

August 23, 2019

The Honorable Roger Wicker
Chairman
Senate Committee on Commerce, Science
and Transportation

The Honorable Maria Cantwell
Ranking Member
Senate Committee on Commerce, Science
and Transportation

The Honorable Frank Pallone, Jr.
Chairman
House Committee on Energy and
Commerce

The Honorable Greg Walden
Ranking Member
House Committee on Energy and
Commerce

The Honorable John Barrasso
Chairman
Senate Committee on Environment and
Public Works

The Honorable Tom Carper
Ranking Member
Senate Committee on Environment and
Public Works

The Honorable Peter DeFazio
Chairman
House Committee on Transportation and
Infrastructure

The Honorable Sam Graves
Ranking Member
House Committee on Transportation and
Infrastructure

Dear Chairman Wicker, Ranking Member Cantwell, Chairman Pallone, Ranking Member Walden, Chairman Barrasso, Ranking Member Carper, Chairman DeFazio and Ranking Member Graves:

As a diverse coalition of vehicle safety, public health, bicyclist, pedestrian, motorcyclist, transportation, smart growth, consumer, environmental, first responder, disability advocates, and cities, we agree that Congress should act to set policy that enables our country to truly harness the benefits of autonomous vehicles (AVs) while preventing the potential negative impacts on safety, congestion, mobility, pollution, and land use.

We urge Congress to take a thoughtful, transparent approach and carefully consider the recommendations provided below. Any federal AV legislation must prioritize safety for motorists, pedestrians, motorcyclists, transit riders, and cyclists; ensure access for everyone including people with disabilities; protect local control; and provide appropriate data to consumers and local authorities while also equipping the National Highway Traffic Safety Administration (NHTSA) with the resources and authorities it needs to oversee this new technology. Our organizations are committed to working cooperatively with you to ensure any legislation meets these goals.

If we are successful, we can create a regulatory structure under which AVs can be safely and efficiently integrated into our transportation system. We look forward to working together to achieve this shared vision. The following are our recommendations for any federal AV legislation.

Ensure safety through comprehensive performance standards. Safety for all, including the occupants of the AV, occupants of other vehicles on the road, people walking and biking, and communities of color, older adults, and people with disabilities, must be the top priority for any AV legislation. Therefore, any AV legislation must include comprehensive safety standards, appropriate federal government oversight, and industry accountability. Minimum performance standards must be included, such as a “vision test” for driverless vehicles which will ensure the vehicle can properly identify and respond to its surroundings, including other cars, motorcycles, pedestrians and cyclists, and road markings and traffic signs. Additional performance standards should address cybersecurity and vehicle electronics and human-machine interfaces for interacting with pedestrians, motorcyclists, and bicyclists and for when a human needs to take back control of a vehicle from a computer. Moreover, we urge Congress to direct the U.S. Department of Transportation (U.S. DOT) to set minimum performance requirements for proven crash avoidance technologies that will save lives and reduce injuries on the path to fully autonomous vehicles. By requiring that all new cars be equipped with systems including, at a minimum, automatic emergency braking (AEB) that is responsive to all road users and blind spot warning, safety can be drastically improved in the near term.

AVs must be designed to comply with new mandatory performance standards that are written for the purpose of ensuring public safety and accessibility. Any AV legislation must require such standards are promulgated by a date certain. Until such time as new standards are adopted, AVs must be required to comply with existing requirements. Any bill should also provide for adequate collection of detailed crash data which may be used to further improve safety.

Polls indicate that AV safety is of concern to the American people. Any legislation must give the public confidence that this new technology will be safe and this can be accomplished through legislating needed safeguards.

Guarantee access for people with disabilities, older adults, and underbanked populations. Nearly one in five people in the U.S. has a disability (more than 57 million), and 16 percent of the U.S. population is over the age of 65. Yet significant barriers to accessible, affordable, reliable transportation remain across modes and many people with disabilities are unable to obtain a driver’s license and cannot afford to purchase an accessible vehicle. In 2017, 3.6 million Americans with a disability reported not leaving their homes. Access to transportation is necessary for people with disabilities to travel to work and school, support and spend time with family and friends, and live their lives to the fullest. AV technology has the potential to increase mobility for members of disability communities—if federal regulations ensure that the technology and vehicles are accessible and safe. Cross-disability representatives must be included in any regulatory advisory or working groups. Also, discrimination on the basis of disability in licensing for SAE level 4 and 5 AVs must be prohibited.

In addition, access to on-demand transport services is often predicated on the ability to make digital payments. Twenty-five percent of U.S. households are unbanked or underbanked, with higher incidence in working-age disabled households, lower-income households, less-educated households, younger households, black and Hispanic households, and households with volatile income. AV-based transport services must consider a variety of ways in which payment for service can be made in order to ensure that this technology supports equitable access and the inclusion of all.

Avoid preemption and ensure local policy control for safety on the roads. In general, the federal government regulates vehicle design, while states and local governments regulate driver behavior. AVs challenge this dynamic, as the vehicle becomes the driver. State and local governments have the authority to manage the operation of vehicles on their streets to address concerns such as safety, noise, local air quality, and congestion. Cities and states need to be able to manage AVs on their roads in the same way they manage all other vehicles, commercial and non-commercial, in order to ensure the safety of everyone using their system. We support maintaining the existing relationship between federal, state, and local authority and will not support any AV legislation that prohibits or preempts states and localities from having authority over their local roadways. Any AV legislation must integrate this AV technology safely into the existing road systems. Where AV testing is already happening on local streets, legislation must allow local authorities to continue to set local policy and allow local communities to leverage operation of automated vehicles to safely connect their residents—particularly low-income people and communities of color—to economic opportunity.

