

Revised Rules for the Autonomous Vehicle Program

In 2019, the 92nd General Assembly of the State of Arkansas enacted Act 468 during the Regular Session which established the opportunity for the implementation of Autonomous Vehicle Pilot Programs by commercial entities. Act 468 required the Arkansas Highway Commission to adopt rules necessary for the implementation of a program. Act 468 established that in order for a program to be approved, information must be submitted to the Arkansas Highway Commission including the purpose of the program, proof of insurance, statement that the vehicles are capable of complying with all traffic and motor vehicle safety laws and are capable of maintaining a reasonably safe state of operation if a failure of the automated driving system occurs. Each program was allowed to operate a maximum of three autonomous vehicles on the streets and highways of the State.

In 2021, the 93rd General Assembly of the State of Arkansas enacted Act 619 during the Regular Session which amended the law concerning Autonomous Vehicle Programs. The most significant change made by Act 619 is that it allows an unlimited number of autonomous vehicles to be operated under each Autonomous Vehicle Program that has been approved by the Department.

In order to accommodate the changes made by Act 619, the adopted rules must be revised. Attached are the revised Autonomous Vehicle Program Rules, which will be promulgated in order to implement these changes.

DRAFT

ARKANSAS DEPARTMENT OF TRANSPORTATION
AUTONOMOUS VEHICLE PILOT PROGRAM RULES

I. Introduction

Pursuant to Arkansas Code Annotated (A.C.A.) § 27-51-2002, the Arkansas State Highway Commission (Commission) may approve a proposed autonomous vehicle ~~pilot~~ program submitted by a person. These rules are issued in accord with the statutory authority set out in subsection (d).

II. Definitions

(a) As used in these rules:

(1) "Automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the automated driving system is limited to a specific Operational Design Domain.

(A) An Operational Design Domain (ODD) is the description of the specific operating domain(s) in which an automated function or system is designed to properly operate, including but not limited to roadway types, speed range, environmental conditions (weather, daytime/nighttime, etc.), and other domain constraints.

(2) "Autonomous vehicle" means a vehicle equipped with an automated driving system that can drive the vehicle for any duration of time without the active physical control or monitoring of a human operator.

(3) "Dynamic driving task" means the real-time operational and tactical functions required to operate a vehicle in on-road traffic, including without limitation the operational functions of:

(A) Lateral vehicle motion control via steering;

(B) Longitudinal motion control via acceleration and deceleration;

(C) Monitoring of the driving environment using object and event detection, recognition, classification, and response preparation;

(D) Object and event response execution;

(E) Maneuver planning; and

(F) Lighting and signaling operation designed to enhance conspicuity of the vehicle.

(4) "Dynamic driving task" does not include the strategic functions of:

(A) Trip scheduling; or

(B) Selection of destinations and waypoints.

(5) "Fully autonomous vehicle" means a vehicle equipped with an automated driving system designed to function as a level four-"high automation" or level five-"full

automation" system under Society of Automobile Engineers "Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles" and may be designed to function solely by use of the automated driving system, or when the automated driving system is not engaged, to permit operation by a human operator.

(6) "Person" means every natural person, firm, co-partnership, association, corporation, or any political subdivision of the State of Arkansas, individually or collectively, including all counties, municipal corporations, public transit authorities, school districts, and special improvement districts.

(7) "Minimal risk condition" means a low-risk operating mode in which a fully autonomous vehicle operating without a human operator is brought to a complete stop upon experiencing a failure of the vehicle's automated driving system that renders the vehicle unable to perform the entire dynamic driving task.

(8) "Disengagement of the autonomous mode" means a deactivation of the autonomous mode when a failure of the autonomous technology is detected or when the safe operation of the vehicle requires that a human operator that is physically in the vehicle or that is remotely located takes control of the vehicle.

