

**NCSL STANDING COMMITTEE on TRANSPORTATION
POLICY DIRECTIVES AND RESOLUTIONS**

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1 **COMMITTEE: TRANSPORTATION**
2 **POLICY: AUTONOMOUS VEHICLES**
3 **TYPE: EXISTING RESOLUTION**

4 The automobile is on the cusp of a technological transformation with the potential to
5 both revolutionize personal mobility and provide immeasurable safety benefits. As
6 vehicles that operate on public roads are subject to both state, federal and local
7 jurisdiction, the National Conference of State Legislatures (NCSL) understands the
8 need to clearly define state and federal roles as well as avoid unnecessary federal
9 preemption and burdensome federal mandates.

10 **State Authority to Regulate Autonomous Vehicle Testing**

11 NCSL agrees that the National Highway Traffic Safety Administration (NHTSA) should
12 be the sole entity setting federal motor vehicle safety standards (FMVSS) for
13 autonomous vehicles, equivalent to their current role for conventional vehicles.

14 However, NCSL strongly believes that states are the sole authority when it comes to
15 vehicle use—which includes vehicle registration; driver licensing and education; traffic
16 laws, regulations and enforcement; and insurance and liability. NCSL is opposed to
17 congressional or administration proposals that would seek to preempt this authority from
18 states by prohibiting states from prescribing certain standards or regulations related to
19 autonomous vehicle testing, including requirements related to the presence of a human
20 driver.

21 **FMVSS Exemptions**

22 NCSL recognizes, appreciates, and agrees that authority to issue exemptions of
23 FMVSS remains solely in the realm of the Secretary of Transportation. However, NCSL
24 strongly encourages the Secretary (or applicable designated agency) to ensure that any
25 exemption of existing motor vehicle safety standards provides a safety level at least
26 equal to the safety level of the standard. Further, as exemptions are granted, NCSL
27 implores the department to provide such information to states, in a timely manner.

28 **Advisory Councils**

29 NCSL requests that state legislators be appointed to or included in any congressional or
30 administration task force, council, or other advisory group related to the development of
31 autonomous vehicles. NCSL encourages congressional and administration task forces
32 to work with NCSL to help ensure the appropriate states are included.

33 **Cybersecurity Information Sharing**

34 Cybersecurity is a vital aspect of autonomous vehicles. As vehicles begin to
35 communicate with each other (vehicle-to-vehicle or V2V) as well with infrastructure
36 (vehicle-to-infrastructure, V2I, and V2X), the potential risk of cyberattacks and security
37 breaches greatly increases. NCSL urges both the administration and Congress to both
38 share any threat information with state governments and to work with states to ensure
39 that such threats and affected vehicle populations do not become endemic. A
40 collaborative effort is vital in ensuring such safety.

1 **COMMITTEE: TRANSPORTATION**

2 **POLICY: BEYOND VISUAL LINE OF SIGHT OPERATIONS OF**
3 **UNMANNED AIRCRAFT SYSTEMS**

4 **TYPE: EXISTING RESOLUTION**

5 **WHEREAS**, Drones as First Responders (DFR) is a program whereby first responders'
6 drones are pre-positioned in a service area, ready to be launched immediately in
7 response to an emergency call for service; and

8 **WHEREAS**, once overhead, the drone live-streams the video to responding first
9 responders and communications centers; and

10 **WHEREAS**, DFR has proven to be an efficient and effective way of providing public
11 safety with critical information increasing situational awareness and providing de-
12 escalation strategies keeping both first responders and the community safe; and

13 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
14 Legislatures urges Congress to require the Federal Aviation Administration (FAA) to
15 establish a regulatory pathway for certification or approval of Beyond Visual Line of
16 Sight Operations (BVLOS) for Unmanned Aircraft Systems for first responders to
17 support DFR programs around the country.

1 **COMMITTEE: TRANSPORTATION**

2 **POLICY: STATE SUPPORT GRADE CROSSING ELIMINATION**
3 **AND SEPARATION PROGRAMS**

4 **TYPE: EXISTING RESOLUTION**

5 **WHEREAS**, the National Conference of State Legislatures wishes to support sound
6 public policies that encourage states to take matters into their own control to protect
7 human life, preserve mobility and enhance economic development by creating state-
8 funded, highway-railroad grade crossing safety enhancements, including roadway
9 separations and eliminations; and

10 **WHEREAS**, there are more than 200,000 at-grade, public railroad crossings throughout
11 the country; and

12 **WHEREAS**, thanks to billions of dollars of upgrades to grade crossing warning features
13 including gates, lights and bells, since 1981 grade crossing collisions have decreased
14 from 9,461 collisions, down 443%, to 2,131 collisions in 2021; and

15 **WHEREAS**, since 1981, grade crossing collisions have decreased from 728 fatalities,
16 down 307%, to 237 fatalities in 2021; and

17 **WHEREAS**, since 1981 grade crossing collisions have decreased from 3,293 injuries,
18 down 504%, to 653 injuries; and

19 **WHEREAS**, the National Association of County Officials (NACo), National League of
20 Cities (NLC), and American Association of State Highway and Transportation Officials
21 (AASHTO) have previously urged Congress to support improved rail safety programs,
22 including supporting additional founding to local governments, state, and railroads to
23 further improve grade crossings and separations allowing for safer interactions between
24 road and rail traffic; and

25 **WHEREAS**, rail interstate networks between cities and regions provide essential
26 transportation flow for American goods and passengers; and

27 **WHEREAS**, these rail interstate networks are essential to the American economy but in
28 cities, towns, villages, and states throughout the country, their localized presence can

29 cause negative externalities including road congestion for extended periods of time at
30 rail crossings; and

31 **WHEREAS**, the federal Infrastructure Investment and Jobs Act includes approximately
32 \$3 billion in funding to be administered by the Federal Railroad Administration over the
33 next 5 years to build new grade separations and eliminate more road-rail crossings
34 throughout the nation; and

35 **WHEREAS**, some state legislatures have created their own, dedicated state grade
36 crossing separation, elimination, and safety enhancement program to leverage those
37 federal dollars in order to unlock new economic development, safety enhancements,
38 and railroad fluidity opportunities throughout each state; and

39 **WHEREAS**, 23 U.S.C. Section 130's Railway Highway Crossing Program was
40 introduced in 1987 and over the past 35 years has annually funded several hundred
41 million dollars of federal match for at-grade crossing enhancements, eliminations, and
42 separations that have driven down vehicular and pedestrian fatalities, injuries, and
43 collisions; and

44 **WHEREAS**, as part of IIJA, Congress increased incentive payments for grade crossing
45 closures from the previous cap of \$7,500 to the new level of \$100,000 within the federal
46 Section 130 Grade Crossing Safety Fund; and

47 **WHEREAS**, also as part of IIJA, Congress expanded the eligible activities under the
48 Section 130 Program to now cover replacement of functionally obsolete warning
49 devices that were improved once before in the early years using Section 130 Program
50 funds; ~~and-~~

51 **NOW THEREFORE BE IT RESOLVED**, the National Conference of State Legislatures
52 encourages Congress to continue to create, expand, and enhance state and local grade
53 crossing protection funds which have the effect of improving safety, mobility and
54 economic development potential for both the railroads and motoring public throughout
55 the country.