

Cooperative Automated Transportation (CAT) Coalition Policy, Legislative, and Regulatory Working Group

October 13, 2020 Webinar
Notes and Summary of Discussions

Summary of Action Items

Based on the results of the survey, AASHTO staff to arrange future webinars to include:

- 1-3 presentations during each webinar (inviting public or private sector presenters);
- Inviting NCSL to present on AV legislation; and
- An informational presentation on Federal AV Legislation to date.

AASHTO staff to review the mentimeter results when planning invitations for speakers of future meetings.

Welcome

Paul Ajegba (co-chair of the working group) welcomed attendees and noted that Jennifer Toth is not able to join today. A webinar slide deck was used to support the discussions. A copy of the slide deck is being circulated with this summary.

PLR Working Group Survey of Members

Paul introduced the background of the survey, noting that this group has been doing great things, but he and Jennifer felt it was important to survey member to assess the priorities and determine future topics for the group.

Paul shared slides summarizing the survey responses, specifically noting the following:

- **Topics.** There was strong interest expressed in ADS Legislation and CAT Policy. Funding for CAT deployment was also expressed as a priority.
- **Activities.** here was strong interest expressed in presentations on CAT Policy and legislation development, similar interest in working to capture and share best practices.

Paul noted three proposed actions as a result of the survey, including:

- 1-3 presentations during each webinar (inviting public or private sector presenters);
- Inviting NCSL to present on AV legislation; and
- An informational presentation on Federal AV Legislation to date.

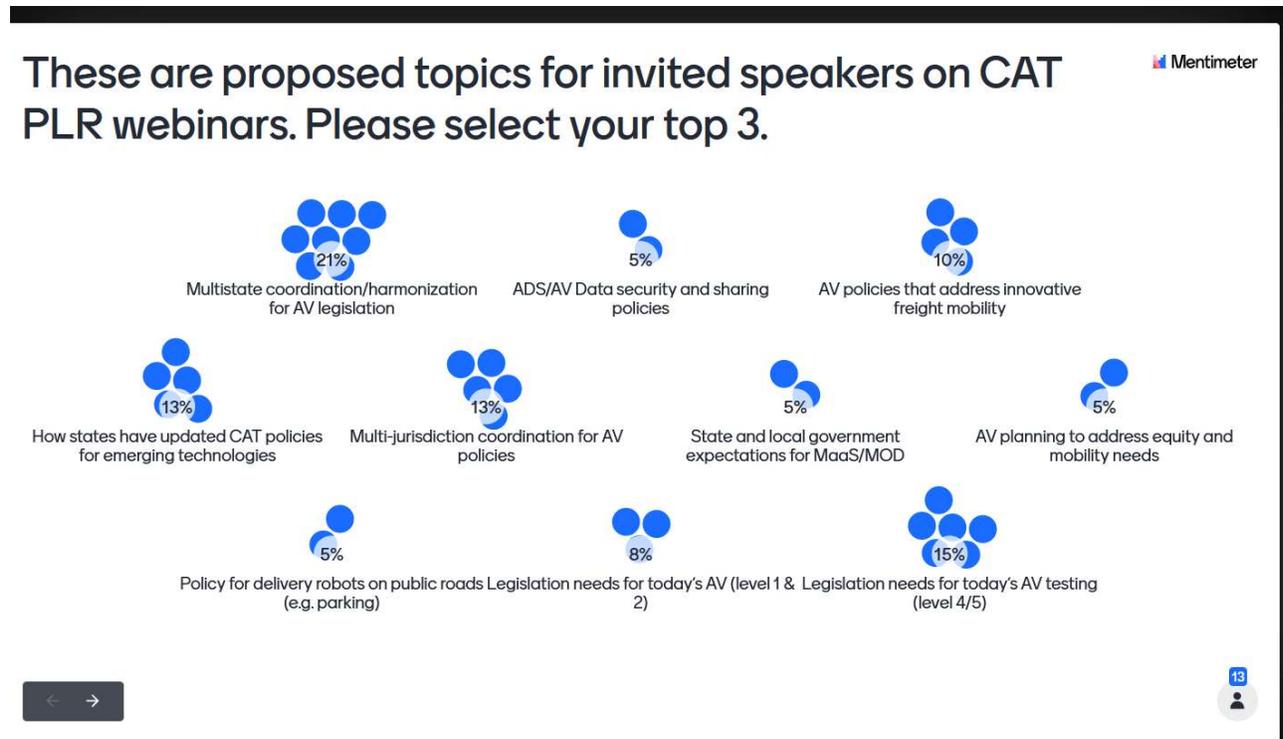
Paul noted some examples of existing ongoing CAT initiatives, including:

