POLICY RUNDOWN

May 14-20, 2018
For Advocacy Trust and Start-Up Members

Federal Administration Policy and Regulatory News

FCC Letter to Toyota Warning Automaker Against V2X Sparks Comments from Industry

The Wifi Forward Coalition hailed FCC Commissioners Rosenworcel and O'Reilly's letter to Toyota in a blog post, stating... "The original allocation is nearly 20 years old, and the technology landscape has changed. Adjacent bands are now home to billions of innovative unlicensed devices, and a variety of vehicle safety technologies have overtaken DSRC." In another blog post, Global Automakers was critical of the FCC Commissioners letter: "Unfortunately, there's no other way to interpret a recent letter they sent to Toyota urging the company to reconsider its decision to deploy safety systems using Dedicated Short Range Communications (DSRC) technology in its vehicles. (They may have artfully avoided the word "reconsider" in their letter, but their meaning was clear...)"

ITS America Meets with FHWA to Discuss Technology and Broadband

ITS America members met this week with Deputy Assistant Secretary Finch Fulton and FHWA Associate Administrator for Policy Mala Parker to discuss V2X, DSRC, spectrum and efforts to incorporate technology and broadband into the BUILD and other programs. They also talked about the FHWA National Dialogue on Automation and efforts to
develop a third update to the existing federal automated vehicle policy, which is likely to arrive in late summer.

**NHTSA Begins Investigation into Another Tesla Autopilot Crash**

The National Highway Traffic Safety Administration (NHTSA) has sent investigators to South Jordan, Utah, to investigate details of a Tesla Model S that crashed into a fire truck while traveling 60 miles per hour in autopilot mode. Tesla released data suggesting the driver’s hands were removed from the steering wheel a number of times prior to the crash. In addition, the driver engaged autopilot while on a road with stop lights and no-centerline, an operational domain that policy suggested was not consistent with the guidelines for the autopilot feature.

**Legislative News**

**House Appropriations Transportation-HUD Subcommittee Approves FY19 Spending**

The House Appropriations Transportation, Housing and Urban Development and Related Agencies approved on May 16, the FY19 Transportation-HUD spending bill. The bill reflects the second year of the bipartisan budget agreement reached earlier this year and includes $27.8 billion in discretionary appropriations for the Department of Transportation. This is $542 million above the FY18 enacted level and $11.7 billion above the President’s request. In total budgetary resources, including offsetting collections, the bill provides $87.8 billion for transportation infrastructure.

**FHWA**

The bill meets the FAST Act obligation limitation of $46 billion from the Highway Trust Fund, which is $1 billion above the FY18 level. The bill includes an extra $4.25
billion in discretionary highway funding, including $3.812 billion in formula money based on the Surface Transportation Block Grant Program [23 U.S.C. 133(b)(1) (A)]. Eligible projects under U.S.C. 133(b)(1)(A) include the construction of highways, bridges, and tunnels. The term construction means construction or reconstruction and includes improvements that directly facilitate and control traffic flow, such as traffic control systems. Areas that do not appear to be eligible for the extra funding include infrastructure-based intelligent transportation systems capital improvements, including the installation of vehicle-to-infrastructure communication equipment; congestion pricing, including electronic toll collection and travel demand management strategies; and pedestrian and bicycle projects. Transportation Secretary Elaine Chao has broad authority over how the funds are ultimately implemented, so ITS America Policy and Legislative Affairs staff have met with the Office of the Secretary and Federal Highway Administration. We are urging the Secretary to make vehicle-to-infrastructure communication equipment eligible for the extra FHWA funding. We are also urging Senate appropriators to make vehicle-to-infrastructure communications equipment eligible as well.

The extra funding also includes $250 million for highway safety based on the Highway Safety Improvement Program 23 U.S.C. 148(e)(1). Pedestrian and bicycle projects are eligible for funding.

The bill does not continue funding for Competitive Bridge Grants, which received $225 million for FY18.

Innovation

Under FHWA, there is $67.5 million for the Technology and Innovation Deployment Program, $60 million for the Advanced Transportation and Congestion Management Technologies Deployment Program, and $100 million for the Intelligent Transportation Systems (ITS) Program. All these programs are funded at FY19 FAST Act authorized levels. The legislation includes $150 million for the Magnetic Levitation Deployment Program. The bill summary states "This funding will provide the federal investment required to leverage billions in private
investment and deploy this advanced technology on the nation's most congested transportation corridors."