(9) "Human operator" means an individual who operates a vehicle by manually controlling the:

(A) Brake;

(B) Accelerator pedal;

(C) Steering wheel; or

(D) Transmission gear selection;

(10) "On-demand driverless capable vehicle network" means a transportation service network that uses a software application or other digital means to dispatch autonomous vehicles or fully autonomous vehicles for purposes of transporting persons or goods, including without limitation vehicles used for:

(A) For-hire transportation;

(B) The transportation of multiple passengers who agree to share the ride in whole or in part; or

(C) Public transportation; and

(11) "Remote operator" means an individual who is:

(A) Able to provide remote assistance to a fully autonomous vehicle in driverless operation; or

(B) Not seated in a position to manually control a vehicle's:

(i) Brake;

(ii) Accelerator pedal;

(iii) Steering wheel; or

(iv) Transmission gear selection.

III. Application

(a) Any person seeking approval for an autonomous vehicle ~~pilot~~ program shall submit to the Commission an application providing the following information:

(1) A filled application form (downloadable from <https://www.ardot.gov/AVForm>)

~~(1)~~ (2) A statement of the commercial purpose of the autonomous vehicle ~~pilot~~ program;

~~(2)~~ (3) The identification of any additional requirements for proof of insurance under the Motor Vehicle Safety Responsibility Act, A.C.A. §§ 27-19-101 et seq., and 27-22-101 et seq. Proof that the autonomous vehicle program complies with the minimum liability insurance coverage requirements for a motor carrier of property under 49 C.F.R. § 387.9 as it existed on January 1, 2021;

~~(3)~~ (4) A statement acknowledging that:

(A) The autonomous vehicle or fully autonomous vehicle is capable of complying with all applicable traffic and motor vehicle safety laws of this state and rules adopted by the Office of Motor Vehicle, including without limitation the laws and rules concerning the capability to safely negotiate railroad crossings, if applicable unless an exemption for the operation of autonomous vehicles or fully autonomous vehicles at railroad crossings has been obtained from the owner of the railroad by the person submitting the application;

(B) The fully autonomous vehicle is capable of achieving ~~reasonably safe state or~~ “a minimal risk condition” if a failure of the automated driving system occurs that renders the automated driving system unable to perform the entire dynamic driving task; ~~and~~

(C) The autonomous vehicle or fully autonomous vehicle meets Federal Motor Vehicle Safety Standards and Regulations, 49. C.F.R. Part 571 as it existed on January 1, 2021, for the vehicle's model year, except to the extent an exemption has been granted under applicable federal law, and all other applicable safety standards and performance requirements stated in state and federal law and rules adopted by the commission; and

~~(C)~~ (D) A The remote operator of a fully autonomous vehicle involved in a motor vehicle accident is capable of meeting the requirements of A.C.A. §§ 27-53-101, 27-53-102, and 27-53-105.

~~(4)~~ (5) A description of how a fully autonomous vehicle is capable of meeting the requirement of the statement required in A.C.A. § 27-51-2002 (b)(3)(C).

(6) An autonomous vehicle or fully autonomous vehicle shall be registered and titled as required under the Motor Vehicle Administration, Certificate of Title, and Antitheft Act, § 27-14-101 et seq.

IV. Application Review, Approval, Denial, or Withdrawal of Approval

(a) Upon receipt of an application, the Commission will refer it for consideration to the Director of the Arkansas Department of Transportation.

~~(b) An autonomous vehicle pilot program is automatically approved sixty days after the date of submission of the application to Commission unless the Director approves or denies the application prior to the end of the sixty days.~~

~~(c)~~ (b) The Director will:

- (1) Review the application, and approve or deny the application based upon its compliance with these rules; and
- (2) Notify the applicant of the decision in writing.

~~(d)~~ (c) The Director can withdraw approval of an autonomous vehicle pilot program at any time for any reason. If approval of an autonomous vehicle pilot program is withdrawn, the Director will notify the applicant of the decision in writing.