- NHTSA AV Test Initiative
- Michigan’s Detroit to Ann Arbor CAV Corridor
- New England Regional CAV Working Group
- National Strategy on Transportation Automation
- FHWA Highway Automation Concept of Operations

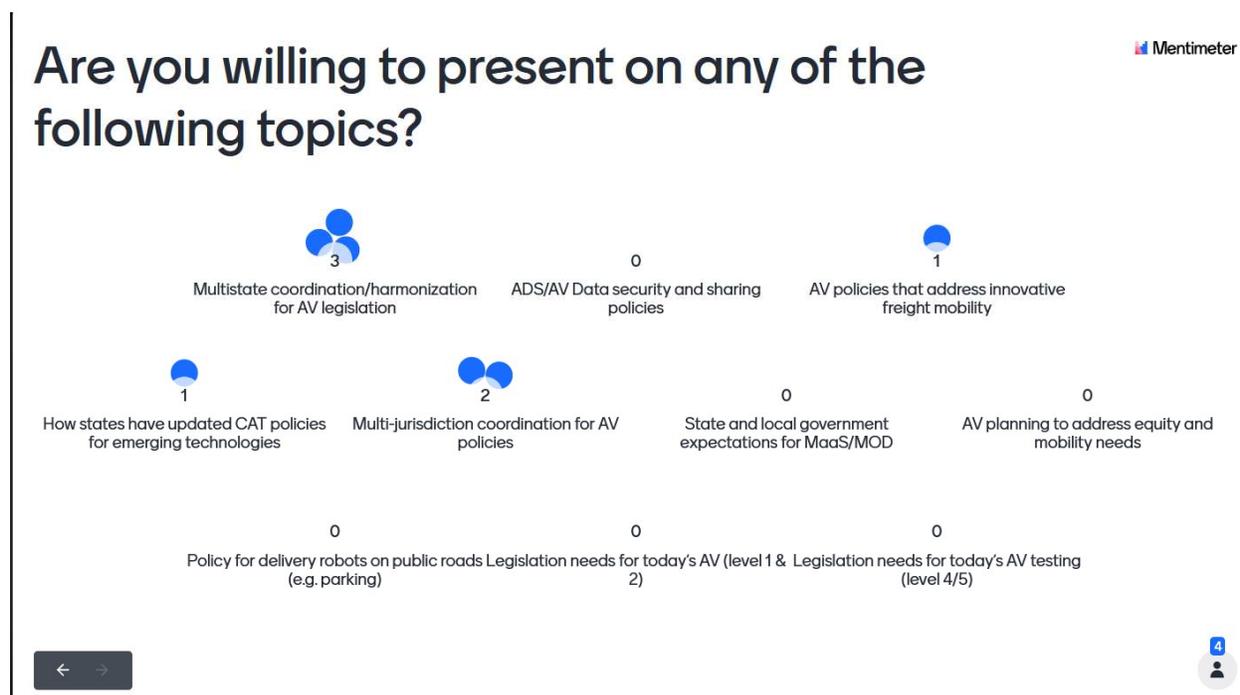
Paul shared a series of recommended topics that future invited speakers may be asked to cover, including:

- Multistate coordination/harmonization for AV legislation
- ADS/AV Data security and sharing policies
- AV policies that address innovative freight mobility
- How states have updated CAT policies for emerging technologies
- Multi-jurisdiction coordination for AV policies
- State and local government expectations for MaaS/MOD
- AV planning to address equity and mobility needs
- Policy for delivery robots on public roads (e.g. parking)
- Legislation needs for today’s AV (level 1 & 2)
- Legislation needs for today’s AV testing (level 4/5)

A polling process was used to allow attendees to provide input on the topics they would most like to see presented. The graphic below illustrates the mentimeter responses.



