



December 17, 2021

VIA ELECTRONIC FILING

U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building, Room W12-140
Washington, DC 20590-0001

RE: U.S. DOT Strategic Plan (Docket No. DOT-OST-2021-0140)

To Whom It May Concern:

The U.S. Chamber Technology Engagement Center (“C_TEC”)¹ respectfully submits these comments to the Department of Transportation (“DOT”) in response to an invitation for comment on the U.S. DOT Strategic Plan for Fiscal Years 2022-2026. (“Strategic Plan”). C_TEC commends DOT for updating its Strategic Plan and proactively seeking stakeholder feedback to inform the development of the Strategic Plan. We also encourage DOT to solicit stakeholder feedback on a draft Strategic Plan before final publication. C_TEC’s comments focuses on several aspects of DOT’s responsibilities: automated vehicle technology, rail safety technologies, and emerging aviation technologies including advanced air mobility (“AAM”) and unmanned aircraft systems (“UAS”).

I. Fostering an Innovative Transportation Ecosystem

DOT, across all modes, will play a critical role to lay the foundation for the future of transportation through facilitating innovation in sectors including rail, automotive, trucking, and aviation. C_TEC recommends that DOT, in developing its Strategic Plan, integrate several principles. First, DOT should facilitate ongoing collaboration between modal agencies to share insights gained, relevant technology advancements, and best practices. Second, DOT should ensure technology neutrality as it develops policies related to transportation innovation. Third, C_TEC believes that DOT should advance automation technologies and polices in all modes of

¹ C_TEC was launched to advance technology’s role in strengthening business by leveraging tech innovations that drive economic growth in the United States. C_TEC promotes policies that foster innovation and creativity and sponsors research to inform policymakers and the public.

transportation. Fourth, and finally, DOT should seek to regularly engage and partner with the private sector on public policies, programs, and other important initiatives.

II. Enabling Automated Vehicle Technology

Focusing on the responsible development and deployment of automated vehicle technology should be a high priority through DOT and relevant modal agencies including the National Highway Traffic System Administration (“NHTSA”), the Federal Motor Carrier Safety Administration (“FMCSA”), and the Federal Highway Administration (“FHWA”).

1. What strategies or priorities should the U.S. DOT adopt to achieve the Department’s strategic goals and objectives?

Ensuring the safe and secure development and deployment of automated vehicle technology fulfills a number of the Secretary’s strategic priorities. Automated vehicles are expected to bring numerous benefits to American consumers, workers, and the public at large, such as reducing traffic fatalities, enhancing mobility for seniors and persons with disabilities, improving the environment, and increasing U.S. global competitiveness.

To meet these objectives, C_TEC believes that DOT should take the following actions:

- First, DOT should explicitly and publicly prioritize U.S. leadership in automated vehicle technology, starting at the Office of the Secretary and throughout the appropriate modal agencies.
- Second, DOT should prioritize the modernization of regulations, specifically Federal Motor Vehicle Safety Standards (“FMVSS”) and Federal Motor Carrier Safety Regulations (“FMCSR”) to accommodate advances in automated vehicle technology. For example, NHTSA’s proposed rule on Occupant Protection for Automated Driving Systems has not been finalized despite that the comment period closed on May 29, 2020.
- Third, in developing automated vehicle policy, DOT should avoid deviating from NHTSA’s current self-certification regulatory model and should maintain existing programs, such as the Voluntary Safety Self-Assessments (“VSSA”) disclosures.
- Fourth, DOT and its modal agencies should continue to partner with the private sector on important automated vehicle issues and programs, such as the AV TEST Initiative and the Work Zone Data Exchange. Also, beyond existing programs, DOT should actively engage with industry to

identify new areas of collaboration to accelerate automated vehicle technology.

2. How should U.S. DOT measure progress towards those priorities?

C_TEC believes that key metrics to measure progress should include: pro-innovation regulatory actions to modernize FMVSSs and FMCSRs; engagements and public-private partnership opportunities with industry; and private sector progress in the testing and deployment of automated vehicle technologies. Moreover, C_TEC encourages DOT to engage with stakeholders to identify appropriate benchmarks to compare U.S. leadership in automated vehicle technology to other countries.

3. What emerging challenges or opportunities in transportation warrant additional U.S. DOT activities or investments?

Many other countries, notably China, are making significant advances in automated vehicle technology, which puts the U.S. at the risk of falling behind in this critical sector. Consequently, C_TEC strongly encourages DOT to assess the progress of other countries in automated vehicle technology and prioritize actions, like those described above to ensure the U.S. remains the leader in automated vehicle technology.

4. How can U.S. DOT best coordinate its activities with Federal, State, local, tribal, labor, private sector, academic, non-profit, international and other stakeholders?

