



May 18, 2021

The Honorable Jan Schakowsky
Chair, Consumer Protection and Commerce
Subcommittee
U.S. House of Representatives
Washington, DC 20515

The Honorable Gus Bilirakis
Ranking Member, Consumer Protection and
Commerce Subcommittee
U.S. House of Representatives
Washington, DC 20515

Dear Chair Schakowsky and Ranking Member Bilirakis:

Thank you for holding this hearing to discuss the potential lifesaving benefits of motor vehicle technologies. The National Safety Council (NSC) appreciates the opportunity to submit this letter for the record.

NSC is America's leading nonprofit safety advocate and has been for over 100 years. As a mission-based organization, we work to eliminate the leading causes of preventable death and injury, focusing our efforts on the workplace, roadway and impairment. We create a culture of safety to keep people safer at work and beyond the workplace so they can live their fullest lives. Our more than 15,000 member companies, including federal agencies, represent seven million employees at nearly 50,000 U.S. worksites.

This hearing could not come at a more important time, as preliminary estimates from NSC showed that 42,060 people died in motor vehicle crashes in 2020.¹ All of these deaths were preventable.

NSC believes advanced vehicle technology, up to and including fully automated vehicles, can provide many benefits to society. Most importantly, advanced vehicle technology has the potential to significantly reduce the number of fatal crashes on our roadways. The manner in which this technology is deployed and regulated is critical to ensuring a consistent level of safety across the U.S.

Road to Zero: More states and localities have adopted "zero" language into the goals on our roadways. This language has been commonplace in other settings like workplaces, where NSC has focused since our founding, with meaningful results. NSC also leads the Road to Zero Coalition, a diverse group of over 1,600 organizational members committed to eliminating roadway fatalities by 2050. The coalition represents transportation organizations, businesses, academia, safety advocates and others – the first time so many organizations and individuals have collaborated to put forth a plan to address fatalities on our roads. To these members and to NSC, "zero" is not just a catchphrase but an attainable and necessary goal. The Road to Zero plan to reach this goal includes technology as a central pillar, and we appreciate the Committee's focus on it today.

In January, the Road to Zero coalition collaborated with Toward Zero Deaths, Vision Zero Network and Families for Safe Streets to [call](#) on President Biden and Secretary Buttigieg to set a

¹ <https://www.nsc.org/newsroom/motor-vehicle-deaths-2020-estimated-to-be-highest>

goal of zero fatalities by 2050. Over 1,900 organizations and individuals have joined this call.² We urge the House of Representatives, and especially this Subcommittee, to echo these sentiments. We can no longer stand by while more than 100 people die every day on our roadways. Through these efforts, it has been demonstrated that we can address a large number of the existing roadway fatalities through technologies such as ADAS and Alcohol Detection Systems.³

Federal leadership: States do not possess the expertise or resources to replicate design, testing and reporting programs. Further, a patchwork of requirements will result in confusion for consumers and an increase in cost for manufacturers and operators. Finally, the absence of safe, workable standards will drive development, testing and deployment overseas, resulting in the flight of innovation and the accompanying jobs to locations outside the U.S.

NSC believes that federal leadership on motor vehicle safety is required to achieve safety benefits and ensure a consistent level of safety across the U.S. Consumers need to be confident in their vehicle safety regardless of the state in which they live. Manufacturers need certainty in order to invest in design and production. To reach that goal, federal oversight is necessary, especially with the emerging ADS technologies.

Federal Motor Vehicle Safety Standards (FMVSS): FMVSS save lives. A report by NHTSA estimates the FMVSS implemented from 1960-2012 have saved 613,501 lives.⁴ Because of the FMVSS evaluated in the study, the risk of fatality in crashes in 2012 fell by 56% from 1960.⁵ However, with people keeping their cars for an average of 11.6 years, meaningful fleet penetration of FMVSS takes decades after being required as standard features on vehicles.⁶ Electronic stability control (ESC), a required technology since 2011, provides an avid example. According to the Highway Loss Data Institute (HLDI), ESC will not reach an implementation level of 95% of registered vehicles until 2032 at the earliest.⁷

Understanding that federal standards take years to develop, voluntary agreements may be able to drive safety technology deployment. The voluntary agreement reached with most vehicle manufacturers to include automatic emergency braking technology in all new passenger vehicles by 2022 shows it's possible to move toward implementation faster.

