



COMMONWEALTH of VIRGINIA

AUTONOMOUS DRIVING WORK GROUP

Nicholas Donohue
Secretary of Transportation

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Autonomous Driving Workgroup

[2025 Va. Acts ch. 498 \(HB2627\)](#) & [2026 Va. Acts ch. 738 \(HB1124\)](#)

August 28, 2026 Meeting

Minutes – DRAFT

Meeting date, time, and location:

Friday, August 28, 2026, 1 pm

VDOT Lockwood Auditorium, 9120 Lockwood Blvd, Mechanicsville, VA 23116

Workgroup convened by:

Secretary of Transportation Nick Donohue

Other Workgroup members present in person:

Delegate David Reid

Delegate Briana Sewell

Senator Lamont Bagby

Senator J.D. “Danny” Diggs

Senator Kannan Srinivasan

Virginia State Police (Lieutenant Shawn Gobble)

Virginia Department of Transportation

(Assistant State Traffic Operations Engineer Mena Lockwood)

Workgroup members participating or monitoring remotely, audio-only (via Microsoft Teams, in accordance with the electronic participation policy, adopted at the May meeting, due to a distance of more than 60 miles between these members’ locations and the meeting location):

Delegate Jackie Hope Glass

Delegate Jason Ballard

Virginia Department of Motor Vehicles

(Assistant Commissioner Patrick Harrison)

Workgroup members absent:

Delegate Terry Austin

Summary:

A range of stakeholders were present, including many of the representatives present at prior meetings. There is no known, complete list of attendees.

The meeting began just after 1 pm with opening remarks by Secretary Donohue. A roll call for attendance confirmed that a quorum was present in person.

Administrative Matters

Staff noted that there were three sets of minutes to approve, for the meetings on May 22, July 24, and August 20 (virtual). Draft minutes were posted after each of those meetings and are in the meeting packet for this meeting.

Delegate Reid made **a motion to approve the three sets of minutes in block**, and Delegate Sewell seconded the motion. **The motion carried 8-0-1**, with Secretary Donohue abstaining. (Senator Bagby and Delegate Glass arrived after the vote, during the KAG presentation.)

Labor and Workforce Impact Presentation

Trina Willard of Knowledge Advisory Group (KAG) presented regarding KAG's methodology, findings, and discussions of labor and workforce impacts of autonomous vehicles, pursuant to 2026 Va. Acts ch. 738.

A copy of the presentation has been published in the meeting packet since before the meeting, and the video is available on the VDOTLIVE YouTube channel. See links at the end of this document.

There were questions from representatives of the Teamsters and the DMV Drivers Alliance.

Public Comment

The Workgroup held a public comment period, beginning with those who signed up on the comment sheet but also extending the opportunity to comment to all those present. The following persons spoke:

- Reneé Gibson, AVIA
- Liz Fishback, Stack AV
- Anne Marie Lewis, Torc Robotics

- Nick Steingart, Alliance for Automotive Innovation
- Alison Pascale, Volkswagen
- Matt Foster, Virginia Trial Lawyers Association
- Kevin O'Neill, DMV Drivers Alliance
- Richard Wilder, Uber
- Benjamin Lynn, ATU Local 689
- Nick Jones, Teamsters
- India Herdman, Tesla
- Elizabeth Parker, Troutman Strategies, representing the American Property and Casualty Insurance Association (APCIA)

The substance of each of their remarks is available in the meeting video.

Legislative Options

Secretary Donohue then turned the meeting over to Deputy Secretary of Transportation Laura Schewel. Deputy Secretary Schewel presented and facilitated discussion among Workgroup members and voting regarding the following 26 issues. For clarity, these minutes reproduce the slide for each issue, followed by the voting summary.

1. Does the working group recommend moving forward with legislation in 2027?

Options

1) Yes - let's move forward with legislation in 2027
2) No – let's wait
3) Abstain
4) Other

Considerations

- Timeliness of Virginia's participation in the AV market, with its potential economic, safety, and accessibility benefits
- Much still unknown about safety, traffic, and labor implications of AVs
- In future years, federal action may pre-empt some of what is decided in state legislation

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Delegate Reid made a **motion for two pieces of legislation in 2027: one for implementation and one for an ongoing workgroup**. Senator Bagby seconded the motion. **The motion carried 10-1**, with Delegate Sewell opposed. She clarified that she wants legislation to move a pilot phase forward but not implementation.

2. Vehicles: Levels of automation considered

Recommendation

Options

- 1) Yes – adopt staff recommendation
- 2) No – do not adopt
- 3) Abstain
- 4) Other

Recommendation:

Legislation should be limited to SAE 4. Level 3 changes, if any, can be handled separately.

- Levels 0-2 have been around for a while; Level 5 is still a ways off
- **For Level 3**, (happening already today) consider adding rules regarding inattentive driving, markings in separate legislation.
- **For Level 4+**, recommend a permitting process and operating rules covering piloting and deployment of AVs in Virginia

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Secretary Donohue made a **motion to adopt the staff recommendation**. VDOT seconded the motion. **The motion carried 11-0.**

3. Vehicles: Personal vs. commercial use

Recommendation

Options

- 1) Yes – adopt staff recommendation
- 2) No – do not adopt
- 3) Abstain
- 4) Other

- **Recommendation: Limit permits to commercial AV use.** Do not authorize the operation of fully autonomous vehicles for personal use until further testing and deployment of commercial AVs has taken place.
- **(For clarity - this does not mean banning personal autonomous Level 4+ vehicles. The legislation would remain silent on personally owned vehicles use and personal Level 3 use would continue).**
- Restricting authorization to commercial use mitigates risks through
 - Professional management and maintenance of vehicle fleets
 - Continuous monitoring of vehicle operations
 - Limited scope and area of activity
- Enforcing the restriction will mean issuing permits only to applicants who
 - Have registered with the State Corporation Commission to do business in Virginia and
 - Certify that they will use the permitted AVs exclusively to transport passengers or property in furtherance of a commercial enterprise

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Delegate Reid noted for clarification that commercial use would include all uses that

have been discussed (including ride sharing, delivery, buses, and class 7/8 vehicles), essentially everything except a personally-owned AV. Deputy Secretary Schewel agreed and noted that nothing would be banned; the recommendation was to open permitting only for commercial use.

