Policy Rundown

For ITS America Advocacy Trust and Innovation Trust

ITS America Introduction on the September Policy Rundown

With Congress returning to Washington from their August Recess, ITS America’s Policy Rundown is also returning with the latest legislative and regulatory news on the deployment of intelligent transportation technologies. From automated vehicle legislation to an infrastructure bill to the U.S. Department of Transportation guidelines for autonomous vehicles, ITS America’s Policy Rundown will bring you every Tuesday morning reliable analysis from our public policy, communications, and research teams of how intelligent transportation technologies are shaping public policy and fostering innovation. It will be a busy fall. We look forward to keeping you informed.

David St. Amant, Interim President and CEO, ITS America
Dan Ronan, Editor, Vice President of Communications

Intelligent Transportation Society of America Responds to House Vote on the Self Drive Act

ITS America recognizes the House of Representatives groundbreaking vote on the bipartisan H.R. 3388, Safely Ensuring Lives Future Deployment and Research in Vehicle Evolution Act or the “SELF DRIVE Act”—the first significant federal legislation on the development, testing, and deployment of highly automated vehicles. For more than 20 years, ITS America has been at the forefront of this effort, working with states, cities, vehicle manufacturers, technology companies, academic and research institutions, and the National Highway Traffic Safety Administration.
Administration and Regulatory Affairs

Infrastructure Renewal

Last week, Chao met with 150 state, local and tribal leaders to discuss the Administration’s rollout of the Infrastructure Initiative. Last spring, the White House released a statement of principles on infrastructure along with its 2018 budget proposal. The fact sheet attached to the budget suggested $200 billion in federal funding to leverage about $1 trillion worth of overall infrastructure investment over ten years, with $5 billion identified in the President’s FY2018 budget.

Chao also stated that the proposal will cover more than transportation infrastructure and include energy, water, and potentially broadband and other elements as well.

In the White House White House office of Management and Budget (OMB) Director Mulvaney said the legislation will likely consist of three major components. The first component providing money for projects that already have some level of local or private funding, the second component addressing rural needs and the third component looking at “transformative” concepts.

Automated/Connected Vehicle and Other ITS in the Administration’s Regulatory Agenda

USDOT has sent updates to the Federal Automated Vehicle Policy guidance to OMB for an interagency review. The Department of Transportation, under Secretary Elaine Chao, has said it intends to release updated guidelines in September. OMB also reported that the Vehicle-to-Vehicle (V2V) proposed rulemaking would classified as a “long term” action in the Administrations Unified Agenda of Regulatory and Deregulatory Actions. The FCC also reported Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band (ET Docket No. 13-49) 3060-AJ94, which address spectrum sharing between ITS Dedicated Short Range Communications and Wi-Fi.
“Long-Term Actions” are rulemakings reported during the publication cycle that are outside of the required 12-month reporting period for which the “unified agenda” was intended.

Current actions in the “unified agenda” that are relevant to ITS include FHWA proposed rule on Pavement Markings (RIN 2125-AF34), and NHTSA’s Federal Motor Vehicle Safety Standard (FMVSS) No. 108; Lamps, Reflective Devices, and Associated Equipment—Adaptive Driving Beam (2127-AL83). Current actions that are relevant to Unmanned Air Vehicles includes “Unmanned Aircraft Systems Expanded Operations (2120-AL01)

**Legislative News**

**The House Passes SELF-DRIVE Act**

As Policy Rundown heads to press, the U.S. House of Representatives passed by voice vote today, September 6, 2017, H.R. 3388, Safely Ensuring Lives Future Deployment and Research in Vehicle Evolution Act or the “SELF DRIVE Act.” The bill creates a national framework for the development, testing, and deployment of highly automated vehicles.

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 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. The bill does not provide a definition for “unreasonable restriction.”
- **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., and 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 three 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 six 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.

- REAR SEAT OCCUPANT ALERT SYSTEM—Within two years, the Secretary shall issue a final rule requiring all new passenger motor vehicles weighing less than 10,000 pounds to be equipped with an alarm system to alert the operator to check rear seats after the vehicle motor or engine is deactivated by the operator.

- HEADLAMPS—Within two years, the Secretary shall complete research into the development of updated motor vehicle safety standards or performance requirements for motor vehicle headlamps. After completion of the research, the Secretary shall initiate a rulemaking proceeding to revise safety standards regarding headlamps if the revision meets the requirements and considerations set forth in subsection (a) and (b) of section 30111 of title 49, U.S.C.

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

**Senate AV Bill Expected in Coming Weeks:**

**Hearing Examining Automated Trucks Next Week**

The U.S. Senate Committee on Commerce, Science, and Transportation is expected to release self-driving vehicle legislation in the next couple weeks. First, the Committee will convene a hearing titled “Transportation Innovation: Automated Trucks and our Nation's Highways” on Wednesday, September 13, 2017. The hearing will examine the benefits of automated truck safety technology as well as the potential impacts on jobs and the economy. Including or excluding trucks, buses, and other heavy duty vehicles has been a topic of discussion in ongoing bipartisan efforts to draft self-driving vehicle legislation.

Committee Chairman John Thune (R-SD) said before the August recess, that autonomous vehicle legislation would not be ready until "sometime this fall." He added, "getting it right is more important than artificial deadlines."
**Time Running Out for Deal on Federal Budget**

With just 12 legislative days remaining for Congress to reach a deal on the 2018 Federal Budget before the start of the new Fiscal Year on October 1, 2017, it is increasingly likely that Congress will need to put in place a continuing resolution — known as a CR—to keep the federal government operating.

