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ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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July 25, 2025

Ms. Catherine Chase
President
Advocates for Highway and Auto Safety
660 North Capitol Street NW, Ste. 810
Washington, DC 20001

Dear Ms. Chase,

Thank you for appearing before the Subcommittee on Commerce, Manufacturing, and Trade hearing on Thursday, June 26, 2025, to testify at the hearing entitled, "Looking Under the Hood: The State of NHTSA and Motor Vehicle Safety."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Friday, August 8, 2025. Your responses should be mailed to Alex Khlopin, Policy Analyst, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to alex.khlopin@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,

Gus M. Bilirakis
Chairman
Subcommittee on Commerce, Manufacturing, and Trade

cc: The Honorable Jan Schakowsky, Ranking Member, Subcommittee on Commerce, Manufacturing, and Trade

Attachment —Additional Questions for the Record

The Honorable Debbie Dingell (D-MI)

1. Ms. Chase, given that NHTSA recently announced it will streamline the approval process for automated vehicles by allowing manufacturers to sell up to 2,500 vehicles per year that do not fully comply with Federal Motor Vehicle Safety Standards, what specific roadway safety risks could emerge from this accelerated regulatory pathway, particularly in light of recent incidents where Tesla's newly launched robotaxis in Austin were reportedly caught on video driving in the wrong lane and exhibiting erratic behavior that prompted immediate NHTSA investigation?

2. Ms. Chase, what are some of the most effective safety regulations NHTSA can enact that will ensure AVs do not pose an unreasonable risk of injury or death?

3. Ms. Chase, given that autonomous vehicles currently operate under what experts describe as an inconsistent "patchwork" of state regulations due to the absence of comprehensive federal standards, how does the Republican-led effort to impose a 10-year moratorium on states and localities from "enforcing any law or regulation regulating artificial intelligence models, artificial intelligence systems, or automated decision systems" potentially create a dangerous regulatory vacuum for AI-powered robotaxis and self-driving vehicles, particularly when autonomous vehicles depend entirely on artificial intelligence technology yet already lack federal oversight?

Questions Submitted for the Record
Submitted by the Honorable Debbie Dingell (D-MI)
Committee on Energy and Commerce
Subcommittee on Commerce, Manufacturing and Trade
Looking Under the Hood: The State of NHTSA and Motor Vehicle Safety
June 26, 2025

1. Ms. Chase, given that NHTSA recently announced it will streamline the approval process for automated vehicles by allowing manufacturers to sell up to 2,500 vehicles per year that do not fully comply with Federal Motor Vehicle Safety Standards, what specific roadway safety risks could emerge from this accelerated regulatory pathway, particularly in light of recent incidents where Tesla's newly launched robotaxis in Austin were reportedly caught on video driving in the wrong lane and exhibiting erratic behavior that prompted immediate NHTSA investigation?

Currently, autonomous vehicles (AVs) are being tested throughout the country, and companies are collecting data on their performance every day. AVs used solely for testing do not have to comply with current Federal Motor Vehicle Safety Standards (FMVSS), including those that provide occupant protection. Exemptions are currently capped at 2,500 vehicles to be sold in the United States in any 12-month period. This commonsense statutory safeguard is in place to ensure that experimental vehicles which fail to meet essential federal safety standards operating on public roads do not pose an unreasonable risk to safety. In the absence of FMVSS that apply to the automated driving system (ADS), an inadequate voluntary self-reported safety assessment is the only pro-active check that AVs will meet any level of safety, and concerning incidents, such as the events involving robotaxis in Austin, will continue unabated.

The National Traffic and Motor Vehicle Safety Act and the National Highway Traffic Safety Administration's (NHTSA's) regulations require vehicle manufacturers to certify that their vehicles comply with all applicable FMVSS at the time of manufacture. Pursuant to 49 U.S.C. 30122, a regulated entity, such as a vehicle manufacturer, distributor, dealer, rental company or repair business, may not knowingly make inoperative any part of a device or element of design installed in or on a motor vehicle. These include essential safety systems that prevent crashes and save lives. However, NHTSA has the authority to issue exemptions from the "make inoperative" provision *if* doing so "is consistent with motor vehicle safety." This essential NHTSA authority should be preserved to ensure that manufacturers do not unilaterally "turn off" safety systems related to the driving task, such as the steering wheel and brake pedals, during autonomous operation.

