

July 22, 2019

Mr. Jack Danielson
Executive Director
National Highway Traffic Safety Administration
United States Department of Transportation
1200 New Jersey Avenue S.E.
Washington, DC 20590

Re: Docket No. NHTSA–2019–0036, “Removing Regulatory Barriers for Vehicles With Automated Driving Systems”

Dear Executive Director Danielson:

The American Association of State Highway and Transportation Officials (AASHTO) is pleased to provide comments on the U.S. Department of Transportation’s (USDOT) “Removing Regulatory Barriers for Vehicles with Automated Driving Systems Advance Notice of Proposed Rulemaking (Docket Number NHTSA–2019–0036), issued in Washington, D.C. on May 28, 2019. Representing all 50 states, the District of Columbia, and Puerto Rico, AASHTO serves as a liaison between state departments of transportation (state DOTs) and the federal government.

This letter includes general comments about some of the concerns the state DOTs have regarding the deployment and use of vehicles with automated driving system. While state DOTs do not have jurisdiction over the design of vehicles or the complex systems embedded on the vehicles, these vehicles will eventually operate on the infrastructure owned and operated by the state DOTs. It is our belief that both the infrastructure and the vehicles will likely include some type of connected vehicle infrastructure applications which will tie into the automated driving systems. Thus, it is important that the National Highway Traffic Safety Administration (NHTSA) and USDOT keep in mind a broader perspective of the future that will include both connected and automated vehicles.

AASHTO and the state DOTs appreciate USDOT's continued leadership to help clear the way for the safe and timely adoption of automated vehicles. While there is the potential to improve transportation mobility and accessibility for people utilizing automated vehicles, the top priority for AASHTO and the state DOTs is the safety associated with the implementation of automated vehicles. Safety has been, and will remain, at the forefront of AASHTO’s policy goals as state DOTs have the primary responsibility for the safe and efficient movement of people and goods on our nation’s highways and streets.

We appreciate the opportunity to provide these comments and look forward to working with NHTSA on the safe deployment of automated vehicles on the public roadway system.. If you would like to discuss the issues raised in this letter, please contact Patrick Zelinski, AASHTO's Program Manager, at (202) 624-7830.

Sincerely,

A handwritten signature in black ink that reads "Carlos M. Braceras". The signature is fluid and cursive, with the first name "Carlos" and last name "Braceras" clearly legible.

Carlos M. Braceras, P.E.

President, American Association of State Highway and Transportation Officials
Executive Director, Utah Department of Transportation

General Comments

- 1. A Future with Both Connected and Automated and Vehicles**—This ANPRM is almost completely without reference to the roadway or infrastructure communications. As infrastructure owners and operators, state DOTs agree that establishing a strong foundation for AVs requires robust connectivity for vehicle-to-vehicle (V2V) and vehicle-to-infrastructure (V2I) communication. There are a lot of agencies supporting the development and deployment of CAV systems which is evident in the significant commitment that state and local agencies have already made in leading, supporting, and fostering the testing and deployment of CV technologies. To date, 33 locations in the US are deploying CV technologies under sponsorship of USDOT and seventeen locations are deploying the technologies without sponsorship from USDOT. Combined, this represents 72,000 vehicles on the road and 65,000 devices installed or planned on the infrastructure.

Many of these CV deployments involve state transportation agencies with AASHTO's assistance in their efforts. For example, AASHTO is supporting a national traffic signal phasing and timing (SPaT) challenge, seeking to deploy DSRC 5.9 GHz infrastructure with SPaT broadcasts in at least one corridor or network (approximately 20 signalized intersections) in each state by January 2020. As of July 15, 2019, at least 26 states have committed to the challenge. More than 200 signals are broadcasting SPaT and more than 2,000 additional signals are planned – a significant investment by state and local transportation agencies. However, the lack of further federal guidance regarding V2V and V2I communication standards is creating uncertainty among state and local agencies. Absent clear direction, states and local agencies will likely make no significant implementation of CV technology, with the uncertainty to invest in DSRC, 5G, or both for V2I communications.

- 2. All States Can Play a Vital Role as Innovation Laboratories and Offer Flexible Models for Testing**—Already, many states have essentially opened the doors for AV companies to come to their states to begin the testing and deployment of AVs. For example, the Illinois Department of Transportation launched a new statewide, multiagency initiative to develop a testing program for connected and AVs aimed at advancing the state to the forefront in research on these emerging safety technologies. The program “Autonomous Illinois” will connect communities interested in CAV testing with industry, universities, research institutions and other technology partners. More information on other state deployments and programs are available at <http://cav.transportation.org>.

Clearly, the states are interested in being at the forefront of this technology and serving as the testing and proving ground for it regardless of a designation by USDOT. However, AASHTO is concerned with the proliferation of USDOT “best practices” documents on various topics related the testing and deployment of AVs. AASHTO would suggest that USDOT reorient the discussion and focus on providing forums for collaboration in order for state and local agencies to share lessons learned and develop case studies on various AV deployment aspects. A “best practice” brings a connotation that other practices not identified

in the list that may be adopted by a state are not the optimum when that may not be the case, especially with such a new field like AVs.

- 3. Any New Laws or Regulations Must Maintain the Current Federal-State Regulatory Paradigm**— Ultimately, it is in the best interest of society that vehicles equipped with ADS be introduced as quickly as possible to realize the saving of lives and improving the quality of life, and a collaborative approach on the challenges will help avoid pitfalls on a much-needed deployment pathway. The traditional division of responsibilities for vehicle safety, under purview of the federal government, and safe operation of vehicles through licensing and registration under purview of the state government has worked well and needs to be maintained in the future. However, the advent of AVs is blurring the role of the vehicle and the operator subject to traditional jurisdictional lines and requires a new collaborative approach to what lies ahead. Just as states have worked hard to assure reciprocity of drivers' licenses through alignment and uniformity of education and testing requirements, they will do the same when it comes to uniformity nationwide for AVs and working with the federal government to ensure a common understanding of AV behavior and expectations of the infrastructure. AASHTO has provided more detailed comments on this topic in its comment letter to the NHTSA ANPRM, *Pilot Program for Collaborative Research on Motor Vehicles With High or Full Driving Automation*, (Docket Number NHTSA-2018-0092).