



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY

**Statement of Jackie Gillan, President,
Advocates for Highway and Auto Safety
October 3, 2017**

Good afternoon. My name is Jackie Gillan. I am the President of Advocates for Highway and Auto Safety (Advocates). Advocates is a coalition of consumer, health, and safety groups and property-casualty insurance companies working together to advance safer cars, safer drivers and safer roads.

Tomorrow, the Senate Commerce Committee will consider S. 1885, legislation dealing with autonomous vehicles or driverless cars. The acronym for the bill is the AV START Act.

This bill is critically important to the public and their safety. It establishes the so called “rules of the road” for the development and public sale of driverless cars for the next decade. Unfortunately, this bill lacks adequate government oversight and industry accountability.

We are here today to urge the Senate Commerce Committee to make safe and sensible improvements to this bill.

Everyone speaking today has devoted their professional and personal lives to advancing public health and safety. We all believe that autonomous vehicles will not only change our lifestyles and travel choices but will help us achieve meaningful reductions in the death and injury toll on our streets and highways.

Unfortunately, the Senate bill takes a “hands off” approach to “hands free” driving. Today’s speakers will discuss some of most glaring flaws with the legislation.

Let me mention a few problems.

The bill allows automakers to sell hundreds of thousands cars that are exempt from current federal safety standards including those for occupant protection and vehicle crashworthiness. These vehicles will be equipped with unproven technologies and sold to unsuspecting consumers.

The bill keeps consumers in the dark about the capabilities and limitations of AVs they are purchasing. The bill calls for a government advisory committee to take 2 years to come up with consumer information recommendations and even these are only “voluntary” and not mandatory requirements on the industry.

The bill lacks any requirements for analyzing or evaluating the performance of these new technologies. There isn’t even any requirement for collecting the data to see if there are any problems.

There are warning signs already that this bill places too much trust in the hands of automakers and too little importance on consumer safety protections. Just three weeks ago, the National Transportation Safety Board (NTSB) held a hearing on the fatal 2016 Tesla Autopilot crash in Florida. The Board exposed very real risks of deploying technology that has not been adequately tested or reviewed by the federal government or understood by the purchaser.

Additionally, over the last few years, Congress has held nearly 15 House and Senate hearings on deadly safety defects, vehicle recalls and industry cover-ups. These hearings exposed the lack of adequate DOT oversight with exploding Takata airbags and faulty GM ignition switches among many others.

I would like to thank Senators Blumenthal and Markey and for joining us today. They are members of the Senate Commerce, Science and Transportation Committee with jurisdiction over this bill and are both strong safety champions.

I am pleased to be joined by: Joan Claybrook, a former Administrator of the National Highway Traffic Safety Administration; Dr. Stephen Hargarten, professor and chair of Emergency Medicine at the Medical College of Wisconsin; Will Wallace policy analyst with Consumers Union, the publisher of Consumer Reports; Jason Levine Executive Director of the Center for Auto Safety; Sally Greenberg Executive Director of the National Consumers League; and Jack Gillis, Director of Public Affairs for the Consumer Federation of America.

We also have family members here today to share their stories of what happens when industry puts profits ahead of public safety. Laura Christian is the Founder of the GM Recall Survivors. Laura's daughter Amber Marie Rose was tragically killed in a crash in 2005 because of a faulty ignition switch. We will also be joined by Angelina Sujata, a victim of a defective Takata airbag inflator.

Thank you.

**Statement of Joan Claybrook,
Former Administrator, National Highway Traffic Safety Administration
October 3, 2017**

As Winston Churchill famously said, “Those who fail to learn from history are doomed to repeat it”. Tomorrow we are going to witness the Senate Commerce Committee take up a bill that completely ignores recent history including past mistakes, cover-ups, blunders, and illegal actions of the auto industry. These corporate misdeeds have caused hundreds of deaths and serious injuries, resulted in millions of vehicles under recall for serious safety defects, and have brought federal criminal charges against major auto companies for intentionally misleading government regulators and the public.

The Senate legislation on driverless cars, the so-called “AV START Act,” would be better named the “START Over” Act. It puts auto and tech companies who basically wrote the bill in the driver’s seat in the development and deployment of unproven autonomous vehicles. It puts the federal auto safety agency in the back seat in terms of ensuring industry accountability. And, it leaves consumers stranded on the side of the road without essential protections or basic information.

