

**AUTONOMOUS VEHICLE TESTING  
IN NEW MEXICO**

**PRESENTED TO**

**TRANSPORTATION INFRASTRUCTURE AND REVENUE SUBCOMMITTEE**

**JULY 6, 2022**

**GALLUP, NM**

## **2021 NEW MEXICO LEGISLATIVE SESSION - REGULAR**

### **HB 270 – AUTONOMOUS VEHICLES**

AN ACT RELATING TO MOTOR VEHICLES; ADDING DEFINITIONS TO THE MOTOR VEHICLE CODE; PROVIDING FOR AUTONOMOUS VEHICLES; REQUIRING PERMITS; ALLOWING PLATOONING OF MOTOR VEHICLES

#### **Introduced and Authored by:**

Representative Patricia Lundstrom and Representative Harry Garcia

#### **Sponsors Include:**

Representative Randal Crowder

Representative Dayan Hochman-Vigil

Representative Joy Garratt

**Passed March 19, 2021**

**Signed by Governor Michelle Lujan Grisham and Became Law on April 6, 2021**

## Within HB 270 and Specific to the Rulemaking Responsibilities of the Department

SECTION 7. A new section of the Motor Vehicle Code is enacted to read:

"AUTONOMOUS MOTOR VEHICLES--NOTIFICATION AND REGULATION OF TESTING.--

A. Prior to testing an autonomous motor vehicle or an autonomous commercial motor vehicle on a public highway in New Mexico, a person owning or operating such a motor vehicle shall notify the department of transportation at least five calendar days in advance of such operation on a form provided by rule by the department of at least the following information:

- (1) the serial number and type of each motor vehicle to be tested;
- (2) the routes to be used by the motor vehicles;
- (3) the level of automated driving systems to be used by the motor vehicles; and
- 4) such additional information as may be required by the department of transportation by rule.

**B. The department of transportation shall promulgate rules regarding the notification and regulation process provided for in Subsection A of this section, including forms to be used and information to be submitted by operators of autonomous motor vehicles and autonomous commercial motor vehicles when testing such motor vehicles on public highways in New Mexico."**

SECTION 9. **EFFECTIVE DATE**.--The effective date of the provisions of this act is **July 1, 2022**

# NMDOT Rulemaking Committee

Justin Reese, Deputy Secretary

Jerry Valdez, Executive Director

John Newell, Office of the General Counsel

Samantha Baca, Office of the General Counsel

Jeremy Lovato, Chief Information Officer

Charles Remkes, Chief of ITS Operations

## Stakeholder Participation Was Solicited From

### Agency Representation:

NMDOT

NMSP

TRD-MVD

OSI

DOIT

### Public Representation:

Albuquerque

Las Cruces

Gallup

Santa Fe

Las Vegas

Roswell

### Industry Representation:

WAYMO

TUSIMPLE

DAIMLER-BENZ

UPS

ALLIANCE for AUTOMOBILE INNOVATION

Others

### Discipline Representation:

NMTA

ITSNM

ITE

AAMVA

AAA NM

# **MAY 20, 2021 – Transportation Commission Approved the Initiation of the Rulemaking process to Proposed Rule, 18.24.1 NMAC - Autonomous Vehicle Testing Rule**

**Public Hearings were held on November 16, 2021, and March 10, 2022.**

**NMDOT received written comments and/or oral testimony from various entities including:**

- **S·A·V·E – Coalition for Safe Autonomous Vehicles and Electrification**
- **Trujillo Law Group**
- **MADD – Mothers Against Drunk Driving**
- **WAYMO**
- **Chamber of Progress**
- **AUVSI – Association for Unmanned Vehicle Systems International**

**There were no public comments in objection to the rule; all but one of those providing comments voiced very strong support for it.**

**All recommended edits provided through public comment were considered for incorporation.**

**The rationale to include or dismiss each of the recommended edits into the Final Rule is included in our response to comments.**

**March 24, 2022, The Transportation Commission Adopted the Rule and gave Authorization to Proceed with Publication.**

**April 19, 2022, the Rule was published in the New Mexico Register and became effective.**

**The Rule as written (and amended from public comments) encourage the advancement and efficient implementation of autonomous vehicle testing in New Mexico that will not impede on maintaining a safe environment for public roadway users.**

- **It takes into account existing successful practices in other states**
- **It ensures a common framework is in place for AV testing throughout the state**
- **It avoids inconsistencies with surrounding states that would adversely impact testing across state boundaries**
- **It delineates between the federal and states roles with respect to the advancement of AV technology and does not encroach on those defined authorities.**

- **Implementing the Rule's provisions will reside within the NMDOT**
  - **Notifications and Submittals from AV Developers (via on-line forms)**
    - Credentials of AV Designer/Manufacturer/Implementers
    - Prior coordination with NHTSA
    - Maturity of respective AV programs
    - Record of testing
    - Indemnification and Coverage
    - Crash Response and Police Interaction Plan
  - **Data Base Management**
  - **IPRA Requests**
  - **Reporting Requirements**
  - **Industry Liaison**
  - **Geo-spatial Hooks**

## 18.24.1.12 NOTIFICATION INFORMATION

[Autonomous Vehicles \(amazonaws.com\)](https://amazonaws.com)



### Application For Autonomous Motor Vehicle Testing and Operation

OWNER FIRST NAME

OWNER LAST NAME

ORGANIZATION

BUSINESS TYPE

STATE WHERE INCORPORATED

BUSINESS PRINCIPAL

BUSINESS TELEPHONE NUMBER

BUSINESS FAX NUMBER

EMAIL ADDRESS

### MAILING ADDRESS

ADDRESS

CITY

STATE

ZIP

### PHYSICAL ADDRESS

ADDRESS

CITY

STATE

ZIP

### LIST OF AUTHORIZED AGENTS & DRIVERS

Upon request, make a list of authorized agents and drivers (if applicable)

Driver's Credentials (CDL if applicable)	Vehicle beings tested	Year	Make	Model	Vehicle Identification Number

## LEVEL OF AUTOMATION BEING TESTED

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Level 01

## OPERATIONAL DESIGN DOMAIN BEING TESTED INCLUDING:

### ROADWAY CLASSIFICATION

Freeway  Highway  Arterials  Streets  Unimproved  Urban  Rural  Other - not included above

### ENVIRONMENTAL LIMITATIONS

Snow  Ice  Limited Visibility  Night Driving  Other - not included above

### SPEEDS

Yes  No

### GEO-FENCING

Yes  No

## DESCRIPTION OF THE MINIMAL RISK CONDITION FOR SYSTEM FAILURE:

**LOCATION OR AREAS TESTING WILL OCCUR:**

**DATES AND FREQUENCY OF TESTING:**

**LEVEL OF AUTOMOUS BEING TESTED:**

**DEMONSTRATION OF HAVING AN INSTRUMENT OF INSURANCE, SURETY BOND, OR PROOF OF SELF INSURANCE IN AN AMOUNT OF AT LEAST \$5 MILLION:**

**PROOF OF REGISTRATION AND LICENSING FOR EACH AUTOMOUSE MOTOR VEHICLE BEING TESTED AND OPERATED:**

Choose File No file chosen

**SUBMIT INFORMATION**





**Charles Remkes**

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