Members were also asked which topic areas they would be able to present on. The results are summarized below:



New England Regional CAV Working Group

Peter Calcaterra presented a brief update on the New England Regional CAV Working Group.

Peter noted that they have a current research project where all states in New England are working together to review laws and statutes that are on the books today to determine what may need to be updated to support CAV in the states. He added that they expect there will be some clear needs for changes to legislation that they know about and are expecting (e.g. the rule that drivers must keep one hand on the steering wheel while driving). Further he expects that other legislation may be less clear that they need to be updated.

Peter described another planned research project with all six New England states participating. In preparation for the project, the New England states solicited proposals this past fall and are now are in the process of reviewing the 11 submittals and will award later this calendar year or 2021. Once started, this will be a 12-month effort.

The approach to this research project is to take overarching guidance from national efforts and do a deep dive within the New England states seeking alignment on issues that can be aligned. Peter noted:

- New England has 1.2 million border crossings per day
- New England has “Home rule”, where local government plays a more prominent role than it does in other states

- New England experiences a lot of congestion and freight issues
- There are four seasons of weather
- It is home of some of the nation's oldest infrastructure
- A lot of NE states are developing local laws regarding AV and want to make sure there is coordination and avoid a patchwork system as much as possible.
- They hosted the NE AV Summit for three prior years to 2020. In the first summit, all states were represented and agreed to maintain communication as a region. The first research project was a roadmap of the issues to address and identified some projects to collaborate on. The group has grown organically that started as a networking opportunity and has grown from there.
- He noted that the Eastern Transportation Coalition has modeled their AV regional activities around this.

Peter concluded that considerable outreach is planned over the next year and Peter offered to provide updates to this group over the next year.

TRB NCHRP Project 20-06: Legal Problems Arising Out of Highway Programs

Robert Shea and Gwen Smith presented on the TRB legal programs and spoke specifically about the NCHRP activities. Gwen noted that the objective of the NCHRP Project 20-06 – Legal Problems Arising Out of Highway Programs is to address issues integral to the state DOTs and transportation professionals at all levels of government and the private sector.

Gwen noted that for legal programs specifically, NCHRP has a budget of approximately \$350,000 per year, while TCRP has a budget of \$150,000, and ACRP has a budget of \$240,000 for the legal programs.

Gwen noted that NCHRP and TCRP have published and host a URLs for the collection of “Selected Studies in Transportation Law (SSTL) <https://crp.trb.org/selected-studies-law/>

Gwen invited members to contact her or Robert at the following email addresses:

- Gwen can be reached at: gsmith@nas.edu
- Robert can be reached at: rshea@nas.edu

Neal Pedersen noted that one document was published a few years ago was “Legal issues with Autonomous Vehicles”. Neal noted that this was an excellent document and this working group might consider submitting a proposal to update and refresh this document given what has changed since it was conducted. *Note: Pat Zelinski emailed this document to working group members on October 14, 2020.*

Pat noted that AASHTO staff had received a call for problem statements and noted that one or more state DOTs could submit an idea before the December deadline. Paul suggested that he will discuss this off-line with Pat and Jennifer Toth. *Note: Additional emails have been sent by Pat Zelinski on this topic.*

Summary of Federal ADS Legislation Activities to Date

Joung Lee presented an update on ADS legislation, describing earlier bills that were introduced and did not pass.

Joung noted that AASHTO did pass a policy resolution Oct 2019 that was Infrastructure Owner Operators Guiding Principles for Connected Infrastructure Supporting Cooperative Automated Transportation. The guiding principles can be found at: <https://systemoperations.transportation.org/iao-guiding-principles-for-cat/>.

