

119TH CONGRESS
2D SESSION

H. R. —

To establish minimum standards for how autonomous vehicle operators work with emergency responders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MULLIN introduced the following bill; which was referred to the Committee on

A BILL

To establish minimum standards for how autonomous vehicle operators work with emergency responders, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “AV Emergency Response Coordination Act”.

SEC. 2. EMERGENCY RESPONDER SAFETY AND COORDINATION GUIDANCE.

(a) IN GENERAL.—The Secretary shall require, and establish a uniform format and process for, covered entities to submit to the Secretary—

(1) an emergency response guide containing detailed information described in subsection (b) to support the

coordination of emergency responders with covered entities and the development of procedures for responding to incidents involving covered vehicles; and

(2) a clear and concise rescue sheet containing relevant information described in subsection (b) that is intended for use by an emergency responder at the scene of an incident involving a covered vehicle to deal with exigent circumstances.

(b) DOCUMENTATION.—Each emergency response guide and rescue sheet submitted in accordance with subsection (a) shall detail—

(1) the process by which a covered entity informs emergency responders and emergency management agencies in the operating region of how the covered vehicle interacts with emergency responders; and

(2) the methods by which emergency responders may—

(A) communicate with a covered entity, including through the hotline required under subsection (f), to coordinate on the safe operations of its covered vehicles during, and respond in real time to, incidents involving its covered vehicles, including—

(i) collisions;

(ii) unplanned stoppage events;

(iii) natural disasters, including floods, earthquakes, wildfires, severe storms, and extreme heat;

(iv) declared emergencies, major civic events, and evacuations;

(v) major infrastructure failures; and

(vi) first responder activity unrelated to the operation of autonomous vehicles;

(B) move, disable, immobilize, and tow a covered vehicle;

(C) identify the operational status of a covered vehicle, including whether the automated driving system is activated, the status of its engine, and the status of any other vehicle systems that may affect emergency response;

(D) identify and mitigate hazards related to a covered vehicle involved in a collision, unplanned stoppage event, or follow-up response involving a second responder or public official;

(E) access the occupants of a covered vehicle in an emergency, including how emergency responders may—

(i) physically extricate occupants; and

(ii) communicate with occupants in real time when an emergency responder is outside the vehicle;

(F) issue geofence notices to a covered entity;

(G) communicate with remote human personnel;
and

(H) preserve and recover data and video from a covered entity to investigate a covered vehicle's involvement in a collision, unplanned stoppage event, or follow-up response involving a second responder or public official.

(c) FREQUENCY.—

(1) Each covered entity shall provide in writing to each first responder agency, emergency management agency, and transportation authority in the operating region, or work with a State, Tribal, or local government to distribute such information to each such agency and authority—

(A) prior to a covered entity operating a covered vehicle on a public road or selling, offering for sale, introducing, delivering for introduction in interstate commerce, or importing into the United States a covered vehicle for operation on a public road within such operating region—

(i) notice that it is planning to operate therein;

(ii) a point of contact at the covered entity for such agency or authority to communicate with the covered entity regarding emergency situations and non-emergency issues; and

(iii) the emergency response guide and rescue sheet consistent with the uniform process and format established by the Secretary, as required under subsection (a), but, in the absence of such a process and format, the information otherwise required under subsections (a)(1) and (a)(2); and

(B) any updated version of such guide and rescue sheet not later than 5 days after an emergency response guide and rescue sheet has been materially updated and submitted to the Secretary pursuant to paragraph (2)(B).

(2) Each covered entity shall—

(A) submit the emergency response guide and rescue sheet to the Secretary on the later of the date that is—

(i) no later than 180 days after the date of enactment of this Act; or

(ii) prior to a covered entity operating a covered vehicle on public roads or selling, offering for sale, introducing, delivering for introduction in interstate commerce, or importing into the United States a covered vehicle for operation on public roads; and

(B) submit to the Secretary any updated version of such guide and rescue sheet on the later of the date that is—

(i) 30 days prior to making material changes to the vehicle or system, including its software, that affect the subject areas described in subsection (b); or

(ii) as soon as practicable for material changes to the vehicle or system, including its software, that pose an unreasonable risk to motor vehicle safety or vulnerable road users materially related to the subject areas described in subsection (b).

(d) PUBLIC AVAILABILITY.—

(1) The Secretary shall establish and maintain on a mobile friendly website a searchable, publicly available, and central repository of emergency response guides and rescue sheets submitted under this subsection. Such website may be incorporated into other databases related to covered vehicles.

