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VIA ELECTRONIC FILING

U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building, Room W12-140
Washington, DC 20590-0001

Re: Preparing for the Future of Transportation: Automated Vehicles 3.0 (Docket No. DOT-OST-2018-0149) (“AV 3.0”).

The U.S. Chamber Technology Engagement Center (“C_TEC”) respectfully submits these comments to the Department of Transportation (“DOT” or “Department”) in response to its request for comment in the above-referenced proceeding.¹ C_TEC applauds the Department’s technologically-neutral and voluntary approach that incorporates self-assessments to encourage the deployment of automated driving systems (“ADS”).

I. National Highway Traffic Safety Administration’s (“NHTSA”) Key Policy Areas

C_TEC commends the Department for recognizing that legacy Federal Motor Vehicle Safety Standards (“FMVSS”) have not kept pace with technological advancements in automation.² For example, AV 3.0 recognizes that it may be necessary to revisit safety standards “that are relevant only when human drivers are present—for ADS-equipped vehicles.”³ In fact, many OEMS and technology firms are preparing for a day in which vehicles no longer require steering wheels and pedals because technology renders them unnecessary.⁴ C_TEC stands ready

¹ 83 Fed. Reg. 50746 (October 9, 2018) available at <https://www.gpo.gov/fdsys/pkg/FR-2018-10-09/pdf/2018-21840.pdf>.

² *Preparing for the Future of Transportation: Automated Vehicles 3.0*, U.S. Department of Transportation at 6 (2018) available at <https://www.transportation.gov/sites/dot.gov/files/docs/policy-initiatives/automated-vehicles/320711/preparing-future-transportation-automated-vehicle-30.pdf>.

³ *Id.*

⁴ Phil LeBeau, “GM is seeking approval for an autonomous car that has no steering wheel or pedals,” CNBC (Jan. 12, 2018) available at <https://www.cnbc.com/2018/01/12/gm-is-seeking-approval-for-an-autonomous-car-that-has-no-steering-wheel-or-pedals.html>.

to work with the Department on eliminating or modifying safety standards that have not kept pace with technology.

While the Department continues to streamline and improve FMVSSs, C_TEC supports passage of a federal ADS safety law. It is for this reason that the Chamber has supported the approach taken by two bills currently before Congress—H.R. 3388, the SELF DRIVE Act, and S. 1885, the AV START Act. These bills provide for a single ADS standard that eliminates the patchwork of fifty state laws that is currently creating regulatory uncertainty and hindering testing and innovation, and the timely deployment of potentially life-saving ADS. A federal ADS safety standard will contribute toward instilling confidence in consumers about the reliability of automated transportation. The Department's quality work in the AV 3.0 proceeding shows that it is more than capable of developing standards in a timely manner under a new federal ADS law. Furthermore, we would encourage both Congress and the Department to ensure any future legislative and regulatory efforts are both technology and vehicle neutral, recognizing that industry is pursuing a variety of ADS applications for both light and heavy duty vehicles that hold significant potential to improve safety and efficiency of our country's transportation system.

II. Federal Motor Carrier Safety Administration ("FMCSA") Policy Issues

C_TEC thanks the Department for asserting FMCSA's authority to preempt State or local legal requirements that interfere with the application of Federal Motor Carrier Safety Regulations ("FMCSRs"). Equally important is DOT's recognition that a commercial motor vehicle driver is not always a human and can in fact be an ADS. AV 3.0 will go a long way in providing the regulatory certainty needed to promote a thriving automated commercial vehicle industry.

C_TEC believes that automation in surface logistics will be necessary to ensure America's economic competitiveness in the future. According to the U.S. Bureau of Transportation Statistics, over 70% of freight value is moved by truck.⁵ Automated freight trucking can reduce both the cost and time to move goods for a wide range of industries critical to America's economic competitiveness, from manufacturing and energy to agriculture and retail

Unfortunately, the nation is currently experiencing a shortage in the number of truck drivers.⁶ One of the many solutions to this shortage in the future will be automation. For example, testing has shown that automated commercial trucking is viable as demonstrated by

⁵U.S. Department of Transportation, Bureau of Transportation Statistics, "Freight Facts and Figures 2017" available at <https://www.bts.gov/product/freight-facts-and-figures>.