Share information necessary to consumers and protect consumer rights. Consumers, including fleet operators, public entities, and individual consumers, whether they be vehicle purchasers or riders, need to be given important information about the limitations and capabilities, as well as any exemptions from federal standards, of AVs being sold, leased, rented, for individual use or for shared rides, or otherwise placed in interstate commerce. Additionally, AV legislation must require that there be a public, easily accessible and searchable database where consumers can look up important safety information (such as changes made to capability by over-the-air updates or accessibility features) on their own vehicle, or one they may be considering purchasing or riding in. Finally, it is critical to protect Americans' existing rights under state laws when they or their family members are injured or killed as a driver, passenger, pedestrian, or cyclist.¹ Any legislation should maintain the right of states and localities to protect their citizens by ensuring that companies that provide AV transportation services to the public will continue to be covered by federal, state, and local disability access laws and regulations.

Require appropriate data sharing to promote safety and efficiency. In order to create safer conditions for every mode of travel—especially AVs—cities, states, law enforcement, and federal regulators need data to inform and optimize their planning, policymaking, infrastructure, and operations. This is particularly important for services identified for residents who face the most transportation barriers, including low-income

¹ Advocates for Highway and Auto Safety cannot take a position on this particular aspect of the letter.

people, people of color, and people with disabilities. In general, such data should follow best practices to preserve individual privacy, while providing cities and policy makers with data. Without an appropriate data sharing policy, safety will suffer, and local governments will lack the necessary tools to optimize their infrastructure. This information will also help regulators, investigators, and others assess the on-road performance of AVs.

Any federal AV legislation must guarantee the following data is shared between AV companies and fleets and appropriate federal, state, and local authorities, and researchers.

- Detailed crash and incident data in a standard and accessible format, including time, location, speed, weather and infrastructure conditions; if automated technology was active at the time of the crash and worked as intended; relevant driver, occupant, and pedestrian information, including any disabilities to identify any needed safety improvements;
- Following best practices, data on disengagements or near-misses would help to identify flaws in the technology and may allow cities and states to proactively invest in infrastructure or update the design of dangerous intersections and corridors to ensure safety for all street users; and,
- Real-time data on vehicle speeds, travel times, and volumes enables local communities to manage congestion, set speed limits, uncover patterns of excessive speeds, evaluate the success of street redesign projects, and ultimately improve productivity and quality of life.²

Data must be anonymized, including personally identifiable information, health and disability information, and must be handled appropriately to ensure the privacy of all passengers and pedestrians and prevent commercial or other tracking purposes without the explicit permission of the individual.

Provide NHTSA with the resources and tools it needs to effectively do its job. Today, 95 percent of transportation-related fatalities and 99 percent of transportation injuries involve motor vehicles on our streets and highways. Yet, NHTSA receives only 1 percent of the overall U.S. DOT budget. NHTSA is responsible for the safety of over 323 million Americans who drive or ride in more than 288 million registered motor vehicles and all those on public roadways. NHTSA's current budget is insufficient, and this will be exacerbated given the multitude of new responsibilities and duties the agency will have as AVs are deployed. NHTSA must be given additional funding and staff to ensure the safety of AVs. Further, NHTSA must be given tools such as imminent hazard authority and criminal penalties to intervene in potentially widespread and catastrophic failures of AV systems.

Invest in research to improve safety and policymaking. Technology and consumer preferences are changing rapidly, and our transportation systems must adapt. While NHTSA advances safety and accessibility standards, any legislation must also fund

² The New Urban Mobility alliance cannot take a position on this particular aspect of the letter.

independent research to further improve vehicle safety, crashworthiness and performance standards, and accessibility for people with disabilities. To do so, it is essential that any AV legislation fund independent research into the impacts of AVs on safety, land use, urban design, public transit, congestion, pollution, real estate, equity, municipal budgets, and members of low-income, indigenous, communities of color, and disability communities.

With these overarching recommendations, we can ensure AVs provide Americans with mobility options that are safe and convenient. Each of these groups will also share additional priorities and details beyond these shared recommendations as Congress considers AV legislation. We look forward to working together with you to enact a federal regulatory structure to safely integrate AVs into our transportation system.

Sincerely,

Active Transportation Alliance
Adventure Cycling Association
Advocates for Highway and Auto Safety
America Walks
American Association for Justice
American Motorcyclist Association
American Public Health Association
American Society of Landscape
Architects
Association for Commuter
Transportation
Association of Pedestrian and Bicycle
Professionals
Automotive Recyclers Association
Center for Auto Safety
Center for Neighborhood Technology
Community Transportation Association
of America
Consumer Action
Consumer Federation of America
Consumer Reports
Consumers for Auto Reliability and
Safety
Disability Rights Education and Defense
Fund (DREDF)
Easterseals, Inc.
Emergency Nurses Association
Environmental Law & Policy Center
Jobs to Move America
Independent Living Center of the Hudson
Valley
KidsAndCars.org

League of American Bicyclists
National Association of City
Transportation Officials (NACTO)
National Association of Regional
Councils
National Coalition for Asian Pacific
American Community Development
National Consumers League
National Council on Independent Living
National League of Cities
New Urban Mobility alliance
PeopleForBikes
PolicyLink
Public Citizen
Rails-to-Trails Conservancy
Safe Climate Campaign
Safe Routes Partnership
Shared-Use Mobility Center
Society for Advancement of Violence and
Injury Research
The Arc of the United States
Transport Workers Union
Transportation Choices Coalition
Transportation for America
Truck Safety Coalition
U.S. PIRG