Tomorrow the Senate Commerce Committee will take up S. 1885, that is going to give the green light to auto and tech companies to rush to market hundreds of thousands, maybe even millions of autonomous vehicles that are not ready to be sold to unsuspecting and uninformed consumers. They claim autonomous cars will save many lives.. But there is no research or studies documenting this. It’s an argument, not a fact based statement.

This bill represents one of the biggest assaults on the 1966 federal vehicle safety act ever! The AV START Act sets up a cursory review process by an underfunded and understaffed agency that allows manufacturer exemptions for 50,000 vehicles from motor vehicle safety standards, including standards that protect occupants in a serious crash. Let me be clear, these are vehicles intended to be sold to the public and are not for testing purposes. Unfortunately, the public will be the “crash test dummies” in this dangerous experiment. Without any requirement whatsoever to demonstrate that the exempted vehicles are performing safely on the road, auto and tech companies get a free pass in subsequent years to roll out even more AVs with exemptions – 75,000 and then 100,000.

Current federal law caps the number of exemptions to 2,500 vehicles and for good reason. But the enormous number of vehicles that could be exempted from safety standards under the Thune bill to be SOLD for use on our streets is an uncontrolled and unnecessary experiment that threatens the safety of the entire motoring public.

Several weeks ago the National Transportation Safety Board (NTSB) held a hearing on the May 7, 2016 fatal crash of a Tesla model S with an automated driving system. The NTSB Board members identified many problems and deficiencies with the Autopilot system that are not unique to Tesla. Instead of acting on the NTSB concerns, the Senate bill ignores them. The NTSB criticized the lack of adequate consumer information. Yet under the AV START Act, there is no requirement that consumers be informed at the point of sale or in the owner’s manual about the capabilities and limitations of the autonomous cars they are being sold.

Moreover, researchers doing important safety work are locked out from accessing critical data to assess safety performance. The NTSB strongly endorsed the need for this type of data collection and safety evaluation. This bill should create a database that both consumers and independent organizations can use to attain vital information about driverless cars, and require that the database be searchable by Vehicle Identification Number (VIN). The bill ignores this necessity.

The NTSB hearing also emphasized the failure of the vehicle’s automated driving system to keep the driver focused on the task of driving. The Tesla crash investigation found that the driver was distracted for lengthy periods of time. The vehicle was also speeding. The AV START Act does not propose any solutions to either

of these problems. NHTSA should issue a standard on the interface between the human driver and the auto pilot. And the legislation should require NHTSA to issue a rule assuring consumers that the vehicle electronics are viable and safe—like the FAA requires.

I had the honor of directing NHTSA as Administrator during the Carter Administration. The agency is responsible for the safety of over 321 million Americans who drive or ride in more than 281 million registered motor vehicles. It is not and never should be an economic cheerleader for the financial investments of auto and tech companies who are rushing to sell autonomous cars and recoup their investments.

We all want to reduce motor vehicle crashes, death and injuries. We all want to encourage new and lifesaving technologies in our cars. But, we all want to avoid mistakes that jeopardize safety and consumer confidence. Unfortunately, this bill fails to do that.

Thank you.

Remarks of Dr. Stephen Hargarten
Professor and Chair, Department of Emergency Medicine and
Director, Injury Research Center, Medical College of Wisconsin
October 3, 2017

Good afternoon. I am here today as an emergency physician who has spent my entire career treating motor vehicle crash victims.

Motor vehicle crash deaths and serious injuries are a nationwide public health and safety epidemic that killed more than 35,000 people in 2015 and injured over 2.4 million. As a physician, I enthusiastically welcome new technologies to save lives in the emergency room and in our vehicles. That's why I have championed airbags, rollover prevention and ejection mitigation advances, and recently rear view cameras on cars to prevent backover deaths.

New and innovative autonomous vehicle technologies that minimize human error have tremendous potential to prevent crashes, deaths, and injuries and expand mobility opportunities for neglected communities. However, as a medical professional I am deeply concerned about the Senate bill. It rushes new technologies to market without adequately balancing public safety and economic motives or ensuring government oversight of industry progress.

In the field of medicine, before a new drug enters the marketplace, the drug manufacturer must prove that it is both safe and effective for its intended use. Clinical trials using informed, volunteer test subjects are conducted. After years of testing, the manufacturer shares its research and data with government regulators. The process requires extensive analysis, independent review and expert determinations that a new drug or procedure is beneficial to public safety and considered safe for widespread release.

