

Transportation Infrastructure Revenue Subcommittee

October 23, 2026 hearing on driverless commercial vehicle safety legislation

What this presentation will address:

1. The dangers of driverless commercial vehicles
 - Public safety impacts—what has happened in other states
 - Absence of federal regulations
 - Status of New Mexico laws and regs
 - Workforce impact—job loss
2. Legislative solutions allowing technology advancements while protecting the public
 - Public safety requirements
 - Job replacement strategies

About the Presenters

Mike Sievers is a partner in the Albuquerque law firm McGinn Montoya Love Curry & Sievers, PA, where he has been an attorney since graduating from the UNM School of Law and passing the bar in 2013. He was born and raised in Gallup, NM, graduated from New Mexico State University, and worked in Silver City and Socorro before starting law school. Mike specializes in representing victims of crashes involving commercial motor vehicles and is an advocate for commercial motor vehicle safety, with a national board certification in truck accident law and as a member of the board of directors of the New Mexico Trial Lawyers Association, a member of the board of regents of the national Academy of Truck Accident Attorneys (“ATAA”), a member of the ATAA’s Safety Committee, and as part of the leadership of the American Association for Justice’s Trucking Litigation Group. He has extensively researched the state of the law on driverless vehicles and current issues with the development of driverless vehicles.

Daniel Cook is a born and bred Alaskan who began his driving career at 19 years old, when he delivered soda to the greater Anchorage/Wasilla area. Shortly after turning 21, Daniel got a job with Lynden Transport, a Teamster-represented company that moved freight. He hauled heavy equipment, drilling pipe, hazardous materials, temperature-controlled loads, port of entry loads, and less-than-truckload (“LTL”) deliveries. Daniel transferred to Tacoma, Wash., where he did the same work but now in rain/sleet and heavy traffic for the next five years. In 2018, Daniel moved to New Mexico, where he got a job with Sysco Foods delivering to restaurants, schools, hotels and casinos throughout the entire state. After Covid slowed the food industry down, Daniel got a job with ABF Freight, where he remained as a city driver/dock worker for the next six years. He has driven 9,10,13,15,18, super 10 transmissions, and automatics; hauled doubles, oversize, heavy loads, has driven in every kind of weather and traffic conditions, and has never had a reportable accident in his 15-year driving career.

Dangers of driverless semi-trucks

- Driverless vehicles have not been sufficiently tested.
 - Crashes involving human-driven vehicles kill 1.33 people per 100 million miles. Driverless semis **have not been tested** for 100 million miles.
 - Driverless vehicles are **more likely** to be involved in crashes with injuries in work zones and crashes involving vehicles slowing down, going straight and moving into opposite lanes.*
- Driverless vehicles continue to cause crashes.
 - Driverless vehicles were involved in more than **1,000 crashes** in 2025 and **966 crashes** during the **first 8 months** of 2026.**
 - Semi-trucks in driverless mode have been involved in crashes and near-crashes (e.g., crash recorded by dashcam, at right)
 - Driverless vehicles have run over pedestrians.
 - Driverless Teslas have caused multiple crashes.
- Driverless semis are much riskier.
 - 80,000 pounds + 72 feet long vs. 4,100 pounds + 15 feet



David Welch | Bloomberg News May 16, 2025 5:28 PM, EDT

Aurora Reverses Course, Puts Human Back in Driver's Seat

Decision to Move 'Observer' From the Rear of the Cabin Into Driver's Seat Was Made at Request of Manufacturer Paccar



An Aurora Innovation driverless truck at the company's terminal in Palmer, Texas. (Dylan Hollingsworth/Bloomberg News)

*Abdel-Aty, M. & Ding, S., "A matched case-control analysis of autonomous vs human-driven vehicle accidents," 15 Nat. Commun. 4931 (2024)

**National Highway Traffic Safety Administration, "Standing General Order on Crash Reporting for incidents involving ADS and Level 2 ADAS: ADS-Engaged Vehicles: Crashes by Month," available at <https://www.nhtsa.gov/laws-regulations/standing-general-order-crash-reporting> (last accessed October 20, 2026).

Dangers of driverless semi-trucks (cont.)

