

**ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018**  
**COMMITTEE STATEMENT**  
**LB989**

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**Hearing Date:** Tuesday February 13, 2018  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Wishart  
**One Liner:** Authorize testing of autonomous vehicles by a city of the primary class on its roadways

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Bostelman, Briese, Friesen, Geist, Hilgers, Hughes, Murante, Smith  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**

Senator Anna Wishart  
Miki Esposito  
Lonnie Burklund  
Bruce Bohrer  
Richard Schmeling  
Brad Moline

**Representing:**

District 27  
City of Lincoln  
City of Lincoln  
Lincoln Chamber of Commerce  
Self  
Allo Communications

**Opponents:**

Carla Jacobs  
Rhonda Lahm  
Leighton Yates

**Representing:**

Uber Technologies  
Nebraska Department of Motor Vehicles  
Alliance of Automobile Manufacturers

**Neutral:**

Randall Geer  
Joselyn Luedtke  
Tad Fraizer

**Representing:**

ABATE of Nebraska  
Verizon  
American Insurance Association

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**Summary of purpose and/or changes:**

This bill would allow a city of the primary class (Lincoln), either by itself or in partnership with a private entity or entities, to conduct pilot projects involving the testing of autonomous vehicles. The vehicles, which could include vehicles without drivers, steering wheels, brake pedals, or accelerator pedals, would be allowed if: (a) the testing is limited to an area within the city; (b) the vehicle would be operated at a speed no faster than 35 mph; (c) prior to the start of testing, there shall be insurance obtained of at least \$5 million; and that a detailed description of the testing shall be submitted to the Department of Transportation.

The detailed description shall include: (a) verification that testing under controlled conditions has been conducted and that the city has concluded that the vehicle is safe to operate; (b) evidence that the city department with jurisdiction over streets approved the testing; (c) verification that the vehicle can operate only under the environmental, traffic, and speed

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conditions authorized; (d) verification that the testing complies with federal requirements; (e) verification that the vehicle complies with federal standards; (f) identifies to the state DOT the vehicles that are to be tested on the public roadways; (g) verification that communication link equipment is operational between the driverless vehicle and a remote operator; (h) verification that the vehicle is designed to comply with the Nebraska Rules of the Road and local traffic regulations; and (i) a copy of a law enforcement interaction plan.

If there are passenger participants, the operator of the autonomous vehicle technology shall disclose what personal information it is collecting. The Department of Transportation may require data collection for evaluating the safety of the vehicles, which may include (a) a report of collisions involving the operation of the autonomous vehicle; and (b) the submission of an annual report summarizing information on unplanned disengagements. Nothing in the bill would limit the Department of Transportation's authority from adopting and promulgating rules and regulations governing the testing and operation of autonomous vehicles on public roadways.

Finally, the bill provides a termination date of four years after the effective date of the act.

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**Explanation of amendments:**

AM 2612 was adopted by the committee and substituted for the original bill. The committee amendment changed all provisions of the original bill. Following is a section-by-section summary of the amendment:

Section 1. The Act shall be known as the Automated Vehicle Testing Act.

Section 2. The purpose of the Act is to allow testing of automated vehicles.

Section 3. Definitions.

(1) "Automated driving system" -- hardware and software collectively capable of performing the dynamic driving task. Term applies to levels 3, 4, and 5. Term does not apply to systems such as blind-spot detection, cruise control, and other common active safety systems.

(2) "Automated vehicles" -- applies term to vehicles operating at levels 3, 4, and 5.

(3) "Automated vehicle manufacturer or other entity" -- manufactures or modifies automated vehicles.

(4) "Automated vehicle test driver" -- person seated in a seat of an automated vehicle who possesses the proper class of operator's license and is capable of taking over active physical control of the vehicle

(5) "Autonomous models" -- being operated with or without a test driver actively supervising the autonomous technology's performance of the dynamic driving task.

(6) "Conventional models" -- means being operated under the physical control of the test driver.

(7) "Department" -- the Department of Motor Vehicles (DMV)

(8) "Dynamic driving tasks" -- means all the real-time operational and tactical functions required to operate a vehicle in on-road traffic.

(9) "Dynamic driving task fallback" -- means a response by the user or the automated driving system to perform the dynamic driving task or achieve a minimal risk condition after occurrence of a system failure.