Delegate Reid then made **a motion to adopt the staff recommendation**. Secretary Donohue seconded the motion. **The motion carried 11-0.**

4. Permit Phases

Options
1) Yes – adopt staff recommendation
2) No – do not adopt
3) Abstain
4) Other

- Recommendation: Require a Pilot phase as part of the permit, prior to full deployment. During the pilot phase, the vehicles can operate with an in-vehicle back-up driver and, once thresholds have been met, without a back-up driver to set a baseline of safety performance data.**
- Lets permittee safely evaluate technology in real-world conditions while agency maintains regulatory oversight.
- Reduces uncertainty and improves safety by allowing manufacturers and regulators to identify issues prior to full deployment.
- Special accommodation will be made for “human back up” driver phase for vehicles that are not contemplated to have human-driver equipment

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Recommendation

Delegate Reid raised a problem or inquiry about the pilot phase, noting that some manufacturers have vehicles that do not have human-centered controls, such as steering wheels and pedals. Deputy Secretary Schewel responded that such scenarios have been dealt with elsewhere through special accommodations and processes for purpose-built vehicles, such as allowing pilot testing to proceed with the ADS in a vehicle different from the vehicle model that will be used for full deployment/implementation. She noted that this was also being considered on the federal level.

Delegate Reid made **a motion to adopt the staff recommendation**. Secretary Donohue seconded the motion. **The motion carried 11-0.**

5. Type of vehicles to open permitting process for

Options

Options (these are not mutually exclusive)

1) Light duty trucks and small passenger vehicles (up to 10k lbs, up to 8 passengers)

Supports robotaxis, delivery of small items to individual customers

2) Medium duty trucks and medium passenger vehicles (10-26k lbs, 8-15 passengers)

Supports mainly logistics, delivery, shuttle services, small transit vehicles, supply chain.

3) Heavy duty trucks and large passenger vehicles (26-80k lbs, 16+ passengers)

Supports full-sized buses for transit, large trucks for freight, construction, waste management, etc.

4) Abstain

5) Other

Considerations:

- This option does not consider “banning” a particular class of vehicle. If only some classes are approved, the law would remain silent on others and Level 3 (thus, testing) would remain legal for all classes, as it is today.
- There is more AV industry experience and maturity in light duty compared to medium and heavy duty
- Labor concerns differ: Potential labor impacts vary by class
- Different safety risk/damage potential by different sized vehicles
- Most other states do not explicitly ban medium or heavy-duty AVs. They may not have yet opened permit/testing processes for them.

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Delegate Reid asked a question to clarify the choices. Deputy Secretary Schewel noted that this issue was about the size of the vehicle, not the particular type of use or ownership.

Delegate Reid made **a motion to move forward with all of them (options 1-3).**

Senator Diggs seconded the motion. **The motion failed**, initially 5-5-1, then 4-6-1 after Senator Bagby changed his vote from in favor to opposed.

Final vote: In favor: Delegates Reid and Ballard, Senator Diggs, and DMV (Harrison).

Opposed: Delegates Glass and Sewell, Senators Bagby and Srinivasan, VDOT, and VSP. Secretary Donohue abstained.

Delegate Reid then made **a motion to move forward with light and medium (options 1 & 2).** The motion did not receive a second.

Senator Bagby commented that this was an issue that would need further, ongoing consideration and that the Workgroup would not have a recommendation on this issue at this time. The Workgroup then moved on to the next issue.

6. AVs Within existing Intrastate Operating Authority

Recommendation

Options

1) Yes – adopt staff recommendation

2) No – do not adopt

3) Abstain

4) Other

- **Context:** DMV currently issues intrastate operating authority (permits and certificates) to different types of businesses that transport passengers or property for hire. Legislation offered in the 2026 Session proposed a new type of operating authority for vehicles deployed in an on-demand autonomous vehicle network.
- **Recommendation:** Do not balkanize operating authority by introducing new types of permits and certificates. Instead, establish rules of general application for all businesses who use AVs.
 - Avoids unnecessary proliferation of types of operating authority and duplication of requirements, which create administrative inefficiencies for both DMV and industry.
 - Allows all types of carriers to reap advantages of deploying AVs.

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Secretary Donohue made a **motion to adopt the staff recommendation**. VDOT seconded the motion. **The motion carried 11-0.**

7. Successful completion of pilot

Options

Options

1) Define success as able to meet the rules of the road and CDL equivalent*.

2) Define success as the same or better overall crash rates measured as equivalent property damage only crashes per vehicle-miles traveled (VMT) as an unimpaired human (~33% lower crash rate than average for light duty, find equivalent for CDL-licensed vehicles*).

Any notable unsafe circumstances (e.g. snow) can be excluded from ODD. Each pilot phase should have a target number of miles driven to assess success.

3) Same as 2 but define success as much safer than an unimpaired human (5x better crash rates per VMT).

4) Abstain

5) Other

Considerations

1. Crashes of any kind, particularly serious crashes, are statistically rare. **Certainty cannot be reached in the pilot phase.** Ongoing data collection should be required to continue to provide the public confidence in AV safety.
2. Human drivers do not have to prove they are safer than average to get licenses – humans are too variable to do this up front. If humans drive distracted, that is illegal and they should face consequences. But this is hard to monitor universally.