2. Ms. Chase, what are some of the most effective safety regulations NHTSA can enact that will ensure AVs do not pose an unreasonable risk of injury

To identify a people-and-safety-first path forward on AVs, Advocates for Highway and Auto Safety (Advocates) and numerous stakeholders developed the "AV Tenets."[i] These sound and

sensible policy positions should be a foundational part of any national AV policy. The AV Tenets are based on expert analysis, real-world experience, and public opinion. They have four main categories including: 1) prioritizing safety of all road users; 2) guaranteeing accessibility and equity; 3) preserving consumer and worker rights; and, 4) ensuring local control and sustainable transportation. They are supported by a coalition of more than 65 organizations representing consumers, public health and safety experts, pedestrians, bicyclists, disability rights activists, emergency responders, law enforcement, labor and others. Requiring that AVs meet minimum performance standards is essential. These standards include:

- Federal minimum performance standards need to be established to ensure the safe performance of ADS and thorough proficiency appropriate to an operational design domain (ODD). There has been a great deal of discussion about "frameworks" for AVs including the U.S. Department of Transportation's (DOT) Automated Vehicle Framework, and framework proposals by AVIA and the Alliance. We have concerns about potential legislation continuing in this pattern of any non-binding "framework" instead of "regulations" which require compliance by all manufacturers, establishing both a baseline for innovation and protections for all road users.
- It has often been repeated that AVs should be advanced because they do not drive drunk, drowsy or distracted. No one is disputing that. But AVs also may cause crashes that sober, alert and engaged drivers would routinely avoid. AVs, which are essentially billion-dollar pieces of equipment with years of research, should not drive better than the average drivers on the road. Additionally, as long as an AV meets all the FMVSS, it can operate on our roads. The current standard to initiate a safety recall is if the defect presents an unreasonable risk to safety based on the statutory language of Chapter 301. Considering the AV industry touts these vehicles/systems as better than human drivers and able to solve a myriad of issues and producing vast societal benefits, it is appropriate to hold them to a higher standard.
- Issues such as cybersecurity and personal privacy considerations must be addressed comprehensively.
- Recognizing there is a distinct difference between AVs and partial driving automation, we want to highlight that the Insurance Institute for Highway Safety (IIHS) is already testing and rating safeguards for partial driving automation systems. The bad news is that a vast majority of the systems (11 of the 14 systems) received an overall rating of "poor" which is the lowest rating. The good news is that at least one system received an "acceptable" overall rating, and many subcategories were rated as "good," showing that it is possible to produce a "good" system. Federal minimum performance standards should be set to ensure that all systems are safe.
- It is known that AVs have had difficulties responding to work zones, inclement weather, lack of bandwidth, and emergency vehicles, among other issues. AVs must be required to detect and respond safely within the ODD to all road users, at all speeds, and in all lighting conditions and weather scenarios, among others.
- Changes to existing FMVSS should be conducted through the public rulemaking process and should not negatively impact safety. For example, passengers will still want to know information provided by telltales (i.e., should I use this AV if there is a low tire pressure warning?). They also will need an emergency stop button accessible to all occupants and to clearly understand safe procedures for a nonperforming system, etc.

Rulemakings must be informed by all stakeholders, and not limited to the AV industry, and as such, must be subject to public review and comment. These are fundamental prerequisites to prevent crashes caused by AVs and boost consumer confidence in this burgeoning technology

3. **Ms. Chase, given that autonomous vehicles currently operate under what experts describe as an inconsistent "patchwork" of state regulations due to the absence of comprehensive federal standards, how does the Republican-led effort to impose a 10-year moratorium on states and localities from "enforcing any law or regulation regulating artificial intelligence models, artificial intelligence systems, or automated decision systems" potentially create a dangerous regulatory vacuum for AI-powered robotaxis and self-driving vehicles, particularly when autonomous vehicles depend entirely on artificial intelligence technology yet already lack federal oversight?**

The statutory mission of the DOT established by Congress in 1966 is to regulate the performance of motor vehicles to ensure public safety, which now includes AVs.[ii] In keeping with existing law and practice, the federal government should prescribe regulations for the performance of these vehicles, leaving regulation of the operation of these vehicles to the states. Even after federal regulations are in place regarding AVs, existing federalism practices demand that states retain a legal right and a duty to their residents to develop proposals and implement solutions to ensure public safety. In addition, state and local governments have the authority to manage the operation of vehicles on their streets to address concerns such as safety, noise, local air quality and congestion. Any action on the regulation of AVs should not preempt states and localities from regulating the operation of these vehicles just as they do for traditional motor vehicles. Relatedly, Advocates opposed proposals considered by Congress to preempt state action on artificial intelligence (AI) which includes AVs.

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[i] See: https://saferoads.org/autonomous-vehicle-tenets/

[ii] Pub. L. 89-563 (1966).