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From: Morning Transportation
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Subject: POLITICO's Morning Transportation: Chao has her say on self-driving car guidance — Probable cause of Tesla crash TBD today — A tricky truck issue for the Senate

By Brianna Gurciullo | 09/12/2017 10:00 AM EDT

With help from Tanya Snyder and Stephanie Beasley

CHAO HAS HER SAY ON SELF-DRIVING CAR GUIDANCE: Today, Transportation Secretary Elaine Chao will roll out DOT's revisions to the guidance on driverless vehicles that NHTSA released last September. Speaking from Mcity, a testing site for self-driving car tech, Chao will be flanked by representatives from the auto industry and the disability community, both key supporters of self-driving vehicles.

MT preview: The new version of the guidance "is clearer, more streamlined, less burdensome, and contains additional information" for states, according to a DOT release. The reworked guidance also reflects "input received in docket comments, public meeting proceedings and other stakeholder discussions, recent congressional hearings and current state activities," the release said.

Nuts and bolts: The guidelines will remain voluntary. The new document, called "A Vision for Safety," will condense the four sections of the earlier guidance into two. DOT is also stressing that the National Highway Traffic Safety Administration's recall powers aren't affected.

Something seems different ... When former Transportation Secretary Anthony Foxx unveiled the original guidance last year, it was the first official word from the federal government about how self-driving cars should be regulated. Congress hadn't touched the issue yet. Now, the House has voted on a bill and the Senate is tweaking the details of its effort on the subject.

IT'S TUESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Be sure to send tips, feedback and lyrics to bgurciullo@politico.com or [@brigurciullo](https://twitter.com/brigurciullo).

"Kiss me on the bus / Kiss me on the bus / Ooh, if you knew how I felt now, you wouldn't act so adult now / Hurry, hurry, here comes my stop." (h/t Jennifer Kalczuk at AlphaVu)

GET LISTENING: Follow MT's [playlist](#) on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

FOR YOUR RADAR: The House Transportation Committee postponed the Coast Guard and Railroads subcommittee hearings on infrastructure that had been scheduled for today because of Hurricane Irma.

PROBABLE CAUSE OF TESLA CRASH TBD TODAY: When a Tesla car driving with "Autopilot" in use [crashed](#) into a tractor-trailer last year, it launched a national conversation

about the rollout of autonomous and semi-autonomous vehicle technologies. This morning, the NTSB will decide the probable cause of the Florida accident that left the Tesla car driver, Joshua Brown, dead. After its own investigation, NHTSA concluded that there was no defect at the time of the incident. The NTSB will state that the "Autopilot" feature should "be declared a contributing factor in the crash," Bloomberg reports.

Family pens statement: Brown's family on Monday said it "is simply not the case" that the 40-year-old's death was the fault of Tesla's vehicle, Reuters reports. "There was a small window of time when neither Joshua nor the Tesla features noticed the truck making the left-hand turn in front of the car," the family said in a statement. "People die every day in car accidents. ... Change always comes with risks, and zero tolerance for deaths would totally stop innovation and improvements."

TRICKY TRUCK ISSUE: As the Senate Commerce Committee prepares for its hearing Wednesday on whether commercial motor vehicles should be included in self-driving car legislation, they're balancing union demands to exempt trucks with the arguments of safety groups that say the bill needs to deal with all vehicles. The discussion draft released Friday includes both options, and lawmakers will be looking for a clear answer to emerge from the hearing. As Tanya reports for Pros, unions are worried that driverless vehicle technology will cost millions of truckers and other drivers their jobs.

No time like the present: But as Commerce Chairman John Thune (R-S.D.) told reporters last week, "at some point we have to address trucks." Many expect the trucking industry to be the first to use driverless technology broadly. And safety advocates say that if trucks aren't included in the legislation, which requires safety evaluation reports, they'll only be covered by NHTSA's voluntary guidance, which doesn't mandate such reports.

Backstory: House members didn't have to deal with the trucking dilemma because the bill came out of the Energy and Commerce Committee, which doesn't have jurisdiction over commercial motor vehicles. And members of the House Transportation Committee, which does, are too wrapped up in the FAA bill to worry much about self-driving trucks right now.

IRMA WATCH: DOT is providing \$25 million for roads and highways that need fixing because of Hurricane Irma, Rep. Mario Diaz-Balart (R-Fla.) tweeted Monday afternoon. Diaz-Balart chairs the House Appropriations THUD Subcommittee.

RIDE WIT ME: Lawmakers may attempt to attach a host of unrelated items to the FAA bill because it is one of the only pieces of legislation that must pass before September ends, our friends at Playbook report. The POLITICO trio wouldn't be shocked if lawmakers tried to "throw hurricane relief money onto it, or even language to deal with DACA." However, the "administration has told people on the Hill that they shouldn't even think about trying to bolster Obamacare by attaching cost-sharing reduction payments, according to multiple sources involved in legislative negotiations."