The U.S. House Appropriations Committee approved on July 17 the FY18 Transportation, Housing and Urban Development funding bill on a vote of 31-20. The bill includes $17.8 billion in discretionary appropriations for the U.S. Department of Transportation (DOT) for FY18. This is $646 million below the FY17 enacted level and $1.5 billion above the President's request.

The U.S. Senate Committee on Appropriations approved on July 27 the FY18 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act. The bill was passed unanimously, 31-0. The bill provides $19.47 billion in discretionary appropriations for the DOT. This is $978 million above the FY17 enacted level.

**FHWA**

House – $45 billion from the Highway Trust Fund to be spent on the Federal-aid Highways Program.

Senate – $45 billion from the Highway Trust Fund to be spent on the Federal-aid Highways Program.

The House and Senate bills are consistent with the authorized FHWA levels in the Fixing America's Surface Transportation Act (FAST Act). Both bills fund technology transportation programs at FAST Act authorized levels including $67.5 million for the Technology and Innovation Deployment Program, $100 million for the Intelligent Transportation Systems Program, and $60 million for the Advanced Transportation and Congestions Management Technologies Deployment Program.

**FTA**

House – $11.75 billion for the Federal Transit Administration (FTA), which $662 million below the FY17 enacted level. Transit formula grants total $9.7 billion – consistent with the FAST Act. The bill provides $1.75 billion for Capital Investment Grants (New Starts)
and $1 billion for "Full Funding Grant Agreement" (FFGA) transit projects. Bill language limits the federal match for New Starts projects to 50 percent. 

Senate – $12.13 billion for the Federal Transit Administration (FTA), $285 million below the FY17 enacted level. Transit formula grants total $9.7 billion, consistent with the FAST Act. The bill provides a total of $2.133 billion for Capital Investment Grants, fully funding all current “Full Funding Grant Agreement” (FFGA) transit projects, which is $280 million below the FY17 enacted level.

NHTSA

House – $927 million in total budgetary resources for the National Highway Traffic Safety Administration. 

Senate – $908.6 million in total budgetary resources for the National Highway Traffic Safety Administration.

Federal Motor Carrier Safety Administration

House – $758 million is included for the Federal Motor Carrier Safety Administration. 

Senate – $744.8 million for the Federal Motor Carrier Safety Administration

TIGER

House – Eliminates National Infrastructure Investment grants (also known as TIGER grants), which were funded at $500 million in fiscal year 2017. 

Senate – $550 million, $50 million above the FY2017 enacted level, for TIGER grants

Walden and Latta Announce Melissa Froelich as DCCP Chief Counsel

House Energy and Commerce Committee Chairman Greg Walden (R-OR) and Digital Commerce and Consumer Protection (DCCP) Subcommittee Chairman Bob Latta (R-OH) announced on August 21, 2017, Melissa Froelich as the new Chief Counsel of the subcommittee.

Melissa Froelich has served as Counsel for the subcommittee this Congress, and before that as Counsel for the Subcommittee on Commerce, Manufacturing, and Trade since July 2014. Froelich began her career in
Washington at the National Retail Federation. Froelich is a graduate of The Ohio State University Moritz College of Law and the University of Miami.

ITSA Legislative Affairs team congratulates Melissa Froelich, and look forward to continuing to work with her on automated vehicle legislation and other measures that increase investment in intelligent transportation technologies.

**NCSL Adopts AV Resolution**

At its 2017 Legislative Summit last month, the National Conference of State Legislatures (NCSL) adopted a resolution on autonomous vehicles (AVs) that addressed state authority to regulate autonomous vehicle testing, FMVSS Exemptions, advisory councils, and cybersecurity information sharing. The NCSL resolution agreed that the “NHTSA should be the sole entity setting FMVSS for AVs, equivalent to their current role for conventional vehicles.” However, the resolution also said that NCSL “strongly believes that states are the sole authority when it comes to vehicle use,” such as vehicle registration, etc. Additionally, the resolution opposed “congressional or administration proposals that would seek to preempt this authority from states by prohibiting states from prescribing certain standards or regulations related to [AV] testing, including requirements related to the presence of a human driver.”

**Delaware Governor Carney Signs Executive Order to Establish Advisory Council on CAVs**

On September 5, 2017, Delaware Governor John Carney (D) signed an executive order establishing an advisory council on connected and autonomous vehicles to ensure that Delaware remains at the forefront of emerging transportation technology, and to evaluate the technology’s impact on public safety, cybersecurity, and the design of Delaware’s transportation network.

According to the press release, the 19-member council will develop recommendations for innovative tools and strategies that can be used to prepare Delaware’s transportation network for connected and autonomous
vehicles, and the council will report back to the Governor and the General Assembly by September 2018.

**ITS America Launches New Blog on ITSDigest.com**

ITS America has launched the ITSA Blog, the association’s first official blog at ITSDigest.com.

The blog will feature commentary from a variety of ITS America team members on topics relating to ITS America, related conferences such as the upcoming ITS World Congress in Montreal, US and global ITS markets, and more. The ITS America blog content is available at the ITS Digest’s top nav bar.

Here is the link to our first blog http://itsdigest.com/blog-itsa

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