Evaluating an AV is different – there is a workable way to measure them against the standard we want everyone to meet at the outset *and* to monitor it universally. This is one of the benefits AVs
3. Open questions – could some miles from other states (as long as they meet VA reporting requirements) be used to meet this?

*Establishing the CDL equivalence of any of these will require additional research and development.

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Initially, no motion was made. Secretary Donohue commented that this issue was presenting whether the Workgroup would recommend a standard for what qualifies to

move from the pilot to the deployment stage.

Delegate Reid commented that he favored “Other,” noting that a pilot needed to be completed, that there had been a lot of discussion of what metrics would measure that, and that DMV should determine best practices when writing the regulation, with safety being paramount and there being a level of trust in the regulator. The specificity (33% vs. another percentage) was the problem.

Senator Diggs asked if the levels used in other states are known. Deputy Secretary Schewel responded that it was not consistent, with some states having no defined standard, some states having a rules of the road requirement, and some states still developing it. Noah Goodall, with the Virginia Transportation Research Council, then commented that he was unaware of other states having a specific crash rate standard; instead, they are making more of a judgment call.

Senator Diggs made **a motion for option 1**. There was no immediate second for that motion.

The Workgroup was having difficulty hearing Delegate Glass. Delegate Sewell reported that Delegate Glass wanted to go with the Other option, requiring an ODD-specific safety case, minimum representative miles, and multiple performance measures with different thresholds by vehicle class. A vote began, but Delegate Ballard asked for clarification about what was being voted on, stating that he thought Delegate Reid had made a motion for option 1. Delegate Reid noted that he favored option 5, which he summarized as DMV figuring it out. Secretary Donohue noted that Senator Diggs had been the one to mention option 1.

Deputy Secretary Schewel restated the pending motion as **a motion for option 5, “let DMV figure it out”, with the addition from Delegate Glass that DMV should figure it out while taking into account an ODD-specific safety case, minimum representative miles, and different performance measures for different vehicle classes**. Delegate Reid and Senator Bagby both seconded that motion. **The motion carried, 6-1-4**. In favor: Delegates Glass, Sewell, Reid, and Ballard, and Senators Bagby and Srinivasan. Opposed: Senator Diggs. Abstentions: Secretary Donohue, DMV, VDOT, and VSP.

8. Safety data is required on an on-going basis

Options

Options

1) Incidents only

Concurrent, unredacted copies of all Standing General Order (SGO).

2) All collisions & exposure #1, plus:

Annual ADS-engaged VMT by month, tract, and geography (locality or other), split by driverless vs. attended operation.

Subset of current CA requirements.

3) Collisions, exposure, and events #2, plus:

Periodic reporting of safety-relevant incidents: dynamic driving task failures, unplanned stops in travel lanes, and hard braking events. *California current data collection.*

4) + Real Time: Include real time location data to support emergency response and dynamic management ("avoid this parade route.")

5) Abstain

6) Other

Considerations:

- If we want to confirm that AVs are "as safe as" or "safer than" human drivers on an ongoing basis, we must choose Options 2 or 3 or 4 because "exposure" data is needed.
- None of the reporting requirements listed here are novel – all are required by at least one other state (specifically – a combination of federal, California, and Pennsylvania reporting requirements and MDS)
- Data retention should be addressed with any option
- Privacy management required for Option 4
- For any option: Staff recommends continuing to participate in key agency forums and report on data collection and findings from other states on an on-going basis.

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Deputy Secretary Schewel clarified that the options shown are not novel and build on each other. Item 1 was the federal requirement. Item 2 was item 1 plus some of what California collects. Item 3 was item 2 plus more of what California collects. Item 4 refers to the Mobility Data Specification (MDS), the open data specification for real-time collection of things like micromobility. Item 4 is not required by any state for AVs but has been required by cities for things like scooters. The federal government will be collecting item 1 regardless.

Senator Srinivasan asked about the concern with item 4. Deputy Secretary Schewel said that real-time data has been brought up more in the context of traffic incidents and emergencies. Item 4 has been proposed in DC. Senator Srinivasan asked whether this was possible with the technology. Deputy Secretary Schewel noted that the standard was written to deal with connectivity challenges but that there was a privacy concern with real-time data. Senator Srinivasan asked whether the data would be shared. Deputy Secretary Schewel said that the data sharing would not necessarily be with police; what would happen if item 4 was selected is that DMV, in writing rules, would decide what sharing would be appropriate for traffic management, emergency response, and notifications for flooding or other events.

Delegate Reid made a **motion in favor of option 3**, and that anything beyond that could be included in the work of the future, ongoing workgroup. Secretary Donohue seconded the motion. **The motion carried 10-1.** Delegate Sewell opposed, stating that the future, ongoing workgroup's tasks should be separate from 2027 legislation and suggesting that this Workgroup should revisit item 1 at the end because members were talking about

different things for what that legislation would entail.

9. When can agency revoke or suspend a permit prior to a hearing?		Options
Options	Considerations:	
1) Unconstrained discretion for agency	As with other operating credentials, DMV will have the authority to deny, suspend, or revoke an application for specific and reasonable grounds such as violations of law or of the conditions of a permit, failure to maintain proof of financial responsibility, etc.	
2) Broad discretion—e.g., limiting immediate suspensions to situations where the operation of the AV has resulted in or has a risk of causing injury or death or has caused significant impediments to traffic or emergency services.	- In addition – DMV should have some authority to revoke or suspend licenses in case of public safety / public impact concerns: - Unconstrained allows more flexibility to respond to novel risks and situations - Constraints that are too narrow may risk public resistance if impacts of AVs on traffic or emergency services don't have a pathway for resolution - Clearer discretion on constraints gives more certainty to industry players.	
3) More constrained discretion - e.g., limiting such immediate suspensions to situations where the operation of the AV has resulted in serious injury or death and/or carriers whose safety statistics drop below that which is required to exit the pilot stage	Whatever is decided, staff recommends having a clear and timely appeal and reinstatement process.	
4) Abstain		
5) Other		

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Senator Diggs made **a motion for option 3.**

Senator Srinivasan asked for an explanation of the options. Deputy Secretary Schewel responded that option 1 would be for DMV to write its own guidelines, without anything in the legislation about it. Options 2 and 3 are for the legislation to set limits on what DMV can do in revoking a permit.

