

TRANSPORTATION BILL FUNDS RESEARCH FOR AUTONOMOUS VEHICLES AND SAFETY TECHNOLOGY

DECEMBER 2015

On December 4, 2015, President Barack Obama signed into law the \$305 billion Fixing America's Surface Transportation Act, or the "FAST Act", the first long-term transportation funding bill passed in over a decade, which makes appropriations through 2020. It funds research on autonomous vehicles, marijuana-impaired driving, and technology to make car, truck, and rail transportation safer and more efficient. The Act also amends or enacts regulations impacting every American's daily life, including regulations governing passenger car, motor carrier (truck), rail, bicycle, and multi-modal transportation. Below are some of the highlights of the bill.

BICYCLING

The Act appropriates \$835 million annually for biking and pedestrian infrastructure over the next two years, increasing that amount to \$850 million annually for the following three years.

AUTONOMOUS VEHICLES

The Act includes several provisions promoting autonomous vehicle research. For example, it establishes grants of \$60M per year for "advanced transportation and congestion management technologies deployment" and "technologies associated with autonomous vehicles, and other collision-avoiding technologies" with the aim to "accelerate the deployment of vehicle-to-vehicle, vehicle-to-infrastructure, autonomous vehicles, and other technologies." Along with the promotion and funding of autonomous vehicle research is increasing regulation. For example, the Act requires that the Government Accountability Office (GAO) submit a Congressional Report in two years that "assesses the status of autonomous transportation technologies policy developed by public entities in the United States" and "assesses the organizational readiness of the Department [of Transportation] to address autonomous vehicle technology challenges, including consumer privacy protections."

PUBLIC TRANSPORTATION

The Act mandates improved measures to protect public transportation employees from assault by passengers, a growing concern. The Secretary of Transportation must issue a notice of proposed rulemaking for regulations to guard against this harm by considering the safety needs of drivers of different modes of travel, differences in operating environment environments, the use of technology to mitigate driver assault risks, etc.

MARIJUANA-IMPAIRED DRIVING STUDY

Likely occasioned by the growing number of states legalizing medicinal and/or recreational marijuana use, the Act mandates a study on marijuana-impaired driving. The study, to be conducted by the Secretary of Transportation in consultation with the heads of other federal agencies as appropriate, must examine the methods to detect marijuana-impaired driving, including devices capable of measuring marijuana levels in motor vehicle operators, a review of impairment research for driving under the influence of marijuana, methods to differentiate the cause of a driving impairment between alcohol and marijuana, state-based policies on marijuana-impaired driving, and the role and extent of marijuana impairment in motor vehicle accidents. This report must be presented to Congress in one year.

COMMERCIAL TRUCKING TECHNOLOGY

The Act mandates an exception to regulations prohibiting any obstruction in a truck driver's field of view to accommodate "windshield technology"; that is, technology that functions as part of a fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning system, forward collision warning or mitigation system, an active cruise system, or other technology systems. The device may now partially obstruct the field of view, but only where the technology is likely to achieve a level of safety that is equivalent to or greater than the level of safety that will be achieved without the obstruction.

TRUCKS SELF-REPORTING EQUIPMENT FAILURES

The Comptroller General is responsible for submitting a report on the cost and feasibility of a self-reporting system for trucks for en route equipment failures to the respective House and Senate Transportation Committees.

RAIL SPEED CONTROLS

Most likely in response to the recent speed-related Amtrak derailment in Philadelphia on May 12, 2015, the Act contains a speed limit action plan. This plan requires passenger railroads to conduct an assessment of their entire railroad networks within 90 days to identify areas where there is a reduction of more than 20 miles per hour in the approach to a curve, bridge, or tunnel. The railroads must next identify and submit an action plan to the Secretary of Transportation outlining actions to enable warnings and enforcement of the maximum authorized speed for passenger trains. This includes modifications to automatic train control systems, increased crew size, installation of signage or alerts, increased crew communication, or other practices. Each railroad carrier providing intercity rail passenger or transportation or commuter rail passenger transportation must provide the action plan within 120 days.

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