

Proposed Amendments to Ontario Regulation 306/15: Pilot Project - Automated Vehicles– Summary

Background:

On January 1, 2016, Ontario launched a 10-year pilot project under the Highway Traffic Act (HTA) to allow for the testing of automated vehicles (AVs), Society of Automotive Engineers (SAE) Levels 3 to 5 on Ontario's roads by eligible participants under certain conditions. For full details of the pilot project, please see [Ontario Regulation 306/15](#).

To date, Ontario has approved seven entities to participate in the pilot.

A pilot phase allows the ministry to establish rules, monitor industry and technology developments, and evaluate the safety of AVs prior to them becoming widely available to the public. On an ongoing basis throughout the 10-year pilot, the Ministry of Transportation (MTO) will assess data and information from on-road testing of AVs, engage stakeholders and make amendments to the pilot framework, as required.

MTO aims to be a leading jurisdiction in the advancement, deployment and adoption of Connected Vehicle (CV)/AV technology, harnessing it to achieve our transportation goals, optimize our transportation system, enable economic growth and innovation, and align with other jurisdictions where possible, while protecting road safety in Ontario.

MTO is considering three key amendments to the current AV pilot regulation:

- Permit public registration and use of vehicles with engaged Society of Automotive Engineers (SAE) Level 3 technology, eligible for sale in Canada (i.e., these vehicles would not be required to be in the pilot);
- Permit platooning for commercial and passenger motor vehicles as part of the pilot; and,
- Permit driverless testing of AVs as part of the pilot, through additional application requirements.

Proposed Amendments to AV Pilot Project Regulation (O.Reg 306/15):

1) Permit Public Registration and Use of SAE Level 3 (Conditional Automation) Autonomous Vehicles Eligible for Sale in Canada

This proposal would amend the current AV pilot regulation to exempt vehicles with Society of Automotive Engineers (SAE) Level 3 technology, eligible for sale in Canada, from the pilot program. This would allow these vehicles to be registered and driven on Ontario roads. For definitions please see the [SAE levels of automation](#).

Application and testing parameters under Ontario's existing pilot would remain intact; entities testing vehicles with SAE Level 3 technology not eligible for sale in Canada would still be required to register as a pilot participant in order to test on Ontario's roads.

2) Permit Platooning for Commercial and Passenger Motor Vehicles

This proposal would amend existing pilot regulation to allow testing of platooning in Ontario, with a driver present in each vehicle, under specific conditions and locations to be determined by MTO. These conditions might include the following:

- a similar but separate process to the AV pilot application;
- licence requirements;
- vehicle requirements;
- a limit to the number of vehicles in a chain;
- lane restrictions;
- vehicle alerts;
- insurance requirements;
- data reporting;
- rules of the road requirements (allowing vehicles to merge to enter or exit the highway);
- visibility, maintaining a certain gap between vehicles;
- restriction to the Long Combination Vehicle (LCV) Network of highways (for commercial vehicles only); and,
- include an exemption to HTA s.158 (1&2) related to following too closely.

Platooning is when a number of vehicles (trucks or passenger vehicles) are equipped with driving support systems – to enable one vehicle closely following the other. This forms a platoon with the vehicles driven by smart technology, and mutually communicating.

Preliminary research suggests that platooning may lower fuel consumption, reduce greenhouse gas (GHG) emissions, and help to improve road safety and efficiency.

This proposal would more closely align Ontario with other jurisdictions that currently permit commercial vehicle platooning, and respond to industry interest.

3) Permit Driverless Testing of Automated Vehicles, Through Additional Application Requirements

Testing of vehicles with SAE Levels 4 and 5 technology (i.e. “fully autonomous”) is currently permitted under the AV pilot regulation, with a driver behind the wheel.

This proposal will amend current AV pilot regulation to permit driverless testing and include an exemption to the Highway Traffic Act (HTA) s.172 (stunt driving law) with regard to the requirement for a driver. MTO would approve participation in the pilot through an additional application process, under certain conditions. These conditions might include the following:

- a law enforcement interaction plan;
- vehicle communication with a remote operator;
- self-certification of the technology’s safety; and,
- adherence to traffic laws and bylaws, vehicle equipment requirements, and manufacturer liability.

This proposal will ensure that Ontario’s AV testing regime is responsive to the needs of industry, while maintaining road safety and aligning with other jurisdictions, as well as aligning with Ontario’s broader transportation goals.

Public Consultation:

The government of Ontario is considering the above mentioned proposals and invites you to submit your comments on the proposed amendments to the AV pilot project regulation.

Note that, this regulatory posting relates to provincial legislation. Any suggestions received that require amendments to federal legislation, such as removing the requirement for standard equipment including a driver's seat, steering wheel or brake pedal are outside of the scope of this posting. However, if there are suggestions made by stakeholders that are impacted by federal legislation, the Ministry will work proactively with the federal government to raise those suggestions.