

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

3/26/2018

2. Department

Department of Motor Vehicles

3. Organizational Placement (Division/Branch/Office Name)

Enterprise Risk Management Division

4. CEA Position Title

Chief, Autonomous Vehicles Branch

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The Department of Motor Vehicles (DMV) requests establishment of a Career Executive Assignment (CEA) position to serve as the Chief, Autonomous Vehicles Branch (AVB). Under the general direction of the Deputy Director, Enterprise Risk Management, the Chief, AVB will be responsible for developing, implementing, administering, and evaluating policies and procedures for the DMV's Autonomous Vehicles (AV) Program. The incumbent will manage, organize, and direct staff in the AVB.

6. Reports to: (Class Title/Level)

Career Executive Assignment, Level C

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Under the general direction of the Deputy Director, Enterprise Risk Management, the Chief, AVB is responsible for developing regulations and setting policy regarding the testing, operation, and deployment of AVs pursuant to California Vehicle Code section 38750. The incumbent provides managerial oversight and leadership to the AVB, which is responsible for the development of operational procedures and the administration of the requirements set forth in the AV regulations as governed by California Code of Regulations, Title 13, Division 1, Chapter 1, Article 3.7. The CEA performs the following duties:

Serves as the principal policymaker in implementing legislation and enacting regulations applicable to the AV Program. Develops, evaluates, and recommends policies and proactive strategies related to AV testing, operation, and deployment. Modifies policies addressing legislative changes impacting the AV Program. Oversees implementation of legislation and projects of major impact to the state, the automotive industry, and the public. Renders management advice to the DMV Directorate on matters concerning the AV Program. Contributes to the development of or modification to AV regulations.

Manages and oversees all aspects of the AV Program, which includes the review, approval, denial, suspension, revocation, and tracking of permits for the testing and deployment of AVs; the imposition of appropriate AV manufacturer administrative reviews and actions; the review of appeals and conduction or coordination of hearings regarding the denial, suspension, or revocation of AV testing and deployment permits; the review, approval, and/or tracking of registered AVs, AV test driver training programs, qualified AV test drivers, law enforcement interaction plans, collision and disengagement occurrences, proof of insurance/surety bonds, and autonomous fleets; the tracking of manufacturer compliance with state and federal laws, including autonomous technology data recorders, location and mapping information updates, cyber defenses, end user education, and certifications of compliance; and keeping abreast of new technological developments, autonomous efforts in other states, and regulatory schemes and legislation by local municipalities, California, other states, and the federal government.

Performs personnel management functions, such as selecting, training, and evaluating AVB staff. Provides leadership, mentoring, recognition, and guidance to AVB staff. Directs AVB staff to achieve planned goals, objectives, and outcomes. Actively supports the DMV's equal employment opportunity guidelines and policies and handles complaints and grievances filed on behalf of AVB employees. Takes or recommends appropriate action to resolve personnel issues in accordance with the performance management process.

Serves as a high-level department representative, ensuring AV Program operations abide by federal and state regulations. Meets with representatives of federal, state, and local government, interfacing with academia, industry, stakeholders, and special interest groups. Stays abreast of developments in the rapidly-evolving AV field and adjusts policy as needed.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The AV Program is critical to the DMV's achievement of its mission to proudly serve the public by licensing drivers, registering vehicles, securing identities, and regulating the motor vehicle industry. To meet its mission, the DMV must keep pace with emerging technology and take the steps necessary to develop and implement policy essential to ensuring the safe operation of AVs on public roads. AV technology has the potential to improve safety on California's roads, reduce traffic congestion and parking, improve fuel efficiency, offer enhanced mobility for the disabled and the senior community, and improve the overall quality of life of California residents. The AV Program will advance the DMV in meeting its vision to be a trusted leader in delivering innovative DMV services.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

Senate Bill (SB) 1298 (Chapter 570, Statutes of 2012) requires the DMV to create regulations that cover both the testing and deployment of AVs. SB 1298 has been codified into Vehicle Code section 38750. The statute requires the DMV to put in place requirements to ensure the safe operation of AVs on California's public roadways.

The DMV developed the first version of testing regulations. Those regulations became effective on September 16, 2014. The regulations require a test driver in the vehicle, \$5 million in financial responsibility, the reporting of crashes, and the disclosure of unexpected disengagements of the autonomous mode. The regulations do not cover vehicles over 10,000 pounds.

The initial AV testing regulations established an Autonomous Vehicle Tester Program, for which the DMV is accepting applications. Manufacturers must submit an application and obtain approval through the Autonomous Vehicle Tester Program prior to testing AVs on California public roads. As of March 16, 2018, DMV has issued AV Testing Permits to 52 companies.

