



What does AV 3.0 Mean for You?

With [Automated Vehicles 3.0: Preparing for the Future of Transportation](#) (hereinafter referred to as AV 3.0), the US Department of Transportation (USDOT) has jumped into an ongoing conversation about federal automated vehicle regulation, safety, the design of the nation's transportation network and mode availability, as well as accessibility and the appropriate role of government versus the private sector. As the graphic map below indicates (on p. 29 of AV 3.0), in the US alone, there are billions of dollars' worth of automated vehicle research, testing, and pilot programs. But AV 3.0 is concerned as much with US technology leadership and economic vitality in relation to the rest of the world as it is about its role vis a vis state and local governments, transit agencies, planning organizations, and advocates for people with disabilities, older adults, and low-income populations. [Internationally](#) – especially in China – but also in Japan, France, Switzerland, England, Singapore, and Australia and New Zealand, among others, the amount of investment is staggering, with many companies and countries racing to lead, and make tons of money from, what everyone sees as the next transportation revolution.

AV 3.0 also continues the CTAA conversation with our members and our network of transportation, healthcare, human services, and other organizations with which we work. A deluge of publications concerning automated vehicles have been released this fall that are contributing to this conversation and we will discuss those in the future, with AV 3.0 very much a starting point.

Deadlines

[Comments related to AV 3.0 are due by Dec. 7, 2018.](#) CTAA will publicize its comments by Nov. 20, 2018. Please be advised that the National Highway Traffic Safety Administration (NHTSA), which has authority over Federal Motor Vehicle Safety Standards (FMVSS), has released for comment an [Advanced Notice of Proposed Rulemaking](#) (ANPRM) and the deadline for those comments is Nov. 26, 2018. CTAA will also distribute by Nov. 20, 2018, any comments it submits in response to the ANPRM.



Good Messages and Concerns for Transit and People with Disabilities

The ways that AV 3.0 frames the discussion and the assumptions it displays about transit, community transportation, and other modes indicates the direction of the USDOT, where it will be leaving matters to Congress and to the states, and what topics the public and CTAA members should be concerned and submit comments about to the USDOT.

[Image – AV 3.0, p. 15.]

Good News – Inclusive Language

On the positive side, transit and the people we serve are mentioned and discussed in AV 3.0. Transit is promised that the "Federal Transit Administration [(FTA)] will provide transit agencies with tailored technical assistance as they develop an appropriate safety management system approach to ensuring safe testing and deployment of automated transit bus systems."



People with disabilities, especially, are acknowledged in AV 3.0. Polished images of various modes and roadway users of all types appear in this publication. If nothing else, AV 3.0 is an official government document that recognizes, if only in general language, the importance of equitable transportation for people with disabilities, and encourages technology, including and beyond automated vehicles, to make that happen.

AV 3.0 speaks about the safety of people who are not traveling in motorized vehicles; it employs the term

Complete Streets specifically in relation to transit.

Transit agencies should seek out and work with local partners to review complete streets policies and practices when planning and deploying transit automation. Early consideration of complete streets will help make automation-enhanced mobility safer, more convenient, and more reliable for all travelers, while reducing the overall cost of widespread deployment. Transit agencies, MPOs, and local governments may seek assistance from industry associations, private sector consultants, and automation technology developers to create and implement complete streets concepts.

(AV 3.0, p. 23.)

But the general language referred to above is not cause for complacency because there are serious concerns with the current USDOT approach to automated vehicles.

Concern #1 – Limiting Transit to Unmet Needs

Instead of inviting transit to be a co-equal mode or a public service, AV 3.0 considers transit to be a niche mode to meet “unmet needs.”

Transit agencies should consider automation as a means of addressing specific needs and solving particular problems. Implementation of new technologies and service models should not be based merely on novelty. Agencies should obtain input from stakeholders to determine unmet needs and identify potential solutions that might be addressed through automation. Ongoing dialogue with community residents, original equipment manufacturers (OEMs), technology developers, integrators, and industry associations will help identify the most appropriate transit bus automation technology solutions for their communities.

[AV 3.0, p. 23]

Though any transportation professional, including those of us in transit, should proceed strategically as technological advances are tested, piloted, and adopted, AV 3.0 does not offer similar warnings when referring to automobile, light truck, or freight transportation.

While this topic likely requires federal legislation, AV 3.0 assumes without discussion that the national transportation network we have now will remain. This is a significant assumption.

