

Hearing of the U.S. House Energy & Commerce Committee
Subcommittee on Commerce, Manufacturing and Trade
“Disrupter Series: Self-Driving Cars” Hearing
Tuesday, November 15, 2016

Self-Driving Coalition for Safer Streets
Testimony Submitted for the Record

Chairman Burgess, Ranking Member Schakowsky, and Members of the Committee, on behalf of the Self-Driving Coalition for Safer Streets (“Coalition”), I am pleased to submit this written testimony for the record of the subcommittee’s “Disrupter Series: Self-Driving Cars” hearing on November 15, 2016.

As President Obama noted in the Pittsburgh Post-Gazette, “self-driving cars have gone from sci-fi fantasy to an emerging reality with the potential to transform the way we live.” This technology has the potential to be truly transformative—forever altering our concepts of transportation and mobility while also preventing thousands of roadway fatalities. This is an important subject for the consideration of policymakers, and we appreciate your convening this hearing and soliciting input from the many stakeholders across the self-driving ecosystem.

This statement outlines what we believe policymakers should consider in order to create a consistent and uniform national regulatory framework for the testing and deployment of self-driving cars. We focus primarily on the “Federal Automated Vehicles Policy” (“Policy”), which the National Highway Traffic Safety Administration (“NHTSA”) recently published for comment.

The Self-Driving Coalition for Safer Streets was established by Ford Motor Company, Google, Lyft, Uber, and Volvo Cars in April 2016 to work with lawmakers, regulators, and the public to realize the safety and societal benefits of fully self-driving vehicles. This cross section of technology, automobile, and transportation network companies reflect the diversity in this industry and clearly demonstrates the widespread interest in developing this technology. The Coalition focuses on the development and deployment of Level 4 or Level 5 fully automated vehicles. We believe that it is at the fully automated levels where we will see the greatest gains in safety and mobility.

The Coalition is dedicated to working collaboratively with civic organizations, municipalities, and businesses to bring the vision of fully self-driving vehicles—that is, vehicles that do not require a human driver—to America’s roads and highways. Self-driving technology has the great potential to enhance public safety and mobility (especially for the elderly and disabled), reduce traffic congestion, improve environmental quality, and advance transportation efficiency, and the Coalition’s mission is to promote the benefits of fully self-driving vehicles and support the most safe and rapid deployment possible of these innovative and potentially life-saving technologies.

The NHTSA Policy represents a significant update of the Preliminary Statement of Policy on Automated Vehicles the agency published in 2013. Most important is the recognition that

manufacturers and other entities have made tremendous strides in evolving automated vehicle technology from Level 2 Partial Automation to Level 4 High Automation. The Policy captures the significant shift towards highly automated vehicles (“HAVs”) and recognizes that this transformation can profoundly advance safety. However, we believe that the Policy needs additional clarification to enable the benefits that this technology will have on society.

The agency’s Vehicle Performance Guidance (“Guidance”) and Safety Assessment letter is a novel approach that attempts to provide the industry with flexibility to develop, test, and refine this technology. However, there are concerns that the Guidance could be interpreted to require manufacturers to provide multiple and repeated submissions to the agency. This could potentially hamper innovation and force companies into an overly burdensome paperwork exercise. We also have concern with how the agency would protect confidential or proprietary business information. NHTSA should focus on limiting the information being requested from manufacturers to the narrowest scope possible to avoid unnecessary accumulation of sensitive industry data and the potential commercial harm companies could suffer if publicly released.

While the Policy outlines the important delineation between federal and state roles in regulating automated vehicles, it does not outright discourage states from adopting and mandating the Vehicle Performance Guidance. It is vital for the states to maintain their existing responsibilities in establishing licensing, registration, and insurance requirements. Any state actions beyond that risks creating a patchwork of varying state laws that will inhibit the development. We encourage this Committee and Congress to work to establish a single national framework to move toward the rapid and safe deployment of HAVs.

The Coalition believes that the emergence of HAVs requires NHTSA, the industry and other stakeholders, to develop new approaches to solving the complex issues that accompany the design, testing, and deployment of HAVs. However, we note that some of the proposed new regulatory authorities and tools in section IV of the Policy run counter to this objective. Among other drawbacks, some of these new authorities and tools risk imposing prohibitive costs on manufacturing of self-driving vehicles and delaying the rollout of important safety features and updates. These proposed new authorities include pre-market approval, imminent hazard authority, post-sale authority to regulate software changes, safety assurance tools, functional and system safety authority, additional recordkeeping and reporting, enhanced data collection tools,

On the other hand, we believe that several of the “modern regulatory tools” discussed in the Policy would facilitate the safe and rapid deployment of HAVs.

- ***Expansion of exemption authority for HAVs.*** We support enabling manufacturers and technology companies to expand and improve the pathway to test and ultimately deploy. Granting NHTSA this new authority would supplement existing its authorities to expedite the safe introduction of life-saving HAVs.
- ***Amend existing FMVSS for L4-L5 vehicle design.*** We think such a new FMVSS is an essential step to facilitate the widespread deployment of vehicles designed from the ground up to be fully self-driving. The potential safety benefits of such vehicles are enormous. The Coalition will support NHTSA’s proposed FMVSS amendment

effort by submitting suggestions for such a new FMVSS. We strongly urge Congress to work with NHTSA to prioritize this rulemaking.

- ***NHTSA Special Hiring Tools.*** We encourage Congress to provide NHTSA with additional resources so that the agency is able to obtain the necessary expertise on AVs. A capable technical staff will be vital to ensuring that future agency actions related to AV development fully informed and not misguided.

In light of the considerations set forth above related to the Policy issued by NHTSA, the Coalition is calling for Congress to enact legislation to facilitate the rapid deployment of HAVs. Legislation to carry out this objective could include the revision of NHTSA's exemption authority to allow for a greater number of vehicles to be allowed on the road for testing HAVs. This flexibility would provide multiple avenues for manufacturers and innovators to safely explore a number of vehicle changes that would advantage the safety of HAVs and passenger comfort and utility. To increase the exemption cap in a significant manner, we urge Congress to eliminate or raise the exemption cap to a level that will help facilitate meaningful commercial deployment of HAVs.

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We appreciate the opportunity to provide this testimony, and reiterate our thanks for the Subcommittee holding this important hearing. We look forward to providing additional information in the future as the Congress continues to debate and discuss self-driving vehicles.

Sincerely,

Hon. David L. Strickland
Counsel, Self-Driving Coalition for Safer Streets