STATES SLAP NHTSA WITH LAWSUIT: California, Maryland, New York, Pennsylvania and Vermont are suing NHTSA "for delaying an Obama-era increase of civil fines for

automakers who violate CAFE fuel economy standards," Pro Energy's Alex Guillén [reports](#). In 2016, NHTSA made final a rule boosting CAFE penalties, after Congress mandated that federal agencies increase civil fines to take inflation into account. In July, NHTSA pushed off the rule's effective date, saying the agency under former President Barack Obama hadn't reviewed "potential economic consequences." The five states contend that "NHTSA's delay violates the Administrative Procedure Act since the agency did not first take public comment, and they contend it violates the 2015 inflation adjustment law by reverting to the previous penalties," Alex writes.

TIME FOR REFLECTION: To commemorate the anniversary of the Sept. 11, 2001, attacks, House Homeland Security Committee Democrats released a report reviewing the Department of Homeland Security's progress in meeting a legislative mandate to enact the 9/11 Commission's recommendations, Steph [reports](#). The Democratic report says DHS should boost Customs and Border Protection staffing at ports of entry before it sets up a biometric entry/exit system. The report also calls for TSA to update its air cargo screening procedures. MT readers may remember that TSA last week [mandated](#) enhanced screening procedures for air cargo shipments from Turkey. But, so far, the agency hasn't made changes for other countries.

Come together: Meanwhile, House Homeland Security Chairman [Michael McCaul](#) (R-Texas) on Monday called for lawmakers on both sides of the aisle to work together to help prevent future terrorist attacks, which he said are increasingly plotted online. "I think a 9/11-style attack would be very difficult to pull off in today's world, that's the good news," McCaul [said](#) on SiriusXM P.O.T.U.S. "The bad news is it's ever pervasive over the internet, and that's their power."

IN TRAVEL BAN NEWS: The Justice Department has gone back to the Supreme Court to request that it "allow authorities to keep up a block on many refugees" included in President Donald Trump's travel ban, POLITICO's Josh Gerstein [reports](#). "Justice Anthony Kennedy issued a temporary stay Monday afternoon that essentially freezes the status quo." Meanwhile, the Trump administration, for the time being, is no longer asserting "that grandparents, aunts, uncles, and cousins of U.S. citizens be covered by the ban despite the Supreme Court ordering an exemption for close family members," Josh writes.

WHERE'S THAT TAX OVERHAUL? Gary Cohn, the director of the National Economic Council, and Treasury Secretary Steven Mnuchin will hit up the Hill today to chat with senators about overhauling the tax code. "Many Republicans view the end of December as an effective drop-dead date for tax reform, with expiration of protections for some young immigrants now set to expire in March," POLITICO's Burgess Everett and Ben White [write](#). (Remember: An infrastructure package is supposed to come after a tax bill.) But Trump's agreement last week with Democratic leaders on the debt ceiling, which angered conservatives, [could hurt](#) the administration's tax plans.

LET'S SEE HOW THIS GOES ... On Monday, Maryland's governor said his state would provide \$500 million more in funding to Metro over the course of four years - as long as D.C., Virginia and the federal government copy the Old Line State. As The Washington Post's Robert McCartney and Faiz Siddiqui [report](#), it's a tough ask, particularly for Virginia and the Trump

administration.

FLY-IN: The Association of Equipment Manufacturers has a fly-in this week. "The 50 executives flying in will be pushing members of Congress for action on infrastructure spending, tax reform and free-trade agreements," our friends at POLITICO Influence [report](#). Rep. [Sam Graves](#) (R-Mo.) is slated to speak to the group.

REPORT ALERT: The Economic Policy Institute is out with an [analysis](#) this week arguing for "a stronger federal role in infrastructure investment." EPI's Hunter Blair writes that the federal government is able to help states invest in infrastructure when the economy declines, has a better view of how infrastructure fits into a national network and can focus on issues like access.

THE AUTOBAHN:

- "Miami and Fort Lauderdale airports are reopening Tuesday - but with limited service." [The Miami Herald](#).

- "What Florida roads look like after Hurricane Irma." [The Washington Post](#).

- "Irma's next air travel target: The world's busiest airport." [USA Today](#).

- "Seaports prepare to reopen after Irma." [The Wall Street Journal](#).

- "General Motors is starting to build cars that can eventually drive without a human." [Recode](#).

- "Google plots to conquer self-driving cars - by making peace with Detroit." [The Wall Street Journal](#).

- "Volkswagen spends billions more on electric cars in search for mass market." [Reuters](#).

- "An expensive grill and a Brazilian actress: Day 3 of the Menendez trial." [POLITICO New Jersey](#).

- "Five of the best transport ideas - and five of the worst." [POLITICO Europe](#).

THE COUNTDOWN: DOT appropriations run out in 88 days. The FAA reauthorization expires in 19 days. Highway and transit policy is up for renewal in 1,115 days.

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<http://www.politico.com/tipsheets/morning-transportation/2017/09/12/chao-has-her-say-on-self-driving-car-guidance-222239>

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