(2) The Secretary shall make each emergency response guide and rescue sheet submitted under this subsection publicly available not later than 10 days after the date on which the Secretary receives such guide or sheet.

(e) STANDARDIZATION OF EMERGENCY PROCEDURES.—

(1) Not later than 2 years after the date of the enactment of this Act, the Secretary shall issue a final rule establishing a minimum standard for how covered entities shall enable emergency responders to conduct the activities with covered vehicles that are enumerated under subsection (b)(2).

(2) In developing the standard required under paragraph (1), the Secretary shall—

(A) consult with—

(i) State and local agencies that have experience collaborating with covered entities, including agencies that employ first responders and second responders and transportation authorities;

(ii) State and local emergency management agencies and other entities that prepare communities for disasters, including earthquakes, wildfires, severe storms, extreme heat, and flooding;

(iii) covered entities;

(iv) organizations that work to advance traffic safety and pedestrian safety;

(v) organizations that advance the interests of bicyclists and other vulnerable road users;

(vi) organizations that advance the interests of people with disabilities; and

(vii) relevant standard-setting organizations; and

(B) consider standards already developed by private entities.

(3) COMPLIANCE.—

(A) Not later than 1 year after a final rule issued pursuant to paragraph (1), a covered entity shall not operate a covered vehicle on a public road or sell, offer for sale, introduce, deliver for introduction in interstate commerce, or import into the United States a covered vehicle for operation on a public road, unless it is compliant with the standards promulgated under paragraph (1).

(B) Upon the request of a covered entity, the Secretary may grant an exemption from the requirement under subparagraph (A) lasting no more than 1 additional year for covered vehicles already operating on public roads at the time of the issuance of a final rule pursuant to paragraph (1).

(4) Not later than 180 days after the enactment of this Act, the Secretary shall issue a final rule establishing a process by which a Federal, State, or local government agency may issue a geofence notice to a covered entity pursuant to subsection (g) and the required process by which covered entities receive and respond to such notice and other emergency orders.

(f) EMERGENCY HOTLINE.—Beginning no later than 90 days after the date of the enactment of this Act, a covered entity shall—

(1) maintain a telephone hotline that is available for emergency responders to communicate with the covered entity in the event of an emergency, including the ability to coordinate with remote human personnel;

(2) ensure availability of such hotline at all times; and

(3) respond to callers on such hotline within 30 seconds.

(g) GEOFENCING NOTICES.—Beginning not later than 180 days after the enactment of this Act, a covered entity shall not operate a covered vehicle without a human driver physically present on a public road or sell, offer for sale, introduce, deliver for introduction in interstate commerce, or import into the United States a covered vehicle for operation on a public road unless it is compliant with—

(1) all geofence notices within 2 minutes of their issuance or through the process established by the Secretary under subsection (e)(4), or operated merely

to remove a covered vehicle from an area subject to a geofence notice; and

(2) all emergency orders with which a human driver would need to comply that are issued by a Federal, State, Tribal, and local governments or agencies within the operating region.

(h) ENFORCEMENT.—

(1) Section 30165(a)(1) of title 49, United States Code, is amended by inserting “sections (c), (e)(3), (f), or (g) of the AV Emergency Response Coordination Act,” after “30127,”.

(2) When compliance with a provision of this Act by more than one covered entity would result in materially duplicative activities, only one such covered entity shall be required to comply with such provision, but a covered entity shall be responsible for ensuring compliance with all relevant provisions of this Act even when another entity carries out such activities on its behalf.

SEC. 3. DEFINITIONS.

In this Act:

(1) **AUTOMATED DRIVING SYSTEM.**—The term “Automated Driving System” or “ADS” means a Level 3 system, Level 4 system, or Level 5 system and includes hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain and regardless of the presence of a safety operator.

(2) **COVERED ENTITY.**—The term “covered entity” means a manufacturer or operator that manufactures for sale, sells, offers for sale, introduces or delivers for introduction in interstate commerce, imports into the United States, or operates a covered vehicle.

(3) COVERED VEHICLE.—The term “covered vehicle” means a vehicle with an Automated Driving System.

(4) EMERGENCY RESPONDER.—The term “emergency responder” means first responders and second responders.

