DATE: March 7, 2022

TO: The General Public

 FROM: NMDOT

# SUBJECT: Rulemaking 18.24.1 NMAC, General Provisions – Definitions and Testing Rule

**CONCISE EXPLANATORY STATEMENT**

Pursuant to NMSA 1978, § 14-5-5.5 the New Mexico Department of Transportation (“NMDOT”) provides this concise explanatory statement which summarizes rulemaking of the General Provisions – Definitions and Testing Rule, 18.24.1 NMAC.

NMDOT hereby adopts new Rule 18.24.1 NMAC for the purposes of regulating autonomous motor vehicle testing on public highways in New Mexico as authorized under NMSA 1878, Sections 66-7-12 and 66-7-13.

1. **Statutory Authority for Rule Promulgation:**

New Rule 18.24.11 is being promulgated under the authority of NMSA 1978, Sections 9-1-5, 67-3-8, 67-3-28, 66-7-12, and 66-7-13.

**(2) Effective Date of Rule:**

 The new Rule 18.24.1 NMAC will become effective on publication in the New Mexico Register on April 19, 2022.

**(3) Date of Adoption of Rule:**

New Rule 18.24.1 NMAC was adopted by the State Transportation Commission on March 24, 2022.

**(4) Reasons for Adopting Rule:**

As Enacted by the 2021 New Mexico Legislature, NMSA 1978, Sections 66-7-12 and 66-7-13 set forth the information that must be provided to the NMDOT prior to autonomous motor vehicles being tested on a public Highway in New Mexico and directed the NMDOT to promulgate rules concerning the testing of autonomous motor vehicles on public highways in New Mexico. New Rule 18.24.1 NMCA provide the framework under which owners or operators of autonomous motor vehicles may test such vehicles on public highways in New Mexico and what information the owners and operators of autonomous motor vehicles must provide to the NMDOT prior to testing such vehicles on public highways in New Mexico.

**(5) Reasons for Changes from Published Rule:**

Changes made to the proposed rule after consideration of comments from the public include:

1. 18.24.1.7(S)(1) was changed to reference the “current standard” for SAE J3016. This change allows the rule to remain up to date with future changes to the SAE J3016 standard.

2. 18.21.1.7(L)(2) was changed to fix a mistyped word and to align the definition with SAE J3016.

3. 18.24.1.7(D)(3) was changed to align the terminology used in the rule with that found in SAE J3016.

4. 18.24.1.7(D)(5) was changed to fix a mistyped word and the align the terminology used in the rule with that found in SAE J3016.

5. 18.21.1.7(L)(2) was changed to fix a mistyped word and to align the definition in the rule to align with SAE J3016.

6. 8.24.1.7(M)(1) was changed to fix a mistyped word, to delete a repeated word, and to align the definition found in the rule with SAE J3016.

7. 18.24.1.13(D) was changed to align the sub-section with the rest of the 18.24.1.13 and to allow any self-reported information to be contained in a database, not just information on crashes, collisions, and violations.

In addition to the changes made pursuant to public comments, 18.24.1.7(F)(3)(a) and 18.24.1.12(A)(4)(C) were changed to correct mistyped words. Finally, the title of Part 1 was changed from “Autonomous Motor Vehicle Testing” to “General Provisions – Definitions and Testing’ in the final version of Rule 18.24.1 NMAC. The title of Part 1 was changed in order to conform with SRCA policy and the approved Part title.

**(6) Reasons for Not Accepting Substantive Comments or Suggestions from the Public Comment:**

The NMDOT received a written comment suggesting that the term “operation” as used in the rule did not comport with NMSA 1978, Sections 66-7-12 and 66-7-13 and that all language regarding operation of autonomous vehicles should be stricken from Rule 18.24.1. However, the NMDOT determined that the use of “operation” in the proposed rule is general in nature rather than technical, as well as consistent with the use of the terms “operating,” “operation,” and “operator” as found in NMSA 1978, Section 66-7-12 and the terms “operated” and “operation” as found in NMSA 1978, Section 66-7-13. As such, the NMDOT did not change the final rule pursuant to the comment.