In contrast with the established protocols for testing new drugs, the process to bring new autonomous vehicle technology to the marketplace is taking a decidedly different and troubling approach. The manufacturers will be experimenting unproven technologies operating on public streets and roads. The U.S. DOT is abandoning its role to effectively evaluate these technologies by issuing minimum safety requirements. Consumers will be purchasing and driving new cars that may or may not adequately protect them and their families in a serious crash.

I urge the Senate Commerce Committee to make vital and commonsense improvements to the Senate AV bill. Provisions should be added to ensure transparent testing, provide publicly accessible data, and adopt reasonable regulations.

Thank you.

**Statement of Laura Christian, Birth Mother of Amber Marie Rose,
Victim of GM Ignition Switch Defect Crash
October 3, 2017**

Good Afternoon. My name is Laura Christian. I am the Founder of the GM Recall Survivors and the birth mother of Amber Marie Rose. I started this organization because my daughter Amber was killed 12 years ago on July 29, 2005 when the car she was driving struck multiple trees. The car had a faulty GM ignition switch and her airbags did not deploy.

Today is a difficult day for me. First, because it is Amber's birthday. She would have been 29 years old. Not only did her needless death take her away from me, but it also took away a wonderful daughter who was denied a career, or a chance to marry, or an opportunity to have children.

More than 200 people, including Amber, were killed and hundreds more were injured because GM executives failed to reveal a fatal defect they knew about for over a decade. These terrible losses were entirely preventable with just a 57 cent fix had GM acted responsibly and in the interest of public safety. Instead GM covered up the safety defect and continued to put faulty ignition switches into cars, resulting in 30 million cars being recalled worldwide. They also continued to blame drivers for the crashes even though they knew it was their fault.

The story of the GM faulty ignition switch is not unique. Despite the checkered history of the auto industry and tech companies to be forthcoming about problems "before" they enter the marketplace, Congress is rushing through legislation that is full of "giveaways" to the automakers and "gotchas" to the public. It is inconceivable to me that this bill ignores the history of auto executives who have put profits ahead of public safety. Unbelievably, the American public is being asked to trust them with their lives without adequate oversight and assurances.

My daughter was killed by a single defect. The ignition switch shut off while the car was still running thereby preventing the airbags from being deployed. Pretty simple in concept. If we cannot trust automakers to do the right thing with a single safety defect, how are we expected to trust them to do the right thing with extremely complex, interdependent systems and software necessary for autonomous driving?

Driverless cars should be rolled out in a way that will keep people safe, that will help consumers understand their capabilities and limitations, that have been reviewed and tested by the U.S. Department of Transportation and that will provide assurances that safety defects have been addressed and corrective action taken immediately.

Despite millions of cars recalled, despite hundreds of deaths and thousands of injuries, the Senate proposes a great leap backward. A leap into the Dark Ages that exempts hundreds of thousands of cars equipped with a virtually unexplored, unproven and under tested technology. Eager to leap into the future we are dooming ourselves to relive the heartache of the past.

Thank you.



Jason Levine, executive director of the Center for Auto Safety. The Center is located in Washington DC, and has been an independent non-profit voice for auto safety, quality, and fuel efficiency since 1970. Learn more at www.autosafety.org.

The cars of tomorrow can, and should, be the safest, highest quality, and most environmentally friendly vehicles ever developed. Yet, Americans are not comfortable with the idea of giving complete control over their vehicles to a computer – and this mistrust is for good reason.

When an industry that has a history of fighting safety features at every turn could be provided with total exemptions from Federal Motor Vehicle Safety Standards, including the ones that require seatbelts or roof crush protections, it raises serious questions.

When that same industry is not going to be required to quickly make public all of the relevant safety data on fully autonomous vehicles one can only ask what is being hidden?

When instead of new, strong, federal rules and regulations, the auto industry can expect little or nothing in the way of oversight from the Department of Transportation, for at least the duration of this administration as demonstrated by the recent release of the weak and ineffective voluntary guidelines, everyone from drivers to passengers to pedestrians should be concerned.

And when Congress contemplates stripping from states the ability to write their own rules of the road, or preserve the right of redress for their residents who are injured or killed by a defective vehicle – even when there are no federal replacements anywhere on the horizon - it seems clear that the last priority being contemplated is consumer safety.