⁶Samantha Raphaelson, "Trucking Industry Struggles With Growing Driver Shortage," National Public Radio (Jan. 9, 2017) available at <https://www.npr.org/2018/01/09/576752327/trucking-industry-struggles-with-growing-driver-shortage>.

Embark which recently conducted a test of an automated truck on a 2400-mile trip from California to Florida.⁷

III. Federal Transit Authority’s (“FTA”) Safety Authority Over Public Transportation

C_TEC encourages regulators to recognize the need for flexibility and technology-neutrality and for this reason it applauds FTA for “not proposing a one-size-fits-all approach” for transit agencies to certify safety plans required by the Public Transportation Agency Safety Plan (“PTASP”).⁸ Many localities and transit authorities have differing plans for how to best use autonomy in order to provide transportation to their citizens.

There are a number of exciting innovations and proposals being made in autonomous public and mass transportation as well. Proterra, which is partnering with the Regional Transportation Commission of Washoe County in coordination with the University of Nevada, Reno is currently testing electric buses in Washoe County, Nevada.⁹ The City of Jacksonville currently is going forward with a plan known as the Ultimate Urban Circulator (“U2C”) to convert its elevated rail system, the Skyway, into a test track for autonomous shuttles as a mass transit solution.¹⁰ Such programs have the ability to enable greater mobility for economically-disadvantaged residents previously without viable transportation options as well as the elderly and the disabled.

IV. Voluntary Data Exchanges and Privacy

C_TEC applauds DOT’s recognition of the value of data exchanges and encourage USDOT to look to existing commercial platform providers which are currently aggregating public sector data sources (including work zone data), along with their own data and OEM-based sensor data. This includes road authorities supporting safe and effective AV operation by providing data about the rules that apply to public roadways. Existing platforms provide the data ecosystem and capability to support AVs, truck platoons, and other multimodal solutions. USDOT should to the fullest extent leverage the capabilities, expertise and lessons learned developed by the private sector. Additionally, the DOT should consider the impacts new AV technology will bring to the business of insurance and the potential for new data needs. We encourage the DOT to work with all impacted stakeholders as they evaluate how the technology advancements will impact their core businesses.

⁷ Darrell Etherington, “Embark’s self-driving truck completes 2,400 mile cross-U.S. trip,” Tech Crunch (Feb. 6, 2018) available at <https://beta.techcrunch.com/2018/02/06/embarks-self-driving-truck-drove-2400-miles-across-the-u-s/>.

⁸ 49 C.F.R. Part 673.

⁹ Linda Poon, “Reno’s Road to the Future of Autonomous Buses,” City Lab (May 2, 2017) available at <https://www.citylab.com/transportation/2017/05/proterra-eyes-the-future-of-autonomous-buses/524937/>.

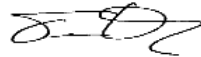
¹⁰ David Bauerlein, “JTA opens test track to future for self-driving transit shuttles,” The Florida Times Union (Dec. 19, 2017) available at <http://www.jacksonville.com/news/metro/2017-12-19/jta-opens-test-track-future-self-driving-transit-shuttles>.

C_TEC is also pleased that AV 3.0 recognizes the need to protect consumer privacy as well as confidential business information in the data exchange context. This year the Chamber has undertaken an effort to develop privacy principles that focus on the need for risk and contextually-based privacy protection.¹¹

V. Conclusion

C_TEC supports the Department's efforts to encourage the deployment of ADS technology through the use of self-certifications, flexible voluntary standards, and regulatory streamlining. Nearly 37,000 road fatalities per year¹² is too many, and autonomy has the ability to make our roads safer while spurring economic growth through more efficient e-commerce and enhanced mobility for lower-income and disabled populations. C_TEC looks forward to working with the Department as it begins to implement its plans unveiled in AV 3.0.

Sincerely,



Tim Day
Senior Vice President

¹¹ See U.S. Chamber Privacy Principles (September 6, 2019) available at https://www.uschamber.com/sites/default/files/9.6.18_us_chamber_-_ctec_privacy_principles.pdf.

¹² AV 3.0 at 3.