Policy Rundown

For ITS America Advocacy Trust and Innovation Trust

Federal Administration Policy and Regulatory News

White House Kicks Off Technology Week

The White House announced the creation of an Office of American Innovation last March and invited tech leaders to meet 18 CEOs and others, to include ITS America Members Google, Qualcomm, Amazon, Apple, MIT and others came to the White House to talk technology and innovation in government, as well as high-skilled immigration, cybersecurity and education. Within the Office of American Innovation is the American Technology Council, which met last May, and led by Chris Liddell, a former CFO at Microsoft. This Thursday the White House will convene another round of companies and investors to discuss “emerging” technologies on Thursday, which will likely address Unmanned Aerial Vehicles, 5G Wireless and Internet of Things, with officials from the FCC and FAA likely to be in attendance.

Federal Trade Commission (FTC) Workshop on Connected Cars Agenda for June 28 Released

The joint NHTSA FTC workshop will include Steven Bayless from ITS America, along with ITS America members GM, Toyota, University of Michigan (Mcity), and others. Agenda is here.

The Importance of DSRC/5.9 GHz Safety Spectrum Debated at Event
On June 15, 2017, Politico—the publisher of various online and print publication covering politics and policy—hosted a Washington, DC event on “Spectrum, Innovation and Infrastructure in the Trump Era.” Among the panelists were: Harold Feld, Senior Vice President, Public Knowledge and David Strickland, former NHTSA Administrator and current Partner at Venable law firm.

At the event, Strickland and Feld had a vigorous back-and-forth regarding DSRC. Strickland noted the importance of DSRC/5.9 GHz safety spectrum to help stem the increase in fatalities and injuries that are occurring on our nation’s roads. Feld charged that the auto industry has failed to utilize the spectrum and develop DSRC in a timely manner, DSRC is now an outdated technology, and that automakers do not know how to operate a telecommunications network. Saying that the 5.9 GHz spectrum could be used for better purposes (e.g., Wi-Fi), Feld further alleged that the automakers were hoarding the spectrum to retain the ability to charge customers for infotainment systems and other in-vehicle apps.

Strickland defended the pace of DSRC development and countered that sharing the 5.9 GHz spectrum raises serious concerns regarding interference and being able to reliably transmit and receive the basic safety messages.

To watch the exchange, please click [here](#). Other video clips from the event can be found [here](#).

Public Knowledge has long been a critic of DSRC and last year filed with the FCC a Petition for Rulemaking and Request for Emergency Stay of Operation of DSRC in the 5.9 GHz spectrum band. ITS America signed onto joint comments opposing the Petition and filed reply comments as well.

**Focus on Federal Policy in Wireless and Transit**

The Federal Communications Commission, the Washington Area Metro Transit Authority (WMATA) and ITS America presented at the 2nd Conference on Wireless Communications in Transit in Washington DC to discuss spectrum policy. Ongoing work in transit includes Positive Train Control (PTC), Private Mobile Land Radio and public safety broadband, 5G and broadband for transit users and V2X Dedicated Short Range Communications. FCC
addressed spectrum for positive train control and for DSRC.

Steven Bayless (sbayless@itsa.org) from ITS America presented spectrum challenges related to DSRC and the role of 5G in accelerating intelligent transportation systems. Transit and rail will hit two major milestones in 2018, with deadlines for Federal Transit Administration requirements for states to develop Transit safety plans, and Federal Rail Administration deadlines for deployment of PTC. FTA has also continued its Mobility on Demand (MOD) program to encourage shared-use mobility integration with transit services through best practices and information sharing.

**Legislative News**

*House DCCP Majority Staff Releases New Draft of AV Bills; ITSA Host Conference Call to Review Draft Bills*

The House Subcommittee on Digital Commerce and Consumer Protection (DCCP) majority staff released a revised draft of their AV bills on Thursday, June 15. In the release, the staff noted that “the pace is expected to accelerate,” which reflects the schedule that ITS America has been told in discussions with the Subcommittee. Although it has not been announced, a hearing is likely scheduled for next Tuesday, June 27, with a revised draft of the bills released shortly after the hearing. The next steps include a markup after the July 4 recess followed by a Floor vote before the August recess.

The minority staff is meeting today (June 20) to discuss the draft bills. In conversations with ITS America, the minority staff has expressed concern with NHTSA’s ability to respond to the rapid pace of testing and deployment of AVs if states are preempted from regulating AVs. The minority staff is also raising cybersecurity and privacy concerns. Unlike the Senate Committee on Commerce, Science, and Transportation, which is taking a bipartisan approach on potential AV legislation, minority staff told ITS America that they were not able to fully offer their positions on the draft bills because they had not seen the proposals until late last week. It should be noted that the
minority staff is hopeful that the House bill will be bipartisan.