Sadly, the auto industry has never been shy about rolling out new products that maximize profits, but it has too often dawdled in handling defects or design flaws. A perfect analogy is Angelina's story. Today, airbags are an amazing safety device that have saved tens of thousands of lives and are in every new car. But it took more than 30 years involving many stops and starts, breakthroughs and breakdowns. And even today, when no one would think of purchasing a car for their child, themselves, or their parents without airbags, we are in the midst of an enormous recall of Takata airbags, because in the rush to save money a defective safety device was installed in more than 60 million vehicles. This story perfectly encapsulates the promise of safety that autonomous vehicles might bring and how a lack of leadership by the government and too keen a focus on profits and speed over safety could derail progress for everyone.

Americans are right to be concerned about the lack of governmental oversight and an absence of corporate caution in the rush to be first to get self-driving cars on the road. Industry is promising never before seen levels of safety will become standard on self-driving cars if we just remove all the existing regulatory roadblocks. Auto history shows what happens when speed is put ahead of safety.



Consumer Federation of America

FOR IMMEDIATE RELEASE

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AUTONOMOUS VEHICLES CAN BE A TECHNOLOGICAL VACCINE SAVING THOUSANDS OF LIVES: BUT ONLY IF CONGRESS INSISTS ON PROPER AND SENSIBLE REGULATORY OVERSIGHT

Statement of Jack Gillis, Consumer Federation of America and Author of *The Car Book* on the AV START Act

Washington, D.C. – Autonomous vehicles have the extraordinary potential to be the technological vaccine that will dramatically reduce the death and injury currently associated with motor vehicles. However, more than any other product introduction, there needs to be significant oversight, standards and regulations established to insure that the true potential of the AV is reached.

Rather than give the industry “carte blanche” to fill the roads with untested, unregulated vehicles, Congress must address the following:

The danger of introducing hundreds of thousands of vehicles into the market prior to establishing specific performance standards for this extraordinarily complex technology. In its investigation of the Tesla crash, the National Transportation Safety Board found significant problems with the marketing, performance and education associated with Tesla’s preliminary efforts at automation. As vehicle automation becomes even more sophisticated, these types of problems will increase exponentially. While the complexity of today’s vehicles is far less than those of the future, during the past three years, three times as many vehicles have been recalled as even sold. While these recalls have mainly been mechanically related, the combination of sophisticated computerization with mechanical safety features will only increase the potential for problems. As these new technologies are introduced, we need more, not less, regulatory oversight.

The elimination of occupant safety requirements in autonomous vehicles will deny passengers critically important protections in inevitable accidents. For the foreseeable future, one of the biggest challenges facing consumers will be the mix of AVs (autonomous vehicles) with HDs (human drivers). As each of these operating systems try to work together, there will be accidents. Denying the occupants of AVs the protections offered by current federal safety requirements will subject them to needless injury and death.

The need for public access to the data associated with AV operations, especially in accident and accident avoidance situations. As this technology is rolled out, independent researchers and government regulators need unbiased access to performance data. There will be a tremendous amount of data available that can be used to critically evaluate the vehicle’s performance. Locking this data up behind corporate doors will

deny the public with the ability to determine the real world performance of AVs. Requiring public disclosure of the data associated with AV operations, with privacy protections, must be a priority.

The National Highway Traffic Safety Administration's (NHTSA) lack of capacity to properly oversee and regulate this technology. The AV is likely one of the most technologically sophisticated products in recent history. Congress needs to significantly increase NHTSA's funding and require the establishment of a specialized AV department, with highly trained and experienced staff, to oversee AV standards. Without such a department, it is too easy for the car and technology companies to forge ahead with unregulated products using the excuse that NHTSA simply can't understand or evaluate these products. Government ignorance is a recipe for tragic consequences—consequences that, ironically, will hamper the development of this life-saving technology. Even a small number of tragedies could negatively influence the public support needed to bring the best of this technology forward.

While we are confident that the car and technology companies are on the cusp of nearly unimaginable advancements in safety, doing so without specific oversight and standards could, ironically, be a safety hazard. Congress must establish a safe roadmap to the successful introduction of AVs to fulfill the AV's potential for a dramatic reduction in the tragic toll that automobiles take on America's public health.

The Consumer Federation of America believes that Congress needs to heed the well-known highway safety sign, "Slow Down and Save Lives."

The Consumer Federation of America is a national organization of more than 250 nonprofit consumer groups that was founded in 1968 to advance the consumer interest through research, advocacy, and education.