

Testimony of Ariel Wolf on behalf of the Autonomous Vehicle Industry Association
Kansas House Committee on Transportation
March 29, 2022

Chair Proehl, Vice Chair Delperdang, and Members of the Committee, my name is Ariel Wolf, and I serve as General Counsel to the Autonomous Vehicle Industry Association (“AVIA”), which represents the broad cross-section of manufacturers and developers of autonomous vehicle technology in the United States. Thank you for the opportunity to testify today on SB 546. AVIA supports state legislation that provides for the safe and swift deployment of AV technology that will save lives and bolster our supply chain. However, we are concerned that SB 546, as currently drafted, is not optimized to achieve these objectives. As a result, AVIA remains neutral on the bill and requests modifications that are explained below.

By way of background, AVIA was formed in 2016 and includes more than 15 of the world’s leading autonomous vehicle companies. Our mission is to support the safe and swift deployment of autonomous vehicles, also known as SAE Levels 4- and 5-capable vehicles. We are committed to bringing the tremendous safety, mobility, and economic benefits of AVs to Kansas businesses and consumers in a safe, responsible, and timely manner.

AVs hold the potential both to save lives and to change the way we move. Earlier this year, the National Highway Traffic Safety Administration reported that nearly 32,00 Americans died on our roads in the first nine months of 2021. Those deaths represent the highest number of fatalities in the first nine months of any year in the past 15 years. The U.S. Department of Transportation has stated that the overwhelming majority of these fatalities involve at least one human behavioral issue as a contributing factor. The ongoing tragedy on our roadways underscores the need to support AV deployment. AVs have the potential to reduce fatal traffic crashes because, unlike human drivers, AVs will never drive drunk, drowsy, or distracted—all major contributors to roadway deaths.

By creating a path to deployment, SB 546 acknowledges the benefits that AVs can bring to Kansas. AVIA supports many of the provisions in this bill. However, as currently written, several of the provisions would limit the benefits offered by AV technology to Kansas consumers and businesses. For example, we are concerned with the provision in Section 5 requiring a

human driver to be present for 24 consecutive months in AVs that provide transportation services for riders in the state. The bill already requires a human driver to be present for 12 months in every AV, though we note that this concept departs from the approach taken by nearly every other state that has enacted an AV law across the country. An *additional* 12-month restriction placed on AVs that provide transportation services draws an arbitrary line between different use cases of AVs, and ignores years of successful AV operation in neighboring states and tens of millions of miles of testing by the many companies that AVIA represents. Including a human-driver requirement makes the operation of AVs in Kansas more difficult and less likely, without any corresponding safety benefit.

Another example is Section 4(c)(1), which should be modified to align with terminology that reflects Level 4 AV operation. Instead of authorizing a human driver to respond “when it is reasonably foreseeable,” the provision should state that a human driver may be present in an AV and “expected to respond to a request to intervene.” We understand that this was a technical error in drafting an amendment in the Senate Committee process, and we ask that the Committee provide for the correction.

Kansas’s unique features, including strong engineering talent and geographic centrality, position Kansas to become a leader in the AV ecosystem. If the above two concerns are addressed, AVIA will be neutral with respect to SB 546. We appreciate the opportunity to work with the Legislature and industry stakeholders on this important issue. Thank you for your time and consideration.