

EXECUTIVE ORDER NO. 572

To Promote the Testing and Deployment of Highly Automated Driving Technologies

WHEREAS, recent innovations in sensing and computing technology have resulted in the rapid advancement of various levels of motor vehicle automation;

WHEREAS, the advancement of these technologies makes it foreseeable that motor vehicles could be capable of driving safely without the active control or monitoring by a human operator in the relatively near future;

WHEREAS, automotive companies already are deploying increasing levels of driver-assistance technologies in recent vehicle year models, and are expected to continue to deploy even more sophisticated technology in the near future, including so-called highly automated vehicles which can take full control of driving in at least some circumstances;

WHEREAS, the Commonwealth of Massachusetts is home to a world-class cluster of new and established companies and academic institutions leading the development and innovation of new robotics technologies, including software, sensors and other components used in highly automated motor vehicles;

WHEREAS, this Administration is committed to supporting the further safe development of these technologies in the Commonwealth as a means to foster innovation and economic growth, including by promoting their use through the safe testing of certain highly automated driving technologies on designated public roadways in the Commonwealth, while at the same time remaining nimble as the technology continues to evolve;

WHEREAS, the widespread deployment of highly automated driving technologies holds the potential to transform transportation networks for the better, reducing crashes and fatalities for drivers and others, including pedestrians and cyclists, reducing traffic congestion and the emission of harmful greenhouse gases, reducing the need for parking facilities, and increasing mobility for those who cannot drive;

WHEREAS, in the absence of appropriate policy and regulation, the eventual widespread deployment of highly automated driving technologies could instead increase safety risks for drivers and other users, including pedestrians and cyclists, increasing traffic congestion and resulting vehicle miles travelled, and increased emissions of harmful greenhouse gases and exacerbating other social harms; and

WHEREAS, the United States Department of Transportation recently has promulgated a comprehensive Federal Automated Vehicles Policy, which recognizes that both state and federal governments play an important role in facilitating highly automated vehicles, ensuring they are safely deployed, and promoting the social benefits that may accrue from widespread deployment, while addressing the potential social harms, and which also encourages states to develop consistent rules and regulations so that vehicles may travel between states;

NOW, THEREFORE, I, CHARLES D. BAKER, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § 1, Art. 1, do hereby order as follows:

Section 1. There shall be a special working group on autonomous vehicles ("AV Working Group"), which shall be chaired by the Secretary of Transportation or her designee. The AV Working Group

shall include: the Secretary of Public Safety or his designee; the Secretary of Housing and Economic Development or his designee; the Registrar of Motor Vehicles or her designee; and the Highway Administrator of the Massachusetts Department of Transportation ("MassDOT") or his designee. The AV Working Group shall also include: one member designated by the Senate President; one member designated by the Speaker of the House; one member designated by the Senate Minority Leader; and one member designated by the House Minority Leader. The AV Working Group shall convene and consult with experts on motor vehicle safety and vehicle automation as necessary to implement this Order, and shall work with the Legislature on any proposed legislation necessary to protect the public welfare.

Section 2. The AV Working Group should continue to encourage the development of autonomous vehicles and their component parts in Massachusetts, and to that end shall work with companies in the sector to support innovation and development and consider proposing changes to statutes or regulations that would facilitate the widespread deployment of highly automated vehicles in Massachusetts while ensuring the safety of the public.

Section 3. As existing motor vehicles laws neither expressly allow nor expressly prohibit the testing of highly automated vehicles on public roadways in the Commonwealth, MassDOT, with input from the AV Working Group and other technical experts as deemed appropriate, shall issue guidance ("Guidance") to allow for the safe testing of such technologies on designated state highways and on other public roadways in municipalities that desire to permit such testing.

Section 4. The Guidance shall include a process for companies to obtain approval from MassDOT to test highly automated vehicles on state highways or other public or publicly accessible state roadways in the Commonwealth. Said process shall include a demonstration by the company: that such vehicles have passed a Registry of Motor Vehicles inspection; that they can be operated without undue risk to public safety; and an assurance from the company that a human being will be in the driver's seat or other location in the vehicle where the person can take immediate control of the vehicle if necessary. The Guidance shall require a memorandum of understanding ("MOU") by and between the company or other entity conducting such testing, MassDOT, and any municipality or state agency whose roadways would be used for testing. Any such MOU may require:

- information describing the entity's track record of testing, both on-road and off-road, and including any crash-related information;
- the results of any relevant safety assessment;
- information regarding any vehicles to be tested on the public ways;
- information regarding the operators of any such vehicles, including a description of the training that the operators have been provided;
- sufficient insurance coverage;
- a maximum speed of the vehicle during testing;
- that testing be confined to certain areas and certain times of day;
- the sharing of non-proprietary information generated during testing with the AV Working Group; and
- any other conditions necessary to ensure the public safety.

Section 5. The AV Working Group shall propose any necessary legislation to ensure (1) the safe operation of partially automated vehicles on roadways in the Commonwealth, and (2) that, after highly

automated vehicles have completed appropriate testing and are in operation on the roadways in the Commonwealth, they are operated safely and in ways that advance the welfare of the residents of the Commonwealth.

Section 6. The AV Working Group shall follow developments in technology of automated vehicles, federal policy and the laws of other states and recommend any changes to this Order or to state statutes or regulations required to implement the purpose of this Order.

Section 7. This Order shall be interpreted to be consistent with federal law and policy as such laws and policies may be modified and amended from time to time.

Given at the Executive Chamber in Boston this 20th day of October in the year of our Lord two thousand sixteen and of the Independence of the United States of America two hundred forty-one.