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TRANSPORTATION
ASSOCIATION

August 28, 2019

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Paul P. Skoutelas

The Honorable Heidi King
Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue S.E.
Washington, DC 20590

RE: NHTSA-2019-0036

Dear Docket Clerk:

On behalf of the more than 1,500-member organizations of the American Public Transportation Association (APTA), I write to provide comments on the National Highway Traffic Safety Administration's (NHTSA) "Removing Regulatory Barriers for Vehicles with Automated Driving Systems" advance notice of proposed rulemaking (NHTSA-2019-0036) published on May 28, 2019 at 84 FR 2443.

APTA members are extremely appreciative of the Department's and NHTSA's efforts to address the challenges of incorporating automated and connected technology into the new mobility landscape. We recognize that transit systems will play a vital role in evaluating and piloting these technologies, which necessitates including these entities in the development of any regulatory policies and requirements.

Safety on and around transit vehicles is the highest priority for public transportation agencies. Any technology that is able to enhance public safety is extremely valuable for the transit industry. Automated vehicles have the potential to detect objects and avoid collisions in scenarios where human operators may not.

Public transportation agencies see connected and automated vehicles enhancing operations in the future. For example, lower-demand routes that are currently only served by infrequent fixed-route service may be better served with smaller automated shuttles operating more frequent on-demand-based service. Automated shuttles might also be used for point-to-point connections, helping riders with First-Mile/Last-Mile (FM/LM) travel, and boosting overall network ridership.

General Comments

1. Provide Data Standardization

APTA members have noted that NHTSA is not currently collecting automated vehicle (AV) safety and compliance data as it relates to transit AV shuttle pilots and demonstration programs across the county. Over one dozen of these pilots are in operation or are in planning, including three projects awarded grants from the fiscal year 2018 Better Utilizing Investments to Leverage Development (BUILD) program. APTA encourages NHTSA to establish a set of data that, at a minimum, AVs must share on a national, regional, and local level to help advance the technology. We believe with certain data, NHTSA would be better positioned to make well-informed, data driven decisions about safety related matters. We also believe this data can help us understand the impact AV's are having on mobility across the nation, provide a more precise way to measure expected outcomes versus actual outcomes, and identify where there are gaps and why.

2. Update Procurement Guidelines to Anticipate Automated and Connected Technologies

APTA members are concerned about what changes in vehicle design are needed once automated and connected elements are incorporated. It is imperative that regulations do not interfere with ongoing and future demonstration and pilot projects. For instance, the technologies that agencies are demonstrating today could end up becoming relevant to future operations and solve actual mobility problems; therefore, regulations need to be agile to allow operations to continue without compromising safety. Where appropriate, grandfathering clauses that allow a span of time for compliancy if regulations change is suggested. Additionally, ensuring that procurement guidelines are clear for including automated and connected technologies and related systems by transit agencies is also very important to our members.

3. Modify FMVSS to Address Domestically Produced Automated Vehicles

Federal Motor Vehicle Safety Standards (FMVSS) present an obstacle to U.S. manufacturers of driverless AVs. Foreign manufacturers may apply for exemptions from FMVSS requirements, which allows those AVs to be tested on public roads. APTA suggests NHSTA review FMVSS requirements to ensure AV manufacturers, foreign and domestic, are treated in a consistent manner.

About APTA

The American Public Transportation Association is a nonprofit international association of 1,500 public and private sector organization which represent a \$71 billion industry that directly employs 430,000 people and supports millions of private sector jobs. APTA members are engaged in the areas of bus, paratransit, light rail, commuter rail, subways, waterborne services, and intercity and high-speed passenger rail. This includes: transit systems; planning, design, construction, and finance firms; product and service providers; academic institutions; transit associations and state departments of transportation. APTA is the only association in North

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America that represents all modes of public transportation. APTA members serve the public interest by providing safe, efficient and economical transit services and products.

We appreciate your consideration of these comments. For additional information, please contact Linda Ford, APTA's General Counsel, at (202) 496-4808 or lford@apta.com.

Sincerely yours,

A handwritten signature in black ink that reads "Paul P. Skoutelas". The signature is written in a cursive style with a large initial "P" and a long, sweeping underline.

Paul P. Skoutelas
President and CEO