C_TEC believes that multi-stakeholder engagement is critical, especially with industries involved in the automated vehicle technology ecosystem. This includes original equipment manufacturers, vehicle suppliers, automated vehicle developers, insurance providers, commercial vehicle fleets, and other important sectors. We encourage continued collaboration on existing partnerships as well as explore new opportunities to collaborate with industry stakeholders on pressing opportunities and challenges in the automated vehicle space. Moreover, DOT should regularly communicate with all stakeholders, including industry, on DOT's posture and initiatives relating to automated vehicle technology to provide certainty and transparency for DOT activities.

In addition, C_TEC encourages DOT to lead and collaborate with other relevant federal agencies to take a "whole of government" approach to advancing automated vehicle technology similar to the DOT's 2021 "Automated Vehicle Comprehensive Plan."

5. How can U.S. DOT best utilize additional programs and authorities in the Infrastructure Investment and Jobs Act to accomplish the goals laid out in the strategic plan?

C_TEC encourages the U.S. DOT to effectively implement and leverage programs and requirements in H.R. 3684, the “Infrastructure Investment and Jobs Act” to advance automated vehicle technology. The most relevant programs in this bill include Section 25005, which would establish a SMART Grant program to enable smart cities; Section 11135 which would require FHWA to revise the Manual on Uniform Traffic Control Devices; and Sections 13005 and 13006, which would focus on research programs on automated and connected vehicles.

III. Facilitating Innovation in Rail

Focusing on the responsible development and deployment of innovative railroad safety technologies should be a high priority through DOT and relevant modal agencies such as the Federal Railroad Administration (“FRA”).

1. What strategies or priorities should the U.S. DOT adopt to achieve the Department’s strategic goals and objectives?

To meet these objectives, C_TEC believes that DOT and FRA should prioritize the modernization of federal railroad safety regulations to incorporate new railroad safety technologies and allow for innovation in this space. DOT also should not create regulatory hurdles that would disadvantage rail in relation to other modes.

2. How should U.S. DOT measure progress towards those priorities?

C_TEC believes that key metrics to measure progress include, pro-innovation regulatory actions to modernize federal railroad safety regulations, engagements and public-private partnership opportunities with industry, and private sector progress in the testing and deployment of innovative railroad safety technologies. Moreover, C_TEC encourages DOT to engage with stakeholders to identify appropriate benchmarks to compare U.S. leadership in novel railroad safety technologies to other countries. Additionally, DOT should adopt performance-based, rather than prescriptive, regulations that would focus safety, including automation efforts, on outcomes. Performance standards would give industry discretion to innovate and create new ways to improve safety, while still being subject to regulatory oversight.

3. What emerging challenges or opportunities in transportation warrant additional U.S. DOT activities or investments?

As other countries advance railroad safety technologies, the U.S. should not risk falling behind our international competitors. Consequently, C_TEC strongly encourages DOT to assess the progress of other countries and the private sector in automated technology that advances rail safety and prioritize actions, which advance, not stymie, railroad safety innovation.

4. How can U.S. DOT best coordinate its activities with Federal, State, local, tribal, labor, private sector, academic, non-profit, international and other stakeholders?

C_TEC believes that multi-stakeholder engagement is critical, especially with the rail industry. Technological advancements in rail safety benefits all stakeholders and moves the industry and nation toward the goal of zero accidents. DOT can leverage its relationships with states, localities, and other stakeholders to help inform and educate on the importance of technological advancements that enhance rail safety.

5. How can U.S. DOT best utilize additional programs and authorities in the Infrastructure Investment and Jobs Act to accomplish the goals laid out in the strategic plan?

C_TEC encourages the U.S. DOT to effectively implement and leverage programs and requirements in the Infrastructure Investment and Jobs Act to advance railroad innovation. These include Sections 22102(b) & (d), and 22413 focusing on rail research programs, including advanced technologies; and Section 25012 which establishes the Advanced Research Projects Agency – Infrastructure.

IV. Advancing Emerging Aviation Technologies

The U.S. DOT, through the Federal Aviation Administration (“FAA”), is responsible for ensuring the safe integration of UAS and AAM in the national airspace (“NAS”). C_TEC believes that both UAS and AAM can bring significant benefits to consumers and workers, and that the U.S. has a unique opportunity to lead in both of these crucial aviation technologies. Broadly, DOT should recognize the importance of both UAS and AAM and prioritize both UAS and AAM in its Strategic Plan.

1. What strategies or priorities should the U.S. DOT adopt to achieve the Department’s strategic goals and objectives?

Ensuring that the FAA has the resources to review and work to certify AAM and UAS platforms to be safely integrated in the NAS fulfills a number of the Secretary’s strategic priorities. UAS can provide benefits through improving safety addressing

climate and sustainability challenges, alleviating traffic challenges connecting rural America, enhancing infrastructure resilience, assisting disaster recovery and response, and ensuring U.S. global competitiveness. Similarly, AAM can unlock substantial economic and environmental benefits as well as strengthen our transportation networks.

