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Ordinance Citation: Verordnung des Bundesministers für Verkehr, Innovation und Technologie über Rahmenbedingungen für automatisiertes Fahren (Automatisiertes Fahren Verordnung – AutomatFahrV) StF: BGBl. II Nr. 402/2016

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Section 1

General information

Scope of Application

§ 1.

(1) The provisions of this regulation shall apply to vehicles that comply with the applications listed in Section 2, which include assistance systems or automated or networked driving systems. The use of such systems is only permitted provided that:

1. the systems are approved and are in standard production or
2. the systems are used for test purposes and are listed as acceptable applications in Section 2.

(2) These systems shall be designed to ensure compliance with the provisions of the Road Traffic Regulations 1960 (Straßenverkehrsordnung 1960) (StVO 1960, Federal Law Gazette No. 159/1960), the Railway Crossing Regulation 2012 (Eisenbahnkreuzungsverordnung 2012) (EisbKrV, Federal Law Gazette II No. 2016/2012) and the Emissions Control Act – Air (Immissionsschutzgesetz-Luft) (IG-L, Federal Law Gazette I No. 115/1997), in the use of these systems, is guaranteed in all cases.

ALTERNATIVE:

(2) These systems must comply with the provisions of the Road Traffic Regulations 1960 (Straßenverkehrsordnung 1960) (StVO 1960, Federal Law Gazette No. 159/1960), the Railway Crossing Regulation 2012 (Eisenbahnkreuzungsverordnung 2012) (EisbKrV, Federal Law Gazette II No. 2016/2012) and the Emissions Control Act – Air (Immissionsschutzgesetz-Luft) (IG-L, Federal Law Gazette I No. 115/1997) in all cases.

(3) Vehicles with assistance systems or automated driving systems may be tested on roads with public traffic provided that:

1. insurance coverage is guaranteed by a liability insurer during the test runs and a written confirmation from the motor vehicle liability insurer that insurance coverage consistent with the provisions of the Motor Vehicle Liability Insurance Act 1994 (Kraftfahrzeug-Haftpflichtversicherungsgesetz 1994) (KHVG 1994, Federal Law Gazette No. 651/1994) is provided, and

2. the following data is provided to the Federal Minister for Transport, Innovation and Technology before the test runs:

a) Information on the application or system being tested

b) Name of the testing facility

c) Contact person and contact details

d) Information on the test vehicle driver for the test runs

e) License plate number for the test vehicle to be used in test runs

f) Written confirmation from the motor vehicle liability insurer that insurance coverage is provided for the test runs in accordance with the provisions of the Motor Vehicle Liability Insurance Act 1994 (Kraftfahrzeug-Haftpflichtversicherungsgesetz 1994) (KHVG 1994, Federal Law Gazette No. 651/1994)

g) The total number of real, virtual and experimentally driven test kilometres completed by the system being tested

h) The start and end times for the planned testing period

i) Planned test route

j) The need for any infrastructure requirements.

(4) Systems being tested may only be used on roads with public traffic if the systems have been sufficiently tested in advance. If sufficient evidence is provided, the Federal Minister of Transport, Innovation and Technology can issue a certificate for testing on roads with public traffic. This certificate must be carried on all test runs and handed over to all public safety, security or roadway authorities for inspection upon request.

(5) Test runs may be carried out only during the period requested by the applicant. The respective test period shall be indicated on the certificate described in paragraph 4.

ALTERNATIVE

(5) Test runs may be carried out only during the period requested by the applicant and approved by the Federal Minister of Transport, Innovation and Technology as written on the certificate described in Paragraph 4.

(6) After the end of the test period, the vehicle testing applicant shall submit a report to the Federal Minister for Transport, Innovation and Technology documenting the findings obtained. In particular, the Federal Minister for Transport, Innovation and Technology must be immediately informed of all critical situations and/or accidents, and the causes of these events, that occur during the test runs.

(7) In the case of test runs on motorways or expressways, the applicant must inform the owner responsible for the specific road network before the test runs and include the owner in test planning. In all cases the local government in the area(s) where the testing is being performed must only be informed about the test.

(8) If test runs are carried out on the local road network, the applicant must inform the responsible local government owner before the test runs. The responsible local government has the opportunity to express any concerns about the testing to the applicant within a reasonable period of time, but in all cases within three months after receipt of the information. The applicant must take these concerns into account.

§ 2. Where the terms used in this regulation refer to natural persons, the chosen form applies to both sexes. When applying these names to specific natural persons, the gender-specific form shall be used.

Driver

§ 3. (1) Vehicles with these systems may only be used if the driver has sufficient space to easily perform all driving duties in accordance with the intended use.

(2) The driver may delegate specific tasks to these systems, but he is always responsible for controlling the vehicle (i.e., taking control of the vehicle when necessary).

