July 1, 2020

The Honorable Roger Wicker
Chairman
Committee on Commerce, Science,
and Transportation
United States Senate
Washington, D.C. 20510

The Honorable Maria Cantwell
Ranking Member
Committee on Commerce, Science,
and Transportation
United States Senate
Washington, D.C. 20510

The Honorable John Barrasso
Chairman
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

The Honorable Thomas R. Carper
Ranking Member
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

The Honorable Mike Crapo
Chairman
Committee on Banking, Housing,
and Urban Affairs
United States Senate
Washington, D.C. 20510

The Honorable Sherrod Brown
Ranking Member
Committee on Banking, Housing,
and Urban Affairs
United States Senate
Washington, D.C. 20510

Dear Chairman Wicker, Ranking Member Cantwell, Chairman Barrasso, Ranking Member Carper, Chairman Crapo, and Ranking Member Brown:

The Self-Driving Coalition for Safer Streets ("Coalition") writes to express our interest in working with you to encourage the safe and timely deployment of self-driving vehicles in the United States. As you work to develop surface transportation and infrastructure legislation, the Coalition would support the inclusion of provisions that would promote the safe and timely testing and deployment of fully autonomous vehicles ("AVs"). In addition, the Coalition has concerns with some of the AV-related provisions included in H.R.2, the "Moving Forward Act," as passed by the House of Representatives. We are hopeful that we can work together to support a framework that will help bring this potentially life-saving technology to the American public.

By way of background, the Self-Driving Coalition is comprised of Argo AI, Aurora, Ford, Lyft, Nuro, Uber, Volvo Cars, and Waymo, eight of the world's leading technology, ridesharing, and automotive companies.[1] Our mission is to realize the benefits of fully self-driving vehicles (i.e., SAE Levels 4 and 5-capable vehicles) and support the safe and rapid deployment of these technologies. With its broad array of technical expertise and experience in

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[1] *See* https://www.selfdrivingcoalition.org/.

the technology, automobile, and transportation network sectors, the Coalition welcomes engaging with Congress in an effort to develop the right solutions that will promote the testing and deployment of fully self-driving vehicles on U.S. roads and highways.

Self-driving technology could offer safety and mobility benefits, holding the potential both to save lives and to change the way we drive. 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. Moreover, the United States is home to millions of individuals—including seniors and those with visual impairments—who would benefit greatly from the increased safety and mobility that AVs could provide. In addition to offering these potential safety and mobility benefits, self-driving technology can also help reduce traffic congestion, improve environmental quality, and advance transportation efficiency.

In light of these important potential benefits, the reauthorization of surface transportation programs is an ideal time to advance federal legislation that enables the safe and timely testing and deployment of AVs. We understand, at present, AVs are not considered in the motor vehicle safety title of the "Moving Forward Act" that has been passed by the House. However, we believe that addressing AVs in the context of motor vehicle safety in a manner that enhances safety, fosters innovation and competition, and avoids unreasonable restrictions on AV technology would allow the potential benefits of AVs to be brought to the public sooner. Therefore, as Congress continues working to advance the Moving Forward Act, the America's Transportation Infrastructure Act that passed out of the Senate Committee on Environment and Public Works last year, or other legislation addressing American innovation, the Coalition would encourage lawmakers to address AVs by expanding testing and deployment options while preserving traditional state and federal roles with respect to authority over AVs, and maintaining the existing tort liability regime. We provide additional details and context, as follows:

- **Expanding Testing and Deployment:** The Motor Vehicle Safety Act currently limits deployment exemptions from the Federal Motor Vehicle Safety Standards ("FMVSS") to a maximum of 2,500 vehicles per year from a manufacturer's fleet for up to 2 years. 49 U.S.C. § 30113(d)–(e). The Coalition believes that expanded exemption authority is an important measure to deploy safety innovations. We believe, therefore, that Congress should consider increasing the exempted fleet size, expanding eligibility among and 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. The Coalition sees expanded exemption authority not as a replacement for industry-wide standards promulgated by the National Highway Traffic Safety Administration ("NHTSA"), but rather as a measure necessary to deploy safety innovations pending the completion of rulemakings.

- **Preserving Traditional State and Federal Roles:** We would support federal legislation clarifying that the federal government continues to retain exclusive authority to establish and enforce national standards related to the safety, performance, and design of AVs, as well as specifying that states retain their traditional role with respect to the rules of the

road, traffic enforcement, and insurance. We do not believe that self-driving vehicles present a reason to deviate from this well established framework.

- **Maintaining the Existing Liability Regime:** The Coalition strongly believes that existing tort law contains well-established principles to allocate fault and apportion liability among parties, and therefore, would support potential provisions that maintain this regime.

In addition, we believe certain sections of H.R.2, the "Moving Forward Act," in particular, could be refined by the Senate to better reflect the great potential of AV technology. For example, Section 2203 would require regulations governing data sharing for mobility on demand services. Without adequate parameters, data sharing requirements can raise serious privacy, civil liberties, and cybersecurity concerns. In addition, Section 2603 would limit the flexibility of public transportation agencies to enhance their services through pilots or deployments with AVs. Understanding that AVs may offer not only safety and decreased traffic congestion benefits, but also improve the availability and efficiency of public transportation, the Coalition would encourage lawmakers to provide greater flexibility to transit agencies to support the deployment of AVs in the context of public transportation.

Further, Section 5304 would require a study that appears to assume AVs will present a safety risk, and fails to consider the significant safety benefits of AVs for other road users, particularly pedestrians and cyclists. Excluding these considerations could lead the study to issue recommendations that miss the opportunity to maximize the safety benefits offered by AVs. Finally, Section 5311 would establish novel pre-approval and reporting requirements for the testing, demonstration, or commercial operation of automated commercial vehicles on public roads that have not benefited from open debate. In addition to having significant concerns regarding the reporting contemplated by this section, it is the Coalition's opinion that the structure created by this section will substantially burden the development and deployment of AV technologies.

Thank you for the opportunity to provide our thoughts on both potential and existing legislation impacting AVs. Again, we look forward to working with you as the Senate continues to consider legislation that promotes American innovation.

Sincerely,

/s/

Ariel S. Wolf

Counsel to the Self-Driving Coalition for Safer Streets