To meet this potential, C_TEC believes that DOT should take the following actions on emerging aviation technologies:

- First, DOT should explicitly and publicly prioritize U.S. leadership in emerging aviation technology starting at the Office of the Secretary and consider appointing a lead official in the Office to coordinate UAS and AAM issues.
- Second, DOT should reaffirm that the federal government is the exclusive regulator of the NAS to provide for a safe airspace and innovative regulatory environment.
- Third, DOT should prioritize removing barriers to innovation in UAS through modernizing UAS regulations to enable routine beyond visual line of sight of operations to improve and standardize the type certification process for small UAS, and by providing the FFA the direction and resources to work with industry toward more rapid integration.
- Fourth, DOT should address security concerns posed by the potential misuse of UAS, including through expediting the promulgation of proposed rule on “UAS Flight Restrictions Near Critical Infrastructure” and working with other agencies on safe counter-UAS efforts. Doing so is essential to the safe and critical integration of UAS into the NAS. Fifth and finally, for AAM specifically, DOT should continue to work with the National Aeronautics and Space Administration to jointly develop an AAM Concept of Operations and with stakeholders to develop the appropriate regulatory framework for AAM to provide the necessary certainty for this emerging technology to develop.

2. How should U.S. DOT measure progress towards those priorities?

C_TEC believes that key metrics to measure progress include: certification of new UAS and AAM aircraft, operational certification and approvals, pro-innovation regulatory actions to modernize regulations to enable the safe and secure integration UAS and AAM, engagements and public-private partnership opportunities with industry, and progress in safely and securely integrating UAS and AAM into the NAS. Moreover, C_TEC encourages DOT to engage with stakeholders to identify appropriate benchmarks to compare U.S. leadership in emerging aviation technologies to other countries.

3. What emerging challenges or opportunities in transportation warrant additional U.S. DOT activities or investments?

C_TEC notes that there are two primary challenges in the emerging aviation space that warrant additional DOT attention. First, the U.S. is at risk of falling behind other jurisdictions, including China and the European Union, in UAS and AAM. Second, and similarly, private sector innovation in UAS and AAM is making significant strides at a faster pace than regulatory frameworks. Both challenges support the notion that DOT must take a more active role in enabling U.S. leadership in UAS and AAM through setting the rules of the road, ensuring safe and secure integration, and promoting policies to enable these technologies to fully mature.

4. How can U.S. DOT best coordinate its activities with Federal, State, local, tribal, labor, private sector, academic, non-profit, international and other stakeholders?

C_TEC believes that multi-stakeholder engagement is critical, especially with industries involved and impacted by emerging aviation technologies. We encourage continued collaboration on existing partnerships as well as exploring new opportunities to collaborate with industry stakeholders on pressing opportunities and challenges in AAM and UAS. Moreover, DOT should regularly communicate with all stakeholders, including industry, on DOT's posture and initiatives relating to UAS and AAM to provide certainty and transparency for DOT activities.

In addition, to ensure U.S. leadership in UAS and AAM, C_TEC strongly encourages DOT to take leadership role and collaborate with other relevant federal agencies to take a "whole of government" approach to advancing UAS and AAM. DOT should look to DOT's 2021 "Automated Vehicle Comprehensive Plan" as a potential model for how to achieve this objective.

5. How can U.S. DOT best utilize additional programs and authorities in the Infrastructure Investment and Jobs Act to accomplish the goals laid out in the strategic plan?

C_TEC encourages the U.S. DOT to effectively implement and leverage programs and requirements in the Infrastructure Investment and Jobs Act to advance emerging aviation technologies. For example, Section 25005 establishes a SMART Grant program, which includes the use of UAS in smart cities as eligible criteria for awarding funds. U.S. DOT should ensure that strong consideration is granted to applicants that demonstrate innovative ways of prioritizing and leveraging UAS and emerging aviation technology as part of their applications. In addition, C_TEC believes that DOT, through engagement with the forthcoming FAA reauthorization, can build on

the success of the bipartisan Infrastructure Investment and Jobs Act to help enable U.S. leadership in UAS and AAM.

V. Conclusion

C_TEC appreciates the opportunity to provide comments to DOT's Strategic Plan for Fiscal Years 2022-2026. We believe that DOT can play a crucial role to facilitate the safe development and deployment of emerging transportation technologies that are consistent with the Administration's priorities. We look forward to working with DOT and DOT's modal agencies on these issues in the future. Please contact Matt Furlow at mfurlow@uschamber.com with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Furlow', with a stylized flourish at the end.

Matt Furlow
Policy Director
Chamber Technology Engagement Center
U.S. Chamber of Commerce