(3) Only drivers who are no longer in their driving trial period and who are trained and familiar with the respective system may be used for test runs.

ALTERNATIVE

(3) Only persons with a valid drivers license who are no longer in their trial period and who are trained and familiar with the systems being tested are allowed to drive in the test runs.

(4) The driver must agree that data from the test vehicle's electronic control devices shall be recorded during the test runs and stored for later use.

Testing with vehicles not approved for use with public traffic.

§ 4. Vehicles equipped with assistance systems or automated or networked driving systems which are not approved for use with public traffic may be tested on roads with public traffic if they are provided with signs clearly indicating that the vehicle is a test vehicle.

Accident data storage

§ 5. (1) All testing vehicles referred to in Section 1 (1) (2), shall be equipped with an accident data storage unit that shall record data during all test runs.

(2) Only data from the test vehicle's electronic control devices may be recorded with the accident data storage unit. This data may not be altered.

(3) This data may only be used for test purposes and the reconstruction of critical situations or accidents. In the case of accidents, the accident-related data for the time period of 30 seconds before and 30 seconds after the accident shall be made available to the investigating authorities and to the Federal Minister for Transport, Innovation and Technology.

Test data

§ 6. If, in addition to the recorded data described in § 5, video data are recorded, then an approval of the data protection authority (Datenschutzbehörde) is required. In such cases, the test vehicle license plate and test participants must be made unrecognizable, unless obscuring this data would be contrary to the test purpose. Records may only be used internally by the test organization. Data transfer is only permitted within the scope of § 1 (6) and § 5 (3).

Section 2

Applications

Autonomous minibus

§ 7. (1) For the purposes of this Ordinance, an autonomous minibus is a vehicle of categories M1, M2 and M3, fitted with a system capable of handling all the driving tasks at a speed of up to 20 km/h.

(2) These systems may be tested by vehicle manufacturers, system developers and research facilities.

(3) The system may only be tested on roads with public traffic if at least 1000 test kilometres have been previously driven by the system.

(4) The autonomous minibus may be tested on a predefined test section.

(5) As soon as the driver activates the system, all the driving tasks are transferred to the system. The system must therefore be able to handle all driving situations automatically.

(6) The test vehicle must have an emergency device to deactivate the system. If a critical situation arises, the driver must immediately actuate the emergency device.

(7) The system may be tested up to a maximum speed of 20 km/h.

(8) During the test period, persons may be transported only if they are seated on the intended seats and not on a commercial basis.

Autopilot with automatic lane change

§ 8. (1) For the purposes of this Ordinance, the following shall be considered as a motorway pilot with automatic lane change, a system that can take over the longitudinal guidance and transverse guidance of the vehicle on motorways and expressways.

(2) These systems may be tested by vehicle manufacturers, system developers and research facilities.

(3) The system may only be tested on roads with public traffic if at least 10,000 test kilometres have been previously driven with the system.

(4) As soon as the vehicle has entered the motorway or expressway and has entered the traffic stream, the driver may activate the system. When the system is activated, the following tasks can be transferred to the system:

1. Longitudinal guidance of the vehicle, such as acceleration, braking, stopping, distance control

2. Lateral guidance of the vehicle, such as lane holding, lane changing, overtaking

(5) The driving tasks must be taken over again by the driver in sufficient time before reaching the motorway or expressway exit.

(6) In the event of a critical situation, the driver must immediately take control of the driving tasks.

(7) The test vehicle must have an emergency device to deactivate the system. If a critical situation arises, the driver must immediately actuate the emergency device.

(8) The system may only be tested on motorways and expressways.

(9) The system may be tested in vehicles of categories M1, M2, M3, N1, N2 and N3.

Self-propelled military vehicle

§ 9. (1) For the purposes of this regulation, a self-propelled military vehicle shall be a vehicle of categories N1, N2, N3, T1, T2, T3, T4 and T5 equipped with a system capable of handling all the driving tasks on-board or remotely operated.

(2) This system may be tested by the Federal Ministry of Defence and Sports (Bundesministerium für Landesverteidigung und Sport).

(3) The system may only be tested on roads with public traffic if at least 300 test kilometres have been previously driven with the system.

(4) The following functionalities shall be tested with the system:

1. Autonomous driving
2. Tele-operated (remote controlled) driving
3. Platooning mode (autonomous convoy)

In all cases a driver must be present in each test vehicle and perform his driving duties according to § 3.

(5) As soon as the driver activates the system, all the driving tasks are transferred to the system. The system must therefore be able to handle all driving situations automatically.

(6) In the event of a critical situation, the driver must immediately take control of all driving tasks.

(7) The test vehicle must have an emergency device to deactivate the system. If a critical situation arises, the driver must immediately actuate the emergency device.

(8) The system may be tested on all roads.