Additional Questions for the Record - E&C CMT Hearing on 01.13.2026

Responses from Finch Fulton

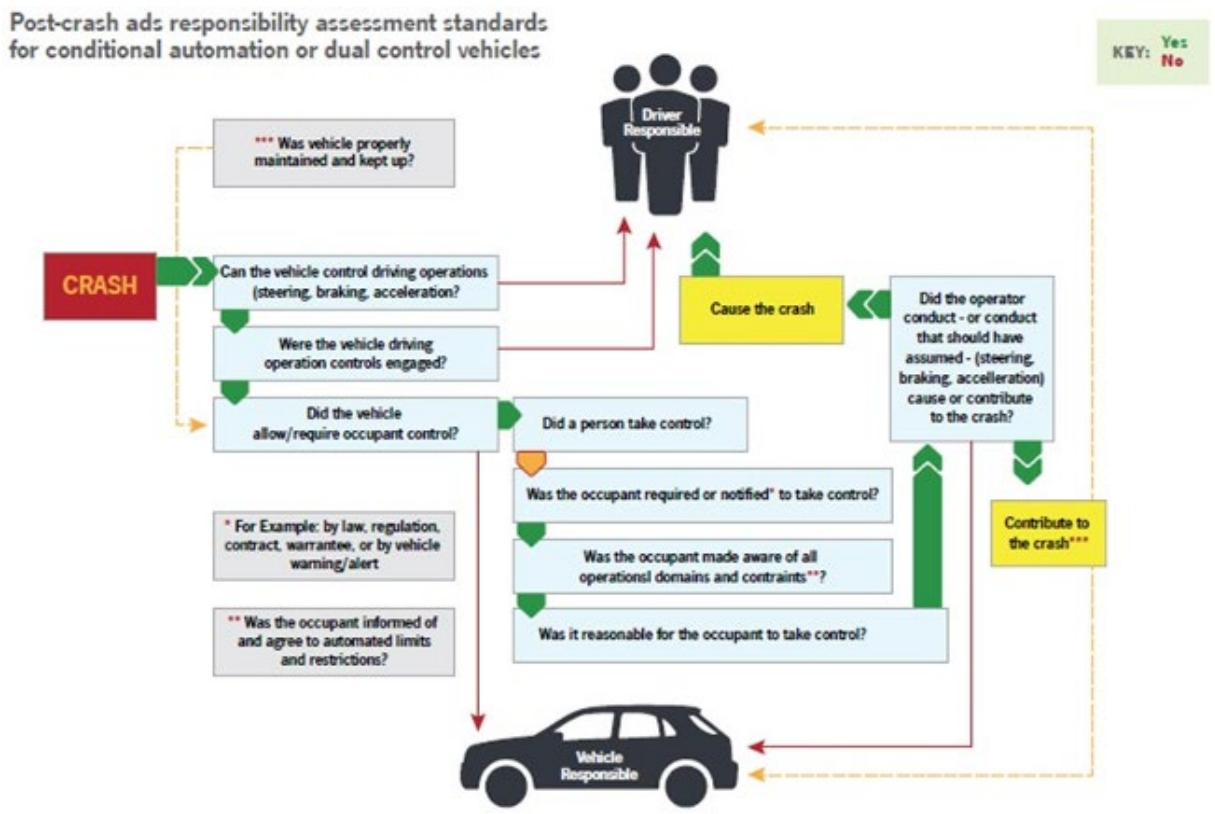
The Honorable Laurel Lee

1. Mr. Fulton, like you, I am excited about the possibilities that new technologies like autonomous vehicles can bring.

a. An important question in the policy discussions surrounding autonomous vehicles is how to address liability. Some have argued that the SELF-DRIVE Act neglects to hold AV manufacturers accountable for accidents caused by their vehicles. Can you discuss the existing statutory and judicial mechanisms that ensures manufacturers are held accountable, and how the SELF-DRIVE Act actually increases accountability?

> **Response**: In the case of any incident involving an AV, the shared goal is to protect access to swift and effective justice for humans involved. The development of a safety case allows for greater ability to understand fault and liability in the case of an incident. Liability is determined by the specific facts of the matter of any particular crash. I believe that the difficulty in determining liability is often overstated in its complexity because there is no one-size-fits-all answer. I do, however, find the National Association of Mutual Insurance Companies (NAMIC) Responsibility Framework[1] to be very helpful.

[1] National Association of Mutual Insurance Companies. Responsibility Assessment Standards for Conditional Automation/Dual Control Vehicles. December 2019.



Source: NAMIC (22)

Figure 1. NAMIC Responsibility Framework.

2. As you know, an autonomous vehicle takes over the driving functions from a human driver. Given that many state and local laws rely on a human driver for the purposes of criminal and civil liability, how do you address that issue in the context where an AV is the driver?

