Policy Rundown

For ITS America Advocacy Trust and Innovation Trust

Note: due to the July Fourth holiday, Policy Rundown will not publish next Tuesday. Our next Policy Rundown will be Tuesday, July 11th.

Federal Administration Policy and Regulatory News

ITS America members Michigan Mobility Transformation Center, Toyota and GM spoke at the Federal Trade Commission (FTC)/National Highway Traffic Safety Administration (NHTSA) workshop on connected car data, privacy and security. Steven Bayless (ITS America) and Carrie Morton (MTC) discussed vehicle data, safety, ownership, liability and privacy, focused primarily on V2X and Automated Vehicle. MTC discussed challenges in automated vehicle testing and possibilities for data sharing. Bayless covered differences between conventional traffic data and data to support crash avoidance and advanced traffic management. Other panels include deep discussion of the development of the Auto Industry privacy principles, and the issue of automotive security update, remote operation, and security assurance. ITS America will be submitting comments to the FTC by end of July. Contact Steven Bayless (sbayless@itsa.org) or Jason Goldman (jgoldman@itsa.org) if you would like to participate in development of our comments through our weekly policy working group or through our Cybersecurity Task Force.

President Trump Nominates Carr and Rosenworcel for Commissioner Slots at the FCC

On June 28, 2017, President Trump announced his intent to nominate Brendan Carr to fill the vacant Republican seat on the Federal Communications Commission (FCC). Carr previously served as then-Commissioner Pai’s legal advisor on
wireless, public safety and international issues, and he was appointed to his current position of FCC General Counsel after Pai became Chairman earlier this year. Procedurally, Carr will be nominated to fill the remainder of former FCC Chairman Wheeler's five-year term that expires on June 13, 2018, as well as for an additional five-year term expiring June 13, 2023.

Earlier this month, President Trump nominated former Commissioner Jessica Rosenworcel, a Democrat, to fill the slot she was forced to vacate in 2016 after her term had expired and the full Senate failed to reach an agreement on a vote regarding her renomination.

**Legislative News**

*House Panel Holds Hearing on Automated Vehicle Legislation*

On June 27, 2017, the House Committee on Energy and Commerce Subcommittee on Digital Commerce and Consumer Protection held a hearing entitled: “Self-Driving Vehicle Legislation.” The hearing focused on the 14 draft bills that would clarify the responsibilities between states and the federal government regarding the testing and deployment of automated vehicles, expand the number and duration of exemptions allowed by the National Highway Traffic Safety Administration (NHTSA), prohibit pre-market approval for self-driving cars, data sharing, and establishment a cybersecurity advisory panel.

Testifying were Mitch Bainwol, President and CEO, Alliance of Automobile Manufacturers; John Bozzella, President and CEO, Global Automakers; Tim Day, Senior Vice President, Chamber Technology Engagement Center, U.S. Chamber of Commerce; The Honorable David L. Strickland, Counsel, Self-Driving Coalition for Safer Streets and Partner, Venable; Alan Morrison, George Washington University Law School; and Will Wallace, Policy Analyst, Consumers Union.

Representatives of the auto industry expressed support for the preemption provision in the LEAD’R Act that gives the federal government exclusive regulatory responsibility over safety, performance, and design of a highly automated vehicle. They also recognized the role states play in insurance, licensing, registration, and traffic laws and enforcement. Morrison and Wallace point out—as is the case with autonomous vehicles—that preemption is not appropriate when federal standards do not exist.
Regarding exemptions, auto industry representatives express support for increasing the number of and duration of exemptions. Morrison spoke to NHTSA’s resource challenges with overseeing implementation of testing. “Does NHTSA have the personnel and the field offices to oversee the testing phase, or should it deputize willing States to do that on its behalf for vehicles being tested within their borders?” The PAVE Act expands the number of exemptions from a Federal Motor Vehicle Safety Standard (FMVSS) from 2,500 to 100,000 annually. The ROAD Act expands the number of years that a manufacturer can maintain an FMVSS exemption from 2 years to 5 years.

**Statements from House Energy and Commerce Committee Leadership**

*Committee on Energy and Commerce Chairman Greg Walden (R-OR)* said “it’s also time for Congress to clarify the roles of both federal and state government with regard to this industry. Just as Congress ensured uniformity in railroads traversing America, we need to make certain that in the future our cars can take us from one state to another."

