations because it excepts HAVs from **“any provision [of Federal and State laws governing commercial drivers and the operation of commercial motor vehicles] which by its nature reasonably applies only to a driver”**. For example, it is accepted that the driver has responsibility to stop a vehicle. Whereas, the vehicle itself must have headlamps. Our concern is that this language as drafted makes it unclear where responsibility lies when an HAV operates in a way that today would be considered negligent, reckless, or illegal if such operation was by a driver-controlled vehicle. Speeding and yielding right-of-way are additional examples which by their nature are the responsibility of drivers. It is unclear as drafted whether these provisions of law are applicable to HAVs under the legislation.

Thank you again for the opportunity to testify today. We appreciate the both the House and Senate Transportation Committee’s work on this issue and look forward to continued partnership on the future of highly autonomous vehicles in Pennsylvania.