

Client Alert

January 19, 2018

DOT Seeks Public Comment on Regulatory Barriers to Autonomous Vehicle Innovation

The Department of Transportation (DOT) fulfilled its promise at the Consumer Electronics Show (CES) last week to have quickly published in the Federal Register four items seeking public comment on regulatory barriers to innovation and deploying autonomous vehicles. The four items, discussed in further detail below, include: (1) Request for Information (RFI) on Integration of Automated Driving Systems (ADS) into the Highway Transportation System; (2) Request for Comments (RFC) on Automated Transit Buses Research Program; (3) Request for Comments on Removing Barriers to Transit Bus Automation; and (4) Request for Comments on Removing Regulatory Barriers for Automated Vehicles. Comments on all of these items are due in early March.

At CES, Secretary of Transportation Elaine Chao noted that the DOT approach to autonomous systems strives to be technology neutral and, at least under her leadership, doesn't assume that "government knows best" how to support integration of autonomous vehicles into existing systems – an approach referred to by others as "regulatory humility." Chao said the DOT approach to the four rulemaking items that are now before them will be consistent with their "Vision for Safety 2.0," which was released last September 2017. The "Vision" is a set of voluntary guidelines that are tech neutral and supportive of innovation. Chao sees real benefit to autonomous vehicles, particularly since 94 percent of all fatal crashes are due to human error. The "Vision for Safety 2.0" posits that autonomous vehicles "have the potential to significantly reduce highway fatalities by addressing the root cause of these tragic crashes. The U.S. Department of Transportation has a role to play in building and shaping this future by developing a regulatory framework that encourages, rather than hampers, the safe development, testing and deployment of automated vehicle technology."

I. **Federal Highway Administration (FHWA) -- Request for Information on Integration of Automated Driving Systems (ADS) into the Highway Transportation System**
Comments Close: 03/05/18

https://www.regulations.gov/docket?D=FHWA_FRDOC_0001

To better understand what is needed to accommodate ADS technologies, and maximizing their potential benefits, the Federal Highway Administration (FHWA) seeks the public's input through a formal RFI to supplement strategy development. Advancing the next generation of America's transportation network can only happen with input from an array of informed sources, including stakeholders, industry experts and the public at large.

II. Federal Transit Administration (FTA) -- Request for Comments on Automated Transit Buses Research Program

Comments Close: 03/02/18

<https://www.regulations.gov/docket?D=FTA-2017-0025>

This RFC will obtain transit industry comment regarding the current and near-future status of automated transit buses and related technologies. Comments received will assist FTA in developing future Notices of Funding Opportunity's (NOFO) for transit bus automation demonstrations with respect to the industry's ability and interest. Concepts for the NOFOs on demonstrations and evaluations of transit bus automation usage will be defined in FTA's Strategic Transit Automation Research (STAR) plan. A premise of the STAR plan is to leverage and apply commercially available technology and products to the public transit industry to hasten early demonstrable outcomes.

III. Federal Transit Administration (FTA) -- Request for Comments on Removing Barriers to Transit Bus Automation

Comments Close: 03/02/18

<https://www.regulations.gov/docket?D=FTA-2017-0024>

This RFC will obtain transit industry comment regarding current or potential institutional, regulatory, or other policy barriers to the development, demonstration, deployment and evaluation of automated transit buses and related technologies. Some federal policy issues are addressed in the U.S. Department of Transportation (DOT) Automated Driving Systems (ADS): A Vision for Safety 2.0. Information from the second RFC will help inform FTA's approach to the planned update of this document, which may include additional multi-modal considerations. Information from the RFC will also provide critical feedback on potential modifications of FTA rules, regulations and agency guidance.

IV. National Highway Traffic Safety Administration (NHTSA) -- Request for Comments on Removing Regulatory Barriers for Automated Vehicles

Comments Close: 03/05/18

<https://www.regulations.gov/docket?D=NHTSA-2018-0009>

The National Highway Traffic-Safety Administration (NHTSA) seeks comments to identify any unnecessary regulatory barriers to Automated Safety Technologies, and for the testing and compliance certification of motor vehicles with unconventional automated vehicles designs, particularly those that are not equipped with controls for a human driver. Further, NHTSA seeks comments on the research that would be required to remove such regulatory barriers.

Contact Information

If you are interested in learning more about the rulemakings regarding autonomous vehicles, or if you are interested in filing comments, please contact your relationship partner at Akin Gump or one of the below partners:

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