

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1958 Session of 2017

INTRODUCED BY ROTHMAN, SCHLOSSBERG, HELM, SAYLOR, MILLARD, NELSON, EVERETT, MUSTIO, DIAMOND, TAYLOR, CHARLTON, FEE, KORTZ, GILLEN, KEEFER AND BARBIN, DECEMBER 11, 2017

SENATOR RAFFERTY, TRANSPORTATION, IN SENATE, AS AMENDED, JUNE 20, 2018

AN ACT

1 ~~Amending Title 75 (Vehicles) of the Pennsylvania Consolidated~~ <--
2 ~~Statutes, in general provisions, further providing for~~
3 ~~definitions; in rules of the road in general, providing for~~
4 ~~platooning; and providing for autonomous vehicles.~~

5 AMENDING TITLE 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED <--
6 STATUTES, IN GENERAL PROVISIONS, FURTHER PROVIDING FOR
7 DEFINITIONS; IN RULES OF THE ROAD IN GENERAL, PROVIDING FOR
8 PLATOONING; AND PROVIDING FOR HIGHLY AUTOMATED VEHICLES.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 ~~Section 1. Section 102 of Title 75 of the Pennsylvania~~ <--
12 ~~Consolidated Statutes is amended by adding definitions to read:~~
13 ~~§ 102. Definitions.~~

14 ~~Subject to additional definitions contained in subsequent~~
15 ~~provisions of this title which are applicable to specific~~
16 ~~provisions of this title, the following words and phrases when~~
17 ~~used in this title shall have, unless the context clearly~~
18 ~~indicates otherwise, the meanings given to them in this section:~~

19 \* \* \*

1 ~~"Highly automated work zone vehicle." A motor vehicle~~  
2 ~~equipped either with an automated driving system, or connected~~  
3 ~~by wireless communication or other technology to another vehicle~~  
4 ~~allowing for coordinated or controlled movement, used in an~~  
5 ~~active work zone as implemented by the department or the~~  
6 ~~Pennsylvania Turnpike Commission.~~

7 \* \* \*

8 ~~"Platoon." A group of individual military vehicles or motor~~  
9 ~~carrier vehicles operated by a human traveling in a unified~~  
10 ~~manner at electronically coordinated speeds at following~~  
11 ~~distances that are closer than would be reasonable and prudent~~  
12 ~~without such coordination.~~

13 \* \* \*

14 Section 2. Title 75 is amended by adding a section to read:  
15 ~~§ 3317. Platooning.~~

16 ~~(a) General rule. Nonlead vehicles in a platoon shall not~~  
17 ~~be subject to the provisions of section 3310 (relating to~~  
18 ~~following too closely).~~

19 ~~(b) Visual identifier. All platooning motor carrier~~  
20 ~~vehicles must be marked with a visual identifier on the power~~  
21 ~~unit. The department, after consultation with the Pennsylvania~~  
22 ~~State Police, shall publish guidelines in the Pennsylvania~~  
23 ~~Bulletin establishing the criteria and placement of the visual~~  
24 ~~identifier. The guidelines shall be in effect until Federal~~  
25 ~~guidelines or regulations are promulgated.~~

26 ~~(c) Restrictions. A platoon shall observe the following~~  
27 ~~restrictions:~~

28 ~~(1) A maximum of three vehicles shall be in a platoon.~~

29 ~~(2) Vehicles in a platoon shall travel only on limited~~  
30 ~~access highways or interstate highways, unless otherwise~~

1 ~~posted.~~

2 ~~(3) The department or the Pennsylvania Turnpike~~  
3 ~~Commission, as applicable, shall have the ability to restrict~~  
4 ~~movement under this section during inclement weather, as~~  
5 ~~determined by department regulations.~~

6 Section 3. Title 75 is amended by adding a chapter to read:

7 CHAPTER 85

8 AUTONOMOUS VEHICLES

9 Sec.

10 ~~8501. (Reserved).~~

11 ~~8502. Highly automated work zone vehicle.~~

12 ~~§ 8501. (Reserved).~~

13 ~~§ 8502. Highly automated work zone vehicle.~~

14 ~~(a) General rule. The department or the Pennsylvania~~  
15 ~~Turnpike Commission, as applicable, shall authorize the~~  
16 ~~locations in Pennsylvania, on a periodic basis, to permit the~~  
17 ~~deployment of a highly automated work zone vehicle.~~

18 ~~(b) Requirements. When operating in an active work zone, a~~  
19 ~~highly automated work zone vehicle does not require a human~~  
20 ~~operator.~~

21 Section 4. This act shall take effect in 90 days.

22 SECTION 1. SECTION 102 OF TITLE 75 OF THE PENNSYLVANIA  
23 CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:

24 § 102. DEFINITIONS.