**BUILD**

The BUILD program (formerly known as TIGER) is funded at $750 million, which is half of what TIGER was funded for FY18. The bill includes language to ensure a balanced allocation of funding with $250 million going to rural areas, $250 million going to urbanized areas over 200,000 population, and $250 million for port projects. More than 60 percent of the FY17 TIGER money went to rural projects. The bill does not include planning grants.

**NHTSA**

The legislation provides $982 million in total budgetary resources for the National Highway Traffic Safety Administration (NHTSA), which is a $67 million increase over FY18.

**FMCSA**

The bill provides $666 million for the Federal Motor Carrier Safety Administration. The legislation does not continue funding for the Highly Automated Vehicle Research and Development Program, which was funded at $100 million in the FY18 Omnibus. Some appropriators question if the U.S.D.O.T. is prepared for another round of funding for the Highly Automated Vehicle Research and Development Program.

**FTA**

The bill provides $13.6 billion for the Federal Transit Administration, which is $141 billion above the FY18 enacted level and $2.5 billion above the President's request. This includes $9.939 billion from the Mass Transit Account of the Highway Trust Fund, plus $800 million from the general fund for Transit Formula Grants and $2.6 billion for Capital Investment Grants, of which $1 billion is available to cover Full Funding Grant Agreements and $1 billion for new projects.

*Infrastructure Week: "Connected Automation Now"*
AECOM and ITS America hosted an exciting panel discussion on May 17 in the House Rayburn Office Building entitled "Connected Automation Now." The panel of infrastructure owners and operators and automotive manufacturers made a compelling case for how connected and automated technologies can help cities and states move toward Vision Zero. The panel included Jeff Marootian, Director, District of Columbia Department of Transportation; Wes Maurer, Director of Intelligent Transportation Systems, Colorado Department of Transportation; Alison Pascale, Senior Policy Strategist, Audi of America, Inc.; and Robert Deans, Head of Technology, North America, Transurban. The panel was moderated by Suzanne Murtha, National Lead for Connected and Automated Technologies, AECOM. Opening remarks were provided by Dan Faust, DC Metro Region – Executive Vice President, AECOM Design & Consulting Services and Ron Thaniel, Vice President of Legislative Affairs, ITS America.

Infrastructure Week: ITS America Puts Transportation Technology Front and Center at Hill Meetings

ITS America put the game-changing benefits of intelligent transportation technologies front and center on during meetings on May 15 with the House Committee on Transportation and Infrastructure majority staff, Senate Committee on Commerce, Science, and Transportation majority staff, and Congressional Smart Cities Caucus minority staff.

House Transportation and Infrastructure Committee

Cordell Schachter, Chief Technology Officer, New York City Department of Transportation, Wes Maurer, Director of Intelligent Transportation Systems, Colorado Department of Transportation, Steve Ingracia, Deputy Director for Technology and Strategic Planning, Nebraska Department of Transportation, and Stan Caldwell, Executive Director, Traffic21 Institute, Carnegie Mellon University, met with the House Transportation and Infrastructure Committee majority staff to urge the Committee to prioritize investments in intelligent transportation technologies as they worked on an infrastructure bill. The ITS America
members urged Committee staff to leverage existing FAST Act programs; create grants for emerging technologies that support congestion relief; expand opportunities for smart communities; increase development of electric vehicle charging infrastructure; develop additional opportunities for broadband deployment; and provide funding to stabilize the Highway Trust Fund.

Staff told ITS America that the Committee is working on a bipartisan infrastructure bill they plan to introduce in June. They said that bill would follow the FAST Act structure, would extend the FAST Act out a year and provide revenue to help stabilize the Highway Trust Fund. Although the bill will likely be introduced in June, it is unlikely that the bill will pass the Congress until after the midterm election.

**Senate Commerce, Science, and Transportation Committee**

Wes Maurer, Steve Ingracia, and Stan Caldwell expressed support for the Senate AV START Act in a meeting with the Senate Commerce, Science, and Transportation majority staff. ITS America supports a national framework that maintains the federal authority over design, construction, or performance and state and local authority over operations of highly automated vehicles on public roads. Committee staff told ITS America that they are looking at a number of options for Senate passage of the AV START Act, including unanimous consent and must-pass legislation.

