

October 23, 2018

Dear Senator:

We are writing to convey our strong opposition to the AV START Act (S. 1885). The National Highway Traffic Safety Administration (NHTSA) recently released 2017 data that revealed 37,133 people were killed on our Nation's roads and highways. To address this public health crisis, the Senate should take immediate action to require proven advanced safety technologies in all new cars, not rush forward with unproven technologies that put automakers' interests ahead of public safety. Nonetheless, legislation with significant safety flaws and omissions, the AV START Act, is being raced through the Senate under the guise of advancing safety, despite not even requiring autonomous vehicles (AVs) to meet all of today's safety standards.

In fact, there is no evidence that AVs, also known as driverless cars, will be safer than human drivers. Industry has yet to prove the safety of these experimental systems and has yet to even agree upon a metric or method for comparing safety, yet they are pushing to allow millions of these vehicles onto the roads.

To be clear, our organizations support innovation and hope that the promises of improved safety, expanded mobility and reduced pollution, among others touted by AV manufacturers, are achieved. Our position of urging the Senate to require advanced safety technologies demonstrates this commitment and will also help pave the way for driverless cars. However, the AV START Act does not even sufficiently address known problems revealed by the dangerous and deadly crashes involving vehicles equipped with highly and partially automated driving systems that have occurred since the Senate Committee on Commerce, Science, and Transportation held its markup last year. Some of these incidents are under open investigation by the National Transportation Safety Board (NTSB). These real-world experiences are proof of why AV legislation needs to include the following vital safeguards. The bill should:

- Limit the size and scope of exemptions for vehicles that can be sold without meeting crucial federal government safety standards. The AV START Act would allow for potentially millions of exempt vehicles to be sold, not just used for testing.
- Direct the United States Department of Transportation (U.S. DOT) to issue minimum standards for driverless cars, including securing driverless systems from hacking, as well as establishing performance requirements for what the vehicle can "see," electronics systems, and the handoff between computer and human driver. Also, in the absence of federal regulation, states should not be preempted from protecting their citizens.
- Provide the public, NHTSA, and NTSB with adequate information and data as to the limitations, capabilities, and real-world performance of driverless cars.
- Maintain current law, which prohibits manufacturers from turning off vehicle safety systems at their sole discretion.
- Address the serious safety shortcomings of partially automated, SAE Level 2 vehicles.
- Assure that driverless cars will be safe and accessible to traditionally underserved communities, including people with disabilities.
- Ensure NHTSA has sufficient resources and the authorities it needs to effectively oversee driverless cars as they are deployed on a large scale.

We fear that without these commonsense changes, our already dangerous roads will become more perilous with a mixed fleet of traditional cars and unproven, under-regulated AVs together with other road users, including pedestrians, bicyclists, wheelchair users, emergency responders, construction workers and others. This could lead an already highly skeptical public to further sour on the concept of AVs, endangering their future potential.

The flaws in the AV START Act are compounded by the insufficient action of the U.S. DOT. Just [last week], another iteration of voluntary driverless car guidelines was released. This “hands off” approach of the federal government will leave consumers at the peril of an auto industry with a recent history of some companies putting defective products like faulty ignition switches and exploding airbags on the market. Allowing driverless cars to be deployed on the scale contemplated by the AV START Act while NHTSA stands on the sidelines would be misguided at best and reckless and deadly at worst.

The artificial urgency to pass this bill belies the reality that broad deployment of driverless cars is likely decades away, according to numerous senior-level executives of companies that make AVs. Moreover, the U.S. will retain its position of strength and not fall behind other countries if this bill isn’t enacted. In fact, U.S. policies are actually more lax compared to the international community, which has generally taken a more measured approach with respect to testing. These false premises must be rejected.

If the AV START Act sufficiently addressed identified concerns, we would champion its advancement because of all the benefits these vehicles could provide if developed safely. Unfortunately, it does not, and we must strongly urge you to oppose it.

Thank you for your consideration.

Sincerely,

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