USDOT opens up $710M in Grants for Infrastructure, with ITS Eligibility

The US Department of Transportation DOT has released a Notice of Funding Opportunity for up to $1.56 Billion in “Infrastructure to Rebuild America” (INFRA) grant funding. Approximately $710 million of FY 2017 funds are available for INFRA awards.

This program was previously known as FASTLANE and was authorized as the “Nationally Significant Freight and Highway Projects” Program under the FAST Act. Among its key program objectives, DOT lists encouraging innovation in three areas: (1) Environmental review and permitting; (2) use of experimental project delivery authorities; and (3) safety and technology. In terms of safety and technology, DOT states that it is seeking opportunities “to experiment with innovative approaches to transportation safety, particularly projects which incorporate innovative design solutions, enhance the environment for automated vehicles, or use technology to improve the detection, mitigation, and documentation of safety risks.” ITS examples cited in the notice include:

- Connected vehicle technology, including systems for vehicle-to-vehicle and vehicle-to-infrastructure communications; and
- Cybersecurity elements to protect safety-critical systems.
- Signage and design features that facilitate autonomous technologies;

The grants are available only to governmental entities and may be of most interest to government members. But private
sector entities could be secondary beneficiaries. Grant must be at least $25 million. For a small project, including both construction awards and project development awards, the grant must be at least $5 million. Ten percent of available funds are reserved for small projects, and 90 percent of funds are reserved for large projects. See notice for more information.

**Legislative News**

*House Appropriations Subcommittee Provides $100 Million for Automated Commercial Vehicles; Funds Technology Transportation Programs at FAST Act Levels*

The House Committee on Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies marked up on July 11 an FY18 Appropriations bill that provides $56.5 billion in discretionary spending. The bill provided $17.8 billion for the U.S. Department of Transportation. This is $646 million below the fiscal year 2017 enacted level and $1.5 billion above the President’s request. The bill provides total budgetary resources of $76.7 for transportation programs.

The bill includes $100 million for highly automated commercial vehicle research and development by repurposing funding from the Commercial Vehicle Information Systems and Networks (CVISN) program (Section 31108 of Title 49 U.S.C.).

The bill provides $45 billion from the Highway Trust Fund for the Federal-aid Highways Program, which is $968 million above the fiscal year 2017 level. This funding mirrors the authorized levels in the FAST Act. Technology transportation programs are funded at authorized levels of $60 million for the Advanced Transportation and Congestion Management Technologies Deployment Program, $67.5 million for the Technology and Innovation Deployment Program, and $100 million for the Intelligent Transportation Systems (ITS) Program.

The bill eliminates funding for the national infrastructure grants known as TIGER grants, which were funded at $500 million in fiscal year 2017, and substantially reduces funding for the Capital Investment Grant (CIG) program which provides funding for major transit capital investments, including heavy rail, commuter rail, light rail, streetcars, and bus rapid transit.
Senate Self-Driving Legislation Expected Next Week

The Senate Committee on Commerce, Science, and Transportation is on track to introduce automated vehicle legislation the week of July 17 with a markup of the legislation before the August recess.

ITS America’s legislative and policy staff viewed in-camera the draft self-driving vehicle legislation on Tuesday, July 11. The bill appears to track the bipartisan principles released by Senators John Thune (R-SD), Gary Peters (D-MI), and Bill Nelson (D-FL) on June 13. Senator Thune is the Chairman of the Senate Committee on Commerce, Science, and Transportation and Senator Nelson is the Ranking Member of the Committee.

ITS America will provide the Advocacy and Innovation Trust an analysis of the bill shortly after it is officially introduced. In the meantime, here is a summary of the principles:

Prioritize Safety

- Legislation must consider both the near-term and long-term regulatory oversight of these vehicles, recognizing that new safety standards governing these vehicles should eventually be set.

Promote Continued Innovation and Reduce Existing Roadblocks

- Legislation must allow the life-saving safety benefits of self-driving vehicle technology to move forward as new standards development is underway.

- Legislation must find ways to preserve and improve safety while addressing the incompatibility with old rules that were not written with self-driving vehicles in mind.

Remain Tech Neutral

- Legislation must be technology neutral and avoid favoring the business models of some developers of self-driving vehicles over others.

Reinforce Separate Federal and State Roles
Legislation must clarify the responsibilities of federal and state regulators to protect the public and prevent conflicting laws and rules from stifling this new technology.

Legislation must be based on the existing relationship between federal and state regulators and their current separation of authority, but make necessary targeted updates for new challenges posed by the current regulatory environment with respect to self-driving vehicles.