As NHTSA has stated, advanced driver assistance systems (ADAS) technology, if available fleet-wide and fully adopted, could save 11,800 lives each year.⁸ While automated driving systems (ADS) may hold lifesaving benefits in the future, NSC urges this Committee to focus on ADAS, which are available now and offer safety benefits to all roadway users and not to let ADS efforts come at the expense of realizing the benefits of ADAS. For example, the federal government should speed the effort by requiring that new government vehicles purchased be equipped with ADAS, thereby ensuring more vehicles on our roads will benefit from lifesaving technology.

² <https://www.nsc.org/getmedia/95d17f6b-14e6-4737-b648-3d5992158826/rtz-biden-coalition-letter-formatted.pdf>

³ <https://visionzeronet.org/reaching-vision-zero-analysis-shows-its-achievable/>

⁴ Kahane, C.J., Lives Saved by vehicle Safety Technologies and Associated Federal Motor Vehicle Safety Standards, 1960 to 2012, NHTSA, DOT HS 812 069, January 2015.

⁵ Ibid.

⁶ Walsworth, Jack, "Average age of vehicles on road hit 11.6 years," Automotive News, November 22, 2016.

⁷ <https://www.iihs.org/news/detail/life-saving-benefits-of-esc-continue-to-accrue>

⁸ https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/final_safe_fria_web_version_200330.pdf

Vehicle-to-vehicle (V2V) communication technologies would further lower crash occurrences. NSC encourages this Committee to work with the Federal Communications Commission (FCC) and U.S. Department of Transportation (DOT) to maintain the 5.9 GHz spectrum for vehicle safety technology as opposed to Wi-Fi services. Every tool should be used to bring down the toll of losing more than 100 people every day on our roadways. ADAS and V2V should be adopted in base models of vehicles and not as options requiring additional cost.

Consumer education: In today's market, 93% of new vehicles offer at least one ADAS technology, and the terminology used by manufacturers often seems to prioritize marketing over clarity.⁹ In 2019, NSC, AAA, Consumer Reports, and J.D. Power released "Clearing the Confusion: Recommended Common Naming for Advanced Driver Assistance Technologies" to address this issue.¹⁰ The four organizations agreed on standardized naming that is simple, specific and based on system functionality in an effort to reduce consumer confusion. While safety features may change over time as software and hardware updates in turn modify the operational parameters for vehicle systems, the language used to describe them does not necessarily have to change.

The U.S. Department of Transportation (DOT) endorsed the "Clearing the Confusion" recommendations, and we urge this administration to continue the commitment to use them and call on other safety organizations, automakers, journalists, researchers and policymakers to adopt these terms.¹¹ NSC also urges the Committee to use these terms in ADAS and ADS documents moving forward to ease understanding.

Using technology to combat impaired driving: To combat impaired driving, NSC supports the HALT Act (H.R.2138). The HALT Act would require a FMVSS for advanced drunk driving technology. With an estimated 10,142 lives lost from alcohol-impaired driving motor vehicle crashes¹² and data showing increases in alcohol, cannabinoid and opioid prevalence during the pandemic,¹³ we urge this Committee and Congress to pass these bills.

Using technology to address recalls: Right now, more than 53 million vehicles on America's roadways have open safety recalls¹⁴ – that's more than one in five vehicles on the road. In light of these record-high numbers, NSC launched the Check To Protect initiative in 2017. This public awareness campaign encourages vehicle owners to check their vehicles and get free repairs in order to protect the loved ones who ride with them. Anyone can learn their recall status by entering their VIN at [CheckToProtect.org](https://www.checktoprotect.org).

NSC supports both the PARTS (Promoting Auto Recalls Toward Safety) Act of 2021 (S.1416), which would authorize DOT to provide grants to states for use in notifying vehicle owners about recalls, as well as the SAFE CARS Act (H.R.2231) which would prohibit the federal government

⁹ <https://www.aaa.com/AAA/common/AAR/files/ADAS-Technology-Names-Research-Report.pdf>

¹⁰ <https://www.nsc.org/Portals/0/Documents/NewsDocuments/2019/ADAS%20Common%20Naming%20One-pager.pdf?ver=2019-11-20-094231-643>

¹¹ <https://www.transportation.gov/briefing-room/us-transportation-secretary-elaine-l-chao-announces-new-initiatives-improve-safety>

¹² <https://www.iii.org/fact-statistic/facts-statistics-alcohol-impaired-driving>