Delegate Reid then seconded the motion. **The vote on the motion was 3-3-5.**

In favor: Senators Bagby and Diggs, and Delegate Reid. Opposed: Delegates Glass and Sewell, and Senator Srinivasan. Abstentions: Delegate Ballard, Secretary Donohue, VSP, VDOT, and DMV.

Senator Bagby said he was reluctant to move forward with saying these were recommendations when there were so many abstentions and nos. He stated that the Workgroup should put an asterisk on this as an issue where consensus could not be found. Secretary Donohue asked whether other members were comfortable with that path, and all were.

10. Vehicles covered under permit		Recommendation
Options		
	1) Yes – adopt staff recommendation	
	2) No – do not adopt	
	3) Abstain	
	4) Other	
	• Recommendation: Businesses who wish to operate AVs in Virginia will apply to DMV for a permit. • The permit should be fleet-level, covering all vehicles within the applicant's fleet that are the same vehicle type with the same Automated Driving System (ADS) operating on the same generation of software (as opposed to permitting each individual vehicle). Such a flexible, scalable approach is administratively easier for both agency and permittee. • Permittees may add and remove vehicles to their permitted fleet but must notify DMV and obtain an amended permit when there is a major update to the ADS or a change in the type of vehicle to be operated.	
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Delegate Reid made **a motion to adopt the staff recommendation**. Secretary Donohue seconded that motion. **The motion carried 11-0.**

11. Contents of permit application: first responder interaction plan		Options
Options		
	1) Provide clear guidelines on these plans with input from multiple stakeholders, DMV approves compliance with guidelines as part of permitting	
	2) VSP approval also required for each law enforcement plan during permitting	
	3) Abstain	
	4) Other	
	• Along with standard information identifying the applicant and the vehicles, all permits will require a first responder interaction plan and a description of the proposed operational design domain and geofence within which operations will occur. • Advantages: • Ensures safety of responders and vehicle occupants • Facilitates incident management	
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Deputy Secretary Schewel noted that there would be a first responder interaction plan

under each of the options; this issue was about who would approve that plan. Option 1 calls for collaborative guidelines between DMV, VSP, and any others who need to be involved, with DMV providing the approval. Option 2 provides for VSP to have input on each individual application, as opposed to providing input at the beginning.

Delegate Reid made **a motion for option 1**. Senator Diggs seconded the motion. **The motion carried 9-0-2**, with VDOT and DMV abstaining.

12. Contents of permit application: Proof of financial responsibility

Options

Options
1) Same requirements for AVs as for other vehicles in their class: \$50,000/person and \$100,000/incident for bodily injury and \$25,000 property ; up to \$5 million for for-hire vehicles, etc
2) Higher requirements during pilot phase, either during pilot phase
3) Higher requirement at all times
4) Abstain
5) Other

Considerations:

- Fairness
- Rationale for higher requirements

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Delegate Reid made **a motion for option 1, the same requirements for AVs as for other vehicles in their class**. The motion stopped there and did not include the specific numbers or examples on the slide. Senator Diggs seconded the motion. **The motion carried 7-2-2**. In favor: Delegates Reid and Glass; Senators Bagby, Srinivasan, and Diggs; Secretary Donohue, and DMV. Opposed: Delegates Sewell and Ballard. (Delegate Ballard stated that he preferred option 3.) Abstentions: VSP and VDOT.

13. Contents of permit application: ODD

Recommendation

Options

- 1) Yes – adopt staff recommendation
- 2) No – do not adopt
- 3) Abstain
- 4) Other

- **Recommendation: Each permit comprises an Operational Design Domain (ODD) which defines the operating conditions for the permit. Conditions can include location, time, weather, types of roads, etc.**
 - Allows agencies to assess proposed operations and evaluate ADS safety and operational performance within the approved ODD only.
 - Provides a foundation for reviewing and approving future ODD expansions (or making very limited reductions in ODD as opposed to pulling an entire permit if safety issues arise)

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Secretary Donohue made **a motion to adopt the staff recommendation.** VDOT seconded the motion. **The motion carried 11-0.**

14. Contents of permit application: safety certification

Recommendation

Options

- 1) Yes – adopt staff recommendation
- 2) No – do not adopt
- 3) Abstain
- 4) Other

Recommendation: Different parties are responsible for approving and certifying safety performance.

- Permit applicant self-certifies that it meets defined safety requirements. Liability rests with permittee for failure to meet those requirements.
- Permit applicant submits safety assessment reports
- Permit applicant / permittee submits required safety data (covered on later slide) to enable regulator (DMV) to audit records, inspect vehicles, and suspend permits if called for.

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Secretary Donohue made **a motion to adopt the staff recommendation.** VDOT seconded the motion. **The motion carried 11-0.**

15. Local regulation

Options

Options

1) Do nothing – if AVs are operating as taxis, they will be subject to local regulation including limits of numbers. If not, they won't.

