

Written Neutral Testimony on Senate Bill 379
Senate Committee on Transportation

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The Kansas Highway Patrol (KHP) appreciates the opportunity to provide written neutral testimony on Senate Bill 379, and we respectfully request the Committee consider our agency's concerns. Senate Bill 379 provides for the regulation of autonomous motor vehicles and is specifically aimed at the regulation of autonomous commercial motor vehicles. The Kansas Highway Patrol is not opposed to the technology behind autonomous vehicles, but we do have some concerns about the way the bill is written.

Firstly, section 1(c) defines a Commercial Motor Vehicle (CMV) as "a motor vehicle with a gross vehicle weight or gross combination vehicle weight of 10,001 pounds or more and used in the furtherance of commerce." We believe that this definition should be brought in line with the definition of a commercial motor vehicle as found in federal regulations [49 CFR 390.5T \(1\)](#). The Kansas Highway Patrol relies on this definition for providing highway safety and commercial motor vehicle enforcement. 49 CFR 390.5T (1) defines a CMV as:

Commercial Motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle –

(1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater;

The definition found in the bill does not include weight *rating*, which means the Kansas Highway Patrol would be required to weigh the vehicle roadside before any enforcement action may be taken. We would not be able to use the gross combination weight rating to determine if this autonomous vehicle is a CMV for enforcement purposes. Therefore, the definition in the bill would limit our authority to spot check the vehicle for highway safety or compliance.

Secondly, section 1(g) of the bill contains the definition of "Middle Mile" that we would like clarified. Currently, the bill states that Middle Mile is "the intrastate commercial movement of goods, in a business-to-business capacity, between two or more fixed points on fixed, repeatable routes." The Federal Motor Carrier Safety Regulations (FMCSRs) provide us with guidance to determine the difference between intra- and interstate commerce. This guidance can be found in 390.3 [Interpretation Question 6](#):

Interstate commerce is determined by the essential character of the movement, manifested by the shipper's fixed and persistent intent at the time of shipment, and is ascertained from all of the facts and circumstances surrounding the transportation. When the intent of the transportation being performed is interstate in nature, even when the route is within the boundaries of a single State, the driver and CMV are subject to the FMCSRs.

The Kansas Highway Patrol would ask that the definition of "Middle Mile" be amended with similar language to ensure that an autonomous CMV will still be subject to the FMCSRs when engaged in interstate commerce even if the movement of interstate goods is within the State of Kansas. This amended definition will enhance public safety and allow the KHP to continue our highway safety mission.

Thirdly, section 2 of the bill states, "No city or county shall enact any ordinance or resolution regulating or prohibiting the use of an autonomous motor vehicle. Any such ordinance or resolution shall be null and void." While this issue does not impact the KHP specifically, it may impact some of our local law enforcement partners. Many municipalities have "truck routes" that are established and enforced by local ordinance. These routes help to alleviate traffic congestion and increase the safety of the motoring public. The language found in Section 2 may impact traffic flow patterns around certain municipalities. In this regard, we believe some consideration should be given to local law enforcement agencies.

Fourthly, holding those responsible who engage in unsafe vehicle operations is critical to highway safety. Section 4(b)(1) attempts to establish some accountability that the KHP would like clarified. This section indicates that when an automated driving system is installed, the owner of the system is considered the operator for the purpose of traffic law compliance. Section 1(a) provides us with the definition of automated driving system, and it includes the owners of the hardware and software installed on the motor vehicle. Should a vehicle's automated driving system be activated and a person who was previously operating the vehicle be present in the vehicle, does that person now not bear any responsibility for the vehicle's actions if they are not the owner of the system? For example, if a crash occurs involving a company-owned CMV that was under the control of an automated driving system, would the person present in the vehicle sitting in the driver's seat not have any liability for their role in the crash?

In closing, the KHP is neutral on Senate Bill 379. We believe that autonomous vehicle technology shows great promise when it comes to highway safety, but we also believe this bill has several issues that need to be fully addressed before we could support the measure. We sincerely thank members of the Committee for their consideration of our testimony.

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