

November 4, 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

Dear Chairman Wicker, Ranking Member Cantwell, Chairman Pallone, Ranking Member Walden:

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

We strongly believe that any federal AV legislation must prioritize safety for motorists, pedestrians, motorcyclists, transit riders, and cyclists; ensure access for everyone including all people with disabilities; protect local control; account for the costs of preparing the infrastructure so AVs can optimally perform as expected; 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 and your staffs to ensure any legislation meets these goals. We appreciate the invitation on October 28, 2019, to provide feedback on three staff draft sections of a future larger bill intended to create a regulatory structure under which AVs can be safely and efficiently integrated into our transportation system.

To our disappointment, however, the three staff draft sections do not substantively address most of the areas identified in [our August 23, 2019 letter](#) about which our organizations, and the tens of millions of consumers and road users we represent, are concerned. As drafted, these sections will not improve transportation safety in the United States, ensure the judicious introduction of autonomous technology into our communities, or instill public confidence and encourage the acceptance and adoption of AVs by consumers.

For example, the following essential components were not provided: any mandatory rulemakings for necessary safety features to safeguard motorists and other road users; provisions for securing this advanced technology from cyber-attacks; an explanation of how federal preemption of state laws would be avoided; how local policy control for safety on the roads would be ensured; a data sharing framework for consumers, cities, states, law enforcement, and federal regulators; adequate resources for NHTSA; and definitions of the terms used in the sections, among other issues.

Moreover, the three staff draft sections were released without context for how they might fit into a larger bill, and no other sections, information on process or timelines for future drafts were provided. The three proposals included a flawed process for exempting AV manufacturers from current safety regulations and allowing for the sale of under-regulated AVs; an unnecessary and extensive expansion of current law (Pub. L. 114-94) excluding test vehicles from having to comply with federal safety standards to numerous non-automaker AV and AV-component manufacturers; and, without knowing how this section may fit within the context of a broader bill, an advisory council does not address the urgent need for the U.S. Department of Transportation to issue mandatory safety standards.

For an AV bill to provide safety, accessibility and mobility for all Americans, while also easing congestion and pollution, it must, at a minimum, adequately address the below listed categories, described in more detail in our August 23rd letter.

Ensure safety through comprehensive performance standards. Safety for all, including the occupants of the AV, occupants of other vehicles on the road, motorcyclists, 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 mandatory safety standards, appropriate federal government oversight, and industry accountability.

Guarantee access for people with disabilities, older adults, and underbanked populations. 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. 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 and AV transportation services to the public will continue to be covered by federal, state, and local disability access laws and regulations. We recognize the draft language promotes the development of vehicles that increase transportation access for individuals with disabilities and includes the needs of the disability community within the issues addressed by the advisory council. These are welcome first steps towards ensuring access for all.

Avoid preemption and ensure local policy control for safety on the roads. 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.

Share information necessary to consumers and protect consumer rights. Consumers need to be given important information about the limitations and capabilities, as well as any exemptions from federal standards, of AVs. Any AV legislation should maintain the right of states and localities to protect their citizens by preserving Americans' existing rights under state laws when they or their family members are injured or killed as a driver, passenger, pedestrian, or cyclist.¹

Require appropriate data sharing to promote safety and efficiency. Cities, states, law enforcement, and federal regulators need data to inform and optimize their planning, policymaking, infrastructure, and operations. Without an appropriate data sharing policy, safety will suffer, and local governments will lack the necessary tools to optimize their infrastructure and will hamper regulators, investigators, and others from assessing the on-road performance of AVs.

Provide NHTSA with the resources and tools it needs to effectively do its job. 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.

Invest in research to improve safety and policymaking. Any AV legislation must 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.

Each of our organizations looks forward to continuing to work with you and may choose to submit comments to the provided draft sections for the purpose of providing informal technical assistance to staff.

Yet, our ability to provide effective feedback is undermined by the lack of context that would be provided by having a complete bill. Moreover, this letter should not be construed as an endorsement of any future AV bill. Collectively, we request a more holistic approach to any AV legislation in order to positively usher in the most transformational change in transportation in the 21st Century.

Sincerely,

Transportation for America
Center for Auto Safety
Safe Climate Campaign
American Motorcyclist Association

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

Safe Routes Partnership
America Walks
Consumer Reports
Transportation Choices Coalition
Truck Safety Coalition
Public Citizen
U.S. PIRG
National Association of City Transportation Officials (NACTO)
Advocates for Highway and Auto Safety
Adventure Cycling Association
Association of Pedestrian and Bicycle Professionals (APBP)
Rails-to-Trails Conservancy
KidsAndCars.org
National Consumers League
Society for Advancement of Violence and Injury Research
Environmental Law & Policy Center
Disability Rights Education and Defense Fund
American Public Health Association
Consumers for Auto Reliability and Safety
Shared-Use Mobility Center
National Association of Regional Councils
American Association for Justice
Consumer Federation of America
Automotive Recyclers Association
League of American Bicyclists
Pennsylvania Statewide Independent Living Council (PA SILC)

cc: Senate Committee on Commerce, Science, and Transportation
Senate Committee on Environment and Public Works
House Committee on Transportation and Infrastructure
House Committee on Energy and Commerce