Policy Rundown

For ITS America Advocacy Trust and Innovation Trust

The U.S. House and Senate are now in recess until Tuesday September 5th. During this time ITS America’s Legislative Affairs and Policy team will continue to monitor Congress and federal agencies. Should there be any reason to reach out to the readers of the Policy Rundown we will do so. Otherwise, the Policy Rundown will be on a brief hiatus until next month. If you have questions please feel free to contact one of the legislative and policy team members, Ron, Steve, Jason or Dan at ITS America.

Federal Administration Policy and Regulatory News

ITS America files with Federal Trade Commission on Connected Cars Security and Privacy

On July 31, 2017, ITS America filed comments with the Federal Trade Commission (FTC) on issues raised by the June 28, 2017, joint FTC-NHTSA workshop on “Connected Cars: Privacy, Security Issues Related to Connected, Automated Vehicles.” The comments were submitted in follow-up to ITS America VP for Regulatory Affairs and Public Policy Steven Bayless's participation on the Workshop's Connected Cars and Data panel (watch video). The comments highlighted the benefits of Intelligent Transportation technologies. Specifically, they focused on V2X/DSRC/5.9 GHz Safety Spectrum and discussed our views related to the cybersecurity and privacy protections surrounding these technologies. As part of the ITS America’s public policy roadmap call to remove roadblocks hindering
the deployment of Intelligent Transportation, we have identified the need to build public confidence in the privacy, security, and safety of new transportation technologies.

**Federal Motor Carrier Safety Administration (FMCSA) Electronic Logging Data (ELD) Implementation “National Tour” July-Nov 2017 - ELD mandate compliance date in December**

The FMCSA published an Electronic Logging Data (ELD) mandate in the December 16, 2015. Motor carriers have until December 18, 2017, to comply with the ELD mandate, requiring the use of ELDs or Automatic On-board Recording Device (AOBRDs) by interstate drivers of commercial motor vehicles who currently use a driver's record of duty status (log) to record their hours of service. (AOBRDs that were placed into service before December 18, 2017, will need to be upgraded to the ELD technical specifications before December 16, 2019.) FMCSA “National Tour” dates are linked here.

ELD alerts will tell driver when they are approaching an hours-of-service (HOS) limit. In the interest of preventing fatigue-related accidents, the hours-of-service regulations place restrictions on when and for how long drivers of commercial motor vehicles (CMVs) may be behind the wheel. Scheduling and dispatch become easier because fleet managers know the location of the freight vehicles and how much time drivers have available. ELD eliminates “form and manner” log violations and speeds audits.

**Confirmations at FCC and Implications for Vehicle-to-X Communications**

The Senate confirmed Democrat Jessica Rosenworcel to the Federal Communications Commission, meaning she will return to the FCC after having to depart when her previous term expired in January. Republican Brendan Carr was appointed to a one-year term. Carr served as Chairman Pai’s Wireless, Public Safety and International Legal Advisor for three years and most recently was the FCC’s General Counsel. After missing two commissioners over the last several months, the Commission now has a full contingent.

Rosenworcel has been on the record stating “…progress on the development of DSRC systems has been slow... I believe it is time for the FCC to move forward and develop unlicensed spectrum opportunities in the upper portion of the 5 GHz band.” (March 18, 2015 Oversight Hearing, Senate Commerce). FCC is continuing early phases of testing of WiFi and DSRC to determine where. FCC Chairman Ajit Pai’s Senate
confirmation vote was put on hold and will pushed until the fall when the Senate returns.

**Legislative News**

**Senate AV Bill on Hold until After Labor Day**

U.S. Committee on Commerce, Science, and Transportation Chairman John Thune (R-SD) said at the Committee’s Executive Session on August 2, 2017 that autonomous vehicle legislation would not be ready until “sometime this fall.” He added, “getting it right is more important than artificial deadlines.” Senator Thune and Senator Gary Peters (D-MI) were aiming to have the draft bill included in the Committee’s Executive Session.

**Highlights of the House SELF DRIVE Act**

The House Committee on Energy and Commerce passed by a unanimous vote of 54-0 self-driving vehicle legislation on July 27, 2017, entitled, Safely Ensuring Lives Future Deployment and Research in Vehicle Evolution Act or the “SELF DRIVE Act” (H.R. 3388). Here are the highlights of ITS America’s bill review:

- **PREEMPTION**—Federal government has authority for design, construction, or performance of highly automated vehicles (HAVs), automated driving systems, or components of automated driving systems. States/locals have authority over registration, licensing, driving education and training, insurance, law enforcement, crash investigations, safety and emissions inspections, congestion management of vehicles on the street or traffic unless the law or regulation is an unreasonable restriction on the design, construction, or performance of HAVs, automated driving systems, or components of automated driving systems.

- **MOTOR VEHICLE DEALERS**—States/locals will not be preempted from law or regulation regarding the sale, distribution, repair, or service of HAVs by a dealer, manufacturer, or distributor.

