Policy Rundown

For ITS America Advocacy Trust and Innovation Trust

Legislative News

Senate AV Legislation Heads to Markup Tomorrow

The U.S. Senate Committee on Commerce, Science, and Transportation’s “American Vision for Safer Transportation through Advancement of Revolutionary Technologies Act” or the "AV START Act" is scheduled for markup tomorrow, Wednesday, October 4 at 10:00 a.m. A live video of the markup and additional information will be available at www.commerce.senate.gov.

U.S. Senator John Thune (R-SD), chairman of the Senate Committee on Commerce, Science, and Transportation, and Senator Gary Peters (D-MI) officially introduced the legislation last Thursday, September 28, 2017. Senators Roy Blunt (R-MO) and Debbie Stabenow (D-MI) are original cosponsors. 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). Over 60 amendments have been filed so far to AV START.

Preemption

The most significant change from the staff discussion draft is that it replaced language that preempted state and local authority over deployment of HAVs based on nine areas in the Safety Evaluation Report (SER) with preemption language that was included in H.R. 3388, the SELF DRIVE Act, which passed the House in September. The federal government has authority for design, construction, or performance of highly automated
vehicles (HAVs), automated driving systems, or components of automated driving systems. States and local governments 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 within a State or political subdivision of a State, 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. States and local governments are not preempted from law or regulation regarding the sale, distribution, repair, or service of a HAV by a dealer, manufacturer, or distributor.

**Safety Evaluation Report**
The legislation requires manufacturers of highly automated vehicles to submit to the Secretary of Transportation a SER. The nine areas covered in the report are system safety, data recording, cybersecurity, human-machine interface, crashworthiness, capabilities, post-crash behavior, account for applicable laws, and automation function. The SER will be made publicly available, with confidential business information redacted. The Secretary has the authority to sunset a SER area as new standards applicable to the same aspects are promulgated.

**Exemptions**
AV START Act expands the number of Federal Motor Vehicle Safety Standard (FMVSS) exemptions for highly automated vehicle systems that NHTSA can grant from 2,500 to 50,000 vehicles in the first year, 75,000 vehicles in the second year, and 100,000 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 100,000 vehicles in any 12-month period in the fifth year of an exemption.

**Conflicts with Current FMVSS**
It requires that the Director of the John A. Volpe National Transportation Systems Center to prepare and submit to the Secretary a report that identifies HAV conflicts with current FMVSS no later than 180 days after the enactment of the Act.
Technical Safety Committee & Consumer Education
It establishes a Highly Automated Vehicle Technical Safety Committee that will study system safety, automated steering and braking, crashworthiness, event data recording and data access and sharing, accessibility, and potential conflicts with existing FMVSS and provide recommendations on performance standards and harmonization of national highly automated vehicle safety standards. The Secretary will review the recommendations and begin rulemaking proceedings to implement those recommendations. Under the Consumer Education section, the Secretary shall establish a working group to develop guidelines on consumer education efforts to improve the public’s understanding of advanced driver assist systems and automated vehicle technologies.

Cybersecurity
The AV START Act requires manufacturers of highly automated vehicle systems to develop a cybersecurity plan and directs the Secretary of Transportation, in coordination with relevant State and law enforcement entities, to research the traffic safety implications of highly automated vehicles.

Trucks
The bill does not include vehicles weighing 10,000 pounds or more (i.e. trucks and buses). The definition of a HAV is a motor vehicle with a gross weight of 10,000 pounds or less that is equipped with Level 3, 4, or 5 automated driving systems (SAE International Standard J3016).

U.S. Senate Committee on Commerce, Science, and Transportation Members

Majority Members
Chairman John Thune (R-SD)
Senator Roger Wicker (R-MS)
Senator Roy Blunt (R-MO)
Senator Ted Cruz (R-TX)
Senator Deb Fischer (R-NE)
Senator Jerry Moran (R-KS)
Senator Dan Sullivan (R-AK)
Senator Dean Heller (R-NV)
Senator Jim Inhofe (R-OK)
Senator Mike Lee (R-UT)
Recap of the House Passed AV Bill

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.