**Strengthen Cybersecurity**

Legislation must address the connectivity of self-driving vehicles and potential cybersecurity vulnerabilities before they compromise safety.

**Educate the Public to Encourage Responsible Adoption of Self-Driving Vehicles**

Legislation must review consumer education models for self-driving vehicles and address how companies can inform the public on what self-driving vehicles can and cannot do based on their level of automation and their capabilities.

**House Self-Driving Legislation Markup Next Week**

The House Committee on Energy and Commerce Subcommittee on Digital Commerce and Consumer Protection (DCCP) is preparing to introduce legislation this week on the testing and deployment of self-driving vehicles. DCCP is planning to markup the bills the week of July 18 followed by a full Committee on Energy and Commerce markup before the August recess.

The bills seek to confirm the National Highway Safety Administration (NHTSA) authority over the regulation of highly automated vehicles and clarify the regulatory responsibilities between states and the federal government. The bills would also expand the number and duration of exemptions from Federal Motor Vehicle Safety Standards (FMVSS) allowed to be issued by NHTSA, prohibit pre-market approval for self-driving cars, review data sharing requirements, and establish a cybersecurity advisory panel, among other things.
ITS America’s leadership will review policy contained in the bills at the Board of Directors meeting next week in Washington, DC. As the Policy Rundown heads to press, the bills have not been formally introduced. In the meantime, here is a recap of the draft bills:

**H.R. __, Let NHTSA Enforce Autonomous Vehicle Driving Regulations (LEAD'R) Act**

- Establishes federal and state roles regarding autonomous motor vehicles.
- The federal government is responsible for the oversight of design, construction, mechanical systems, software systems, and communications systems of HAVs and HAV equipment, and states or political subdivisions will continue to regulate registration, licensing, liability, driving education and training, insurance, or traffic laws.
- States will continue to regulate registration, licensing, liability, driving education, and training, insurance, or traffic law or regulation unless the law or regulation infringes upon an area of federal oversight.

**H.R. __, Practical Automated Vehicle Exemptions Act**

- Expands the authority of the Secretary to grant federal motor vehicle safety standard exemptions for not more than 100,000 vehicles sold in the United States from 2,500.

**H.R. __, Renewing Opportunities for Automated Vehicle Development Act**

- Establishes that renewals for FMVSS exemptions may be granted for not more than five years from 2 years.

**H.R. __, Expanding Exemptions to Enable More Public Trust Act**

- Expands the Secretary’s authority to exempt motor vehicles from FMVSS if: (1) the exemption would promote the public adoption and acceptance or facilitate the meaningful commercial deployment of a new motor vehicle safety feature or system and provide an overall safety level at least equal to the overall safety level of nonexempt vehicles; or (2) the exemption would promote transportation access to individuals with disabilities (as defined in the Americans with Disabilities Act of 1990) and would provide an overall safety level at least equal to the overall safety level of nonexempt vehicles.
H.R. __, Maximizing Opportunities for Research and the Enhancement of Automated Vehicles Act

- This section extends the authority in section Sec. 30112(b)(10) of Title 49 to test motor vehicles that are not in compliance with FMVSS to manufacturers and distributors of motor vehicle equipment in the United States that are certified to comply with all applicable FMVSS and to manufacturers of HAVs or automated driving system equipment.

H.R. __, Increasing Information and Notification to Foster Openness Regarding Automated Vehicle Matters to States Act

- Directs NHTSA to notify the appropriate state authority when an HAV is exempted from FMVSS.

H.R. __, Disability Mobility Advisory Council Act

- Directs the Secretary to establish a Disability Mobility Advisory Council that will undertake information gathering activities, develop technical advice, and present recommendations to the Secretary and Congress regarding advancing mobility access for the disabled community with respect to the deployment of automated driving systems to ensure an awareness of the needs of the disability community as HAVs are being designed for distribution in commerce.

H.R. __, Improving Mobility Access for Underserved Populations and Senior Citizens Advisory Council Act

- Directs the Secretary to establish an advisory council to advise the Secretary and make recommendations regarding advancing mobility access for populations underserved by traditional public transportation services and senior citizens on the testing and deployment of HAVs.

H.R. __, Automated Driving System Cybersecurity Advisory Council

- Directs the Secretary to establish an advisory council to undertake information gathering activities, develop technical advice, and present recommendations to the Secretary regarding cybersecurity for the testing, deployment, and updating of automated driving systems, including supply chain risk management, interactions with Information Sharing and Analysis Centers (ISACs) and Information Sharing and Analysis Organizations.
(ISAOs), and a framework for identifying and implementing recalls of motor vehicles or motor vehicle parts.