Tesla semi crash kills two people in Nevada



<https://www.latimes.com/business/story/2026-07-02/first-recorded-tesla-semi-crash-kills-two-people>

Behind the scenes of Waymo's worst automated truck crash



<https://techcrunch.com/2022/07/behind-the-scenes-of-waymos-worst-automated-truck-crash/01/>

Public safety oversight in other states

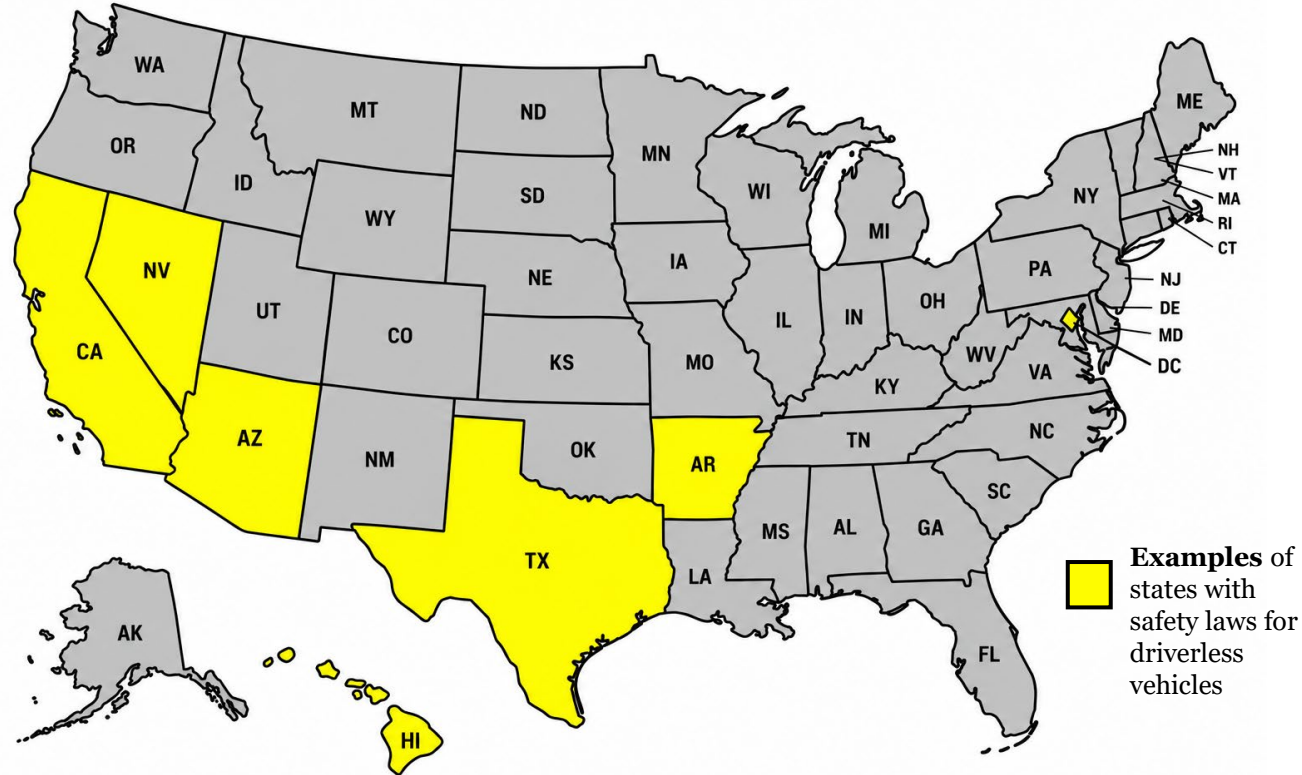
Hawaii allows testing driverless vehicles but only with **permit issued by state** transportation department.

California: Deploying a driverless vehicle for purposes other than testing requires extensive detailed application **demonstrating** the safety of the technology and a **permit from state**.

Nevada allows passenger transportation by driverless vehicles. Companies must apply for and obtain a **permit issued by state** transportation department.

Arizona: state can suspend, revoke or cancel **registration of a driverless vehicle** for safety-related reasons.

Texas requires driverless vehicle companies to obtain **state authorization**, which can be suspended, revoked or canceled.



The **District of Columbia** requires companies testing driverless vehicles to obtain a **permit** from DC's transportation department.

Arkansas: driverless vehicle company must apply for and obtain **state approval**, which can be withdrawn at any time for any reason. Human driver required for first 6 months of any approved program.