¹³ Thomas, et al. (2020, October). *Drug and alcohol prevalence in seriously and fatally injured road users before and during the COVID-19 public health emergency* (Report No. DOT HS 813 018). National Highway Traffic Safety Administration. <https://rosap.nhtl.bts.gov/view/dot/50941>

¹⁴ <https://www.carfax.com/press/open-recalls-apr-2021>

from selling or leasing vehicles with open recalls. In April 2021, NSC joined the Center for Auto Safety and other partners in sending [a letter](#)¹⁵ to President Biden urging him to direct all departments and agencies to end the use and sale of unrepaired, recalled federal vehicles. The Government Services Administration (GSA) does not need to wait for legislation to pass in order to check for vehicle recalls, and we urge GSA to act on this immediately.

Using technology to combat distracted driving: Distraction is a danger to all roadway users. Distraction caused by talking on the phone, browsing the internet, using apps, texting and use of other electronic devices, including in-vehicle technology while driving puts all roadway users at risk. To this end, NSC supports the SAFE (Stay Aware for Everyone) Act (S.1406), which requires DOT to study how driver monitoring systems can combat distraction and requires a rulemaking based on the results of the study. Additionally, NSC supports the States Afforded Funding Extensions to Oppose Driving Recklessly in Vehicular Engagements (SAFE TO DRIVE) Act, H.R. 762, bipartisan legislation introduced by Representatives Krishnamoorthi, Cohen and Gallagher to curb distracted driving. SAFE TO DRIVE would allow part of distracted driving grant funding to be used, if a state enacts primary-enforced laws prohibiting texting and non-navigational use of cell phones.

Data collection: Data transparency regarding the implementation of ADS and ADAS performance is crucial. NSC believes AV developers should be required to clearly report on the following safety metrics: crashworthiness, human-machine interface data, post-crash behavior, capabilities and limitations of the vehicle, operational design domain (ODD) and consumer education efforts. The 2016, DOT AV Policy Guidance referred to this information as a “Safety Assessment Letter,” and NSC hopes this type of reporting will be renewed.¹⁶ More safety metrics should be added to this list as needed.

Additionally, data are constantly produced by AVs. Two important data collection devices include electronic logging devices (ELDs) and electronic data recorders (EDRs), which provide a window into the human-machine interface with advanced vehicles, among other things. The knowledge gained from these devices allows manufacturers to make adjustments in nearly real time to improve safety based on what is actually occurring in operation, rather than making changes based on assumptions and estimations that must be accommodated in a later model year.

NSC is pleased to see a formal agreement for the Partnership for Analytics Research in Traffic Safety (PARTS). This data sharing has been recommended by NSC for years. We hope all vehicle manufacturers will join in PARTS and benefit from the information shared to improve vehicle safety in a proactive manner. Acquiring an understanding of what happens when systems perform as intended, fail as expected, or fail in unexpected ways, yields valuable information for manufacturers – some of whom have common suppliers. Further, in-service data, near miss and post-crash information sharing can help civil engineers and planners design better and safer roadways. It will also help safety and health professionals design better interventions to discourage risky driving and positively affect the behaviors of roadway users.

¹⁵ <https://www.autosafety.org/wp-content/uploads/2021/04/Group-Letter-to-POTUS-regarding-use-and-sale-of-federal-vehicles-under-recall.pdf>

¹⁶ <https://www.transportation.gov/AV/federal-automated-vehicles-policy-september-2016>

New Car Assessment Program (NCAP): NCAP updates have been delayed at NHTSA, but they are so crucial to help consumers understand key features, including safety features on new vehicles. NHTSA should proceed with an update and add an ADS competency evaluation, including crash avoidance, require testing for pedestrian protection testing and incorporate crashworthiness testing.

Additionally, NCAP must be updated to reflect gender parity in crash testing. Females are not just smaller versions of males. Physiological differences in men and women exist, and accurate, anthropomorphic dummies should be used in crash testing to gain real safety insight on how to design vehicles to protect all drivers and passengers.

Thank you again for allowing NSC to share these points. Technology has an important role to play in reducing the number of fatal crashes on our roadways, and NSC looks forward to working with this Committee and Congress to reducing traffic fatalities to zero by 2050 and make our roads safer for all.

Sincerely,

A handwritten signature in cursive script that reads "Lorraine M. Martin".

Lorraine M. Martin
President and CEO