2) Allow localities to regulate AVs by allowing or disallowing whole classes of AVs within their boundaries (enacted as a limit to each permittee's statewide ODD)

3) Abstain

4) Other

Considerations:

- **Context:** Under current law, the only type of for-hire motor carriers subject to local regulation are taxicabs. Localities may require taxicabs to obtain a local license and pay a license tax, regulate rates and charges, prescribe requirements for taxicab operators, and limit the number of taxicabs operating in their jurisdiction.
- A local patchwork may disincentivize industry from expanding in Virginia

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Senator Srinivasan asked for an explanation of the options. Deputy Secretary Schewel noted that the Workgroup had previously voted to regulate AVs within the categories that already exist in Virginia and that, for most categories of vehicles, there was no local regulation. Taxis are an exception. So only if AVs are operating as taxis could they be locally regulated.

Delegate Reid made **a motion for option 1**. Senator Diggs seconded the motion. **The motion carried 11-0.**

16. Tax revenues for AVs – residency requirement

Options

Options

- 1) Require some fraction of AVs permitted in Virginia to be garaged here, so as to contribute to revenue from car tax /machinery & tools tax, registration fees, motor vehicle sales and use tax, etc.
- 2) Require a certain number of depots in Virginia per AV permitted, as a ration to the number of registered vehicles, so as to contribute to revenue streams
- 3) No requirement to base any of fleet in Virginia
- 4) Abstain
- 5) Other

Considerations:

- Brings in revenue to state and localities using existing channels, avoiding setting up new collection mechanisms.
- Complexities with operating across jurisdictional borders

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Delegate Reid made a motion for 1 and/or 2, noting that some manufacturers were operating diesel heavy trucks, with the interstate compact governing how that comes back to Virginia; that Virginia was at a different point from when it first voted on electric cars and highway use fees; and that he was uncertain what could be mandated with respect to garaging or registering AVs in Virginia because what he did not want to see happen was a fleet of vehicles operating in Virginia but parking in DC or Maryland, such that Virginia would encounter all the road expense but lose out on the revenue. Deputy Secretary Schewel and Delegate Reid, in discussing the motion, agreed that it was a version of option 5 other than mixed options 1 and 2, taking into account the interstate compact for heavy vehicles and ensuring that Virginia is getting justly compensated for vehicles operating on Virginia roads.

The motion was restated as **a motion for option 5, which is a mix of 1 and 2 and other methods to ensure registration in Virginia of vehicles operating in Virginia**. Senator Srinivasan asked whether that included depots, and Deputy Secretary Schewel responded that depots were a method to ensure registration in Virginia of vehicles operating in Virginia. Senator Bagby seconded the motion. **The vote on the motion was 4-2-5.** In favor: Delegates Reid and Ballard, and Senators Bagby and Srinivasan. Opposed: Delegate Sewell (who stated that she supported option 2) and Delegate Glass. Abstentions: Senator Diggs, Secretary Donohue, VDOT, DMV, and VSP.

Senator Bagby then made **a motion for option 2**. Delegate Sewell seconded the motion. **The vote on the motion was 4-1-6.** In favor: Senators Bagby and Srinivasan, and Delegates Sewell and Ballard. Opposed: Delegate Glass. Abstentions: Delegate Reid,

Senator Diggs, Secretary Donohue, VDOT, DMV, and VSP.

Senator Bagby stated that this issue would go in the pile of issues to receive further, careful consideration as the process moves forward.

17. Fees for AV permits

Options

Options
1) Fees to cover Cost of DMV administration and other state agency costs (for example, reporting requirements)
2) Cover cost of DMV administration and other agency costs + Law Enforcement training about AVs
3) All of the above plus additional fees to finance worker retraining for impacted drivers
4) Abstain
5) Other

Considerations:

- DMV requires fees designed to cover the cost of administering the category for many other types of vehicles programs.
- Administration of AVs will require additional resources. It will unfold better if competent administration is fully funded. The level of funding depends on Options selected.
- Funding law enforcement training in addition to agency administration could ease implementation by smoothing friction with local law enforcement agencies
- Fees could be lower in permit phase (though note agency costs are highest in permit phase)

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Delegate Reid asked what other states do. Deputy Secretary Schewel noted that every class of commercial vehicle that DMV authorizes has a fee that covers agency administrative costs. DMV (Harrison) stated that there were differences among jurisdictions. Deputy Secretary Schewel noted that there have been proposals in DC and Maryland that are higher than just the costs of administration.

In response to opening the floor for information from others, Amanda Hamm from Nuro stated: Nevada charges approximately \$100 for an original or a renewal, plus \$17/vehicle. California permitting just went up to ~\$3100-3200 for originals and major modifications, and is \$70 for up to 50 vehicles and drivers. She does not think Texas charges.

Deputy Secretary Schewel stated that the idea in option 1 was for agencies to calculate their costs to administer the program, and then calculate the per-fleet and per-vehicle fee. Senator Srinivasan asked who would come up with the fees for #3. Deputy Secretary Schewel said there would be ongoing discussions.

Senator Srinivasan made **a motion for option 3**. Delegate Sewell seconded the motion. **The vote on the motion was 4-3-4.** In favor: Senators Srinivasan and Bagby, and

Delegates Glass and Sewell. Opposed: Delegate Reid, Delegate Ballard (with a preference for option 1), and Senator Diggs. Abstentions: Secretary Donohue, VDOT, DMV, and VSP.

Delegate Glass commented regarding option 3 that she would like a dedicated fund and noted that interviews said displacement and loss of income were dominant concerns.

Senator Bagby said there could be a vote in support of option 1 and that they could continue to talk more about how to fund training and help workers. Delegate Reid said he would second that. Delegate Sewell asked how this was different from the prior vote. Deputy Secretary Schewel said she understood this proposal as intending to clarify that everyone supported 1. Delegate Reid said that funding for workers could come from another mechanism. Delegate Sewell asked whether this would still be a conversation then. Delegate Reid said that was his understanding. Delegate Sewell asked whether this was a commitment.

