

August 3, 2022

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Docket No. FTA-2022-0013; Buy America Waiver; Request for Comment

Dear Secretary Buttigieg,

As the nation's leading advocate for the technological modernization of our transportation system by focusing on advancing research and deployment of intelligent transportation technology, the Intelligent Transportation Society of America (ITS America) is grateful for the opportunity to comment on the U.S. Department of Transportation's (USDOT) Buy America Waiver Request for Comment.

ITS America was founded in 1991 as an advisory council to USDOT on technology innovation and emerging transportation technologies. ITS America is the only organization in the country that represents all sectors – public, private, academic, and nonprofit – to advance transportation technology. Our membership includes state and city departments of transportation, transit agencies, metropolitan planning organizations, automotive manufacturers, technology companies, engineering firms, automotive suppliers, insurance companies, and research and academic universities. Our vision is a better future transformed by intelligent mobility: one that is safer, greener, and smarter. We work toward a world in which we achieve the nation's Vision Zero goals to eliminate fatalities and serious injuries on our roadways; a world that is more sustainable, resilient, and adaptable to climate change; and a world in which communities have equitable and affordable access to transportation and critical services. Our vision aligns directly with the USDOT's goals to advance safety, climate, and equity.

ITS America supports a Buy America waiver for passenger vans and minivans, as, currently, Buy America-compliant vehicles of this type are not available. Global supply chain shortages will continue, and ITS America appreciates the Federal Transit Administration's (FTA) effort to allow transit agencies the flexibility to meet their needs. However, we believe the length of the waiver is insufficient, as many of the vehicles used for vanpool services are not "mass produced." Given that automotive manufacturer lead-times for purpose-built vehicles are likely to exceed a two-year time period, FTA should consider both including low-volume or bespoke vehicles in the waiver as well as extending the waiver beyond the proposed two-year period.

Additionally, the proposed waiver would only apply to non-ADA accessible passenger vans and minivans, which we believe is inconsistent with the realities, utilization, and purpose of vanpool programs. Many vanpool programs are built in part to serve aging communities and individuals with disabilities. In addition to the suggestion to include bespoke vehicles, FTA should consider expanding the waiver to include ADA-accessible and other sorts of purpose-built vehicles, like autonomous vehicles, such as those used in an on-demand service. ITS America wants to underscore the importance of public transit having the opportunity embrace innovation and having access to new vehicle and mobility technology options. For this to happen, any Buy America waiver should be extended to bespoke, purpose built, and autonomous vehicles because many of them are currently not made in the United States. A great deal of work and research needs to occur around wheelchair and assistive device securement for autonomous, ADA accessible vehicles, vans, and minivans, which is one reason why ITS America supports expanding the waiver timeframe to allow for adequate research and development and standards development. If we want to ensure transit agencies can innovate and respond to the needs of all communities, we must ensure they have the flexibility to adopt the latest mobility technology as it emerges and likely before it is manufactured in the United States, especially during our current economic and supply-chain realities.

Finally, the tenet included in the proposal that final assembly must be in the United States would still impose significant procurement-related limitations on many public transit agencies and public sector mobility providers and might outright prohibit such procurement altogether. It will also prohibit use of several types of vehicles widely used in vanpool programs or that could be used in future use cases such as automated vehicles whose low volume sometimes make it cost-prohibitive for final assembly to occur in the U.S. ITS America suggests eliminating that requirement.

ITS America expresses support for a Buy America waiver and looks forward to working with FTA on these issues as they develop.

Sincerely,



Laura Chace
President & CEO