

October 2018 Monthly Washington, D.C. Report



To: Steve Heminger, Executive Director

From: Tom Bulger, President GRI

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RE: Monthly Report for October 2018

- Department Of Transportation Releases Automated Vehicles 3.0 Document
- Meetings

For the first time in recent memory there was very little Washington, D.C. activity to report. This is because the Congress is in recess for the mid-term elections and the Administration did not issue policies or regulations of note, except for Automated Vehicles.

Department Of Transportation Releases Automated Vehicles 3.0 Document

On October 4, 2018, Secretary Elaine Chao unveiled her department's Automated Vehicles 3.0 guidance document called Preparing for the Future of Transportation Automated Vehicles 3.0. The guidance is primarily a voluntary safety self-assessment document versus legally binding federal safety standards. MTC staff reviewed the document and attached is a staff summary.

Meetings

- Coalition for America's Gateways and Trade Corridors concerning reauthorization principles and platform.
- U.S. Conference of Mayors about reauthorization principles.

Preparing for the Future of Transportation: Automated Vehicles 3.0 (AV 3.0)

U.S. Department of Transportation, released October 2018

Summary & Key Concerns by MTC

AV 3.0 builds upon, but does not replace, [Automated Driving Systems 2.0: A Vision for Safety](#) from September 2017, which provided guidance for AV manufacturers and outlined the respective roles of federal and state governments in regulating AVs. AV 2.0 was the first Trump admin document on AVs, replacing the first-ever [Federal Automated Vehicles Policy](#) from 2016. (This article, [USDOT Preparing to Revise Obama-Era AV Policies](#), gives a pretty good breakdown of the Obama/Foxxx-era federal-vs-state responsibilities).

AV 3.0 outlines six guiding principles for the U.S. DOT on AVs:

1. **Prioritize safety** – encourage AV/automatic driving systems (ADS) developers to do Voluntary Safety Self-Assessments & make them public. Rely on a self-certification approach, rather than type approval, as the way to balance and promote safety and innovation. DOT is committed to preserving the 5.9 GHz spectrum (5G) for use by transportation safety systems.
2. **Remain technology neutral** – policies will be “flexible and tech-neutral, not “top-down, command and control.” DOT will not pick winners and losers, but will instead allow the market to pick the best solutions and technologies. Same with testing locations—will not prioritize any locations over others.
3. **Modernize regulations** – or “eliminate outdated regulations” – reducing regulations is a big theme throughout the document; in its closing paragraph DOT asks “Which regulatory obstacles need to be removed?” In all future regulatory actions, DOT will not automatically assume that a “driver” of a vehicle is a human.
4. **Encourage a consistent regulatory and operational environment** – work with states and other authorities to avoid a patchwork of regulations that could make it difficult for AVs to cross state lines.
5. **Prepare proactively for automation** – provide guidance, best practices, pilot programs, and other assistance to partners. Encourage development of standards and voluntary data exchanges between the public and private sector.
6. **Protect and enhance the freedoms enjoyed by Americans** – recognize that AVs will always operate alongside conventional, manually-driven vehicles and give people choice.

AV 3.0 identifies the following DOT administrations as contributors to the report and major players in encouraging automation, providing guidance on which operating administration within DOT handles the relevant AV policies. It announces several upcoming rulemakings and other actions being taken in the near future by these administrations, including:

- **National Highway Traffic Safety Administration** – will request public comment on a proposal to streamline and modernize the procedures it will follow when processing and deciding exemption petitions.
- **Federal Motor Carrier Safety Administration** – will initiate an Advance Notice of Proposed Rulemaking to address automated vehicles, particularly to identify regulatory gaps, including in the areas of inspection, repair and maintenance for ADS.
- **Federal Highway Administration** - announces plans to update the 2009 Manual on Uniform Traffic Control Devices, taking into consideration new connected and automated vehicle technologies. Researching connected vehicle technologies & cooperative automation.
- **Federal Railroad Administration** – initiating research to develop and demonstrate a concept of operations, including system requirements, for the use of automated and connected vehicles to improve safety of highway-rail crossings.

- **Maritime Administration** – with FMCSA, evaluating the regulatory and economic feasibility of using automated truck queueing as a technology solution to truck staging, access, and parking issues at ports.
- **Pipelines and Hazardous Materials Administration** – researching the ability to enable the digital transmission of information to first responders before they arrive at an incident that involves hazardous materials.
- **Federal Transit Administration** – published a five-year research plan on automating bus transit.

AV 3.0 states that AVs have the potential to increase productivity, facilitate freight movement, create new types of jobs, and improve access for traditionally underserved communities — especially the elderly and people with disabilities. It offers five core Automation Implementation Strategies for moving forward: engage stakeholders and the public; provide best practices and policy considerations to support stakeholders; support voluntary technical standards; conduct targeted technical research; and modernize regulations.

It also lists several best practices and considerations for state legislatures, state highway safety officials, infrastructure owners and operators, state commercial vehicle enforcement agencies, public and private sector transit industries, and local governments. All the guidance is somewhat commonsense and largely aspirational, however, since it is dependent upon voluntary development and adherence to best practices.

Finally, three appendices cover Key Terms and Acronyms, Stakeholder Engagement, and Voluntary Technical Standards for Automation.

Of particular concern to MTC may be the following sections of the report:

Considerations for Infrastructure Owners and Operators (pages 20-22)

- AV 3.0's suggestions for MPOs and State DOTs are to: support safe testing and operations of automated vehicles on public roadways; learn from testing and pilots to support highway system readiness; build organizational capacity to prepare for automated vehicles in communities; identify data needs and opportunities to exchange data; collaborate with stakeholders to review the existing Uniform Vehicle Code (UVC); and support scenario development and transportation planning for automation.

Considerations for Local Governments (24)

- Facilitate safe testing and operation of automated vehicles on local streets; understand the near-term opportunities that automation may provide; consider how land use, including curb space, will be affected; consider the potential for increased congestion, and how it might be managed; engage with citizens. "Automation provides an opportunity to address local goals, including making more land available for housing and business."

Best Practices for State Legislatures and State Highway Safety Officials (18-20)

- Engage U.S. DOT on legislative technical assistance; adopt terminology defined through voluntary technical standards; assess State roadway readiness; consider test driver training and licensing procedures for test vehicles; and recognize issues unique to entities offering automated mobility as a service.

Considerations for Public Sector Transit Industry and Stakeholders (22-24)

- Needs-based implementation; realistic expectations; workforce and labor; Complete Streets; accessibility; engagement and education.