~~(e)~~ (d) The applicable administrative adjudication provisions of the Arkansas Administrative Procedure Act found in A.C.A. §§ 25-15-208 to -210, and §§ 25-15-212 to -214, shall apply to a decision of the Director to deny an application or withdraw approval of an application.

V. Operational Allowances and Limitations

(a) Operation of on-demand driverless capable vehicle network.

- (1) A person may operate an on-demand driverless capable vehicle network in the state.
- (2) An on-demand driverless capable vehicle network may connect a passenger or goods to a fully autonomous vehicle either exclusively or as part of a digital network that also connects passengers or goods to human drivers who provide transportation services in vehicles that are not fully autonomous vehicles.

~~(a) Upon approval of an autonomous vehicle pilot program, a person may operate a maximum of three autonomous vehicles or fully autonomous vehicles simultaneously on the streets and highways of this state;~~

~~(b) During the first six months of an approved autonomous vehicle pilot program, a human operator will be required to be physically present in the vehicle while it is operating on the streets and highways of this State;~~

~~(c) After completion of the first six months of the autonomous vehicle pilot program, an application may be submitted to the Commission to remove the requirement of a human operator to be physically present in the vehicle while it is operating on the streets and highways of this State providing the following information:~~

- ~~(1) A copy of the approved application for the autonomous vehicle pilot program;~~
- ~~(2) Total number of trips accomplished;~~
- ~~(3) Total number of miles traveled;~~
- ~~(4) Total number of times a disengagement of the autonomous mode occurred;~~
- ~~(5) A copy of all law enforcement accident reports that have involved an autonomous vehicle operating under the autonomous vehicle pilot program or a statement that no accidents have occurred that involved an autonomous vehicle operating under the autonomous vehicle pilot program; and~~

(d) The review, approval, denial, or withdrawal of approval of the application to remove the requirement of a human operator to be physically present in the vehicle will be handled as noted in Section IV of these rules.

(e) Upon approval of an autonomous vehicle ~~pilot~~ program that does not require a human operator to be physically present in the vehicle, a person may operate autonomous vehicles or fully autonomous vehicles that are not equipped with the following:

- (1) Seat belts, unless transporting persons as required by § 27-37-701 et seq.;
- (2) A steering wheel; and
- (3) A rearview mirror.

(f) If a vehicle operating under an autonomous vehicle ~~pilot~~ program is involved in a serious injury or fatal accident, the following actions will be taken:

- (1) The person responsible for the autonomous vehicle ~~pilot~~ program will notify the Director immediately;
- (2) All vehicles operating under the autonomous vehicle ~~pilot~~ program will cease operations until a review of the accident can be completed;
- (3) The person responsible for the autonomous vehicle ~~pilot~~ program will submit the following to the Director:
 - (A) A copy of the accident report;
 - (B) A report of actions taken by the human operator that was physically located within the vehicle or actions taken by the human operator that was remotely located or a statement that no actions were taken by a human operator;
 - (C) A description of actions taken to prevent subsequent accidents;
 - (D) A request to restart operations of the autonomous vehicle ~~pilot~~ program, if the person responsible for the autonomous vehicle ~~pilot~~ program desires to do so;
- (4) The review, approval, or denial of the application to restart the autonomous vehicle ~~pilot~~ program will be handled as noted in Section IV of these rules.

VI. Reporting

(a) A report will be submitted to the Director by January 31st for the previous calendar year's operations providing the following information:

- (1) A copy of the approved application for the autonomous vehicle ~~pilot~~ program;
- (2) Total number of trips accomplished;
- (3) Total number of miles traveled;
- (4) Total number of times a disengagement of the autonomous mode occurred; and
- (5) A copy of all law enforcement accident reports that have involved an autonomous vehicle operating under the autonomous vehicle ~~pilot~~ program or a statement that no accidents have occurred that involved an autonomous vehicle operating under the autonomous vehicle ~~pilot~~ program.

