



Driverless Revolution Finds Fertile Ground in House

Autonomous vehicle legislation passed the House of Representatives on Sept. 6 by a *unanimous* vote with full bipartisan support. The bill, HR 3388, the SELF DRIVE Act [<http://docs.house.gov/meetings/IF/IF00/20170727/106347/BILLS-115-HR3388-L000566-Amdt-9.pdf>] ("Safely Ensuring Lives Future Deployment and Research In Vehicle Evolution Act"), now advances to the Senate. The situation is murkier there, however.

Celebration in the House

Self-driving cars hold the promise of making America's roads safer, creating new economic opportunities, and helping seniors and those with disabilities live more independently," Commerce Chairman Greg Walden (R-Ore.) and Rep. Bob Latta (R-Ohio) said in a joint statement. "This bipartisan bill paves the way for advanced collision avoidance systems and self-driving cars nationwide, and ensures that America stays a global leader in innovation. (Source: *House passes bill paving the way for driverless cars* [<http://thehill.com/policy/technology/349418-house-passes-driverless-car-legislation>], The Hill (9/6/17).)

How did this bill pass with not only bipartisan support, but with a unanimous vote as well? Representatives looked for compromise and avoided difficult issues. One particular huge challenge avoided is the regulation of automated commercial vehicles (defined as being used in commerce and at least 10,001 pounds), such as trucks and buses. This bill only concerns motor vehicles that are not commercial vehicles. The Senate, however, make take up trucks in its version of the bill.

Don't take out the Presidential signing pen yet

It is quite possible that the DC political game has a long way to go. According to many news outlets, there are complications in the Senate. These include:

- The Senate's intention to address autonomous trucks, which makes truck drivers and their unions unhappy, and
- The displeasure of state governments and legislatures with the House's SELF DRIVE Act, which they perceive to represent an expansion of federal authority at the expense of the safety enforcement responsibilities of states.

(For more details, read *Washington sets out rules of the driverless road* [<https://www.ft.com/content/378cada4-934f-11e7-bdfa-eda243196c2c>], Financial Times (Sept. 6, 2017).]

Next week

The Senate Committee on Commerce, Science, and Transportation, will convene a hearing next week entitled *Transportation Innovation: Automated Trucks and our Nation's Highways* [<https://www.commerce.senate.gov/public/index.cfm/pressreleases?ID=BAC7FBCE-424B-4C61-8082-71B3E3D9333B>]. Unnamed sources in news reports say that the Senate bill addresses autonomous trucking and that Senators have attempted to bring on board stakeholders to support the bill, which could be unveiled before next Wednesday's hearing. However, other demands on the Senate's time and the complications mentioned above might prove problematic. (More details are available from Senate Autonomous Vehicle Bill Now Expected to Include Self-Driving Trucks [<https://www.enotrans.org/article/senate-autonomous-vehicle-bill-now-expected-to-include-self-driving-trucks/>], *Eno Transportation Weekly* (Sept. 6, 2017)).

Another complication is that next week the USDOT will be releasing its updated autonomous vehicle policy at an event in Detroit. Since any legislation is expected to incorporate this policy guidance – and the House bill already does – what is contained in the policy will be a critical factor for Congress to consider.

Overview of House bill

The House's passage of the SELF DRIVE Act is a starting point. What that starting points shows is Congress agrees that our national priorities are to:

- Encourage innovation to support a hugely valuable emerging industry that many countries are actively vying to incubate.
- Considerably improve safety, which could mean saving tens of thousands of Americans each year from death or serious injury.

The division between federal and state authority is critical because no one in Congress wants each state to implement a different regulatory regime. Under the SELF DRIVE Act, states would continue to regulate vehicle dealerships, licensing, traffic, and law enforcement. The federal government would continue to regulate safety features and mandates for manufacturers of vehicles and technology.

Congress addresses the many possibly dicey issues that will arise with a transportation revolution in the Highly Automated Vehicle Advisory Council, which the USDOT shall establish in the National Highway Traffic Safety Administration. Subcommittees may be created "as needed," which seems likely, considering that the Council will explore and make recommendations about such varied topics as accessibility for people with disabilities, older adults and people "underserved by traditional public transportation;" consumer privacy and cybersecurity; labor and employment; environmental impacts; cabin safety, crashworthiness, and other specified safety factors; and geographic and weather considerations for rural, mountainous, insular, and unmapped areas.

The SELF DRIVE Act goes into detail about three topics:

1. A timeframe (without specifics) for the USDOT to conduct research and to initiate rulemaking concerning motor vehicle safety standards, cybersecurity, and information to distribute to consumers.
2. Exemptions for motor vehicle manufacturers and technology companies from federal motor vehicle safety standards (FMVSS). The bill would establish a process that has the potential for each manufacturer to increase the number of exempt vehicles from the current 2,500 to 100,000, increasing incrementally over the course of a few years.
3. Document or reporting requirements for motor vehicle manufacturers regarding safety assessment certifications, cybersecurity, passenger and owner privacy, and crashes.

Highly versus partially autonomous vehicles

The SELF DRIVE Act mostly lays out a timetable for federal oversight of, and manufacturer requirements for, highly automated vehicles — which are completely self-driving. But there are a few instances where the House extends sections of the Act to partially autonomous vehicles. These include the privacy plan that manufacturers would be required to submit; research pertaining to information to share with consumers about the capabilities and limitations of vehicles; and rulemaking to follow such research.

Other motor vehicle stuff in the House bill

Congress has a reputation for kitchen sink bills that span completely unrelated topics. That is not the case here. Everything in the SELF DRIVE Act at least relates to motor vehicles. Those separate couple of topics included in the SELF DRIVE Act are requirements for the USDOT pertaining to: (1) a phased-in requirement for back seat alarms that are intended to prevent the tragedies that occur from time to time when individuals hurrying about mistakenly forget to take a child out of the car, generally a very young sleeping child; and (2) safety and performance standards for headlamps.

Whether the Senate bill will meet with the same bipartisan support and speedy passage that the SELF DRIVE Act met in the House is yet to be seen. If it differs significantly from the House's SELF DRIVE Act, Congress will have to figure out an agreeable compromise. Still, in this day and age, it is impressive that representatives from across the political spectrum have voted in favor of the US moving ahead toward a driverless future.