> **Response**: As is the case today in situations where there is a failure in the vehicle, or a part on a vehicle, an individual would have the ability to hold the company / manufacturer / etc. liable for any negligence, defect, breach of duty or standard of care, or other cause that led to the injury or crash.
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> There are some that have argued that the manufacturers should be held directly liable for a crash regardless of the facts of the matter. This actually could serve to hinder access to justice, as different scenarios and agreements could mean different players in the ecosystem should be held accountable. As NAMIC noted in

their publication "Liability Standards for Automated Vehicle Shared-Driving Crashes[2]":

> In general, insurance companies determine fault based on the state's legal definition of negligence. Determining who is at fault in automobile crash claims in most states is often determined by the negligence per se doctrine, which provides that the human driver-defendant's breach of duty is established by his or her violation of a traffic law. There is also a comparative negligence standard, which may allocate fault and negligence among the parties involved in an accident. Under comparative negligence, a defendant can raise a partial defense, saying that another party was partially at fault for the accident as well. It can be critical to the ability of insurance carriers to be able to legally pursue a third party that caused or contributed to an insurance loss to the insured in order to recover the amount of the claim paid by the insurance carrier to the insured for the loss.
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> These determinations are very important to the proper operations of property/casualty insurance companies. If the liability of parties other than the insured is not appreciated in underwriting and claims and if subrogation is not considered, direct settlements may be excessive and proper allocation of damages will not be achieved.

The Honorable Debbie Dingell

1. Mr. Fulton, how would requiring manufacturers to establish and maintain safety cases, combined with a national AV data repository, improve transparency, regulatory oversight, and coordination with states and localities?

Response: The ability for an Automated Driving System (ADS) developer to go through a safety case process, and to be able to not only justify their approach before NHTSA and relevant state and local authorities but communicate it effectively and understandably to the public is critical both to safety itself and to earning trust among all partners in the ecosystem.

As outlined by NHTSA, a Safety Case[3] is a structured argument, supported by a body of evidence, that provides a compelling, comprehensible, and sound argument that

[2] National Association of Mutual Insurance Companies. Liability Standards for Automated Vehicle Shared-Driving Crashes. June 2020.
[3] National Highway Traffic Safety Administration. FMVSS Considerations for Vehicles with Automated Driving Systems: Volume 1. April 2020

safety engineering efforts have ensured a system meets a comprehensive set of safety constraints. Safety engineering is a methodical process of ensuring a system meets all its safety constraints throughout its lifecycle, including at least hazard analysis, risk assessment, risk mitigation, validation, and field engineering feedback.

In my experience helping put together the safety case and publish a voluntary safety self-assessment (VSSA) at Locomation, an autonomous trucking start up, I found the process extremely illuminating. The ability to take a complicated living approach to safety and boil it down to understandable structured explanations for how the company approached and ensured the safety of our operations not only helped us better education all relevant stakeholders on our efforts, but helped us better educate ourselves and focus our efforts. The further along the path of developing and adhering to a safety case approach, the more productive and efficient Locomation became, and the more progress we made towards our developmental goals.

In addition to a federal data repository, I encourage widespread industry participation in the AV Safety InfoShare program, which can focus on risk-assessment processes, hazard analysis and risk assessment (HARA) lists, safety culture and standardization of first responder interactions. These voluntary engagements allow innovators to share safety related information and insights without risking sensitive or confidential business information or trade secrets.

2. As we look at the global race to lead in AV deployment, how important is it to build out a domestic manufacturing base for AV components?

Response: Critically important. In order to remain competitive, particularly in times of international distress or war, the US must continue to grow our domestic manufacturing base. Unless we do so, we risk exposure to foreign competitor actions which could cut off critical supplies needed by American companies to produce the products that the world demands. The best way to bolster the domestic manufacturing base for autonomous vehicles is for Congress to provide clarity in the future of AVs, and to keep in place the incentives for private sector participation in the continued development and growth of our domestic supplies.

This international competition aspect is vital to understanding the steps needed to be taken by the US government. We must clarify our approach at home so that American innovators can grow on the world stage. Otherwise, our approach risks getting boxed out by China.

The Chinese government's stated policy is to generously support and promote research and development in AVs through its 14 state-owned motor vehicle companies and many of the 40 privately owned Chinese domestic vehicle producers[4]. According to Nick Corvino, in terms of international expansion, "Chinese firms are way ahead of the American competition. Chinese companies have worked out AV deployment deals with more than thirteen countries. The US: two[5].

The United States should not try to emulate Chinese industrial policy; the U.S. must lean into the core tenants of our free enterprise system with clear rules and fair competition that will unlock American innovation and private-sector funding to create the safest, most efficient vehicles in the world. This is our global competitive advantage.

American policymakers can level the playing field by actively promoting the safe and secure deployment of AVs in the United States. Only Congress can provide AV makers the certainty they need about future regulations as they build out needed infrastructure and services.

I encourage the Energy and Commerce Committee, the full House of Representatives and the US Senate to pass automated vehicle legislation as soon as possible, and for President Trump to sign it into law. American leadership depends on American leaders, and the ecosystem needs certainty to push this technology forward.

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[4] U.S. Chamber of Commerce. Report: Unlocking the Social and Economic Benefits of Autonomous Vehicles. July 2023.

[5] ChinaTalk. Is Chian Cooking Waymo? February 2026. https://www.chinatalk.media/p/is-china-cooking-waymo (Last accessed February 19, 2026)