



Autonomous Vehicle Legislation Garners Broad Agreement on the Hill, But Raises Questions

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Capitol Hill is a place with deep divisions between the parties and among advocates, but on one issue there is broad agreement across the aisle, now expressed in [draft legislation](#) being considered at this very moment: Highly Autonomous Vehicles (HAVs). Congress wants to encourage innovation in the development of HAVs, to make sure that any regulation will be technology neutral, and to prevent state lines getting in the way of testing, pilot programs, and the eventual widespread deployment of HAVs.

Warning: There are amendments being considered, so this summary is light on details that may very well change.

What is an HAV and what's the importance of the legislation for transit?

The legislation makes clear that an HAV is an automobile that is completely able to drive itself. An HAV is not a partially automated system, such as the Tesla and other vehicles currently operating on our nation's roads. Those vehicles allow for the driver to hand over particular driving tasks in particular conditions, but the driver is advised to remain attentive, with hands on the wheel in case the driver is suddenly needed to resume operation of the vehicle. Congress is entirely avoiding the question of the safety of such partially-autonomous vehicle operating systems and the dubious assumptions they rely on about driver attentiveness and human nature in general.

This legislation covers HAVs that are automobiles, but not commercial vehicles, which leaves out any vehicle that seats 10 or more passengers, including the driver. So why should transit and community transportation care at all? Interesting that one of the main proponents of the legislation is an organization funded by the manufacturers of autonomous transit shuttles being piloted across the globe. Pilot shuttle programs – with cute transit vehicles that lack drivers, steering wheels, and brakes – are popping up and being planned in the US. A plant to manufacture these vehicles is [opening in Michigan](#).

Basic points of agreement

The auto industry, the makers of autonomous transit and transit-like shuttles, and tech companies involved in developing software and hardware for AVs are on board about key points:

1. There should not be approval required for testing HAVs in the United States. A self-certification process will continue.
2. There must be a clear division between state and federal authority and this division will not impede testing or travel anywhere in the US.
3. The number of vehicles permitted to be exempt from federal safety standards must greatly increase, and all are happy with the number going from 2,500 per year to 100,000.
4. There will be further legislation within the next few years as we go from HAV testing and piloting to deployment.

Winners and losers

Legislators are taking seriously privacy and cyber-security concerns. They do not want to see personal information about their constituents at risk of disclosure.

In flux in the consideration of amendments to the proposed legislation is the involvement of people with disabilities, older adults, and others with transportation challenges with the evolution of our transportation system. One version includes a distinct advisory council, another provides for one advisory council, while yet another version leaves discretion for guidance from transportation-vulnerable populations to the discretion of an overarching advisory council that is not required to include such representation (this could mean the formation of subcommittees). Bottom line: Provision for an advisory role does not equal required incorporation of voices of people with special needs and challenges.

The big loser is the less-than-powerful safety advocacy community. The proposed approach in the legislation accepts the status quo of the current auto safety regime while touting an expected reduction in crashes, fatalities, and injuries once HAVs appear on the roads.

State vs. federal responsibilities

If the current legislation passes, the federal government will assume jurisdiction for HAVs over the “design, construction, mechanical systems, hardware and software systems, or communications systems.” The states, on the other hand, will have jurisdiction over “registration, licensing, liability, driving education and training, insurance, safety inspections, or traffic law or regulation unless the law or regulation is an unreasonable restriction on the of highly automated vehicles.” This division will maintain the current federal/state apportionment of responsibility to regulate motor vehicles.

What can we expect for transit from the tea leaves?

It seems that Congress is trying to avoid differences and to proceed with areas of broad agreement. This means that it is retaining regulatory structures already in place and, at this point, not addressing business models, transportation modes, state or local planning, and accessibility.