Policy Rundown

For ITS America Advocacy Trust and Innovation Trust

Special Edition:
Senate Committee Clears AV Legislation

The U.S. Senate Committee on Commerce, Science, and Transportation approved on Wednesday, October 4, 2017, by voice vote the S. 1885, "American Vision for Safer Transportation through Advancement of Revolutionary Technologies Act" or the "AV START Act." The intent of the bill is to support the development of highly automated vehicle safety technologies. The bill reaffirms the National Highway Traffic Safety Administration’s (NHTSA) authority over the design, construction, and performance of highly automated vehicles (HAV) (SAE J3016 Level 3, 4, or 5 automated driving system).

Preemption

The most noteworthy change in the Committee approved bill comes from an amendment from Ranking Member Bill Nelson (D-FL). The amendment replaces preemption language that was included in H.R. 3388, the SELF DRIVE Act, which passed the House in September. It states that “No State or political subdivision of a State may adopt, maintain, or enforce any law, rule, or standard regulating the design, construction, or performance of a highly automated vehicle or automated driving system with respect to any of the safety evaluation report subject areas (SER).”

Safety Evaluation Report
The legislation requires manufacturers of highly automated vehicles to submit to the Secretary a SER. As noted in the prior section, a state or local government may not enact or enforce a law or regulation relating to any of the SER areas.

**Exemptions**

Based on an amendment from Senator Richard Blumenthal (D-CT), the bill expands the number of Federal Motor Vehicle Safety Standard (FMVSS) exemptions for highly automated vehicle systems that NHTSA can grant from 2,500 to 15,000 vehicles in the first year, 40,000 vehicles in the second year, and 80,000 vehicles for any 12-month period following the second year. A manufacturer of a highly automated vehicle may petition the Secretary to expand the exemption to more than 80,000 vehicles in any 12-month period after the exemption has been in place for 4 years.

**Technical Safety Committee & Consumer Education**

The bill establishes a Highly Automated Vehicle Technical Safety Committee. Amendments would expand the scope to include safeguards against the misuse of highly automated vehicles; add vehicle communications with roadway and infrastructure assets; and require at least one representative from each of the groups listed and adds representation from individuals with disabilities and older adults. Under the Consumer Education section, amendments were added that would expand the working group’s scope to include topics pertaining to consumer data collection, privacy, and data ownership; expand membership to include safety organizations and organizations with experience in driver’s education; and require information comparing highly automated vehicles with non-highly automated vehicles.

**Cybersecurity**
The AV START Act requires manufacturers of highly automated vehicle systems to develop a cybersecurity plan. Several notable amendments were added including one which requires the Secretary to develop educational cybersecurity resources to assist consumers in minimizing motor vehicle cybersecurity risks and to require manufacturers to include information directing consumers to the such resources on the new car window labels; include employee training in a manufacturers’ cybersecurity plans; and require manufacturers of highly automated vehicles or automated driving systems to publish summaries of their plans to identify and reduce cybersecurity risks to the highly automated vehicle.

**Trucks**

The bill does not include vehicles weighing 10,000 pounds or more (i.e. trucks and buses). Senator James Inhofe (R-OK) offered an amendment that would have removed the heavy truck exemption from the definition of highly automated vehicle. The amendment was withdrawn.

[Click here](#) for more information on ITSA’s AV START analysis, and list of approved amendments.

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