25 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT  
26 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC  
27 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN  
28 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY  
29 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

30 \* \* \*

1 "HIGHLY AUTOMATED WORK ZONE VEHICLE." A MOTOR VEHICLE  
2 EQUIPPED EITHER WITH AN AUTOMATED DRIVING SYSTEM, OR CONNECTED  
3 BY WIRELESS COMMUNICATION OR OTHER TECHNOLOGY TO ANOTHER VEHICLE  
4 ALLOWING FOR COORDINATED OR CONTROLLED MOVEMENT, USED IN AN  
5 ACTIVE WORK ZONE AS IMPLEMENTED BY THE DEPARTMENT OR THE  
6 PENNSYLVANIA TURNPIKE COMMISSION.

7 \* \* \*

8 "PLATOON." A GROUP OF MOTOR VEHICLES, BUSES, MILITARY  
9 VEHICLES OR MOTOR CARRIER VEHICLES OPERATED BY A HUMAN TRAVELING  
10 IN A UNIFIED MANNER AT ELECTRONICALLY COORDINATED SPEEDS AT  
11 FOLLOWING DISTANCES THAT ARE CLOSER THAN WOULD BE REASONABLE AND  
12 PRUDENT WITHOUT SUCH COORDINATION. THE TERM DOES NOT INCLUDE A  
13 SCHOOL BUS OR A SCHOOL VEHICLE.

14 \* \* \*

15 SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:  
16 § 3317. PLATOONING.

17 (A) GENERAL RULE.--NONLEAD VEHICLES IN A PLATOON SHALL NOT  
18 BE SUBJECT TO THE PROVISIONS OF SECTION 3310 (RELATING TO  
19 FOLLOWING TOO CLOSELY).

20 (B) VISUAL IDENTIFIER.--ALL VEHICLES IN A PLATOON MUST BE  
21 MARKED WITH A VISUAL IDENTIFIER ON THE POWER UNIT. THE  
22 DEPARTMENT, AFTER CONSULTATION WITH THE PENNSYLVANIA STATE  
23 POLICE, SHALL PUBLISH GUIDELINES IN THE PENNSYLVANIA BULLETIN  
24 ESTABLISHING THE CRITERIA AND PLACEMENT OF THE VISUAL  
25 IDENTIFIER.

26 (C) RESTRICTIONS.--A PLATOON SHALL OBSERVE THE FOLLOWING  
27 RESTRICTIONS:

28 (1) A MAXIMUM OF THREE VEHICLES SHALL BE IN A PLATOON.

29 (2) VEHICLES IN A PLATOON SHALL TRAVEL ONLY ON LIMITED  
30 ACCESS HIGHWAYS OR INTERSTATE HIGHWAYS, UNLESS OTHERWISE

1 PERMITTED BY THE DEPARTMENT OR THE PENNSYLVANIA TURNPIKE  
2 COMMISSION, AS APPLICABLE.

3 (3) THE DEPARTMENT OR THE PENNSYLVANIA TURNPIKE  
4 COMMISSION, AS APPLICABLE UNDER PARAGRAPH (2), MAY RESTRICT  
5 VEHICLE MOVEMENT UNDER THIS SECTION FOR OPERATIONAL OR SAFETY  
6 REASONS, INCLUDING, BUT NOT LIMITED TO, EMERGENCY CONDITIONS.

7 SECTION 3. TITLE 75 IS AMENDED BY ADDING A CHAPTER TO READ:

8 CHAPTER 85

9 HIGHLY AUTOMATED VEHICLES

10 SEC.

11 8501. DEFINITIONS.

12 8502. HIGHLY AUTOMATED WORK ZONE VEHICLE.

13 8503. COMMONWEALTH AGENCY.

14 8504. HIGHLY AUTOMATED VEHICLE ADVISORY COMMITTEE.

15 § 8501. DEFINITIONS.

16 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
17 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
18 CONTEXT CLEARLY INDICATES OTHERWISE:

19 "ADVISORY COMMITTEE." THE HIGHLY AUTOMATED VEHICLE ADVISORY  
20 COMMITTEE ESTABLISHED IN SECTION 8504 (RELATING TO HIGHLY  
21 AUTOMATED VEHICLE ADVISORY COMMITTEE).