ITS America will continue to inform the majority and minority staffs throughout this important process of policy positions raised by the Advocacy and Innovation Trust on our AV legislative affairs conference calls. Keeping with our priority to provide members with the latest information on the House and Senate efforts to draft AV legislation, ITS America hosted a call yesterday, June 19, to review the latest DCCP proposals and provide comments received from the Advocacy and Innovation Trust. Here is a summary:

- **LEAD’R (Let NHTSA Enforce Automated Vehicle Regulations Act):** The purpose of this Act is to ensure the ability to test and deploy automated driving systems in the United States and expressly preempt any related State laws to prevent the testing and deployment. Amends section 30103 of title 49, United States Code, to establish sole authority for NHTSA over the regulation of highly automated vehicles.

- **PAVE Act (Practical Automated Vehicle Exemptions Act):** Expands the number of vehicles the Secretary of Transportation is permitted to exempt from a Federal Motor Vehicle Safety Standard (FMVSS) from 2,500 to 100,000 annually by amending section 30113 of title 49, United States Code.

- **ROAD (Renewing Opportunities for Automated Vehicle Development Act):** Amends section 30113 of title 49, United States Code, to increase the period for vehicles that may be exempted for the development of new vehicle safety features from 2 years to 5 years.

- **EXEMPT (Expanding Exemptions to Enable More Public Trust):** Amends section 30113 of title 49, United States Code, to establish new exemptions for motor vehicle safety standards. The bill would add two new clauses that would authorize vehicle manufacturers to obtain a Federal Motor Vehicle Safety Standard. The exemptions would promote the public adoption and acceptance of HAVs and transportation access to individuals with disabilities.
MORE (Maximizing Opportunities for Research and the Enhancement of Automated Vehicles): Amends title 49, United States Code, to expand the exemptions from the motor vehicle safety standard for testing and evaluation purposes to cover manufacturers of HAV and automated driving systems. Extends the authority created in the FAST Act to test vehicles, not in compliance with Federal Motor Vehicle Safety Standard to equipment manufacturers, suppliers, universities, and new market entrants.

INFORM (Increasing Information and Notification to Foster Openness Regarding Highly Automated Vehicle Matters to States Act): Amends title 49, United States Code, to require the Secretary of Transportation to notify States of exemptions of highly automated vehicles from the Federal Motor Vehicle Safety Standards.

HAV PROMPT (Highly Automated Vehicle Pre-Market Approval Reduces Opportunities for More People to Travel Safety Act): Prohibits NHTSA from requiring pre-market approval of vehicle types or designs for highly automated vehicles, and for other purposes. Amends the end of Section 30111 of title 49, United States Code.

GUARD Act (Guarding Automakers Against Unfair Advantages Reported in Public Documents Act): Amends Subchapter II of chapter 301 of part A of subtitle VI of title 49, United States Code, to require the treatment of information related to highly automated vehicles as confidential business information.

MEMO (Managing Government Efforts to Minimize Autonomous Vehicle Obstruction Act): Directs Federal Trade Commission and NHTSA to enter into an MOU not later than 180 days of the regulation and oversight of HAVs on privacy.

DECAL Act (Designating Each Car’s Automation Level Act): Amends section 32302 of title 49, United States Code, to require information on highly automated driving systems to be included on stickers placed on motor vehicles by manufacturers.

Advisory Committees

- Disability Mobility Advisory Council Act
• Improving Mobility Access for Underserved Populations and Senior Citizens Advisory Council Act.
• Automated Driving System Cybersecurity Advisory Council Act
• Sharing Automated Vehicle Records with Everyone for Safety Act

**ITS America to Establish Automated Vehicle Task Force in anticipation of new Federal Laws and Policy**

ITS America will be announcing formation of an Automated Vehicle Task Force shortly to address the association’s principles and priorities in light of new push for legislation. ITS America’s 2017 roadmap addresses a number of issues such as changes to NHTSA safety authority, but other issues such a efforts to build public confidence or define roles and responsibilities for state and local authorities, among other issues, will be tackled by the task force. If you wish to participate please contact Steven H Bayless at sbayless@itsa.org. For questions about Hill outreach, feel free to contact Ron Thaniel at rthaniel@itsa.org

**Senate Committee Introduced Bipartisan AV Principles; Hold Hearing on Paving the Way for Self-Driving Vehicles**

As reported in the last week’s issue of the Policy Rundown, the Senate Committee on Commerce, Science, and Transportation released on Tuesday, June 13, principals for bipartisan legislation on self-driving vehicles in advance of the June 14 hearing entitled, “Paving the Way for Self-Driving Vehicles.” Based on the bipartisan principles, AV legislation should prioritize safety; promote continued innovation and reduce existing roadblocks; remain tech neutral; reinforce separate federal and state roles; strengthen cybersecurity; educate the public to encourage responsible adoption of self-driving vehicles. No date or deadline for introduction has been set.

