



METROPOLITAN  
TRANSPORTATION  
COMMISSION

**Agenda Item 4a**  
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## *Memorandum*

TO: Legislation Committee

DATE: June 1, 2018

FR: Executive Director

W. I. 1131

RE: Update on Federal Autonomous Vehicle Legislation

### **Summary**

Since last fall, Congress has been debating the federal role in oversight of highly automated vehicles, i.e., autonomous vehicles capable of operating without a human driver. In September 2017, the U.S. House of Representatives passed H.R. 3388, the *Safely Ensuring Lives Future Deployment and Research in Vehicle Evolution (SAFE DRIVE) Act* and the U.S. Senate could consider its bill, S. 1885, the *American Vision for Safer Transportation through Advancement of Revolutionary Technologies (AV Start) Act*, as early as this month. Both bills would establish a national framework for autonomous vehicle regulation to facilitate testing and deployment on public roads across the United States.

### **Background**

In the absence of federal oversight to date, 29 states and Washington, D.C. have enacted autonomous vehicle legislation, resulting in a range of testing and safety-related certification requirements that vary by jurisdiction.<sup>1</sup> Both the House and Senate legislative proposals would put a halt to this by reaffirming federal authority over motor vehicle safety standards – how the vehicle is built – and preempting state and local governments from adopting or enforcing safety-related laws or regulations related to the design, construction or performance of highly automated vehicles.

### **Impact on State and Local Authority over Vehicle Operating Rules**

From a transportation and land use planning perspective, how motor vehicles operate on our roadways has a significant impact on a community's ability to make progress on its mobility, safety, performance, economic, environmental and social equity goals. According to House and Senate committee staff, both bills are intended to memorialize the traditional state and local government authority over licensing, traffic safety, congestion management, and other areas related to the operation of vehicles on public roads. However, the vehicle-operator relationship is fundamentally different for traditional vs. highly automated vehicles since an autonomous vehicle's design and performance can in many respects determine how it is operated. As such, there is concern that the broad federal preemption language included in *SAFE DRIVE* and *AV Start* could expose reasonable state and local regulations, statutes or policies related to safety enforcement or congestion management to legal challenges by automakers or others.

MTC staff has engaged throughout the legislative process to support final legislation that would reaffirm the federal role in regulating vehicle safety while ensuring state and local governments continue to exercise traditional authority over the operation of vehicles on public roadways. In coordination with numerous Bay Area cities and state agencies, staff has sought additional clarification on federal-state roles such that the federal government retain its authority over the safety of vehicle technology while reserving the ability of state and local agencies to continue to set policies governing the operation of vehicles on highways and local roads, regardless of whether they are driven autonomously or manually. Though the bills have not yet been updated to include additional clarification, we expect opportunities for amendments as the legislative process continues.



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Steve Heminger

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<sup>i</sup> <http://www.ncsl.org/research/transportation/autonomous-vehicles-self-driving-vehicles-enacted-legislation.aspx>