**Congressional Smart Cities Caucus**

Cordell Schachter met with the Congressional Smart Cities Caucus minority staff to brief them on New York City’s Connected Vehicle Pilot Deployment Program and the importance of the 5.9 GHz spectrum for safety-critical transportation communications. The Connected Vehicle technology is a new tool to help New York City reach its Vision Zero goals to eliminate traffic-related deaths and reduce crash-related injuries and damage to vehicles and infrastructure. The New York City deployment is primarily focused on safety applications – which rely on vehicle-to-vehicle (V2V), vehicle-to-infrastructure (V2I) and infrastructure-to-pedestrian (IVP) communications. The
Congressional Caucus on Smart Cities is a bipartisan group of members dedicated to bringing American communities into the 21st century through innovation and technology change. The co-chairs are Representatives Yvette D. Clarke (D-NY) and Darrell Issa (R-CA). Connected and automated mobility is a key area of study for the caucus.

**ITS America Hosts Infrastructure Week Smart Cities/Smart States Roundtable on Capitol Hill**

As part of Infrastructure Week, ITS America held a Smart Cities/Smart States Roundtable and Reception on Capitol Hill on May 15. Participants discussed the latest technologies cities, states, research universities, and the private sector are deploying to build transportation infrastructure to save lives and make people’s lives better.

Stan Caldwell, Executive Director of the Traffic21 Institute at Carnegie Mellon University, moderated the event. Finch Fulton, Deputy Assistant Secretary for Transportation Policy at the U.S. Department of Transportation, delivered opening remarks. Roundtable participants included: Cordell Schachter, Chief Technology Officer of the New York City Department of Transportation; Wes Maurer, Director of Intelligent Transportation Systems at Colorado Department of Transportation (CDOT); Steve Ingracia, Deputy Director for Technology and Strategic Planning at the Nebraska Department of Transportation; and Rebecca Hunter, External Affairs for Corporate Development & Strategy at Crown Castle.

Caldwell discussed the use of Pittsburgh as a research development and deployment testbed beginning in 2009; support from the United States Department of Transportation (USDOT) University Transportation Centers (UTC) Program since 2012 with the Community College of Allegheny County, University of Pennsylvania, and The Ohio State University; growth of this work beyond the city through the Smart Mobility Challenge, Smart Belt Coalition and the Metro Lab Network; and future work integrating ITS with other smart community systems through advanced wireless, edge computing, IOT, etc. Fulton provided an update on a variety of USDOT
activities including the Unmanned Aircraft Systems Integration Pilot Program, the forthcoming Federal Automated Vehicle Policy (FAVP) 3.0, and funding programs.

Schachter focused on the importance of data for a smart city; how Vision Zero initiatives in NYC, guided by data, are reducing road deaths to historic lows; and the USDOT NYC Connected Vehicle Pilot and the use of DSRC. Mauer discussed how CDOT ITS seeks to realize an advanced mobility network in Colorado through three main pillars: Innovation, Infrastructure, and Information System. He noted CDOT's partnership with Panasonic on V2X. Ingracia provided the rural perspective on smart communities. Hunter discussed the importance of connectivity to a smart community, including how fiber and small cells will be the backbone, high data volumes and low latency will demand an edge solution, and that transportation will lead the way.

State and Local Policy Updates

ITS America Delivers Keynote Remarks at ITS VA Annual Meeting

On May 17, Jason Goldman, ITS America VP for External Affairs and Stakeholder Engagement, delivered the luncheon keynote address at the ITS Virginia Annual Conference and Expo. He provided the attendees with an update on ITS America's activities and priorities.

D.C. Council Proposal Would Significantly Raise Taxes and Data Collection Requirements on Ride-Hailing Companies

On May 15, the Washington, DC City Council introduced a proposal that would hike the gross receipts tax on ride-hailing services, such as Uber and Lyft, from one to six percent. The tax increase would help fund approximately
$23 million of the District’s $178.5 million annual commitment of dedicated funding for Metro, according to the Council. The Budget Report asserts that "ride hailing services such as Uber and Lyft contribute to traffic congestion, add wear and tear to the District’s roads, and there is evidence that they draw people away from public transit." The Washington Post reports that under the proposal:

[Com]panies would be required to submit troves of data to the District departments of Transportation and For-Hire Vehicles, including how many drivers they have, the total number of vehicle miles driven in the District and an extensive log of each trip. The logs were a point of contention because they would include information such as the origin and destination, and pickup and drop-off times for each rides. Companies would also be required to specify how much idle time there was at pickup and drop-off points, the total fare of each trip, whether it was private or pooled, and how many passengers were in each vehicle...The information gathered would include trips that take place in the District, or begin or end within it. The proposal would also retroactively require data for 2018, which would be due in January.

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