Joung added that this calendar year there was actions to increase legislative activities and inclusion of others. One point that was agreed was that state and local governments have to maintain operational authority after vehicles are constructed (e.g. how vehicles and drivers follow the rules and traffic laws). He noted an example that Federal laws can explain how vehicles need to recognize stop signs, the operational rules about how stop signs are obeyed resides in the state legislation.

A question was asked about any issues that have risen to the top over past years attempting to pass federal legislation? From Joung's observation, a question has been whether the federal framework was needed at the time. Many perspectives were "yes" (e.g. technology companies involved in automated vehicles have expressed that they cannot have patchwork of laws). From state DOT perspective, they would like the federal role to be broad policies with flexibility for states to carry it out on their own.

Partner Reports

John Harding noted that the automated driving demonstration grants are moving forward. Work Zone Data Exchange awards are in the process of moving forward. He also updated that the Highway Automation ConOps is moving forward, involving not only technical issues but also policy related issues. John noted that the Concept of Operations defines the interactions needed for automated vehicles. There will be a webinar series this fall on the different aspects of AVs on infrastructure. CARMA helping to define the benefits of cooperative automation. He also noted an effort underway to assess truck platooning.

AASHTO –

Pat Zelinski updated members that the CTSO Annual meeting occurred by webinar at the end of September and early October. Pat will circulate the links to all the webinars and encouraged members to watch the sessions on technology and the state DOT roundtable. Pat noted that the AASHTO annual meeting Nov 9-13, a lot of knowledge session Tuesday November 10. This will be the first virtual annual meeting requiring a registration cost.

ITS America –

Kevin Vitta provided an update from ITS America, noting that there is a lot to update on from policy activities;

- Continue to advocate against FCC planned proposal for spectrum changes
- Recently held a meeting with FCC staff, including New York City, Michigan DOT, Texas DOT and THEA.
- AV legislation efforts. ITS America feels we need a national perspective in form of an AV Bill;
- Technology focused FAST Act policy topics. Laws operating on a one year
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ITE –

Siva Narla provided ITE’s update. He provided a briefing on the technology that underlies the AV policies, including projects addressing:

- Connected Intersections; and
- Road-side Units (RSU).

He noted that these are forming the relationships between the IOOs and OEMs. He cited three early findings of the projects:

- Positioning is very critical and cannot happen without infrastructure support;
- Signal phasing and timing information is critical for safety; and
- In terms of RLVW, it must transcend individual industries of manufacturers and owner operators to agree what is the minimum requirements.

Based on what the CAT Coalition did to bring these to light, several agencies have come forward as potential jurisdictions where these could be tested early next year.

Other Member Updates

Ted Bailey: has heard we need a ubiquitous approach to automated vehicles but also need to reserve states’ rights for Level 4 and 5 control. His question was why wouldn’t industry concede that automation levels 4-5 need to be federally guided? Robert Shea noted that he believes at some point Congress laws would step in. For example, individual state laws could not prevent a vehicle that is legal in one state from operating in other states where it is not legal.

Meeting Close and Next Meeting

The next webinar of the PLR Working Group will be:

- December 14, 2020 (2:00-3:30 PM ET).

Paul thanked everyone for their assistance putting the webinar together and thanked all participants for joining and remaining on the webinar.

Policy, Legislative, and Regulatory WG August 3, 2020 Webinar Participants

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| • Paul Ajegba | • Peter Calcaterra | • Carlos Alban |
| • Gwen Smith | • Adam Shell | • Ed Thai |
| • Neil Pedersen | • Bill Gouse | • Edward Straub |

- Faisal Saleem
- Gummada Murthy
- Gurunath Vemulakonda
- Janet Frenkil
- John Harding
- Kevin Dopart
- Kevin Viita
- King Gee
- Liana Mortazavi
- Mike Cammisa
- Monika Darwish
- Nanette Schieke
- Paul Feenstra
- Susan Catlett
- Ted Bailey
- Tom Kern
- Venkat Nallamothu