**Policy Rundown**

For ITS America Advocacy Trust and Innovation Trust

**Federal Administration Policy and Regulatory News**

*Comments due to USDOT on issue obstacles to Infrastructure*

The Department of Transportation (DOT) is reviewing its existing policy statements, guidance documents, and regulations to identify unnecessary obstacles to transportation infrastructure projects. As part of this review, the Department invites affected stakeholders and the public to identify non-statutory requirements that the Department imposes and that should be removed or revised. Comments should be received on or before July 24, 2017. Late-filed comments will be considered to the extent practicable. For more information see federal register notice

*FCC revised rules for Vehicular Radar, Commissioner critical of DSRC*

The FCC now has revised its rules to allow for new short-range vehicular radars that increasingly will be relied upon for automotive safety. Original 2015 NPRM is located here. In O'Reilly statement regarding Vehicular Radar “It is necessary to determine exactly what safety systems will be provided using DSRC and whether they can provided using other technologies…” ITS America analysis - FCC's action on vehicular radar are a positive step forward, but there is still concern that potential regulatory action by FCC will increase uncertainty in reference to DSRC, making deployment of V2X technologies problematic.
Legislative News

House Subcommittee Markup Self-Driving Vehicle Legislation

The House Committee on Energy and Commerce Subcommittee on Digital Commerce and Consumer Protection (DCCP) marked up groundbreaking self-driving vehicle legislation on Wednesday, July 19, entitled, “Highly Automated Vehicle Testing and Deployment Act of 2017.” The bill, which passed the Subcommittee by voice vote, is the first significant federal legislation on the development, testing, and deployment of self-driving vehicles.

The bill confirms National Highway Traffic Safety Administration (NHTSA) authority over design, performance, and safety of Highly Automated Vehicle (HAV) systems and extends state authority over non-HAVs to HAVs subject that law and regulation do not constitute “an unreasonable restriction on the design, construction, mechanical systems, hardware and software systems, or communications systems” of HAVs. The bill would expand the number and duration of the Federal Motor Vehicle Safety Standard (FMVSS) exemptions for HAV systems that NHTSA can grant under the Safety Act from 2,500 to 100,000 annually and from two years to five years. The bill also would require manufacturers to submit safety assessment certifications, but would not require premarket approval of self-driving technologies; would require manufacturers of HAV systems to develop a cybersecurity plan, and would establish a HAV Advisory Council.

ITS America policy supports maintaining existing roles and balance of responsibilities between states, local governments, and the federal government in reference to the operation of Highly Automated Vehicles. ITS America policy also supports expanding the number and duration of FMVSS exemptions for HAV systems.

Amendments were offered and withdrawn on privacy, cybersecurity, impacts on rural communities, and third-party validation of software with the commitment from the Chairman Bob Latta (R-OH) that they would be
considered before the full Committee on Energy and Commerce markup expected the week of July 24. Significant sections of the bill are in brackets, notably Section 2, which addresses NHTSA authority and state preemption, indicating that the language is subject to change and that there may not be complete agreement.

“The core of this self-driving legislation underscores our intention to re-affirm the roles and responsibilities of Federal and State governments, update Federal motor safety rules, and enhance public safety through testing and deployment of self-driving vehicles and technologies,” said Chairman Latta.

“Before I can support the final legislation, we must resolve important issues relating to the preemption of state laws and exemptions from existing safety standards,” said Ranking Member Jan Schakowsky (D-IL).

Democrats argued that plans to hold a full Committee markup the week of July 24 did not allow enough time to work out issues, to which Chairman Latta said that he "would like to keep to the time frame." The bill will not make it to the House Floor until Congress reconvenes in September after the summer recess.

**ITS America Leadership Approves Policy for Testing and Deployment of HAVs**

ITS America leadership approved on July 20, 2017, a policy statement concerning the testing and deployment of highly automated vehicles at their Board of Directors Retreat. The resolution comes as Congress is beginning work on significant self-driving vehicle legislation.

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**Resolution**

**Intelligent Transportation Society of America Policy Statement for the Testing & Deployment of Highly Automated Vehicles**

WHEREAS, the Intelligent Transportation Society of America is the leading advocate for technology modernization of the transportation system; and
WHEREAS, the Intelligent Transportation Society of America is the only association that represents technology companies and vehicle manufacturers, city and state transportation agencies, and academic and research institutions; and

WHEREAS, Automated and connected vehicle technologies are positioned to solve critical transportation challenges while growing the economy and enhancing mobility, safety, accessibility, and sustainability; and

WHEREAS, The U.S. House of Representatives has introduced, and the U.S. Senate is preparing to introduce historic and groundbreaking legislation that will shape the future of mobility in the United States; and

WHEREAS, citizens look to their local authorities to maintain traffic safety, improve mobility, and protect the public; and

NOW THEREFORE BE RESOLVED, that the Intelligent Transportation Society of America encourages that any federal legislation, regulation or policy affirm the existing roles and maintain the balance of responsibilities between states, local governments, and the federal government in reference to the operation of Highly Automated Vehicles; and

BE IT FURTHER RESOLVED, that the Intelligent Transportation Society of America affirms state and local authority in the enactment and enforcement of traffic law and regulation, registration, inspection and record keeping, licensing, education, training, liability, and insurance; and

BE IT FURTHER RESOLVED, that the Intelligent Transportation Society of America seeks clarification on the term “unreasonable restriction” in Section 2 in subparagraph (3) Rule of Construction in the Highly Automated Vehicle Testing and Deployment Act of 2017; and

BE IT FURTHER RESOLVED, that the Intelligent Transportation Society of America encourages the National Highway Traffic Safety Administration to work with states, local governments, manufacturers and other
entities on regulation that ensures the safe testing and deployment of Highly Automated Vehicle systems including auto, public transit, and freight and maximize the safety and efficiency benefits of HAVs to reduce injuries and fatalities within the transportation system.

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