1 State of Arkansas As Engrossed: H3/8/21 H3/15/21 S3/31/21
2 93rd General Assembly
3 Regular Session, 2021

A Bill

HOUSE BILL 1562

4
5 By: Representatives McCollum, Fortner
6 By: Senator L. Eads

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING AUTONOMOUS
10 VEHICLES; AND FOR OTHER PURPOSES.

Subtitle

14 TO AMEND THE LAW CONCERNING AUTONOMOUS
15 VEHICLES.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20 SECTION 1. Arkansas Code § 27-51-2001, concerning the definitions for
21 an autonomous vehicle and fully autonomous vehicle operated under an
22 autonomous vehicle pilot program, is amended to add additional subdivisions
23 to read as follows:

24 (8) "Human operator" means an individual who operates a vehicle
25 by manually controlling the:

26 (A) Brake;

27 (B) Accelerator pedal;

28 (C) Steering wheel; or

29 (D) Transmission gear selection;

30 (9) "On-demand driverless capable vehicle network" means a
31 transportation service network that uses a software application or other
32 digital means to dispatch autonomous vehicles or fully autonomous vehicles
33 for purposes of transporting persons or goods, including without limitation
34 vehicles used for:

35 (A) For-hire transportation;

36 (B) The transportation of multiple passengers who agree to



1 share the ride in whole or in part; or

2 (C) Public transportation; and

3 (10) "Remote operator" means an individual who is:

4 (A) Able to provide remote assistance to a fully
5 autonomous vehicle in driverless operation; or

6 (B) Not seated in a position to manually control a
7 vehicle's:

8 (i) Brake;

9 (ii) Accelerator pedal;

10 (iii) Steering wheel; or

11 (iv) Transmission gear selection.

12
13 SECTION 2. Arkansas Code § 27-51-2002 is amended to read as follows:

14 27-51-2002. Operation of autonomous vehicle.

15 (a)~~(1)~~ An autonomous vehicle or a fully autonomous vehicle may be
16 operated in this state under an autonomous vehicle ~~pilot~~ program approved by
17 the State Highway Commission.

18 ~~(2) The autonomous vehicle pilot program is automatically~~
19 ~~approved sixty (60) days after the date the autonomous vehicle pilot program~~
20 ~~is submitted to the commission for approval.~~

21 (b) An autonomous vehicle ~~pilot~~ program shall include without
22 limitation the following:

23 (1) A statement of the commercial purpose of the autonomous
24 vehicle ~~pilot~~ program;

25 ~~(2) The identification of any additional requirements for proof~~
26 Proof that the autonomous vehicle program complies with the minimum liability
27 insurance coverage requirements for a motor carrier of property under 49
28 C.F.R. § 387.9 as it existed on January 1, 2021 insurance under the Motor
29 Vehicle Safety Responsibility Act, § 27-19-101 et seq., and § 27-22-101 et
30 seq.;

31 (3) A statement acknowledging that:

32 (A)~~(i)~~ The autonomous vehicle or fully autonomous vehicle
33 is capable of complying with all applicable traffic and motor vehicle safety
34 laws of this state and rules adopted by the Office of Motor Vehicle,
35 including without limitation the laws and rules concerning the capability to
36 safely negotiate railroad crossings, if applicable unless an exemption for

1 ~~the operation of autonomous vehicles or fully autonomous vehicles at railroad~~
2 ~~crossings is granted by the department.~~

3 ~~(ii) The department shall consult with railroad~~
4 ~~companies operating in the state when considering an exemption that affects~~
5 ~~the operation of autonomous vehicles or fully autonomous vehicles at railroad~~
6 ~~crossings;~~

7 (B) The fully autonomous vehicle is capable of achieving a
8 ~~reasonably safe state~~ minimal risk condition if a failure of the automated
9 driving system occurs that renders the automated driving system unable to
10 perform the entire dynamic driving task; ~~and~~