*Committee on Energy and Commerce Ranking Member Frank Pallone Jr. (D-NJ)* said, “While the bills before us deal with a number of industry requests, such as increases to the current exemptions limit or how FOIA requests are handled, there are no directions to NHTSA. NHTSA must have an active role for self-driving cars to be successfully deployed on our roads. There also is no direction on the issues of cybersecurity, data security, or privacy.”

*Digital Commerce and Consumer Protection Chairman Robert E. Latta (R-OH)* said, “One of the most important pieces is to define the right roles for the federal, state and local governments. The need for this framework was laid out by the Obama administration just last year. From the front bumper to the back bumper – whether it’s a pick-up truck or a car or a van, how the vehicle works and is designed should be the province of the federal government as has been the case for more than 50 years. The states and localities have an equally important role to play in determining insurance requirements, titling cars, requiring registration and setting the rules of the road.”

**Next Steps**
The 14 draft bills will be folded into one bill. The leadership of the Subcommittee on Digital Commerce and Consumer Protection and full Committee on Energy and Commerce are hopeful that ultimately the bill will be bipartisan. The goal of the Majority is to have a markup before the August recess.
Draft Bills

- **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 will continue to inform the Majority and Minority staffs throughout this important process of policy positions raised by the Advocacy and Innovation Trust. Please contact ITSA’s Vice President of Legislative Affairs Ron Thaniel at rthaniel@itsa.org for more information on the draft bills and the next steps.

**Senate Commerce Committee Approves Transportation Nominees**

As the Policy Rundown heads to press, the Senate Committee on Commerce, Science, and Transportation approved David Pekoske for TSA Administrator, Derek Kan for Undersecretary of Transportation for Policy and Robert Sumwalt to be a Board Member of the NTSB subject to Senate confirmation. All three were approved by voice vote.

**ITS America Participates in Congressional Technology Transportation Roundtable**

On June 22, 2017, ITS America’s Vice President for Legislative Affairs Ron Thaniel participated in a Roundtable on the Intersection of Technology and Transportation held by Congressman Earl Blumenauer (D-OR).
“Automakers, the trucking industry, the tech industry, and communities across the country are investing heavily as technology and demographic changes converge like never before,” said Blumenauer. “Urbanization, changing travel trends and modes of transportation, and rapidly approaching integration of autonomous vehicles will lead to a radically different mobility landscape.”

Thaniel’s roundtable remarks focused on how robotics, automation, artificial intelligence, wireless communications, and cloud computing are poised to solve many of our nation’s most critical mobility challenges while saving thousands of lives annually, providing greater accessibility and equity, increasing sustainability, and strengthening the economy. Other key points discussed is his presentation included:

- Reducing vulnerabilities to cyberattack and building public confidence in the security of new technologies. Providing mobility solutions and, therefore, equities into the system that do not currently exist for seniors, the disabled and those who need more mobility options.
- Getting more bang for less buck from our current infrastructure systems. The “sharing economy” expands mobility by leveraging idle vehicles. This is exemplified in new car sharing, ride-sharing, and ride-hailing services, such as Zipcar, Via, Uber and Lyft and we are seeing these options expand from cities to smaller communities.
- Squeezing more out of less infrastructure is critical. Smart parking features are already becoming commonplace in communities and other services that match drivers with parking spots and congestion pricing paired with road capacity and trip demand can help achieve shorter, more predictable travel.
- Including the deployment of broadband networks, in particular broadband funding for rural and hard-to-serve urban areas.

“We have a rare opportunity to get ahead of these changes and solve existing problems rather than create than new ones,” said Blumenauer.

**State Policy Developments**

*City of Portland Seeks Comment on Multiple AV Proposals*
In response to its Smart Autonomous Vehicle Initiative (SAVI), the City of Portland recently issued a Request for Information to seek recommendations on AV testing, piloting and deployment and to help assist the City in understanding the availability and diversity of suppliers in the marketplace. Responses are due August 11, 2017, at 4 pm. The City of Portland also is publishing discussion drafts, an “Interim Administrative Rule for Smart Autonomous Vehicle Initiative – Testing” and an “Autonomous Vehicle Permit Application;” these documents will be open for public comment until July 17, 2017, and can be sent to savi@portlandoregon.gov. Additionally, the City of Portland’s Draft Connected and Autonomous Vehicles Policy is open for public comment through July 21, 2017; comments can be submitted to TSP3@portlandoregon.gov.

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