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Committee on Energy and Commerce  
Subcommittee on Digital Commerce and Consumer Protection  
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Testimony of:  
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Chairman Latta, Ranking Member Schakowsky, good morning. It is an honor to appear before you today to discuss the future of fully self-driving cars.

This Subcommittee now stands at the intersection of the digital economy, the internet of things, and consumer safety – all matters we will discuss today. I want to commend the committee for its efforts in developing the self-driving vehicle discussion draft legislation that is the topic of today’s hearing. This important suite of bills is the first of its kind to address the major national legislative and policy challenges related to deploying self-driving vehicles, and the Coalition I represent looks forward to working with the committee in refining the draft as we move through the legislative process.

My name is David Strickland and I am a Partner at Venable LLP. I am testifying here today as Counsel to the Self-Driving Coalition for Safer Streets. The Coalition, which was founded in April of last year by Ford Motor Company, Lyft, Uber, the Volvo Car Group, and Waymo (formerly Google’s self-driving car project), is focused on enabling the development and deployment of Level 4 and Level 5 fully self-driving vehicles.

This cross-section of companies demonstrates the widespread interest in developing this technology across different sectors—technology, automobile, and transportation networking. Despite their different backgrounds, the companies came together to form the Coalition because of their commitment to bring the tremendous potential safety benefits of self-driving cars to consumers in the safest and swiftest manner possible. As examples of their efforts, Google’s self-driving car project completed the world’s first fully driverless ride on public roads in Austin in October 2015, Lyft has set itself a public goal that half the rides on its platform will be in a self-driving vehicles by 2021, and Ford intends to have a fully self-driving vehicle “for commercial application in mobility services in 2021.”

The Coalition believes fully self-driving vehicles will play a key role in making our roads safer and improving mobility. In 2015, 35,092 Americans died in motor vehicle crashes and 2.44 million were injured. Early estimates from the National Highway Traffic Safety Administration (NHTSA) from the first half of 2016 suggests a 10.4 percent increase in roadway fatalities compared to the same time period last year. Since an estimated 94 percent of all crashes are the result of driver error, fully self-driving vehicles are very likely to significantly reduce fatal traffic crashes because they remove human error from the driving process entirely. Self-driving vehicles also hold the promise to enhance mobility for the disabled and elderly, reduce congestion, and improve productivity.

It would appear that the committee shares many of these goals, as demonstrated through the various bills that are under discussion today. I would like to take this opportunity to provide some comments and feedback on the discussion draft.

First, we believe the LEAD'R Act is an important step in clarifying the appropriate federal and state roles and responsibilities when it comes to fully self-driving vehicles. The federal government retains the authority to promulgate and enforce nationally uniform motor vehicle safety standards. We do not believe self-driving cars present a reason to deviate from that well established precedent. States should be discouraged from creating a patchwork of inconsistent laws and regulations relating to such standards that have the potential to stifle this emerging industry. The LEAD'R Act would more clearly delineate that the states continue to retain their traditional role in establishing and maintaining the rules of the road, vehicle registration, traffic enforcement, and with respect to insurance, while making clear that it is the federal government's exclusive authority to set standards related to the safety, performance, and design of fully self-driving vehicles. We have some suggestions and look forward to working with the Committee to strengthen and bolster the technological neutrality of this language.

I also want to highlight the collection of proposals related to expanding vehicle exemptions to permit new safety features unique to fully self-driving vehicles —more specifically the PAVE, ROAD, EXEMPT, and MORE Acts. Today, Level 4 and Level 5 fully self-driving cars are subject to all of the criteria in the federal safety standards, even though certain decades-old provisions were clearly designed with a human driver in mind. The numerical and temporal limitations on exemptions under current law present a concrete obstacle to achieve the goal of rapid, safe and robust deployment necessary to attain the safety and mobility benefits we believe fully self-driving vehicles promise.

The Coalition supports these four bills as they would expand NHTSA's authority to permit a greater number of vehicles to be allowed on the road for testing and deployment of HAVs, and because they would authorize exemptions for two additional well intentioned purposes: (1) to promote the public adoption and acceptance, or facilitate meaningful commercial deployment of a new motor vehicle safety feature or system, or (2) to promote transportation access to individuals with disabilities. We think these two new purposes for exemptions, along with the requirement for equivalent safety, strike just the right balance to encourage the safety innovation of Level 4 and 5 vehicles. We will suggest some wording changes, such as using the same test for equivalent safety that present law applies to new safety features (see 49 U.S.C.

§30113(b)(3)(B)(ii).

We appreciate that the Committee's draft legislation creates a number of advisory councils comprised of non-governmental experts to assist the Secretary and NHTSA in their considerations of self-driving vehicles and their societal impacts. As the Secretary and NHTSA endeavor to update the Federal Automated Vehicles Policy, the agency will continue to benefit from the perspective of outside stakeholders, innovators, and members of the public that have expertise in this dynamic new market. We are encouraged by the Committee's recognition of the diverse relevant topics, but we also suggest the Committee consider consolidating the efforts into one advisory council (which could address each specific subject through sub-groups) for greater efficiency and to streamline and coordinate the advice provided.

I want to thank the Subcommittee for its leadership on these important issues. The Coalition looks forward to serving as a resource concerning both technical and policy questions and working with you to make fully self-driving cars a reality.