11 (C) The autonomous vehicle or fully autonomous vehicle
12 meets Federal Motor Vehicle Safety Standards and Regulations, 49. C.F.R. Part
13 571 as it existed on January 1, 2021, for the vehicle's model year, except to
14 the extent an exemption has been granted under applicable federal law, and
15 all other applicable safety standards and performance requirements stated in
16 state and federal law and rules adopted by the commission; and

17 (D) A The remote operator of a fully autonomous vehicle
18 involved in a motor vehicle accident is capable of meeting the requirements
19 of §§ 27-53-101, 27-53-102, and 27-53-105; and

20 (4) A description of how a fully autonomous vehicle is capable
21 of meeting the requirement of subdivision ~~(b)(3)(C)~~ (b)(3)(D) of this
22 section.

23 (c) For the purposes of this subchapter, a person may operate+

24 ~~(1) A~~ a fully autonomous vehicle that is not equipped with:

25 ~~(A)(1) Seat belts, unless transporting persons as required~~
26 by § 27-37-701 et seq.;

27 ~~(B)(2) A steering wheel; or~~

28 ~~(C)(3) A rearview mirror; and~~

29 ~~(2) A maximum of three (3) autonomous vehicles or fully~~
30 ~~autonomous vehicles simultaneously on the streets and highways of this state.~~

31 ~~The commission shall adopt rules necessary for the implementation~~
32 ~~of this subchapter.~~ An autonomous vehicle or fully autonomous vehicle shall
33 be registered and titled as required under the Motor Vehicle Administration,
34 Certificate of Title, and Antitheft Act, § 27-14-101 et seq.

35
36 SECTION 3. Arkansas Code Title 27, Chapter 51, Subchapter 20, is

1 amended to add additional sections to read as follows:

2 27-51-2003. Operation of on-demand driverless capable vehicle network.

3 (a) A person may operate an on-demand driverless capable vehicle
4 network in the state.

5 (b) An on-demand driverless capable vehicle network may connect a
6 passenger or goods to a fully autonomous vehicle either exclusively or as
7 part of a digital network that also connects passengers or goods to human
8 drivers who provide transportation services in vehicles that are not fully
9 autonomous vehicles.

10
11 27-51-2004. Licensing requirements.

12 (a) A human operator of an autonomous vehicle or fully autonomous
13 vehicle is required to have a valid driver's license for the class of vehicle
14 being operated.

15 (b) A remote operator of a fully autonomous vehicle is required to
16 have a valid driver's license for the class of vehicle being operated.

17
18 27-51-2005. Controlling authority.

19 (a) Except as otherwise provided by law, the State Highway Commission
20 shall implement the laws governing autonomous vehicles and fully autonomous
21 vehicles under this subchapter.

22 (b) The commission shall adopt rules necessary for the implementation
23 of this subchapter.

24 (c) Except as otherwise provided by law, a local entity may not impose
25 additional requirements on autonomous vehicles or fully autonomous vehicles,
26 including without limitation:

27 (1) Requirements providing for the safe operation of autonomous
28 vehicle or fully autonomous vehicles; or

29 (2) The imposition of a tax on:

30 (A) An autonomous vehicle or fully autonomous vehicle; or

31 (B) The operation of an autonomous vehicle or fully
32 autonomous vehicle.

33 (d) This subchapter does not limit the applicability of the Arkansas
34 Motor Vehicle Commission Act, § 23-112-101 et seq.

35
36 27-51-2006. Liability.

1 (a) The liability for an accident involving an autonomous vehicle or
2 fully autonomous vehicle is determined in accordance with applicable state or
3 federal law.

4 (b) However, the original manufacturer of a vehicle converted by a
5 third party into an autonomous vehicle or fully autonomous vehicle is not
6 liable in any legal action.

7
8 */s/McCollum*

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11 **APPROVED: 4/8/21**
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