

September 5, 2017

Dear Member of the House of Representatives,

On behalf of our consumer, public health and safety organizations, we would like to provide our views of H.R. 3388, the Safely Ensuring Lives Future Deployment and Research In Vehicle Evolution Act (SELF DRIVE Act). This legislation addresses the future development and deployment of autonomous vehicles (AVs) and will be considered by the House of Representatives tomorrow.

Unfortunately, this legislation takes an unnecessary and unacceptable hands-off approach to hands-free driving. A recent study conducted by the Massachusetts Institute of Technology revealed deep public skepticism about AVs. Only 13 percent of those polled reported that they would be comfortable with vehicle “features that completely relieve the driver of all control for the entire drive.” Similarly, a Kelly Blue Book survey, released in September 2016, found that nearly 80 percent of respondents believed that people should always have the option to drive themselves, and nearly one in three said they would never buy a level 5 AV.

Any defect or setback involving AVs will severely curtail public acceptance of this technology and risk the progress and promise AVs hold to significantly reduce motor vehicle crashes, fatalities and injuries. For these reasons, the following issues must be adequately addressed to ensure public safety, security and confidence.

Excessive Numbers of Exempted Vehicles are Permitted and will Jeopardize Safety:

Expanding statutory exemptions from the Federal Motor Vehicle Safety Standards (FMVSS) for AVs is both unwarranted and unwise. As currently drafted, the bill would allow for potentially millions of vehicles on America’s roads that have been exempted from critical FMVSS including those that apply to occupant protection and crashworthiness. Only 18 months ago, Congress increased allowable exemptions for manufacturers in the FAST Act (Pub. L. 114-94), and this is sufficient for the development and deployment of AVs.

Exemptions from Crashworthiness Standards Should be Prohibited: Any provision allowing for exemptions from crashworthiness standards, no matter the qualification or time line, is an egregious and unacceptable attack on safety. Autonomous vehicles will be sharing the roads with traditional vehicles for many years to come and will undoubtedly be involved in crashes. Exposing motorists to the dangers of crashes without proven and needed protections is a wanton disregard for public health and safety.

Essential Data and Public Information About AVs are Needed: The National Highway Traffic Safety Administration (NHTSA) should be required to establish and maintain a current public database for all AVs that contains essential data including but not limited to Safety Assessment Letters, information on the level of automation of each vehicle, exemptions from FMVSS that it is operating under, and the operational design domain with which the AV is equipped. The data collected in the database shall be appended to crash databases maintained by the U.S. Department of Transportation. Such a database will allow for independent evaluation and research on the real-world performance of AVs. Furthermore, all non-proprietary communications and responses between the agency and a manufacturer as it relates to any issues involving AVs must be made available for contemporaneous public review, scholarly research and safety analysis by independent stakeholders.

Finally, Congress must ensure that consumers are given essential information about an AV. Under the current version of this bill, it will be years before NHTSA even completes research before beginning the process to issue a consumer information rule. Every manufacturer should be required to provide every consumer for every vehicle sold information about its capabilities, limitations and exemptions from federal safety standards. This information should not be withheld from consumers until NHTSA completes research and finally issues a rule.

Sufficient Funding for NHTSA is Critical: The agency must be given additional funding and staff resources in order to meet the demands being placed on the agency with regard to the advent of AV technology. We recommend the establishment of an office of AV technology within NHTSA with an adequate budget to implement the requirements of this legislation, to assist in the safe introduction of AV technology into the marketplace, and to ensure oversight and accountability.

NHTSA Needs Additional Enforcement Powers: NHTSA should be given the additional tools of imminent hazard authority to protect against potentially catastrophic defects with AVs and criminal penalties to ensure manufacturers do not willfully and knowingly put defective AVs into the marketplace.

State Preemption is Too Broad: We share the concerns expressed by associations representing Governors, state legislators and other state officials about the broad and unacceptable preemption language in H.R. 3388. While we support the statutory mission of NHTSA to regulate the design and performance of motor vehicles to ensure public safety, unless and until NHTSA issues comprehensive standards and regulations to govern AVs, states have every legal right, indeed a duty to their citizens, to fill the regulatory vacuum with state developed proposals and solutions for ensuring public safety. States must not be precluded from fulfilling their role to protect their citizens.

It is critically important that life-saving technologies be advanced in a safe and expeditious manner. We believe that AVs will not only change our lifestyles but may, once and for all, change our ability to achieve meaningful and lasting reductions in the death and injury toll on our streets and highways. However, realizing these goals can only be achieved if Congress enacts legislation that ensures that AVs are developed and deployed in a safe, sensible and transparent manner.

Sincerely,

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