POLICY RUNDOWN

For Advocacy and Innovation Trust Members

Week of January 8 -12, 2018

Federal Administration Policy and Regulatory News

Secretary Chao’s Announcement at Consumer Electronics Show - U.S. DOT Seeks To Remove Barriers to Deployment of Automated Vehicles

Announced by Secretary Chao at the Consumer Electronics Show (CES), U.S. Department of Transportation issued several request for comment notices. Notice includes one from Federal Highway Administration requesting information on integrating automated driving systems into the highway transportation system. Another includes Federal Transit Administration also seeking comments on automated transit buses research program and on removing barriers to transit bus automation. A third includes a NHTSA Request for Comments on Removing Regulatory Barriers for Automated Vehicles. The comments are envision to “help identify which departmental regulations need to be updated and changed to encourage innovation,” Chao said in a statement.

Due dates for comments are no earlier than February 23, 2018. (45 day period following publication in the Federal Register). Any issues that advocacy trust members would like to highlight, please contact Steven Bayless at sbayless@itsa.org

USDOT also published its Draft U.S. DOT Guiding Principles on Voluntary Data Exchanges to Accelerate Safe
Chao claims UAS integration program on track

Chao discussed at CES the unmanned aircraft system (UAS) integration pilot program the FAA announced in October, which received more than 150 completed applications. The agency received applications from 40 states, 75 local governments, several tribal entities, more than 50 colleges and universities and six airport authorities, according to Chao. The first round of approved pilot programs will include at least 10 lead participants, Chao said.

Federal Trade Commission issues its Staff Report on Connected Cars

The Federal Trade Commission issued its FTC Connected Cars Workshop 2017 Staff Report. First, many companies throughout the connected car ecosystem will collect data from vehicles, much of which will be used to provide important benefits to consumers. Second, the types of data collected through connected cars will range from aggregate, data, to non-sensitive data about a particular vehicle or individual, to sensitive personal data. Third, given all of this data collection, consumers may be concerned about secondary, unexpected uses of such data. Fourth, connected and autonomous vehicles will have cybersecurity risks that can potentially be exploited. ITS America filed comments to the FTC in July of last year and Steven Bayless spoke on the June workshop panel discussions (video) ARM, University of Michigan, Electronic Frontier Foundation, Blackberry, Consumer Technology Association and Booz Allen Hamilton.

Karen Jagielski from the FTC will present the findings of their report to Advocacy Trust members on our weekly call on Friday January 19. Stay tuned for more information. Any issues that advocacy trust members would like to highlight, please contact Steven Bayless at sbayless@itsa.org

Administration Releases Draft Report on Distributed Automated (Botnet) Cybersecurity Threats
The U.S. Department of Commerce and the U.S. Department of Homeland Security released a draft report to President Trump in response to the May 11, 2017, Presidential Executive Order on Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure. The report summarizes the opportunities and challenges in reducing the botnet threat, and offers supporting actions to be taken by both the government and private sector. Comments to the report Enhancing the Resilience of the Internet and Communications Ecosystem Against Botnets and Other Automated, Distributed Threats are due on or before 5 p.m. Eastern Time on February 12, 2018. Reminder: Public comments for the latest draft of Cybersecurity Framework version 1.1 and the draft Roadmap are due to NIST Friday, January 19, 2018.

Administration Progresses on Infrastructure Permit Streamlining, Cites Performance Measures and Intelligent Transportation and Safety Data Sharing at TRB

The White House is trying to get seventeen federal agencies sign a memorandum of understanding that would commit them to whittling down the environmental review process to two years, a CEQ official said Monday during a session at the Transportation Research Board (TRB) annual meeting. The administration issued its Presidential Executive Order on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure dated August 15, 2017 which includes the “One Federal Decision.” provision. The MOU would likely dictate the process for agencies to cooperate on.

One Federal Decision, according to the executive order requires “Each major infrastructure project shall have a lead Federal agency, which shall be responsible for navigating the project through the Federal environmental review and authorization process, including the identification of a primary Federal point of contact at each Federal agency.”

Alex Herrgott, associate director of infrastructure at CEQ, touted the administration’s work on smoothing out permitting reviews “regardless of what happens with the legislative package” on infrastructure. He also suggested
during the TRB session that Intelligent Transportation Systems could rely on performance measures described in FHWA final rules to justify and encourage technology deployment.

Undersecretary of Transportation for Policy Derek Kan announced at the TRB meeting, is intended to help the department apply the aviation sector's experience to drive down highway deaths. Data sharing in particular was cited Aviation Safety Information Analysis and Sharing (ASIAS) system, a database of incident data from all the major carriers and general aviation participants that may be a model for advanced vehicle automated safety.

**NHTSA to convene stakeholders on Automotive Cybersecurity**

SAE/NHTSA Government/Industry CyberSecurity Workshop is January 22-23, 2018 in Washington, DC The jointly sponsored SAE and NHTSA CyberSecurity Workshop will bring together experts from critical infrastructure sectors and government agencies responsible for cyber physical systems (CPS). If you are interested in attending, go to SAE registration page.

