



Item #17-10-12

Government Relations & Public Affairs Committee Information

September 25, 2017

Federal Advocacy Update

Issue: Federal Advocacy Update

Recommendation: None, this item is for information only.

Discussion: The following is an update on federal issues pertinent to SACOG.

President Trump's Infrastructure Proposal

The White House and the U.S. Department of Transportation (USDOT) continue to develop infrastructure principles to be released later in the Fall. Draft legislation is being worked on as well. Information from the Administration continues to suggest that the \$1 trillion proposal will represent an investment over 10 years, and will only include 20 percent federal funds, with the balance comprised of private investment. The source of the direct \$200 million federal investment has not been determined.

Fiscal Year 2018 Budget

The President has signed a continuing resolution to keep the federal government operating for through December 8, which roughly coincides with the forecast for how long until the debt ceiling needs to be lifted again. This will likely lead to another contentious negotiation between Congress and the Administration around the same time the infrastructure proposal is released.

Autonomous Vehicles

In September, USDOT and the National Highway Traffic Safety Administration (NHTSA) released new federal guidance for automated driving systems to industry and states.

Congress is also continuing to work on a policy framework for autonomous vehicles. Earlier this summer, the House passed the Safely Ensuring Lives Future Development and Research in Vehicle Evolution (Self Drive Act). The Senate Committee on Commerce has not completed its version of the AV legislation but did release a discussion draft of the bill.

SACOG is working closely with the Metropolitan Transportation Commission and others in California to ensure that state and local governments throughout the country retain the ability to set policies with respect to the operation of motor vehicles on their streets and roads, regardless of whether they are operated autonomously. Staff believes that federal authority should continue to set national standards and requirements with respect to the safety of vehicle technology but should not curtail the ability of state and local agencies to continue to set the rules for how vehicles are operated. Attached is a draft going into greater detail on the policy issues from a local government perspective.

TIGER Grant Program

In September, USDOT requested applications for the latest round of TIGER grants. USDOT intends to award \$500 million. Applications are due October 16.

FHWA Administrator Named

President Trump announced that he would nominate Paul Trombino to head the Federal Highway Administration. Mr. Trombino was director of the Iowa Department of Transportation from 2011 to 2016. He also worked at the Wisconsin Department of Transportation for 17 years.

An Administrator for the Federal Transit Administration has not yet been named.

Approved by:

James Corless
Chief Executive Officer

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Attachment

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**Highly Automated Vehicles Testing and Deployment
Federal Policy: State and Local Authority
California Metropolitan Planning Organizations – Staff Discussion Draft**

This discussion document, drafted by staff from the Metropolitan Transportation Commission and the Sacramento Area Council of Governments, includes recommendations regarding the ongoing discussions about memorializing the federal role as it relates to highly automated vehicle testing and deployment. This does not represent a formal statement of policy, but is intended to support our California Congressional delegation in analyzing near-term federal proposals.

California is one of the nation's leaders in the development of autonomous and connected vehicle technologies, which are expected to transform everyday transportation. These technologies have the potential to deliver significant mobility, safety, economic and environmental benefits. Congress has a tremendous opportunity to facilitate the safe deployment of highly autonomous vehicles and we support the ongoing, bipartisan efforts to reaffirm the federal role in regulating motor vehicles as it relates to testing and deployment of autonomous vehicles. We urge our California Congressional Delegation to also ensure state and local governments continue to exercise traditional authority over the operation of vehicles on California roadways.

Retain State and Local Agency 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. As such, we believe that federal legislation should not limit state or local authority to establish and enforce laws or policies related to congestion management, street safety, emissions inspections, data sharing or licensing. For example, a state or local government should not be preempted from employing passenger occupancy-related strategies to address congestion (such as capping the amount of time an autonomous vehicle is allowed to circulate without an occupant); requesting data for the purposes of transportation planning and traffic operations; or setting emissions requirements for operating on public roads.

The right balance can be achieved by limiting the federal role to a specific list of fully-defined activities or clearly defining federal-state roles. The House-passed H.R. 3388, the Safely Ensuring Lives Future Deployment and Research in Vehicle Evolution (SAFE DRIVE) Act, takes the latter approach, but includes an "unreasonable restriction" clause with respect to the specified activities that are listed under state and local purview. We are concerned that without further explanation, this term could be used to challenge reasonable state and local regulations, statutes, or policies, potentially opening up major policy debates to resolution via the courts. Accordingly, if Congress opts to define federal-state-local roles in the legislation, we recommend that legislation clarify the meaning of the term "unreasonable restriction," or remove it entirely.

Require Sharing of Data

We also recommend that the final bill include provisions that would ensure manufacturers and operators share data, including vehicle movement and operation, safety, disengagements (i.e. when a human operator intervenes) and other data related to automated system performance, with the jurisdictions in which they are testing and operating, as well as relevant outside entities. Any data sharing should be done in a way to ensure absolute privacy and security.

This approach would ensure that state and local governments throughout the country retain the ability to set policies with respect to the operation of motor vehicles on their streets and roads, regardless of whether they are operated autonomously or manually. In short, federal authority should continue to set national standards and requirements with respect to the safety of vehicle technology but should not curtail the ability of state and local agencies to continue to set the rules for *how* vehicles are operated.