

STATEMENT FOR THE RECORD  
HOUSE ENERGY & COMMERCE SUBCOMMITTEE ON DIGITAL COMMERCE AND CONSUMER PROTECTION  
SELF-DRIVING VEHICLE LEGISLATION

JUNE 27, 2017

SECURING AMERICA'S FUTURE ENERGY (SAFE)  
NATIONAL ASSOCIATION OF THE DEAF  
NATIONAL CUED SPEECH ASSOCIATION  
SEGS4VETS  
PARALYZED VETERANS OF AMERICA  
60 PLUS ASSOCIATION  
NATIONAL FEDERATION OF THE BLIND

Dear Chairman Latta, Ranking Member Schakowsky and distinguished members of the subcommittee,

On behalf of the above organizations we write in strong support of your efforts to remove regulatory barriers and provide a solid foundation for the future of autonomous vehicle (AV) innovation and deployment.

AVs have the potential to influence society in a way unseen since the invention of the automobile. In addition to dramatically reducing traffic accidents and roadway fatalities, AVs hold the promise of improved mobility—critical for economic growth and quality of life. Of equal importance, AVs can dramatically improve the lives of communities underserved by our transportation systems and most vulnerable to its inefficiencies, namely America's disabled, seniors, and wounded veterans. Often underappreciated in this regard is that the transportation solution inherent to AVs is as much about personal independence—the ability to travel without aid or reliance on another individual—as the ability to create more efficient systems of transport. For SAFE, this is also about our view that AVs represent a critical technology capable of reducing our nation's oil dependence, bolstering national security and strengthening our economy.

[A report](#) produced by SAFE, with the Ruderman Family Foundation, found that 15 million Americans—including 6 million with disabilities—have difficulty accessing the transportation they need in their daily lives. This impacts every facet of life. For instance, approximately 4.3 million individuals with a disability face significant barriers to reaching needed medical appointments. The consequent missed appointments result in net costs of at least \$19 billion per year, in addition to the quality-of-life detriments from sporadic access to necessary healthcare. Moreover, inadequate accessibility compounds the already high cost of non-emergency medical transport, which totaled [more than \\$2.7 billion](#) under Medicare and Medicaid in 2013 alone.

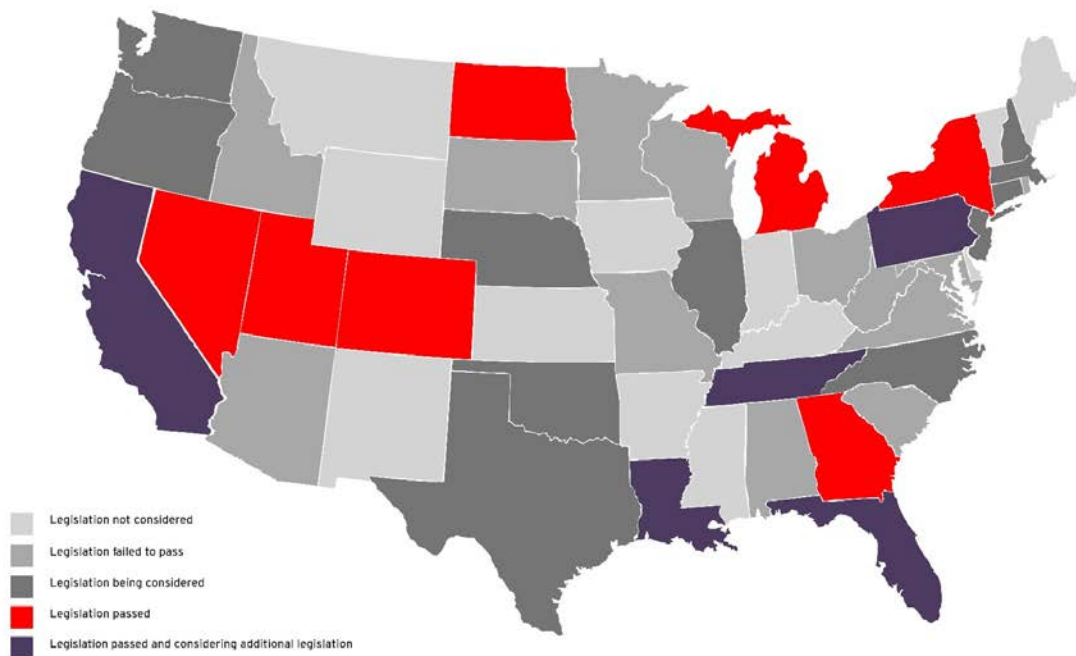
AVs show promise in serving as the basis of a vital, cost-effective solution that benefits members of these communities and their local economies. The report's analysis found that widespread AV deployment would open up approximately 2 million employment opportunities for the disability community. AVs are expected to spur a rethinking of the very shape and construct of the vehicle;

innovative vehicle designs specifically geared toward people with disabilities would allow progress towards the important goal of deploying a vehicle with “universal design.”

However, these benefits can only be realized if Congress works toward three critical goals, represented in the draft legislation produced by this Committee: (1) federal pre-emption of key AV regulations; (2) creating a more flexible environment for the testing and development of innovative vehicle designs; and (3) ensuring that the disabled and senior populations are provided a “seat at the table” with both industry and regulators as this transformation of America’s transportation system takes place.

