Policy Rundown

For ITS America Advocacy Trust and Innovation Trust

Administration News

*In Response to Reporting, USDOT Denies that Decision was made to Shelve V2V Standard*

[ITS America, American Association of State Highway Officials (ASHTO) and Institute of Transportation Engineers (ITE) issued a joint statement on November 1 in response to press reporting that USDOT was walking away from the draft Vehicle-to-Vehicle (V2V) Federal Motor Vehicle Safety Standard as envisioned under the last administration. In response to the same reporting, the U.S. Department of Transportation issued a Nov. 1 statement saying that it and the National Highway Traffic Safety Administration (NHTSA) *have not made any final decision on the proposed rulemaking* that would require automakers to start building vehicle-to-vehicle communications systems into their models. "Any reports to the contrary are mistaken,” the USDOT statement added.

The Nov. 1 story by the Associated Press, said: "The Trump administration has quietly set aside plans to require new cars to be able to wirelessly talk to each other, auto industry officials said, jeopardizing one of the most promising technologies for preventing traffic deaths.”

*FCC calls the Future of V2X Spectrum into Question*

The DOT statement also declared that “In all events, DOT hopes to use the dedicated spectrum for transportation lifesaving technologies.” The FCC intends to release its
Phase 1 report on spectrum sharing between Dedicated Short Range Communications shortly and Commissioners Rosenworcel and O'Reily both tweeted on the reporting, with O'Reily writing “DSRC mandate looks dead; DSRC not far behind.” Public Knowledge, the New America Foundation and others weighed in on the reporting, continuing their criticism of DSRC as insecure and irrelevant in the light of the development of 5G. (Public Knowledge Supports Trump Administration Withdrawal of Vehicle-2-Vehicle Plan Mandating DSRC) Unrelated to the criticism from these foundations advocating against V2X, the 5G Automotive Association (5GAA) whitepaper declared that the 5.9 DSRC ITS spectrum is necessary for their success. “C-V2X (Cellular V2X) direct communications currently is designed to operate in the ITS spectrum (5.9 GHz).

Trump issues Memoranda on Unmanned Aircraft Systems to encourage State/Local Initiatives

According to October 25, 2017 memoranda issued by the White House, states and local governments would be able to seek Federal Aviation Administration approval for testing and expanded use on unmanned aircraft systems. Currently FAA prohibits beyond-visual-line-of-sight flights, nighttime operations, and flights over people. The White House, however, did not propose changes to current regulations, or issue new regulations or authority that would allow broader nationwide use of drones. USDOT could allow drone flights at an altitude of up to 400 feet with the goal of approving at least five pilot projects. The program would expire in three years. DOT Secretary Chao announced the program and FAA issued an unpublished notice with twenty day deadline for for Lead Applicants to submit notice of intent to FAA.

NHTSA holds Two Public Meetings on Automated Vehicle Guidance - Comments Due November 14th.

NHTSA met with stakeholders on October 20th and November 6 to discuss expectations for safety “self-assessment” and strategies to expand public confidence in automated vehicle safety. The Auto Alliance, Global Automakers, American Association of Motor Vehicle
Administrators (AAMVA) and others provided informal comments. Google in summarized its effort in drafting and publishing it’s safety assessment report (linked here) NHTSA released this template for items it expected to be addressed in the self-assessment. Discussion from NHTSA was how to strike a balance between providing substantive technical information without disclosing confidential business information, versus only providing cursory information. NHTSA suggested that it had hoped self assessments would not be marketing pieces. Deadlines for comments to U.S. DOT and NHTSA released new Voluntary Guidance – Automated Driving Systems 2.0: A Vision for Safety are due November 14. Secretary Chao has made statements in the media that version 3.0 will provide

**USDOT Issues Draft Strategic Plan for Public Comment, Due November 13th.**

The U.S. Department of Transportation (DOT) invites the public to comment on the draft DOT Strategic Plan for FY 2018-2022. The report addresses Safety, Infrastructure, Innovation and Accountability. Some key ITS elements include safety management systems, system operations, emerging technologies, and performance measures. The system operations, USDOT seeks to “ensure that they [transportation systems] are connected, compatible, integrated, managed effectively, and responsive to new services and technologies to encourage efficient mobility and access for people and goods.” The report also briefly address emerging technologies such as Automated Driving Systems (ADS), unmanned aircraft systems (UAS), the Internet of things (IoT), Mobility-as-a-Service (MaaS), autonomous ships, automated ports, and others and in sharing information across. It also states that “DOT will increase its use of performance measures to provide transparency and to help target the cost-effective use of Federal, State, local and private funding and financing.” The comments due date was extended to November 13th.

