

115TH CONGRESS  
1ST SESSION

# H. R. 3404

To provide for the establishment in the National Highway Traffic Safety  
Administration of a Highly Automated Vehicle Advisory Council.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2017

Mr. CÁRDENAS introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for the establishment in the National Highway  
Traffic Safety Administration of a Highly Automated  
Vehicle Advisory Council.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. HIGHLY AUTOMATED VEHICLE ADVISORY**  
4 **COUNCIL.**

5 (a) ESTABLISHMENT.—Subject to the availability of  
6 appropriations, not later than 6 months after the date of  
7 enactment of this Act, the Secretary of Transportation  
8 shall establish in the National Highway Traffic Safety Ad-

1 ministration a Highly Automated Vehicle Advisory Council  
2 (hereinafter referred to as the “Council”).

3 (b) MEMBERSHIP.—Members of the Council shall in-  
4 clude a diverse group representative of business, academia  
5 and independent researchers, State and local authorities,  
6 safety and consumer advocates, engineers, labor organiza-  
7 tions, environmental experts, a representative of the Na-  
8 tional Highway Traffic Safety Administration, and other  
9 members determined to be appropriate by the Secretary.  
10 Any subcommittee of the Council shall be composed of not  
11 less than 15 and not more than 30 members appointed  
12 by the Secretary.

13 (c) TERMS.—Members of the Council shall be ap-  
14 pointed by the Secretary of Transportation and shall serve  
15 for a term of three years.

16 (d) VACANCIES.—Any vacancy occurring in the mem-  
17 bership of the Council shall be filled in the same manner  
18 as the original appointment for the position being vacated.  
19 The vacancy shall not affect the power of the remaining  
20 members to execute the duties of the Council.

21 (e) DUTIES AND SUBCOMMITTEES.—The Council  
22 may form subcommittees as needed to undertake informa-  
23 tion gathering activities, develop technical advice, and  
24 present best practices or recommendations to the Sec-  
25 retary regarding—

1           (1) labor and employment issues that may be  
2           affected by the deployment of highly automated vehi-  
3           cles;

4           (2) the impact of the development and deploy-  
5           ment of highly automated vehicles on the environ-  
6           ment;

7           (3) protection of consumer privacy and security  
8           of information collected by highly automated vehi-  
9           cles; and

10          (4) cabin safety for highly automated vehicle  
11          passengers, and how automated driving systems may  
12          impact collision vectors, overall crashworthiness, and  
13          the use and placement of airbags, seatbelts, anchor  
14          belts, head restraints, and other protective features  
15          in the cabin.

16          (f) REPORT TO CONGRESS.—The recommendations  
17          of the Council shall also be reported to the Committee on  
18          Energy and Commerce of the House of Representatives  
19          and the Committee on Commerce, Science, and Transpor-  
20          tation of the Senate.

21          (g) FEDERAL ADVISORY COMMITTEE ACT.—The es-  
22          tablishment and operation of the Council and any sub-  
23          committees of the Council shall conform to the require-  
24          ments of the Federal Advisory Committee Act (5 U.S.C.  
25          App.).

1       (h) TECHNICAL ASSISTANCE.—On request of the  
2 Council, the Secretary shall provide such technical assist-  
3 ance to the Council as the Secretary determines to be nec-  
4 essary to carry out the Secretary’s duties.

5       (i) DETAIL OF FEDERAL EMPLOYEES.—On the re-  
6 quest of the Council, the Secretary may detail, with or  
7 without reimbursement, any of the personnel of the De-  
8 partment of Transportation to the Council to assist the  
9 Council in carrying out its duties. Any detail shall not in-  
10 terrupt or otherwise affect the civil service status or privi-  
11 leges of the Federal employee.

12       (j) PAYMENT AND EXPENSES.—Members of the  
13 Council shall serve without pay, except travel and per diem  
14 will be paid each member for meetings called by the Sec-  
15 retary.

16       (k) TERMINATION.—The Council and any sub-  
17 committees of the Council shall terminate 6 years after  
18 the date of enactment of this Act.

19       (l) DEFINITIONS.—

20               (1) IN GENERAL.—In this section—

21                       (A) the term “automated driving system”  
22                       means the hardware and software that are col-  
23                       lectively capable of performing the entire dy-  
24                       namic driving task on a sustained basis, regard-

1 less of whether such system is limited to a spe-  
2 cific operational design domain;

3 (B) the term “dynamic driving task”  
4 means all of the real time operational and tac-  
5 tical functions required to operate a vehicle in  
6 on-road traffic, excluding the strategic func-  
7 tions such as trip scheduling and selection of  
8 destinations and waypoints, and including—

9 (i) lateral vehicle motion control via  
10 steering;

11 (ii) longitudinal vehicle motion control  
12 via acceleration and deceleration;

13 (iii) monitoring the driving environ-  
14 ment via object and event detection, rec-  
15 ognition, classification, and response prep-  
16 aration;

17 (iv) object and event response execu-  
18 tion;

19 (v) maneuver planning; and

20 (vi) enhancing conspicuity via light-  
21 ing, signaling, and gesturing;

22 (C) the term “highly automated vehicle”—

23 (i) means a motor vehicle equipped  
24 with an automated driving system; and

1 (ii) does not include a commercial  
2 motor vehicle (as defined in section 31101  
3 of title 49, United States Code); and

4 (D) the term “operational design domain”  
5 means the specific conditions under which a  
6 given driving automation system or feature  
7 thereof is designed to function.

8 (2) REVISIONS TO CERTAIN DEFINITIONS.—

9 (A) If SAE International (or its successor  
10 organization) revises the definition of any of the  
11 terms defined in subparagraph (A), (B), or (D)  
12 of paragraph (1) in Recommended Practice Re-  
13 port J3016, it shall notify the Secretary of the  
14 revision. The Secretary shall publish a notice in  
15 the Federal Register to inform the public of the  
16 new definition unless, within 90 days after re-  
17 ceiving notice of the new definition and after  
18 opening a period for public comment on the  
19 new definition, the Secretary notifies SAE  
20 International (or its successor organization)  
21 that the Secretary has determined that the new  
22 definition does not meet the need for motor ve-  
23 hicle safety, or is otherwise inconsistent with  
24 the purposes of chapter 301 of title 49, United  
25 States Code. If the Secretary so notifies SAE

1 International (or its successor organization),  
2 the existing definition in paragraph (1) shall re-  
3 main in effect.

4 (B) If the Secretary does not reject a defi-  
5 nition revised by SAE International (or its suc-  
6 cessor organization) as described in subpara-  
7 graph (A), the Secretary shall promptly make  
8 any conforming amendments to the regulations  
9 and standards of the Secretary that are nec-  
10 essary. The revised definition shall apply for  
11 purposes of this section. The requirements of  
12 section 553 of title 5, United States Code, shall  
13 not apply to the making of any such conforming  
14 amendments.

15 (C) Pursuant to section 553 of title 5,  
16 United States Code, the Secretary may update  
17 any of the definitions in subparagraph (A), (B),  
18 or (D) of paragraph (1) if the Secretary deter-  
19 mines that materially changed circumstances  
20 regarding highly automated vehicles have im-  
21 pacted motor vehicle safety such that the defini-  
22 tions need to be updated to reflect such cir-  
23 cumstances.

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