22 § 8502. HIGHLY AUTOMATED WORK ZONE VEHICLE.

23 (A) GENERAL RULE.--THE DEPARTMENT OR THE PENNSYLVANIA  
24 TURNPIKE COMMISSION, AS APPLICABLE, SHALL AUTHORIZE THE  
25 LOCATIONS IN PENNSYLVANIA, ON A PERIODIC BASIS, TO PERMIT THE  
26 DEPLOYMENT OF A HIGHLY AUTOMATED WORK ZONE VEHICLE.

27 (B) REQUIREMENTS.--A HIGHLY AUTOMATED WORK ZONE VEHICLE  
28 SHALL NOT REQUIRE A HUMAN OPERATOR ONLY WHEN OPERATING IN AN  
29 ACTIVE WORK ZONE.

30 § 8503. COMMONWEALTH AGENCY.

1 (A) AUTHORIZATION.--THE DEPARTMENT AND THE PENNSYLVANIA  
2 TURNPIKE COMMISSION MAY DEPLOY A HIGHLY AUTOMATED WORK ZONE  
3 VEHICLE IN ACCORDANCE WITH SECTION 8502 (RELATING TO HIGHLY  
4 AUTOMATED WORK ZONE VEHICLE) OR PLATOON IN ACCORDANCE WITH  
5 SECTION 3317 (RELATING TO PLATOONING) IF THE DEPARTMENT OR THE  
6 PENNSYLVANIA TURNPIKE COMMISSION OWNS THE VEHICLE.

7 (B) SOVEREIGN IMMUNITY.--AS PROVIDED BY SECTION 11 OF  
8 ARTICLE I OF THE CONSTITUTION OF PENNSYLVANIA, IT IS DECLARED TO  
9 BE THE INTENT OF THE GENERAL ASSEMBLY THAT A COMMONWEALTH  
10 AGENCY, ITS OFFICIALS AND EMPLOYEES, ACTING WITHIN THE SCOPE OF  
11 THEIR DUTIES AND IN ACCORDANCE WITH SECTION 3317 OR 8502, SHALL  
12 CONTINUE TO ENJOY SOVEREIGN IMMUNITY AND OFFICIAL IMMUNITY AND  
13 REMAIN IMMUNE FROM SUITS. A CLAIM AGAINST THE COMMONWEALTH AND  
14 ITS OFFICIALS AND EMPLOYEES SHALL BE BROUGHT ONLY IN THE MANNER,  
15 IN THE COURT AND IN THE CASES AS DIRECTED UNDER 42 PA.C.S. CH.  
16 85 (RELATING TO MATTERS AFFECTING GOVERNMENT UNITS).  
17 § 8504. HIGHLY AUTOMATED VEHICLE ADVISORY COMMITTEE.

18 (A) ESTABLISHMENT.--THE HIGHLY AUTOMATED VEHICLE ADVISORY  
19 COMMITTEE IS ESTABLISHED UNDER THE JURISDICTION OF THE  
20 DEPARTMENT.

21 (B) COMPOSITION.--THE ADVISORY COMMITTEE SHALL CONSIST OF  
22 NOT MORE THAN 21 MEMBERS. THE MEMBERS SHALL BE AS FOLLOWS:

23 (1) THE SECRETARY, WHO SHALL CHAIR THE ADVISORY  
24 COMMITTEE.

25 (2) THE COMMISSIONER OF PENNSYLVANIA STATE POLICE.

26 (3) THE CHIEF EXECUTIVE OFFICER OF THE PENNSYLVANIA  
27 TURNPIKE COMMISSION.

28 (4) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
29 TRANSPORTATION COMMITTEE OF THE SENATE.

30 (5) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE

1 TRANSPORTATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

2 (6) NOT MORE THAN 14 MEMBERS OF THE PUBLIC, APPOINTED BY  
3 THE SECRETARY OF TRANSPORTATION, THAT MAY INCLUDE A DIVERSE  
4 GROUP OF REPRESENTATIVES, INCLUDING, BUT NOT LIMITED TO,  
5 BUSINESS, ACADEMIA, LOCAL AUTHORITIES, INSURANCE, SAFETY  
6 ADVOCATES, CONSUMER ADVOCATES, ENGINEERS, LABOR  
7 ORGANIZATIONS, ENVIRONMENTAL EXPERTS, AND OTHER MEMBERS  
8 DETERMINED TO BE APPROPRIATE BY THE SECRETARY OF  
9 TRANSPORTATION.