**Legislative News**

*Senate Aides Brief ITSA Advocacy and Innovation Trust on AV START Act*
ITS America’s Advocacy and Innovation Trust received a timely briefing on Monday, November 6, 2017 from Cherilyn Pascoe, Professional Staff Member and Investigator, Chairman John Thune, U.S. Senate Committee on Commerce, Science, and Transportation; Christian Fjeld, Chief Democratic Counsel, U.S. Senate Committee on Commerce, Science, and Transportation; and Sydney Paul, Legislative Counsel, U.S. Senator Gary Peters on S. 1885, "American Vision for Safer Transportation through Advancement of Revolutionary Technologies Act" or the "AV START Act."

Led by ITS America’s Automated Vehicle Task Force co-chairs Darran Anderson, Director of Strategy and Innovation, Texas Department of Transportation and Lauren Isaac, Director of Business Initiatives for the North American, EasyMile, the discussion focused on the preemption amendment from Committee Ranking Member Bill Nelson (D-FL) that was approved at markup in October.

Regarding the bill's next steps, parliamentary options are being reviewed including unanimous consent or attaching the legislation to another bill. Staff level discussions will start soon with the House Committee on Energy and Commerce, which passed H.R. 3388, Safely Ensuring Lives Future Deployment and Research in Vehicle Evolution Act or the “SELF DRIVE Act” in September.

**Senate Field Hearing Committee on Automotive Innovation**

U.S. Senator John Thune (R-SD), chairman of the Senate Committee on Commerce, Science, and Transportation, announced on October 20, 2017 that the Committee will convene a field hearing titled, “Driving Automotive Innovation and Federal Policies,” at 10:00 a.m. on Wednesday, January 24, 2018, at the Washington Convention Center. The Senate field hearing will examine self-driving and other auto technologies as well as issues on the horizon for lawmakers and regulators.

**SPEED Act Introduced**

U.S. Senators Roger Wicker (R-MS) and Catherine Cortez Masto (D-NV) introduced on October 20, 2017, S. 1988
“Streamlining Permitting to Enable Efficient Deployment of Broadband Infrastructure Act of 2017” or the “SPEED Act.” The bill would accelerate the deployment of new broadband infrastructure to both rural and urban areas by streamlining the permitting process for telecommunications equipment that is installed in locations that have already been subjected to historical or environmental reviews.

The bill would not preempt the authority of a State or local government to apply and enforce all applicable zoning and other land use regulations on communications providers. It would expedite the review process for telecommunications infrastructure and accelerate the delivery of broadband services by:

- Exempting telecommunications infrastructure from environmental and historical reviews by the Federal Communications Commission (FCC) and other federal agencies in a public ROW if previously installed telecommunications infrastructure has already undergone environmental and historic reviews for the same public ROW. Any provider exempted from these reviews must still comply with the National Environmental Policy Act and the National Historic Preservation Act;

- Exempting the deployment of small cells from environmental and historical reviews only if 1) they are being deployed in a public ROW and are not higher than an existing structure in the public ROW; and 2) they are serving as a replacement for an existing small cell and they are the same or substantially similar to the small cell that is being replaced;

- Exempting the deployment of wireless services (e.g. voice, video, or data) from environmental and historical reviews if 1) they are located in an existing public ROW and 2) adhere to tower height and guy wire requirements;

- Directing the Government Accountability Office to develop a report analyzing how to increase the efficiency of deploying broadband infrastructure to federal lands; and;
• Directing the FCC’s Streamlining Federal Siting Working Group to submit a report to Congress on its preliminary findings and recommendations for accelerating the deployment of high-speed Internet access to federal lands across the United States.

ITS America staff is working to schedule a briefing to discuss this legislation.

**Congressman Introduces Vehicular Terrorism Prevention Act of 2017**

On November 2, 2017, Congressman Bob Latta (R-OH) introduced H.R. 4227, “Vehicular Terrorism Prevention Act of 2017.” Not later than six months after the date of enactment, the bill would require the Secretary of Homeland Security to examine what actions the Department of Homeland Security is undertaking to combat the threat of vehicular terrorism. Specifically, the report would include the current threat level for vehicular attacks, what the department is currently doing to prevent vehicular terrorism, how the threat can be mitigated, and a clarification on the extent to which DHS is doing outreach to private sector partners. It would also include any recommendations on what Congress can do to aid DHS efforts to prevent vehicular terrorism.

ITS America will be reaching out to Congressman Latta to look at how technology can be used to combat the threat of vehicular terrorism.

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