“Paving the Way for Self-Driving Future”

As noted above, the Senate Committee on Commerce, Science, and Transportation held a hearing on June 14
entitled “Paving the Way for Self-Driving Future.” Here is a sample of the highlights from their oral and written testimony:

“Manufacturers are asking for regulatory certainty now so that, when the time comes, they will be able to deploy these vehicles. These great changes are coming fast, and the federal government must be ready to keep pace,” said Committee Chairman John Thune (R-SD). “As other countries devote significant attention and effort to stimulating this technology, strong federal leadership will be necessary to maintain our position as a global leader of this innovation.”

John M. Maddox, President and CEO, American Center for Mobility, wrote in his testimony that “The traditional State roles dictating operational requirements, such as insurance, registration, training and licensing, driving enforcement, etc., are still required, and appropriate for AVs.” However, he noted, “creating state-by-state standards for vehicle performance or equipment could result in this undesirable patchwork, and should be avoided.”

Mitch Bainwol, President and CEO, The Alliance of Automobile Manufacturers, urged the Commerce Committee to pass legislation that significantly expands "the number and duration of the Federal Motor Vehicle Safety Standard (FMVSS) exemptions NHTSA can grant under the Safety Act." Without providing NHTSA expanded authority to grant exemptions from these standards, wrote Bainwol, “Developers will not be able to deploy the technology at a scale necessary to collect more robust real-world data to inform future regulatory action.”

Colleen Sheehey-Church, National President, Mothers Against Drunk Driving, wrote: "It is important that the playing field be level and states should leave the self-driving car safety issues to the automotive safety experts at the federal level.” The state role in autonomous vehicles is to continue doing what they do for conventional vehicles today. This includes titling, registration, insurance requirements, etc.,” wrote Sheehey-Church.
ITS America Receives Briefing on Smart Traffic Signals Bill

ITS America’s Advocacy and Innovation Trust received a briefing on Friday, June 16, from Tejasi Thatte, Legislative Counsel to Congressman Tony Cárdenas (D-CA) on the “Less Traffic with Smart Stop Lights Act of 2017” sponsored by Congressman Tony Cárdenas and Congressman John Duncan (R-TN).

The bill, H.R. 2778, directs the Secretary of Transportation, not later than 180 days after enactment, to establish a Smart Transportation Traffic Signals Grant Program. The grants would be made on a competitive basis to states and local governments. An entity awarded a grant under the program would be able to use the funding to improve traffic signals through the implementation of innovative technology, including adaptive signal control technology; and real-time data measurement technology. The grant would need to be fully expended not later than the date that is three years the date on which initial grant amounts were made available. The federal share for the grant is 80%.

ITS America urged the Tejasi Thatte to also include grant funding operations and maintenance. The bill has been referred to the House Committee on Transportation and Infrastructure for consideration. ITS America will provide updates as the bill moves through committee. Please email ITS America’s Vice President for Legislative Affairs Ron Thaniel for additional information.

AV Proving Grounds Under Review By Department of Transportation

Testifying before the House Committee on Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, on Thursday, June 15, U.S. Department of Transportation Secretary Elaine Chao said that the Department of Transportation is looking at the ten proving grounds announced by former U.S. Transportation Secretary Anthony Foxx on January 19, 2017. She noted that “the proving grounds are very popular.” ITS America is reaching out to the U.S. Department of Transportation Office of the Secretary for more information and details of the review.
State Policy Developments

TX Gov. Abbott Signs AV Legislation

On June 15, 2017, Texas Governor Greg Abbott (R) signed into law Senate Bill 2205 that will explicitly permit the operation of autonomous vehicles without a human driver on the State's roads. According to a Texas Tribune article, the legislation "requires driverless vehicles used on highways be capable of complying with all traffic laws, be equipped with video recording devices and be insured just like other cars. It also makes the manufacturer responsible for any broken traffic laws or car wrecks, as long as the automated driving system hasn't been modified by anyone else."

ITS America Public Policy Contacts: Steven H. Bayless, Vice President of Regulatory Affairs and Public Policy, sbayless@itsa.org; Jason Goldman, Vice President of External Affairs & Stakeholder Engagement, jgoldman@itsa.org; Dan Ronan, Vice President, Strategic Communications, dronan@itsa.org; Ron Thaniel, Vice President of Legislative Affairs, rthaniel@itsa.org

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