10 (7) EACH MEMBER UNDER PARAGRAPHS (2), (3), (4) AND (5)  
11 MAY DESIGNATE AN ALTERNATE TO SERVE IN THE MEMBER'S STEAD.  
12 THE MEMBER SHALL NOTIFY THE CHAIRPERSON IN WRITING OF THE  
13 DESIGNATION.

14 (C) TERMS.--THE TERMS OF EACH MEMBER APPOINTED BY THE  
15 SECRETARY OF TRANSPORTATION SHALL BE FOR THREE YEARS. A MEMBER  
16 OF THE ADVISORY COMMITTEE MAY BE REAPPOINTED FOR ADDITIONAL  
17 TERMS. AN INDIVIDUAL APPOINTED TO FILL A VACANCY SHALL SERVE FOR  
18 THE UNEXPIRED TERM AND SHALL BE ELIGIBLE FOR REAPPOINTMENT.

19 (D) POWERS AND DUTIES.--THE POWERS AND DUTIES OF THE  
20 ADVISORY COMMITTEE SHALL BE TO ADVISE AND CONSULT THE GOVERNOR,  
21 THE SECRETARY AND THE GENERAL ASSEMBLY ON ALL ASPECTS OF HIGHLY  
22 AUTOMATED VEHICLES AND MAY DO ANY OF THE FOLLOWING, INCLUDING,  
23 BUT NOT LIMITED TO:

24 (1) DEVELOP TECHNICAL GUIDANCE.

25 (2) EVALUATE BEST PRACTICES.

26 (3) RECOMMEND LEGISLATION AND POLICY.

27 (4) ENGAGE IN CONTINUED RESEARCH AND EVALUATION OF THE  
28 TECHNOLOGY NECESSARY TO ENSURE SAFE TESTING, DEPLOYMENT AND  
29 CONTINUED INNOVATION IN THIS COMMONWEALTH.

30 (E) MEETINGS AND EXPENSES.--THE FOLLOWING SHALL APPLY:

1           (1) THE ADVISORY COMMITTEE SHALL MEET AT LEAST THREE  
2 TIMES ANNUALLY, BUT MAY HOLD ADDITIONAL MEETINGS AS ARE  
3 CALLED BY THE CHAIRPERSON OF THE ADVISORY COMMITTEE. THE  
4 CHAIRPERSON SHALL PROVIDE NOTICE AT LEAST 14 DAYS IN ADVANCE  
5 FOR REGULAR MEETINGS AND SHALL PROVIDE A MINIMUM OF THREE  
6 DAYS' NOTICE FOR SPECIAL MEETINGS.

7           (2) THE SECRETARY SHALL MAINTAIN A RECORD OF MEETING  
8 ATTENDANCE BY MEMBERS AND SHALL PROVIDE WRITTEN NOTICE TO  
9 APPOINTED MEMBERS WHO MISS TWO CONSECUTIVE MEETINGS. AN  
10 APPOINTED MEMBER UNDER SUBSECTION (B) (6) WHO MISSES THREE  
11 CONSECUTIVE MEETINGS WITHOUT GOOD CAUSE ACCEPTABLE TO THE  
12 CHAIRPERSON OF THE ADVISORY COMMITTEE MAY BE REPLACED BY THE  
13 SECRETARY.

14           (3) MINUTES OF THE MEETINGS SHALL BE PREPARED AND FILED  
15 WITH THE ADVISORY COMMITTEE AND DISTRIBUTED TO EACH MEMBER.  
16 EACH RECORD SHALL BE A MATTER OF PUBLIC RECORD.

17           (4) AN APPOINTED MEMBER UNDER SUBSECTION (B) (6) MAY NOT  
18 RECEIVE PER DIEM EXPENSES.

19           (5) THE DEPARTMENT SHALL PROVIDE APPROPRIATE STAFF  
20 SUPPORT TO ENABLE THE ADVISORY COMMITTEE TO PROPERLY CARRY  
21 OUT THE ADVISORY COMMITTEE'S FUNCTIONS.

22           (F) ANNUAL REPORT.--THE DEPARTMENT SHALL PROVIDE AN ANNUAL  
23 REPORT OF THE ACTIVITIES UNDER SUBSECTION (D) ON THE  
24 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

25           SECTION 4. THIS ACT SHALL TAKE EFFECT IN 90 DAYS.