Concern #2 – Lack of Detail, Promised Action, or Benchmarks to Ensure Accessibility

Automated vehicle accessibility is a topic which transit and disability advocates should be watching closely because although the USDOT has paid lots of well-intentioned lip service to the promise of automated vehicles for people with disabilities, the agency has not offered any concrete action to ensure that industry – both motor vehicle and tech – gets the message that accessibility is expected or encouraged. Nor has the USDOT been pushing Congress to require accessibility beyond the limited transportation accessibility that the ADA currently mandates.

U.S. DOT encourages developers and deployers to work proactively with the disability community to support efforts that focus on the array of accommodations needed for different types of disabilities, and ways to improve mobility as a whole—not just from curb-to-curb, but also from door-to-door.

[AV 3.0, p. 30.]

Concern #3 – Decision Not to Regulate

Most of the text in AV 3.0 expresses either quite general messages or expresses the philosophy that a government framework or government-supported standards are unnecessary. Whether one holds that philosophy or not, the end result is that someone will regulate – a term used incredibly broadly here – but that such regulation will be left to (1) lawyers litigating lawsuits arising from crashes, mostly deciding the appropriate settlement amounts rather than risking going to trial; (2) The National Transportation Safety Board (NTSB), which will investigate crashes and make detailed, trusted findings; and (3) the press, which will present news of crashes and other problems, the tech sector’s response to unusual situations or weather, and the personalities of automobile company and Silicon Valley executives.

Remember also that what predated federal motor vehicle and operations laws was an attitude that the private sector was acting in the interests of the public during a time of occasional reports of fatalities and injuries on the nation's roads. Ralph Nader's 1965 book, *Unsafe at Any Speed*, went beyond the occasional reports of those tragedies to spur the legislation and regulatory system we have now.

What remains to be seen is whether Secretary Elaine Chao's leadership stance of a wait-and-see approach serves as a pause in which to analyze the case studies of regulatory structures around the world or whether many states in the United States will continue to serve as the Wild West for AV testing and data collection on public streets. This is already the reality today on our nation's roads for partially automated vehicles; however, neither Congress nor the USDOT have uttered a peep about developing standards or testing as a condition for those vehicles traveling on any public road in our country.

Concern #4 – Sharing Data

AV 3.0 speaks of "performance-oriented, consensus-based, and voluntary standards and guidance for vehicle and infrastructure safety, mobility, and operations." (See p. 5) The question is whether private stakeholders are willing to share data with each other and with governmental bodies, to volunteer information in documents available to the public, and to reach consensus about important issues, such as safety, cybersecurity, privacy, and accessible interfaces.

Concern #5 – Do All States and Local Governments Possess the Capacity to Take an Active Role?

AV 3.0 states clearly throughout its discussions of safety, emergency management, transit, accessibility, and even cybersecurity that the federal government will not be imposing standards or benchmarks – minimal performance that is technology neutral to avoid choosing winners and losers. AV 3.0 urges the states and/or localities to take active roles to assure that the public will be safe, that emergency preparedness measures will be in place, and on and on to ensure that automated vehicle operations will be smooth when these vehicles are piloted and, later, when they begin normal operations en masse on our streets.

Some state governments may have this capacity. California comes to mind, with the possibility of Michigan, Florida, Massachusetts, Arizona, and Texas. But again, there is no discussion of active federal participation or requirements. There is no referring appropriate topics to Congress. There is no calling for discussion and planning at the national level. Many states are likely unprepared to assume technologically-complex planning. Federal leadership would be valuable.

Concern #6 – The Safety Reality

AV 3.0 continues in the same vein as the previous Administration in taking a hands-off approach and in shying away from substantial exploration of using technology to make significant safety improvements. AV 3.0 never mentions the exemplary safety record of transit or that bus transit service is the safest transportation mode across decades in the US.

Concern #7 – Job Displacement

Av 3.0 shows general concern about jobs, but mainly concentrates on the truth that technological advances tend to produce many jobs. While this is true, CTAA is also concerned that those who currently sit in the many transit and community transportation drivers' seats not end up as the losers when

conventional vehicles are replaced with automated vehicles. CTAA agrees with the USDOT that retraining will be needed, but we look for federal leadership and, as we invest in this technology, a federal role in ensuring that hardworking Americans do not get left behind.

Conclusion

CTAA appreciates AV 3.0's comprehensive examination of the issues our country confronts as automated vehicles emerge to become part of our transportation ecosystem. We look forward to working with the USDOT and with FTA to ensure that the transition is smooth and that Americans are afforded with better transportation choices to travel to wherever they need and want to go.

CTAA continues to carefully explore the complex issues that will challenge the federal, state, and local governments as well as transit, community transportation, and their stakeholders so that we and our members can usher in a safer, more multimodal, more equitable and accessible, and ever more convenient transportation system in the years to come.