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.” 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
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.

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
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 to 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.

**Trucks**
Not included.

*ITS America Policy for Testing and Deployment of HAVs*

ITS America leadership approved this summer the following resolution concerning the testing and deployment of highly automated vehicles:

**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.
Senate Confirms FCC Chairman Ajit Pai to New FCC Term

The U.S. Senate on October 2, 2017, by a vote of 52 to 41, confirmed current Federal Communications Commission (FCC) Chairman Ajit Pai to a new five-year term beginning July 1, 2016.

ITSA Received Briefing from Senator Cortez Masto’s Aide on Technology Transportation Bill

On Friday, September 29, 2017, ITSA Advocacy and Innovation Trust received a briefing from Trevor Dean, Legislative Assistant for Senator Catherine Cortez Masto (D-NV) on S. 1809, “Moving and Fostering Innovation to Revolutionize Smarter Transportation (Moving FIRST) Act,” a bill that will enhance the transportation systems through the use of technology.

Senators Cortez Masto and Richard Burr (R-NC) introduced Moving FIRST on September 14 to build on the successes of the 2015 Strengthening Mobility and Revolutionizing Transportation (SMART) Cities Challenge administered by the U.S. Department of Transportation by expanding the opportunity for more communities – both urban and rural – to compete for resources that will fund efficient, creative and innovative transportation projects.

Eligible applicants include large cities (populations ranging from 400,000 to 1 million) and mid-sized cities (populations ranging from 75,000 to 400,000) cities to our rural communities and regional partnerships (populations ranging from 10,000 to 75,000).

Allocations are as follows:

- Large and mid-sized city awards: 2 awards annually, up to $50 million for a jurisdiction of each size, capped at $80 million total annually
- Rural community and regional partnerships: 2 awards annually, totaling up to $20 million total, which a requirement that no less than 20% of the available funding go to rural projects

Smart Cities Bill Introduced
Senator Maria Cantwell (D-WA), Congresswoman Suzan DelBene (D-WA), and Congressman Ben Ray Luján (D-NM) introduced on October 2, 2017, legislation to promote the advancement of smart cities. The bill was developed in collaboration with communities across the country, as well as telecommunications and information technology companies, and authorizes $220 million for each of 5 years. The bill will also:

- Enhance federal coordination of smart city programs, including improved reporting and demonstration of the value and utility of smart city systems.
- Provide assistance and resources to local governments interested in implementing smart city technologies. Develop a skilled and technology savvy domestic workforce to support smart cities. Improve the quality and performance of smart city technologies while assessing and enhancing cybersecurity and privacy protections.
- Foster international collaboration and trade in smart city technologies.

ITSA Vice President of External Affairs and smart communities lead Jason Goldman is working to schedule conference call with relevant Senate and House staff to brief ITSA members.

State and Local Policy Developments

Massachusetts to Form Commission to Review State’s Transportation Needs

According to news reports, Massachusetts Lt. Gov. Karyn Polito (R) announced last week that Gov. Charlie Baker (R) intends to issue an Executive Order creating a new commission to "review, analyze and reform state transportation and capital needs." Polito reportedly said the commission also will examine the impact of technological developments on existing revenue sources and will delve into long-term thinking about "the impacts that technology, autonomous vehicles, electric vehicles and climate change will have on our long-term strategies."

Communications
ITS Leadership Plans Visit to Montreal to Engage in Exchange of Ideas Prior to October 2017 ITS World Congress

The leadership of the Intelligent Transportation Society of America (ITS America), ITS Canada, along with business and government officials from Montreal, will visit Montreal and Toronto, October 5-6, 2017, to meet with government and business leaders in advance of the upcoming ITS World Congress being held at the Palais des congrès de Montréal, October 29 through November 2, 2017.

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