**H.R. __, Sharing Automated Vehicle Records with Everyone for Safety Act**

- Establishes a committee within NHTSA for a two-year period to develop a framework that allows manufacturers of HAVs to share relevant, situational information related to any testing event on public streets that results in damage to the test vehicle or any occupant thereof and validation of such vehicles in a manner that does not risk public disclosure of such information or disclosure of confidential business information.

**H.R. __, Highly Automated Vehicle Pre-Market Approval Reduces Opportunities for More People to Travel Safely Act**

- Clarifies that the Secretary shall not institute a pre-market approval or precertification process that prevents a vehicle manufacturer from manufacturing or selling an HAV before the Secretary has the assessed the safety of the vehicle.

**H.R. __, Guarding Automakers Against Unfair Advantages Reported in Public Documents Act**

- Requires that information submitted to NHTSA by a manufacturer of a HAV or HAV equipment that pertains to the testing and validation of a test vehicle or test part or system related to an event, incident, and crash data; the design or validation processes of electrical, electronic, or mechanical functions; the testing and validation of cybersecurity; the assessment, testing, and validation of human-machine interfaces; the testing and validation of the fall back condition; or the testing and validation of the object and event detection response capabilities of a highly autonomous vehicle or highly autonomous vehicle equipment shall be treated as confidential business information by NHTSA.

**H.R. __, Managing Government Efforts to Minimize Autonomous Vehicle Obstruction Act**

- Directs the Federal Trade Commission (FTC) and NHTSA to develop a memorandum of understanding regarding the oversight of vehicles pertaining to privacy and cybersecurity considerations.
The memorandum of understanding shall include a commitment from the FTC and NHTSA to limit overlap and duplication between the agencies' oversight responsibilities that pertain to the privacy and cybersecurity of vehicles.

H.R. __, Designating Each Car’s Automation Level Act

This section directs manufacturers of HAVs to post on the Monroney label placed on a vehicle for sale, information regarding the vehicle’s automation level.

Transurban Testified Before Senate Transportation Panel; Provided Examples of the how Private Capital Helps Public Funds Go Farther

ITS America Advocacy and Innovation Trust member Transurban testified on Wednesday, July 12, before the Senate Committee on Environment and Public Works hearing entitled “The Use of TIFIA and Innovative Financing in Improving Infrastructure to Enhance Safety, Mobility, and Economic Opportunity.”

Chaired by Senator John Barrasso (R-WY) and Ranking Member Senator Tom Carper (D-DE), Transurban’s Group General Manager of North America Jennifer Aument provided concrete examples how private capital can help public funds go farther “to deliver transformational transportation projects that unlock congested cities, provide travelers with more options, create thousands of jobs and inject billions into the economy.”

Aument urged Congress to adopt policies that will provide cities, metropolitan areas, and states with resources, tools, and incentives for critical transportation improvements including funding and strengthening the existing TIFIA program; expanding the use of Private Activity Bonds; and providing meaningful financial incentives to encourage states to maximize public funding and assets, such as asset recycling.

“These innovative financing programs are important elements of what must be a comprehensive program which also includes the adoption of new, sustainable funding sources; expansion of user pay and tolling options; the streamlining of environmental and regulatory reviews; and policies that promote the full utilization of advanced technologies to expand mobility and improve safety,” said Aument.
State Policy Developments

Ohio Gov. Kasich Signs Budget Bill Containing Provision Allowing Use Delivery Robots on the State’s Roads

Ohio’s Fiscal Years 2018-2019 budget signed into law on June 30, 2017, by Governor John Kasich (R) includes a provision allowing for the use of delivery robots on sidewalks and crosswalks in the State. Under the law, the “Personal Delivery Device” must weigh less than 90 pounds and have a maximum speed of 10 miles per hour. The law establishes that a “personal delivery device has all of the rights and obligations applicable to a pedestrian under the same circumstances, except that a personal delivery device shall yield the right-of-way to human pedestrians on sidewalks and crosswalks.” The device must comply with certain regulations, including obeying traffic or pedestrian control devices and signals as well as having a human operator who actively controls or monitors the navigation and operation of the device. Reportedly, Ohio is now the fifth state to pass a law governing these types of devices.

Albuquerque Mayor Berry Issues Executive Instruction on AVs

According to the Albuquerque Journal, Albuquerque Mayor Richard Berry (R) issued an “executive instruction” on July 7, 2017, that directs “the Department of Municipal Development, the city’s Legal Department and ‘all other agencies of the city’ to promote self-driving vehicles in Albuquerque.”

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