**Legislative News**

**ITS America President & CEO Bhatt Welcomes Advocacy Trust to the Second Session of 115th Congress**

As Congress returned to Washington for the second session of the 115th Congress, ITS America President and CEO Shailen Bhatt welcomed the Advocacy Trust back from the holidays for ITS America’s weekly policy and legislative affairs conference calls, which are Fridays at 12:30 p.m. when Congress is in session.

Bhatt thanked the Advocacy Trust for their work throughout 2017 on the House and Senate automated vehicle bills, which resulted in a Senate bill that largely preserves the existing division of regulatory responsibility between federal and state/local governments for the testing and deployment of highly automated vehicles and
expands the number and duration of Federal Motor Vehicle Safety Standards exemptions. “Looking ahead the members of the Advocacy Trust will be called to continue to advocate for ITS America’s priorities as the automated vehicle bill passes the Senate and is conferenced with the House,” said Bhatt. “We will also need your advocacy on an infrastructure bill that embraces the incredible benefits of ITS and efforts to increase broadband deployment as ITS America continues to work for a safer transportation system that improves mobility and sustainability and increases accessibility.”

**Senate Aides Provide Update on the AV START Act**

On January 5, 2018, ITS America’s Advocacy Trust received an update on S. 1885, “American Vision for Safer Transportation through Advancement of Revolutionary Technologies ("AV START") Act” from Cherilyn Pascoe, Professional Staff Member and Investigator, Chairman John Thune, U.S. Senate Committee on Commerce, Science, and Transportation and Sydney Paul, Legislative Counsel, U.S. Senator Gary Peters. Senators Thune and Peters are gauging support from other senators to see if the bill could pass under unanimous consent. Several holds have been placed on the bill, however, Senators Thune and Peters are optimistic that remaining issues can be worked out.

ITS America has been involved on the policy behind the AV START Act and is working closely with the Committee on Commerce, Science, and Transportation on the bill. ITS America supports passage of the bill in the Senate. The association is urging members to reach out to their Senate delegation and express support for the bill. Please contact ITS America’s Vice President for Legislative Affairs Ron Thaniel at rthaniel@itsa.org for more information on the AV START Act and ITS America’s bill priorities.

**Infrastructure Principles Likely Late January**

ITS America has been told in meetings with Senate aides that the administration is not likely to release principles for the infrastructure plan until the State of the Union or shortly thereafter.

The plan calls for allocating at least $200 billion in federal funds over 10 years to spur at least $800 billion in spending
by states, localities and the private sector. It remains unclear how much of the $200 billion would be for transportation (as opposed to broadband water, and other infrastructure) and the exact source of the funding. The Administration is looking at cuts elsewhere in the federal budget to pay for direct federal spending on the infrastructure plan. The plan would put federal funding in four areas: funding for states and localities that generate their own funding; formula block grants for rural areas; federal lending programs; and money for transformational projects. The plan would shift responsibility for funding infrastructure from the federal government to states and localities. Devolution of surface transportation funding has little support in Congress.

ITS America’s priority for the infrastructure plan is ensure that technology eligible activities under the FAST Act, including vehicle-to-infrastructure, are eligible activities in an infrastructure bill.

The House Bipartisan Problem Solvers Caucus Releases Infrastructure Plan

The bipartisan Problem Solvers Caucus released on Wednesday, January 10, 2018, their infrastructure plan entitled “Rebuilding America’s Infrastructure.” The plan calls for stable long-term sustainable funding; preserving and expanding tax-advantaged infrastructure financing; state adaptation of Public Private Partnership enabling legislation; a rural liaison within each Federal infrastructure agency; reforms to the Transportation Infrastructure Finance and Innovation Act (TIFIA) that expand eligibility and applications from rural communities; “Buy America” preferences; implementation of MAP-21 and FAST Act streamlining; project approval streamlining; best practices for identifying, building, and maintaining infrastructure assets; and cybersecurity infrastructure measures. To read the plan, go to https://reed.house.gov/uploadedfiles/psc_infrastructure_report.pdf

The Senate Hearing on Driving Automotive Innovation and Federal Policies
The Senate Committee on Commerce, Science, and Transportation, 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. Witnesses include Dr. Randy Avent, President, Florida Polytechnic University; Tim Kentley-Klay, CEO and Founder, Zoox, Inc.; Brian M. Krzanich, CEO, Intel Corporation; Mike Mansuetti, President, Robert Bosch North America, Robert Bosch LLC; and Luke Schneider, President, Audi Mobility U.S.

Democrats Add New Members to Key Senate Transportation Committees

Senator Jon Tester (D-MT) is joining the Senate Committee on Commerce, Science, and Transportation and Senator Chris Van Hollen (D-MD) is joining the Senate Committee on Environment and Public Works. The committee changes are the result of Senator Al Franken (D-MN) resignation and Democrat Doug Jones victory in Alabama.

State and Local Policy Development

Responding to the Use of Navigation Apps, NJ Town Bars Drivers from Using 60 Residential Streets as Shortcuts to the George Washington Bridge

To combat navigation apps from steering drivers toward town roads as a shortcut to the George Washington Bridge, Leonia, NJ reportedly will close as many as sixty secondary roads each day from 6 am to 10 am and from 4 pm to 9 pm beginning on January 15, 2018. Closed streets will be marked with “do not enter” signs. Violators face a $200 fine. Drivers who live or work in Leonia will be exempt and will be issued yellow tags that must be hung on their rearview mirrors.

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