

NOTICE OF PROPOSED RULEMAKING

The New Mexico Department of Transportation (NMDOT) is proposing a new rule, 18.24.1 NMAC, Autonomous Vehicle Testing Rule.

Approval of the initial rulemaking action for the proposed new rule was granted to NMDOT by the New Mexico State Transportation Commission on May 20, 2021, pursuant to Sections 9-15, 67-3-8 and 67-3-11, NMSA 1978. The legal authority authorizing this rulemaking is Section 66-7-12 and 66-7-13, NMSA 1978.

Summary of Full Text: Title 18, Chapter 24, Part 1, Autonomous Vehicle (AV) Testing introduces definitions that are specific to AV as established in the Society of Autonomous Engineers (SAE) Standard J-3016, the standard recognized by National Highway Traffic and Safety Administration (NHTSA), the federal regulatory authority on AV operations. It also establishes the required information to be submitted to the New Mexico Department of Transportation prior to testing and operations of AVs on public roadways. It establishes the necessary content of a Police Interaction Plan that must be in place by an AV tester in the event of a crash involving the operations and/or testing of an AV on public roadways. It establishes the minimum liability coverage for AV operations and/or testing on public roadways.

Purpose: The purpose for this rule is to implement the newly enacted Autonomous Vehicle Testing Rule.

Full Text of the Proposed Rule: A copy of the full text of the proposed new rule 18.24.1 NMAC may be found on the NMDOT website at the following Internet link, under the *Public Notices* tab: <https://dot.state.nm.us/content/nmdot/en/public-notice.html>. To obtain a printed copy of the proposed amended rule, contact Mershawn Griego at (505) 216-8831 or MershawnC.Griego@state.nm.us. A reasonable fee may be charged for printed copies.

Rulemaking Hearing: NMDOT will hold one statewide virtual public hearing for the purpose of receiving oral and written public comment from interested parties on the proposed repeal and replacement of 18.24.1 NMAC. This hearing will be held in conformance with the Governor's directives regarding gatherings and social distancing. The hearing is scheduled on Tuesday, November 16, 2021 from 1:00 p.m. to 3:00 p.m. To participate in this hearing:

Join Zoom Meeting:

<https://dot-state-nm-us.zoom.us/j/83240956940?pwd=V3ByZGNNd1h2dTdNWDgzdmozSm1uUT09>

Meeting ID: 832 4095 6940

Passcode: 010286

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+1 301 715 8592 US (Washington DC)

833 548 0276 US Toll-free

833 548 0282 US Toll-free

877 853 5257 US Toll-free

888 475 4499 US Toll-free

Meeting ID: 832 4095 6940

Find your local number: <https://dot-state-nm-us.zoom.us/j/83240956940?pwd=V3ByZGNNd1h2dTdNWDgzdmozSm1uUT09>

Written Comments: To submit written comments on or before the date of hearing, please send to: Mershawn Griego at New Mexico Department of Transportation, P.O. Box 1149, Santa Fe, New Mexico 87504 or submit via

email to MershawnC.Griego@state.nm.us. Written comments will be accepted from the date this notice is published in the New Mexico Register, October 13, 2021, and until the close of the final hearing scheduled in this rulemaking, November 16, 2021. If you plan to submit written comments, argument, or data, please make sure any documentation contains your name, phone number and email address. If submitting written comments by email, please indicate the rule number in the subject line. Oral comments will only be accepted at the public hearing and may be subject to time limitations. After the close of the final hearing scheduled in this rulemaking, the rulemaking record will be closed and no other comments will be accepted. All written comments will be posted on the department's website within three days of receipt.

Accommodations: Any individual with a disability who is in need of an auxiliary aid or service to attend or participate in the hearing, or who needs copies of the proposed rule revisions in an accessible form may contact Mershawnc Griego at (505) 216-8831 or MershawnC.Griego@state.nm.us at least ten days before the hearing.