



Department of Transportation announces updates to policies and rule-makings regarding autonomous vehicles

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The U.S. Department of Transportation (DOT) has released an update to the agency's policy document on autonomous vehicles. The document, *Automated Vehicles 3.0: Preparing for the Future of Transportation* (AV 3.0), is a far-reaching collaboration between all of the DOT's surface transportation operating administrations and seeks to encourage the widespread integration of autonomous technology into the U.S. transportation system. AV 3.0 also provides guidance for achieving this for a wide range of industry stakeholders, including federal government offices; state, local, and tribal governments; technology and vehicle manufacturers and suppliers; infrastructure owners and operators; and commercial motor carriers.

AV 3.0 builds on the DOT's September 2017 policy statement, *Automated Driving Systems 2.0: A Vision for Safety*, by reaffirming the agency's commitment to voluntary safety self-assessments (VSSAs) and the best practices for state and local governments outlined in the prior version. AV 3.0 sets out new and upcoming agency policies, as well, including

- reinterpretation and adaptation of the definitions of "driver" and "operator" to include automated systems as well as human drivers;
- identification and support for non-regulatory means for advancing automation goals, such as developing consensus-based, voluntary, and performance-oriented technical standards through non-federal associations;
- commitment to countrywide testing activities and no further recognition of the Automated Vehicle Proving Grounds established in January 2017;
- encouraging development and implementation of voluntary guidance, best practices, and design principles regarding cybersecurity and privacy;
- encouraging collaboration between government entities and the private sector, public transit, and infrastructure owners and operators; and
- removal of regulatory barriers to simulated and real-world testing of autonomous vehicles.

AV 3.0 also announces several upcoming rule-making actions by various branches of the DOT. For the National Highway Traffic Safety Administration (NHTSA), these include potential changes to the Federal Motor Vehicle Safety Standards (FMVSS) to accommodate automation; a new approach to crafting FMVSS that is more flexible and responsive to the fast-paced

development of new technology; and a streamlined procedure for processing petitions for exemptions from the FMVSS. Several related advanced notices of proposed rule-making (ANPRM) and notices of proposed rule-making (NPRM) documents are expected to be published by the end of 2018. The Federal Motor Carrier Safety Administration (FMCSA) is finalizing a rule-making to identify and address regulatory gaps with respect to autonomous vehicles, including inspection, repair, and maintenance. The Federal Highway Administration (FHWA) plans to update the 2009 Manual on Uniform Traffic Control Devices (MUTCD) to account for autonomous technology. The Federal Railroad Administration (FRA) will initiate research to develop a system for using automated and connected vehicles to improve safety at rail crossings. In addition, the Federal Transit Administration (FTA) will commit technical assistance to state and federal transit agencies as they develop safety management systems for testing and developing autonomous transit bus systems.

Relatedly, NHTSA issued an ANPRM recently regarding the potential development and implementation of a national pilot program for on-road testing and deployment of vehicles with high and full driving automation capabilities (Level 4 and 5 autonomous vehicles) ([NHTSA pilot program ANPRM](#)). NHTSA seeks input from industry stakeholders and the general public on factors the agency should consider "that will enable it to facilitate, monitor and learn from the testing and development of the emerging advanced vehicle safety technologies and to assure the safety of those activities." In particular, NHTSA's questions focus on

- factors that should be taken into account in designing a pilot program for the safe on-road testing and deployment of Level 4 and 5 autonomous vehicles, including the safety elements outlined in *Automated Driving Systems: A Vision for Safety 2.0* and others;
- use of existing statutory provisions and regulations for implementing such a pilot program, including 49 C.F.R. §§ 30113 and 30114;
- any additional regulatory relief that might be needed to allow for participation in the pilot program, particularly for vehicles that do not meet existing safety standards, including further exemptions to the "make inoperative" prohibition under 49 C.F.R. § 30122; and
- analyses and factors the agency should consider in granting or denying exemption petitions and any terms and conditions the agency should attach to exemptions, including requiring participants to share data and information with NHTSA and/or the public.

Comments on NHTSA's pilot program ANPRM are due to be submitted by 26 November 2018.

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