- **SAFETY ASSESSMENT CERTIFICATIONS**—Bill requires manufacturers to submit safety assessment certifications, but the Secretary of Transportation (DOT) is not allowed to condition testing or deployment of HAVs based on the review of safety assessment certifications.
• CYBERSECURITY OF AUTOMATED DRIVING SYSTEMS—Within 180 days, a manufacturer may not sell, offer for sale, introduce or deliver for introduction into commerce, or import into the U.S., an HAV or vehicle that performs partial driving automation, or automated driving system unless such a manufacturer has developed a cybersecurity plan.

• GENERAL EXEMPTIONS—Expands the number of Federal Motor Vehicle Safety Standard (FMVSS) exemptions for HAV systems that NHTSA can grant under the Safety Act from 2,500 to 25,000 vehicles in the first year, 50,000 in their second year, and 100,000 in their third and fourth years. Duration of FMVSS exemptions from 2 years to 4 years.

• MOTOR VEHICLE TESTING OR EVALUATION—Extends the authority created in the Fixing America Surface Transportation Act to test vehicles not in compliance with FMVSS to universities, new market entrants, technology firms, automotive parts suppliers, and other entities.

• INFORMATION ON HIGHLY AUTOMATED DRIVING SYSTEMS MADE AVAILABLE TO PROSPECTIVE BUYERS—Not later than 3 years after enactment, DOT shall complete research on informing consumers for HAV or a vehicle that performs partial driving automation capabilities and limitations. After completion of the study, requires the DOT to initiate a rulemaking to require manufacturers to inform consumers of the capabilities and limitations.

• HIGHLY AUTOMATED VEHICLE ADVISORY COUNCIL—Not later than 6 months after enactment, requires the DOT to establish in NHTSA a “Highly Automated Vehicle Advisory Council.”

• PRIVACY PLAN REQUIRED FOR HIGHLY AUTOMATED VEHICLES—Requires manufacturers to develop a privacy plan before they sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the U.S., any HAV, vehicle that performs partial driving automation, or automated driving system.

To obtain ITS America’s full review of the H.R. 3388, email Ron Thaniel, Vice President of Legislative Affairs, at rthaniel@itsa.org.

Urge Support for Technology Transportation Funding In an Infrastructure Bill
With increasing reports that Congress is planning to focus on an infrastructure bill after Labor Day, ITS America urges the Advocacy and Innovation Trust to meet with members of Congress while home in their districts during the August recess.

Explain how intelligent transportation technologies are positioned to solve many of our nation’s most critical transportation challenges while growing the economy and enhancing safety, mobility, accessibility, and sustainability. Explain that the infrastructure bill is the vehicle to fully integrate intelligent transportation systems on a large scale into the nation’s transportation network and build the infrastructure necessary to accommodate the next generation of mobility.

Urge them to:

1. Support new funding for Fixing America’s Surface Transportation (FAST) Act—recognizing that Moving Ahead for Progress in the 21st Century Act (MAP-21) and FAST Act clarified that ITS improvements are eligible uses of most formula program funds. Specifically urge them to support new funding for the Intelligent Transportation Systems Program (ITS), Advanced Transportation and Congestion Management Technologies Deployment Program, Technology and Innovation Deployment Program (TIDP), and for the Surface Transportation Block Grant program (STBG) and Congestion Mitigation and Air Quality Program (CMAQ) – flexible programs that often fund deployment activities.

2. Provide new funding for a new transportation program that would fund ITS, congestion mitigation, and mobility improvements. Eligible projects would include capital and operational investments that improve system safety and performance. Examples include priced managed lanes; transportation demand management programs; strategic transit investments; advanced parking, freight delivery, and incident management systems; and programs to support the deployment of autonomous vehicles, including vehicle-to-vehicle and vehicle-to-infrastructure communications technologies. Point to the Bush-era Urban Partnership Agreements as an example of a tried-and-tested program.

State Policy Developments
Honolulu Mayor Caldwell Signs Distracted Walking Legislation

On July 27, 2017, Honolulu Mayor Kirk Caldwell signed into law Bill 6 (2017), legislation aimed at stemming the increasing number of injuries and deaths from distracted walking. Ordinance 17-39 prohibits a pedestrian from crossing a street or highway while viewing a mobile electronic device. The Ordinance reportedly does not bar talking on the phone as the prohibition is limited to “viewing,” which is defined as “looking in the direction of the screen of a mobile electronic device.” Violators of the Ordinance are subject to fines.

VA Gov. McAuliffe Signs Executive Directive Launching “Smart Cities” Workgroup

On August 2, 2017, Virginia Governor Terry McAuliffe signed Executive Directive 13 directing the Secretary of Technology to establish an executive work group to bring public and private sector experts together to make recommendations on how to make the State a national leader in smart communities. As explained in the press release, the Directive directs the Secretary of Technology to develop best practices, technologies, and policies, building upon existing assets and programs, to equip Virginia’s communities with the tools, support and resources they need to become smart communities.

Members of the work group will include leadership from across the Commonwealth including the Virginia Secretary of Transportation and other government officials as well as private and non-profit sector organization. The Secretary of Technology has reached out to ITS America about participating on the work group; we have indicated our willingness to serve and are waiting to receive confirmation about our appointment.

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