Senator Srinivasan commented that, in the second option, the law enforcement training was very important.

Secretary Donohue said that we did not need to vote further on the options because the Workgroup had effectively supported option 1.

Delegate Reid said the training should include not just law enforcement but also others, such as firefighters and EMS. Option 2 should include first responders more generally, and we probably want a more holistic approach, not training for different vendors.

Senator Bagby said the reason he thought there should be separate votes is that the Workgroup is voting to illustrate where there is strong consensus. On other matters, folks can lobby leading up to and during Session.

Senator Bagby made **a motion for option 1**. Delegate Reid seconded the motion. **The vote on this motion was 5-2-4.** In favor: Senators Bagby, Srinivasan, and Diggs; and Delegates Reid and Ballard. Opposed: Delegate Sewell, who said she thinks that the no local regulation vote earlier raises questions about where local law enforcement stands and also noted that this isn't addressing the workers component, and Delegate Glass, who said she wants more. Abstentions: Secretary Donohue, VSP (prefers option 2), VDOT, and DMV.

Senator Bagby cautioned that the Workgroup should avoid making decision on only parts because there would be a lot of piecemealing during Session, and the goal now was to let the legislature and the administration know what parts they do agree on.

Delegate Reid said that everyone wants option 1; that there's agreement on some type of first responded and law enforcement training, with the "by who" and "when" to be figured out later; and that there should be some sort of way to help workers, but that legislative leaders will need to figure it out.

Secretary Donohue noted that votes now are on a chapter of a report, with the legislators ultimately having the option to adjust.

18. Retail Sales and Use Taxes

Options

Options
1) Charge a retail sales and use tax for autonomous vehicle transactions
2) Charge a special per AV-VMT tax
3) Charge a retail sales and use tax for all or some passenger carrier services (AVs would thus be included)
4) Do nothing. AV transactions are exempted as a service
5) Abstain
6) Other

Considerations:

- Virginia already has mechanisms for retail sales and use fees and for highway usage per VMT fees.
- Using the retail sales and use structure would be simpler to implement than the VMT fee, would avoid setting and debating rates, and would rise with inflation naturally.
- Passenger carrier services transactions with human drivers do generate indirect tax revenue as they accrue income to drivers.
- Any of these options raise AV costs to consumers.

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Senator Srinivasan asked for clarification of the current status, questioning whether ride hailing transactions now were taxed. Deputy Secretary Schewel and Secretary Donohue responded no, noting that services are not currently taxed.

Senator Diggs made **a motion for option 4**. There was no second.

Delegate Reid commented that, consistent with the earlier discussion, he wanted to ensure Virginia was getting money for building & maintaining roads that the AVs are operating on. If AVs are in a particular class of vehicles, we need to ensure they are similarly taxed to other vehicles in class.

Senator Bagby noted that, at the end of the day, this will be resolved on the top 3 floors of the General Assembly Building, so any vote the Workgroup takes today won't even matter. He said that was a strong #5 (abstain) for him.

19. Mandatory arbitration clauses

Options

Options

- 1) Enact language similar to that passed in the Senate version of the AV bill in 2026
- 2) Remain silent. Language relating to the category of for-hire vehicles will apply
- 3) Identify and apply a general contractual principle that may provide protection
- 4) Enact / rely upon other consumer protection provisions
- 5) Abstain
- 6) Other

Considerations:

- **Terms:** Existing AV terms of service (i) are asserted to apply to all riders; and (ii) require arbitration, or mandate courts, law, and procedures outside Virginia. E.g., current [Waymo Terms](#); [Tesla Terms](#).
- **2026 SB 670 (as it passed Senate):** Barred mandatory arbitration and forum selection clauses: "No manufacturer, vehicle owner, autonomous operation certificate holder, remote operator, on-demand autonomous vehicle network, or other person subject to the provisions of this chapter shall enter into, enforce, or offer to enter into mandatory dispute arbitration agreements or forum selection clauses with any passenger, human driver, or other individual riding in, hailing, or involved in a crash or collision with a fully autonomous vehicle subject to the provisions of this chapter operated in the Commonwealth."
- **Risk:** Preemption by Federal Arbitration Act (9 U.S.C. § 2) as interpreted by the U.S. Supreme Court.
 - Has been interpreted as establishing "a liberal federal policy favoring arbitration" agreements (or provisions).
 - Has preempted state laws to bar arbitration in certain contexts and required states to treat arbitration agreements / terms "on an equal footing with other contracts." See *AT&T Mobility LLC v. Concepcion*, 563 U.S. 333 (2011) (holding that California law may not invalidate bans on class arbitration in a consumer context as unconscionable).

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Delegate Ballard made a **motion to adopt option 1**. Delegate Sewell seconded the motion.

Delegate Reid asked for a summary of the issue. Deputy Secretary Schewel noted that mandatory arbitration clauses were common in tech, that a ban on such clauses was contained in the version of the legislation that passed the Senate in 2026 but not in some versions introduced in the House, and that the presented options were to adopt the Senate-passed ban on mandatory arbitration, do nothing, find something else (a general contractual principle) that could apply, or rely upon other consumer protections. Senator Srinivasan asked how many other states have mandatory arbitration for AVs. Deputy Secretary Schewel said that she was uncertain whether any other states had particular mandatory arbitration rules for AVs but that there was lots of discussion about mandatory arbitration generally in various consumer contexts.

The vote on the motion was 3-1-6. In favor: Delegates Ballard and Sewell, and Senator Srinivasan. Opposed: Senator Diggs (who favors option 2). Abstentions: Delegates Reid and Glass, Secretary Donohue, VDOT, DMV, and VSP. Staff did not record a vote for Senator Bagby and apologize if that was an error.