(5) EMERGENCY RESPONSE GUIDE.—The term “emergency response guide” means a document that is similar to templates established by the International Organization for Standardization in standard ISO 17840–3 (published in April 2019), or another standard established by the Secretary.

(6) FIRST RESPONDER.—The term “first responder” has the meaning given to the same term in section 561.5 of title 49, Code of Federal Regulations.

(7) GEOFENCE NOTICE.—The term “geofence notice” means a request issued by a first responder or other Federal, State, Tribal, or local government or agency to a covered entity to have its covered vehicles avoid a geographic area for up to 72 hours to address an emergency, disaster, or other safety hazard, until the issuer sends notice of the rescission of such a request, but a request may be extended by the issuer of such request if the issuer determines that the operation of a covered vehicle in such a geographic area poses an ongoing safety hazard and reissues such request.

(8) LEVEL 3 SYSTEM.—The term “Level 3 system” means the same as and is coterminous with the definition of “Level or Category 3 - Conditional Driving Automation” in SAE J3016 Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles § 5.4 (April 2021), but the Secretary may revise the definition based on updated versions of that or other relevant documents. A Level 3 system is an Automated Driving System (ADS) on the vehicle that can perform all aspects of the driving task under some circumstances. In those circumstances, the human driver must be ready to take back control at any time when the ADS requests the human driver to do so. In all other circumstances, the human driver performs the driving task.

(9) LEVEL 4 SYSTEM.—The term “Level 4 system” means the same as and is coterminous with the definition of “Level or Category 4 - High Driving Automation” in SAE J3016 Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles § 5.5 (April 2021), but the Secretary may revise the definition based on updated versions of that or other relevant documents. A Level 4 system is an Automated Driving System (ADS) on the vehicle that can perform all driving tasks and monitor the driving environment (essentially, do all the driving) in certain circumstances without the need for a takeover-ready human driver. When operated solely within its limited domains, any human occupants are considered passengers and need not be involved in the driving task.

(10) LEVEL 5 SYSTEM.—The term “Level 5 system” means the same as and is coterminous with the definition of “Level or Category 5 - Full Driving Automation” in SAE J3016 Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles § 5.6 (April 2021), but the Secretary may revise the definition based on updated versions of that or other relevant documents. A Level 5 system is an Automated Driving System (ADS) on the vehicle that can do all the driving in all circumstances. Any human occupants are just passengers and need never be involved in the driving task.

(11) MANUFACTURER.—The term “manufacturer” means a person developing, fabricating, manufacturing, assembling, or importing motor vehicles or motor vehicle equipment (including pre-production and prototype motor vehicles and equipment). A manufacturer may also be an operator.

(12) MOBILE FRIENDLY.—The term “mobile friendly” has the meaning given to the same term in section 3559 of title 44, United States Code.

(13) OPERATING REGION.—The term “operating region” means the geographic areas in which a covered vehicle

operates, regardless of whether such vehicle was designed to operate in such areas, and geographic areas in which a covered entity imminently plans to have its covered vehicles operate.

(14) OPERATOR.—The term “operator” means the entity operating a motor vehicle equipped with ADS on a publicly accessible road. An operator may also be a manufacturer.

(15) REMOTE HUMAN PERSONNEL.—The term “remote human personnel” means a human being not physically present within a covered vehicle who has situational awareness of and the ability to move, direct, or immobilize such vehicle on their own or as directed by an emergency responder.

(16) RESCUE SHEET.—The term “rescue sheet” means a document that is similar to templates established by the International Organization for Standardization in standards ISO 17840–1 (published in February 2022) and ISO 17840–2 (published in April 2019), or another standard established by the Secretary.

(17) SECOND RESPONDER.—The term “second responder” has the meaning given to the same term in section 561.5 of title 49, Code of Federal Regulations.

(18) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(19) UNPLANNED STOPPAGE EVENT.—The term “unplanned stoppage event” means an event, other than a collision or an incident intentionally caused by a human driver, during which, as a result of an Automated Driving System, a covered vehicle—

(A) stops on a public road in a travel lane and is unable to proceed without retrieval, manual intervention, or the assistance of remote human personnel;

(B) interferes with the normal functioning of public transit or public transit vehicles, including light rail;

(C) interferes with the activities of law enforcement or first responders; or

(D) interferes with a construction or work zone.

(20) VULNERABLE ROAD USER.—The term “vulnerable road user” has the meaning given such term in section 148(a) of title 23, United States Code.