

Administration Heeded Safety Concerns In Self-Driving Car Policy, Consumer Watchdog Says; Questions Still Linger About Pre-emption Of Strong State Laws Like Those In California

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SANTA MONICA, CA – The Obama Administration appears to have heeded many concerns raised by safety advocates in its new self-driving automated vehicle policy released today, Consumer Watchdog said.

Consumer Watchdog added that it is studying the model state policy and that there are concerns about possible pre-emption of strong state regulations like those in California.

“This isn’t the checkered flag to industry to irresponsibly develop robot cars that we had feared,” said John M. Simpson, Consumer Watchdog’s Privacy Project director. “It’s not a secret, cozy process with the manufacturers, but includes a real commitment to transparency and public involvement. The administration clearly heard the concerns raised by safety advocates and has addressed many of them.”

Consumer Watchdog said it was pleased that the National Highway Traffic Safety Administration stressed that it could remove unsafe automated vehicles from the road. NHTSA said that a technology that fails to recognize a driver might become distracted and not resume control in a safety critical situation could be defined as a safety risk and recalled.

“That’s exactly what happened in the two fatal crashes with Tesla’s autopilot,” said Simpson.

Consumer Watchdog’s comments are based on a preliminary analysis of the policy. The group cautioned that concerns still remain, based on the details of the federal policies, about making sure carmakers are responsible for deaths and injuries resulting from failures in autonomous technologies. Recently Tesla has tried to blame victims for its Autopilot failures, while Mercedes and Volvo have said they would accept liability for crashes resulting from the failure of autonomous technology.

The policy is composed of four sections: Vehicle performance guidance, Model for state policy, Current regulatory tools and New tools and authorities.

Self-driving car manufacturers will have to certify that their vehicle meets a 15-point safety assessment before their vehicles go on public roads.

The NHTSA model state policy wants to make sure there is a national regulatory framework. “It’s important that it doesn’t pre-empt good state regulations like those we have in California,” said Simpson.

NHTSA plans to use existing regulations to aid in the development of self-driving cars and seek new regulatory authority from Congress when necessary.

“The important thing is that NHTSA implement Federal Motor Vehicle Safety Standards covering automated technologies,” said Simpson. “It appears that’s what they ultimately intend to do. There is an important commitment to transparency and public involvement.”

Consumer Watchdog endorsed NHTSA’s plan to start a formal rulemaking on vehicle to vehicle (V2V) communication. “V2V communication can tremendously enhance auto safety,” said Simpson. “It’s essential the V2V rule require adequate cybersecurity and that the frequency band only be used for safety purposes and not for commercial uses.”