20. Determining responsibility/liability

Options

Options

1) If a human driver is seated in the driver's seat then the human driver is presumed to be responsible for the vehicle's operation

2) If the ADS is fully engaged at the time, then the ADS is presumed to be the operator and the permittee is responsible for the vehicle's operation.

3) Abstain

4) Other

Considerations:

- Applicability of product liability law and other tort law
- Responsibility for maintaining and providing data regarding vehicle's operation
- With either option, the final language will also need to include requirements on incident-related data collection, such as video.

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Deputy Secretary Schewel reminded the Workgroup that it had voted to recommend legislation regarding automation level 4 only and that this was an issue with respect to automation level 3, which would need to be separate legislation. (Automation levels are discussed in past meetings.)

Delegate Ballard made a **motion for option 2**. Delegate Reid seconded the motion. **The motion carried 7-0-4**. Secretary Donohue, VDOT, VSP, and DMV abstained.

21. Privacy law

Options

Options

- 1) Enact new privacy provisions
- 2) Remain silent and rely on existing privacy laws
- 3) Amend VCDPA to apply to lower user thresholds for AVs
- 4) Abstain
- 5) Other

- **2026 SB 670 (as it passed Senate):** No new/special privacy provisions.
- **Legal Background:**
 - Virginia Consumer Data Protection Act (§ 59.1-576 et seq.) seems to apply but only above a size threshold (to products/services “that are targeted to residents of the Commonwealth and that (i) during a calendar year, control or process personal data of at least 100,000 consumers or (ii) control or process personal data of at least 25,000 consumers and derive over 50 percent of gross revenue from the sale of personal data”).
 - Establishes certain consumer rights to confirm, access, delete, obtain, and opt out of collection of personal data
 - Virginia Personal Information Privacy Act (§ 59.1-442 et seq.) does not seem to apply because AV companies are not selling goods from a fixed retail location.
 - Possible that other jurisdictions’ privacy laws would apply depending on circumstances
 - No general federal privacy statute at present

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Deputy Secretary Schewel noted that option 3 presented a new option, in order to apply the VCDPA to AVs before they reached the number of consumers that would normally trigger application of that law.

Delegate Reid made **a motion for option 2, relying on existing privacy law.** Senator Diggs seconded the motion. **The motion carried 7-0-4.** Secretary Donohue, VDOT, VSP, and DMV abstained.

22. Autonomous vehicle committee

Options

Options

1) Establish: Establish AV Committee for ~5 years consisting of key stakeholders to serve as an advisory board which will provide comments on guidance documents, review labor and congestion reports, issue policy/progress reports on a regular basis, and advise on permit revocation and reinstatement. Require agencies to support this Committee.

2) Do not establish with external stakeholders but do require DMV, VDOT, and other related agencies to collaborate on administrative actions related to AVs and publish certain findings and data related to impacts on safety, traffic, labor, etc. These agencies would collect public and stakeholder feedback through existing pathways.

3) Abstain

4) Other

Considerations:

- Consistent and clear reports can build public trust through transparency. They should be published in both options.
- Other states told staff that these committees had provided helpful to work through novel issues and effectively collect input from a wide array of stakeholders.
- Virginia already has this framework via this working group
- A committee with external stakeholders is slightly more expensive than internal staff requirements only.
- Committee could have a sunset date.

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Secretary Donohue explained that the committee in this issue would be a technical committee to discuss issues related to the operations of the industry, different from the future, ongoing workgroup discussed at the beginning. This committee might then bring issues to the future, ongoing workgroup. This would not be a body that legislative members would be asked to be part of.

Delegate Reid recalled option issue 9 and asked, if DMV makes a decision to suspend a permit, where would the appeal go? Would it go to this committee? Secretary Donohue responded that all actions (case decisions) made by DMV are subject to an internal review of whether they followed their procedures, and then someone who believes the agency has not followed its procedures may appeal to circuit court. Secretary Donohue noted that this committee could advise on issues related to revocations but would not have a decision-making role.

Senator Bagby made **a motion for option 1**. Delegate Reid seconded the motion. **The motion carried 11-0.**

23. Location for remote assistance

Options

Options

- 1) Permit remote assistance from anywhere in the world
- 2) Permit remote assistance only from within the US
- 3) Abstain
- 4) Other

Considerations:

- Remote assistance is not the same as remote driving. Remote assistance means looking through the “eyes” of the vehicle to give it feedback and then the vehicle drives itself in response or providing support to riders.
- Remote assistance from anywhere in the world may reduce costs for industry, offer more coverage around-the-clock.
- Remote assistance from different countries may lack context to understand driving conditions fully in Virginia (and language barriers could result in inability to read signs.) Training requirements could mitigate this.
- [Elsewhere we recommend that any remote driver have the comparable license that a human driver would have]

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Deputy Secretary Schewel noted that this issue and the next one discuss two different types of remote support. Remote assistance is not driving the vehicle. Remote assistance is looking through the “eyes” of the vehicle and telling it what it should do, which the ADS then executes. Secretary Donohue drove home that no one providing remote assistance was driving or moving a vehicle.

Senator Diggs made **a motion for option 1**. The motion failed for lack of a second.

Delegate Reid made **a motion for option 2**. Senator Srinivasan seconded the motion. **The motion carried 6-1-4**. In favor: Delegates Reid, Glass, Sewell, and Ballard; and Senators Bagby and Srinivasan. Opposed: Senator Diggs. Abstentions: Secretary Donohue, VDOT, VSP, and DMV.