### Preemption

Federal preemption is key to ensuring market certainty in a rapidly developing industry. A messy “patchwork” of conflicting state regulations is emerging. Thirty-seven states have considered legislation to regulate autonomous vehicles, and 13 states have passed such legislation. This trend risks creating significant uncertainty and risk for innovators and investors, hindering the timely and widespread deployment of AVs.



Source: SAFE analysis and data from The Center for Internet and Society at Stanford Law School.

Preemption is therefore critical if we are to expedite the testing and deployment of AV technology and achieve the social benefits it portends. Beyond explicitly precluding states from interfering in matters of vehicle design and certification, Congress must take care when considering the issue of AV licensing. While the state has traditionally overseen motor vehicle licensing, the potential for states to mandate the presence of a licensed human driver in automated vehicles threatens to preclude the disabled, seniors and injured veterans—important potential beneficiaries of AV technology—from benefiting from this life-improving technology. This would run directly counter to the communities’ hopes for AVs, that

of enhancing transportation independence. This is particularly true with respect to the higher levels of automation, specifically Levels 4 and 5 as defined by SAE International, where a “driver” is unnecessary.

### **Exemptions for Novel Designs**

As AVs are an entirely new mode of transportation, no one can foresee the full uses and benefits they will bring as the technology matures. To ensure innovators are free to shape this technology in a way that fully delivers on its potential—and aids those who cannot fully utilize current modes of transportation—Congress must create the necessary flexibility for novel AV designs. Current law allows manufacturers exemptions from the design requirements of the Federal Motor Vehicle Safety Standards (FMVSS) when doing so will further societal aims, such as developing safer or more efficient vehicle technology. It is important at this stage to ensure that AV innovators can work to capture the full scope of benefits this technology can provide to society, and we applaud the Committee’s proposal to expand the scope of exemptions for innovations specifically oriented toward enhanced mobility for the disabled community.

The need for flexibility is urgent. The advent of AVs has presented industry with a rare opportunity to redesign vehicles from the ground up. However, current regulations favor retrofitting existing automobiles with AV technology, while innovative designs—which have the potential to unlock transportation for the 57 million Americans with a disability—are still subject to onerous barriers to entry. Novel designs must gain parity to ensure that our disabled, elderly, and wounded veteran populations have access to the same user-friendly transportation options that many today take for granted. Without parity, innovators with the vision to create novel, accessible vehicle designs will face regulatory obstacles that dis-incentivize their innovative instincts.

We recommend that the federal government work with representatives of underserved communities to ensure that OEMs and other developers can innovate on vehicle design. One way to accomplish this, as identified by the Committee, is to expand the exemption regime to allow for the testing and deployment of technologies specifically designed to benefit the disability community. Other avenues should also be explored, such as the use of DOT-designated AV proving grounds, or other deployment sites or communities, where AV developers are permitted and encouraged to test design-and-use scenarios that would specifically benefit the disability and elderly communities.

### **Advisory Committees**

Crafting policy that creates a pathway to the deployment of new transportation options for the disability and elderly communities is challenging, and the federal government need not—and should not—embark on this journey alone. Advancing the right policies necessitates creating a formal “seat at the table” to ensure that the interests, advice, and guidance of the disabled and senior communities are continually integrated into the very fabric of this quickly developing industry. Federal advisory committees can serve this function, though they must be vested with a mandate equal to the task and structured in a way to maximize their value and impact.

There is a moral imperative to take these actions. For these communities, the quality-of-life benefits that AVs promise will not be fully realized unless they take part in the regulatory and implementation process. Currently, the voices of these groups remain absent from the larger debate surrounding the testing, development, and deployment of AVs.

Moreover, it is important to recognize that while AVs pose exciting opportunities, they also hold the prospect of potentially creating new barriers for certain populations, such as lack of communications access for the deaf and hard of hearing community, to cite just one example. That is why it is absolutely critical that the disability community has seats at the table and provides direct input on the development process to ensure they are not left behind.

With this need in mind, we encourage the creation and utilization of disability and senior advisory committees, such as Federal Advisory Committees, to advise regulators and engage with stakeholders to ensure that the needs of these communities are central to the development process from the beginning. In addition to these communities, follow-up mechanisms must be put in place to ensure these advisory committees remain pertinent to, and prominent in, these discussions.

### **Importance of Inclusion**

We applaud the Committee's interest in creating a pathway for the safe, rapid deployment of AVs. We firmly believe this is a key step in bringing a broad range of benefits to the American public, including enhanced safety, fuel economy gains and the integration of advanced transportation fuels, and improved mobility and independence for underserved populations. To pave the way for consumer acceptance and adoption, it is vital that we do not exclude any group that could potentially benefit from the technology. We strongly recommend that both government and industry bring the disabled community, senior citizens, and wounded veterans into that conversation at the earliest possible moment.

We hope that this ongoing mobility revolution will produce commonsense regulations that improve vehicle safety, foster innovation, increase access for all Americans, enhance our nation's transportation systems, and elevate U.S. energy security and efficiency. Together, we urge Congress to act with all voices at the table.

Sincerely,

Securing America's Future Energy (SAFE)

National Association of the Deaf

National Cued Speech Association

Segs4Vets

Paralyzed Veterans of America

60 Plus Association

National Federation of the Blind