(10) "Law enforcement officer" -- defined as in Section 81-1401

(11) "Level 0 automation" -- driving normally, even when enhanced by active safety systems

(12) "Level 1 automation" --sustained and operational design domain specific execution by a driving automation system of the lateral or longitudinal vehicle motion control sub-task of the dynamic driving task, but not both simultaneously, with the expectation that the driver performs the remainder of the dynamic driving task.

(13) "Level 2 automation" -- sustained and operational design domain specific execution by a driving automation system of both the lateral and longitudinal vehicle motion control sub-tasks of the dynamic driving task with the expectation that the driver will complete the object and event detection and response execution sub-tasks and supervise the driving automation system.

(14) "Level 3 automation" -- sustained and operational design domain specific performance by a driving automation system of the entire dynamic driving task with the expectation that the dynamic driving task fallback ready user is receptive to automated driving system issued requests to intervene, as well as to dynamic driving task performance relevant system failures in other vehicle systems, and will respond appropriately.

(15) "Level 4 automation" -- the sustained and operational design domain specific performance by an automated driving system of the entire dynamic driving task and dynamic driving task fallback, without any expectation that a user will respond to a request to intervene.

(16) "Level 5 automation" -- the sustained and unconditional performance by an automated driving system of the entire dynamic driving task and dynamic driving task fallback without any expectation that a user will respond to a request to intervene.

(17) "Minimal risk condition" -- the condition a user or automated driving system brings a vehicle in order to reduce the risk of a crash.

(18) "On-demand automated vehicle network" -- passenger transport network to connect passengers to automated vehicles for transportation.

(19) "Operational design domain" -- Specific conditions under which a given driving automation system or feature is designed to function.

(20) "Public highway" -- the entire width of the boundary limits of a street, road, avenue, boulevard, or way that is open to the use of the public for vehicular traffic.

(21) "State" -- the State of Nebraska.

(22) "Testing of Automated Vehicle" -- Operation of a vehicle that requires an automated vehicle test driver to continuously supervise the vehicle's performance.

Section 4. Political subdivision shall not enact ordinance in conflict with act.

Section 5. Automated vehicle shall be in conformance with Federal Motor Vehicle Safety Standards, Title 49 of the CFR.

Section 6. DMV administers act.

Section 7. Automated Vehicle Committee is composed of DMV director, Department of Transportation director, Director of Insurance, and head of State Patrol. The committee shall review applications for testing and make recommendations to DMV.

Section 8. Any testing will require a permit from DMV.

Section 9. Auto manufacturer or other entity, political subdivision, or state agency can apply for permit for testing. This section sets out application criteria, including the type of vehicle testing, the results of the testing, the routes proposed, and evidence of insurance, in addition to other requirements.

Section 10. Insurance provision--\$5 million policy limit per occurrence, \$2.5 limit per person.

Section 11. DMV has 15 days to approve or deny application. DMV may revoke or suspend permit for material changes from permit application, threats to public safety, or if continued testing would violate the act. DMV's decisions may be appealed pursuant to Administrative Procedure Act.

Section 12. The permit format would be in a form prescribed by the DMV. The permit would be kept in the vehicle at all times.

Section 13. The test vehicle would be clearly marked as an automated test vehicle at all times.

Section 14. Titling and Registration shall comply with state law.

Section 15. Operation and driving shall comply with Nebraska Rules of the Road.

Section 16. Provision relating to reporting of accidents and unintentional disengagements to DMV.

Section 17. Permitholder shall provide written disclosure to any passenger regarding personal information collected on how the information would be used.

Section 18. DMV may adopt and promulgate rules and regulations to carry out the act.

Section 19. The state or any political subdivision shall be immune from liability, unless it is a permit holder and is negligent.

Section 20. The Act sunsets on January 1, 2023.

Section 21. References Section 22 as part of the Political Subdivisions Tort Claims Act.

Section 22. Amends Section 13-901 of the Political Subdivisions Tort Claims Act relating to permitholders which are political subdivisions.

Section 23. Amends Section 44-6408 relating to motor vehicle insurance policy liability limits to incorporate the provisions of Section 10.

Section 24. Amends Section 60-534 relating to motor vehicle insurance policy liability limits to incorporate the provisions of Section 10.

Section 25. Amends mandatory insurance provisions of Section 60-538 to incorporate changes made in Section 24.

Section 26. Internal reference to incorporate Section 27 into State Tort Claims Act.

Section 27. Amends State Tort Claims Act regarding suits against state if state is a permitholder.

Section 28. Repealer

Section 29. Emergency clause

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Curt Friesen, Chairperson