24. Remote driver general rules

Recommendation

Options

- 1) Yes – adopt staff recommendation
- 2) No – do not adopt
- 3) Abstain
- 4) Other

- **Recommendation:** All drivers operating permitted AVs (as back up in-vehicle drivers or remote drivers) should meet the following requirements:
 - Be employed by the permittee
 - Possess a valid driver's license that authorizes the operation of the type of vehicle that has been permitted
 - Have completed all required training on the operation of the vehicle
 - If inside the vehicle, be prepared to take control of its operation if necessary

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Secretary Donohue made a motion to adopt the staff recommendation, option 1, with the elements listed above (that they need to have a license, be qualified to operate whatever type of vehicle it is, and be employed by the company). Delegate Reid seconded the motion. The motion carried 11-0.

25. Definitions

Recommendation

- **Recommendation:** Staff will define the following AV-related terms in Code to establish a regulatory framework:

Options

- 1) Yes – adopt staff recommendation
- 2) No – do not adopt
- 3) Abstain
- 4) Other

- Authorization Holder
- Authorization to Operate (ATO)
- Automated Driving System (ADS)
- Autonomous Vehicle Depot
- Autonomous Vehicle External Indicator
- Dynamic Driving Task (DDT)
- DDT Fallback
- First Responder Engagement Plan
- Fully Autonomous Vehicle
- Geofence
- Human Driver
- Minimal Risk Condition
- On-Demand Autonomous Vehicle Network
- Operational Design Domain
- Remote Operator
- Request to Intervene
- Reference to certain standards from SAE

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Deputy Secretary Schewel noted that this option reflected terms that staff believed need to be defined but did not contain or propose specific definitions.

Delegate Reid made **a motion to adopt the staff recommendation and have other definitions as may be necessary**. Secretary Donohue seconded the motion. **The motion carried 11-0.**

26. Titling and Registration

Options
1) Yes – adopt staff recommendation
2) No – do not adopt
3) Abstain
4) Other

Recommendation: Consistent with AAMVA's guidelines, it is recommended that

- AVs titled in Virginia have an indicator on the title record that the vehicle is an AV
- AVs registered in Virginia have an indicator on the registration card that the vehicle is an AV

These requirements support law enforcement, facilitating crash investigations and roadside inspections. They also assist with regulatory review, reporting, and compliance.

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Recommendation

Secretary Donohue made **a motion to adopt the staff recommendation**. Delegate Reid seconded the motion. **The motion carried 11-0.**

Having completed the issues presentation and voting, the Workgroup then returned to a couple of issues for further discussion.

Pat Laurence with the Virginia Trucking Association asked a question about **issue 24**, seeking to clarify whether the point about the permittee possessing a license would include a CDL. Secretary Donohue and Deputy Secretary Schewel responded that yes, the motion entailed a CDL for vehicles that require a CDL (and any other special requirements that may be required for a given vehicle).

Delegate Sewell directed the Workgroup's attention back to **issue 1**, whether to proceed with legislation in 2027, and asked for clarification on what legislation would come forward. Delegate Reid said he hoped that there would be both the legislation to

implement autonomous vehicles, which includes most of the 26 issues, and also legislation for a follow-on workgroup to this workgroup, with the future workgroup having more ongoing sustainability.

Secretary Donohue said that he understood the question to be about what exactly the future, ongoing workgroup would do. Secretary Donohue then summarized this Workgroup as wanting a group that includes members of the General Assembly where agencies and stakeholders can give updates on who is in the process and how it's working, present data, and bring back any challenges or needs. Delegate Reid agreed with that summary.

Delegate Sewell said that she understood implementation legislation to be both about the pilot and full deployment, which was the sticking point for her, not just testing. Delegate Reid agreed that the Workgroup had recommended such legislation and that it would include the recommendations on the 26 issues.

Senator Bagby asked what the debate was. Deputy Secretary Schewel noted that the future, ongoing workgroup could include information on pilot phases too. Delegate Sewell said she wanted a pilot phase to occur, that the legislation recommended by the Workgroup would be both pilot and implementation, and that the distinction was why she had been a no vote on that issue.

Senator Bagby said he thought we were voting on a workgroup. Delegate Reid said that this Workgroup had voted in issue 1 to have two different things: (1) implementation legislation, which would include a pilot phase but would not to be do a pilot, stop, and then have separate implementing legislation in 2028; and (2) a future, ongoing workgroup. The pilot is built-in to the overarching implementation.

Senator Srinivasan asked whether there could be a situation where there would be a pilot and then a decision that more data was needed before implementation. Secretary Donohue said that, looking ahead to a point next year after implementation legislation, there would be a pilot phase, which any company with its ADS would undergo, and then be measured against whatever standard for successful completion of the pilot is adopted. If successfully completed, full implementation would proceed. If DMV did not believe the pilot phase had been successful, repeated or additional piloting would be needed. Delegate Reid added that the pilot and evaluation would be on a per-vendor basis, such that some might pass and some might not.

Senator Bagby said that, whether the implementation legislation passes or not, we still would want a future, ongoing workgroup regardless. Delegate Reid agreed and noted that this Workgroup expires this year, so at present there is not a mechanism for future, ongoing, joint discussions.

Delegate Reid expressed thanks for all the work done and progress made in 2026, after a slow start to the Workgroup in 2025.

The meeting adjourned with applause by approximately 3:20 pm.

This meeting was streamed live (for viewing only, not remote participation) on [YouTube.com/@VDOTLIVE](https://www.youtube.com/@VDOTLIVE), and [video of this meeting and prior meetings](#) is available for viewing there for complete information regarding the discussion and content of the meeting.

The agenda was posted on August 21, with materials added in the days thereafter. By August 27, the final materials packet, including the presentations, was available on the [Commonwealth Calendar page for this meeting](#), where the materials continue to be available to view or download from the “Agenda” link there.

The online public written comment survey, at <https://publicinput.com/autonomousdriving>, has concluded. Additional written comments may be submitted to VDOT and other Workgroup members directly by email.