Current N.M. statute on driverless vehicles

The 2021 statute does the following:

- Allows driverless vehicle corporations to test on public roads if:
 - They notify the N.M. Department of Transportation a mere **five days** beforehand.
 - The vehicle meets federal safety standards (**there are no federal safety standards** specific to driverless vehicles).
 - The vehicle is **capable** of complying with New Mexico traffic laws.
- Prohibits towns, cities, and counties from imposing restrictions on testing/operation.

The 2021 statute does not:

NMSA 1978, §§ 66-7-12, 66-7-13 (2021).

- Require companies operating driverless vehicles to obtain a permit from the state
- Require a human to be onboard as a backup—even in a driverless 80,000-pound semi-truck.
- Require driverless vehicle corporations to submit any safety data to the state.
- Require driverless vehicle corporations to demonstrate that the driverless system being tested on public roads has passed any preliminary safety testing.

Current N.M. regs on Driverless Vehicles

Under New Mexico Department of Transportation regulations:

- “Fully autonomous” driverless vehicles can be tested on public highways **without a human inside** if the driverless vehicle corporation submits a notification form to the department (honor system without consequences).
- Driverless vehicles can be tested **anywhere and under any conditions**—school zones, construction zones, hospital zones, on ice/snow.
- Driverless vehicles must comply with all applicable federal and state laws and regulations.
- Driverless vehicle owners must submit to the department the protocol the vehicle has for interacting with law enforcement.
- “Fully autonomous” semi-trucks must be insured up to \$5 million.



Impact of driverless trucks on NM workforce

Commercial truck drivers nationwide: 3.58 million*

- Median hourly wage: \$28.19
- Total Yearly income without overtime: \$58,640

Commercial truck drivers based in New Mexico: 37,178**

- New Mexico Union truck driving jobs: 802
- These jobs set the standard for pay and benefits.

New Mexico drivers working for companies like ABF and UPS

- \$32.59 per hour (ABF)/\$47.58 per hour (UPS)
- Average milage pay per year: \$101,460 (ABF)/\$137,148 (UPS)
- Projected average milage pay 2027: \$103,750 (ABF)/\$143,750 (UPS)
- Pension contributions (based on 2080 hours): \$22,006.40 (ABF)/\$28,517 (UPS)
- Health benefits per year: \$27,026.28 (ABF)/\$36,130(UPS)
- Lost wages if these jobs go away is over \$2.18 billion!

*<https://www.trucking.org/economics-and-industry-data>

**sourcenm.com

Federal safety guidance to state legislatures

- National Highway Traffic Safety Administration (“NHTSA”), part of U.S. Dept. of Transportation, is the agency that would regulate driverless vehicles.
- NHTSA has issued recommendations for state legislatures to enable testing of driverless vehicles while protecting public safety.



specific types of vehicles. NHTSA has considerable concerns however about detailed state regulation on safety of self-driving vehicles, and does not recommend at this time that states permit operation of self-driving vehicles for purposes other than testing. Thus, the below recommendations all assume that the human driver of the vehicle will be employed by, or

Minimize safety risks to public by requiring:

- Successful initial testing somewhere other than public roads
- Submission of testing data to the State
- Submission of plan for how to avoid safety risks
- A properly licensed driver to be in the vehicle

Ensure the human in the vehicle understands how to safely operate it.

Limit conditions of testing in self-driving mode.

Proposed legislative solutions

- Company testing driverless semi-trucks on New Mexico public roads must obtain a **permit** from the State of New Mexico.
 - Permit can be revoked for safety reasons
 - Fines imposed for operating driverless semi-truck without a permit
- **Human** backup driver required to be in the semi-truck.
 - Consistent with federal recommendations
- Driverless semis required to **comply** with traffic safety laws.

Summary

1. Driverless commercial vehicles pose dangers to public safety and N.M. jobs
 - Driverless vehicles are unproven and have caused numerous crashes.
 - Other states have meaningful oversight, including permitting process.
 - There are no federal regulations for driverless vehicles.
 - New Mexico laws and regs leave dangerous gaps.
 - Driverless trucks could hurt New Mexico's workforce.
2. Proposed bill allows technology advancements while protecting the public
 - Proposed bill adopts recommendations for states by federal safety regulators.
 - Proposed bill gives New Mexico ability to shut down dangerous operations.