



February 10, 2020

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

The Honorable Cathy McMorris Rodgers
Ranking Member
Subcommittee on Consumer Protection and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chair Schakowsky and Ranking Member Rodgers:

The Self-Driving Coalition is pleased to provide the House Energy and Commerce Committee’s Subcommittee on Consumer Protection and Commerce with a letter in support of efforts to help bring about the safe and rapid deployment of innovative and life-saving self-driving technology. The Coalition supports and appreciates the Committee’s thoughtful consideration of the many key policy issues that will affect the testing and deployment of autonomous vehicles (AVs).

The Self-Driving Coalition was founded by Ford, Lyft, Uber, Volvo Cars and Waymo in 2016 because of their commitment to bring the tremendous potential safety benefits of self-driving cars to consumers in the safest and swiftest manner possible. We are also pleased to announce today the addition of three new members, Argo AI, Aurora, and Nuro, who share this vision. Together, this cross-section of companies demonstrates the widespread interest in developing this technology across different sectors—technology, automobile, and transportation networking.

The Coalition appreciates the Committee’s interest in AVs and the goal of encouraging the development of self-driving technology. The Coalition believes that the United States will play a critical role in the deployment of AV technology, and we are pleased that legislators recognize its significance. Self-driving technology has great potential to improve public safety; the National Highway Traffic Safety Administration (“NHTSA”) estimates that more than 36,000 Americans died in motor vehicle crashes in 2018, the overwhelming majority of which were due to human error. Self-driving technology can also enhance mobility for the elderly and disabled, reduce traffic congestion, improve environmental quality, and advance transportation efficiency. We encourage you to continue working with industry in whatever capacity would be appropriate to help ensure that the United States continues to lead in a globally competitive environment.



Given the Coalition’s enthusiasm for fully self-driving vehicles and our strongly held view that they have the potential to change the country for the better, we have supported efforts at the federal and state levels that enable the safe and timely testing and deployment of fully self-driving vehicles in a manner that enhances safety, fosters innovation and competition, and avoids unreasonable restrictions on AV technology. As Congress continues working to advance AV-related legislation, the Coalition believes that any federal legislation should be crafted to preserve traditional state and federal roles, expand testing and deployment options, and maintain the existing liability regime.

Preserving Traditional State and Federal Roles

Any bill that Congress may consider should clarify that the federal government continues to retain exclusive authority to establish and enforce national standards related to the safety, performance, and design of fully self-driving vehicles. Federal legislation should also make clear that the states retain their traditional role with respect to the rules of the road, traffic enforcement, and insurance.

Expand Testing and Deployment Options

We are pleased that last week the U.S. Department of Transportation granted a petition for the first AV-related exemptions from the Federal Motor Vehicle Safety Standards (FMVSS). The approval for these exempted vehicles to operate helps showcase a key way in which the federal government can advance fully self-driving technology. Yet the underlying law limits deployment exemptions to a maximum of 2,500 vehicles per year from a manufacturer’s fleet for up to 2 years. The Coalition believes that expanded exemption authority is an important interim measure to deploy safety innovations pending the completion of extended rulemakings that would address the deployment of AV technology holistically. Congress should consider increasing the exempted fleet size, expanding eligibility beyond vehicle manufacturers to ensure parity among all stakeholders, and extending the exemption period to promote self-driving technology’s safety, accessibility, and mobility benefits, and to advance consumer acceptance. In addition, current law allows vehicle manufacturers that distributed vehicles before December 2015 to conduct limited public tests of autonomous vehicles without manual controls; we encourage Congress to broaden this provision to include newer automakers and self-driving technology developers.

Exemptions and testing are important interim measures to facilitate the introduction of self-driving vehicles without conventional controls. NHTSA has also begun a set of rulemakings on “removing regulatory barriers” to these kinds of self-driving vehicles, which would promote safety and provide clarity to manufacturers and developers designing new vehicles without the need for case-by-case exemptions. The Coalition strongly supports NHTSA expeditiously completing these rulemakings to update the FMVSS, as needed, to accommodate the deployment of AVs that lack conventional controls.



Maintain Existing Liability Regime

Regarding proposals related to manufacturer, driver, and third-party liability, the Coalition strongly believes that existing tort law already contains well-established principles to allocate fault and apportion liability among parties. These principles have been applied to countless new technologies in the past and have been applied to AVs in use across the United States. There is no reason to believe that these well-established principles cannot be applied in cases involving autonomous vehicles and generate fair outcomes.

Thank you for the opportunity to share these thoughts with the Subcommittee. We look forward to engaging with you further on how Congress can play a role in enabling the safe and swift deployment of autonomous vehicles.

Sincerely,

/s/

Ariel S. Wolf
Counsel, Self-Driving Coalition