On February 26, 2018, the California Office of Administrative Law approved the amendments to California Code of Regulations, Title 13, Division 1, Chapter 1, Article 3.7 and the adoption of Article 3.8 regarding the testing and deployment of AVs on public roads. The DMV noticed to the public on March 2, 2018, the department will begin to accept applications for both driverless testing and deployment of AVs on April 2, 2018. The department can begin issuing permits on April 2, 2018. Under the new set of regulations, AV manufacturers must obtain a driverless testing and/or a deployment permit from the DMV and comply with the permit requirements if they wish to either test an AV without a driver or allow the public to use their autonomous technology.

The DMV will begin working on regulations covering commercial vehicles. These will require more coordination as a number of state and federal agencies will be involved. For example, within California, the California Public Utilities Commission, the California Highway Patrol, the California Department of Transportation, the Department of Insurance, and others will be involved. At the federal level, the National Highway Traffic Safety Administration, the Federal Motor Carrier Safety Administration, the Federal Highway Administration, and others will be involved.

The DMV must establish an AV Program with oversight by a CEA to set policy regarding the use of AV testing and deployment. The CEA will have significant involvement in the development of AV regulations covering commercial vehicles, which will in turn require policy development and implementation and program management.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The CEA will be the principal policy maker for the following:

1.) Policy which establishes criteria for the continuance or revocation of a manufacturer's AV testing or deployment permit. This includes determining the methods necessary to monitor and enforce provisions of the regulations, how law enforcement is involved in the process, and the criteria manufacturers must meet for re-issuance of their permit. This area will have a business impact on AV manufacturers and a safety impact on the public by establishing and verifying the criteria necessary to ensure the safe operation of AVs on public roadways.

2.) Policy which establishes data collection and reporting requirements as part of a manufacturer's testing and deployment permit. This includes determining what data elements automakers should be required to collect during testing, what data elements automakers should be permitted to collect after selling the AV, what notification, if any, is necessary regarding the data collection, and who is responsible for maintaining the data. This area will have a significant impact on the privacy and security of information collected on AV consumers.

3.) Policy which establishes criteria for public use of AVs, specifically completely driverless vehicles without a steering wheel or pedals. This includes determining if there should be minimum age requirements for passengers to ride alone in the vehicles, if non-humans can be allowed to ride in AVs unsupervised, what restrictions should be in place for monitoring activities within a completely driverless vehicle, if persons who require supervision/monitoring should be allowed to ride in AVs alone, and if there should be restrictions on what can be transported by AVs. This area will have a major impact on AV consumers as it will identify the types of activities that will be permitted and those that will be prohibited in the operation and use of AVs. The decisions made in this area may also impact industries intending to utilize AVs for commercial purposes, such as ridesharing companies.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The Chief, AVB will have broad decision-making authority in the development, revision, recommendation, and implementation of policies and procedures related to the full scope of the AV Program. This includes managing, administering, monitoring, and coordinating the AV Program in accordance with applicable laws, rules, and regulations. The CEA will be responsible for identifying resolutions to problems by developing timely and effective strategies to improve the AV Program. The CEA will play a significant role in finalizing the AV testing and deployment regulations, developing the regulations governing commercial use of AVs, and modifying the AV regulations as determined necessary.

The Chief, AVB will have full management responsibility for the AVB, which is responsible for setting policy regarding the testing and deployment of AVs, developing operational procedures, and administering the AV Program. Responsibilities of the AVB include, but are not limited to, the following: the review, approval, denial, suspension, revocation, and tracking of permits for the testing and deployment of AVs; the imposition of appropriate AV manufacturer administrative reviews and actions; the review of appeals and conduction or coordination of hearings regarding the denial, suspension, or revocation of AV testing and deployment permits; the review, approval, and/or tracking of registered AVs, AV test driver training programs, qualified AV test drivers, law enforcement interaction plans, collision and disengagement occurrences, proof of insurance/surety bonds, and autonomous fleets; and the tracking of manufacturer compliance with state and federal laws, including autonomous technology data recorders, location and mapping information updates, cyber defenses, end user education, and certifications of compliance.

The Chief, AVB will have full responsibility for ensuring the AVB is staffed with the competencies necessary to administer the AV Program. The critical knowledge necessary to complete these tasks includes, but is not limited to, knowledge of AV technologies; California regulations and statutes addressing AV testing and deployment; federal statutes, such as the Federal Motor Vehicle Safety Act and the National Traffic and Motor Vehicle Safety Act of 1966; SAE International's Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles, Standard J3016; law enforcement and first responder interaction plans; liability insurance and surety bonds; AV cyber defenses; AV communication links; and end user education plans. Additionally, it will be necessary to have knowledge of, and familiarity with, AV regulatory efforts at the national and other state levels.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The CEA will develop and implement new policy in accordance with the AV testing and deployment regulations currently in development as well as the regulations governing commercial use of AVs, which have yet to be developed. The CEA will be responsible for revising existing and/or developing and implementing new policy as new state and federal legislation and regulations impacting the AV Program are enacted. The CEA will also be responsible for interpreting existing policy by serving as a key advisor and resource to the DMV Directorate regarding AV Program matters and managing, administering, and monitoring the AV Program in accordance with applicable laws and rules.