



March 1, 2023

The Honorable Maria Cantwell
Chair
Committee on Commerce,
Science, and Transportation
U.S. Senate
Washington, DC 20510

The Honorable Ted Cruz
Ranking Member
Committee on Commerce
Science, and Transportation
U.S. Senate
Washington, DC 20510

The Honorable Cathy McMorris Rodgers
Chair
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Sam Graves
Chairman
Committee on Transportation
And Infrastructure
U.S. House of Representatives
Washington, DC 20515

The Honorable Rick Larsen
Ranking Member
Committee on Transportation
And Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Chair Cantwell, Ranking Member Cruz, Chair Rodgers, Ranking Member Pallone, Chairman Graves, and Ranking Member Larsen:

Thank you for your work to advance national autonomous vehicle (“AV”) policy, maintain U.S. leadership in innovative technologies, and reduce motor vehicle injuries and fatalities on our nation’s roadways. The United States faces a daunting roadway safety crisis with motor vehicle crashes and deaths at near record highs. At the same time, increased competition from other countries threatens American technological leadership in developing and deploying autonomous vehicles. To protect our country’s leadership position and maximize the safety, mobility, and economic benefits of AV technology, the AV industry and policymakers must work collaboratively to establish a national framework for the safe and swift deployment of AVs in all forms. It is critical that Congress and the Administration act to amplify the legal and regulatory conditions that will help the AV industry thrive and bring the benefits of AVs to all Americans.



As the unified voice of the AV industry¹, the Autonomous Vehicle Industry Association (“AVIA”) represents the world’s leading technology, trucking, ridesharing, automotive, and transportation companies. The cross-section of companies demonstrates the widespread interest in developing AV technology across industries. Our mission is to bring the tremendous safety and mobility benefits of AVs—otherwise known as SAE Levels 4- and 5-capable vehicles—to consumers and businesses in a safe, responsible, and expeditious manner.² AVIA’s [Federal Policy Framework for Our AV Future](#), which is summarized below, outlines key policy priorities for Federal AV legislation and regulation. Your leadership is critical in advancing these policies and we look forward to engaging with the Committees, Congress, and the Administration.

Congress should enact **federal legislation** that includes the statutory and regulatory elements that are critical to delivering the many benefits of AVs. To best support the further development of the AV industry, federal AV legislation should:

- **Reform the Exemption Process.** Current motor vehicle exemption requirements impede the ability of AV manufacturers and developers to test, deploy and scale vehicles that do not comply with all Federal Motor Vehicle Safety Standards but provide a level of safety at least equivalent to that provided by vehicles that do meet current standards. Federal legislation should modernize the vehicle exemption process to increase the number of allowable vehicles, lengthen the window in which the vehicles can be produced, and create predictable processing timelines.³ Rather than diminishing safety, such expanded exemptions for vehicles with at least equivalent safety would actually enhance safety by increasing the availability of AVs’ safety advantages. The legislation should also expand eligibility for the FAST Act’s testing and evaluation exception to level the playing field

¹ Our members include: Apple, Aurora, Cavnue, Cruise, Embark, Ford, Gatik, Kodiak, Lyft, May Mobility, Motional, Navya, Nuro, TuSimple, Uber, Volkswagen Group of America, Volvo, Waabi, Waymo, and Zoox. *See Our Mission and Members*, AVIA, <https://theavindustry.org/about/mission>.

² SAE’s J3016 standards have been adopted industry wide. Level 2 systems (often called advanced driver assistance systems or “ADAS”) are available on vehicles today and are capable of “partial driving automation,” requiring human supervision at all times. Only Level 3, 4, and 5 systems are automated driving systems (“ADS”), which are capable of performing the entire dynamic driving task without human supervision. Level 3 systems have “conditional driving automation,” where the vehicle requires human intervention only when the ADS cannot continue to drive. Level 4 and 5 ADSs, however, never request human intervention and can bring a vehicle to safe and stable stop should the ADS or other vehicle system fail. *See Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles – J3016_202104*, SAE International, https://www.sae.org/standards/content/j3016_202104/ (last visited Jan. 30, 2023).

³ Expanding the cap on vehicle production under exemptions was proposed in past drafts of AV legislation. *See* BILL CANIS CONG. RSCH. SERV., R45985, ISSUES IN AUTONOMOUS VEHICLE TESTING AND DEPLOYMENT 17-18 (2021), <https://sgp.fas.org/crs/misc/R45985.pdf>.



among all stakeholders in the AV and Automated Driving System (“ADS”) development ecosystem.⁴

- **Direct NHTSA to Complete Rulemakings.** The core of federal automotive policy was written in the 1970s. As a result, motor vehicle regulations, the Federal Motor Vehicle Safety Standards (“FMVSS”), do not contemplate AVs and may unintentionally limit the development and commercialization of these vehicles. Action by NHTSA is needed to address these concerns. Federal legislation should direct NHTSA to complete rulemakings to modernize the FMVSS to support the deployment of AVs and AV technology.
- **Modernize Vehicle Laws to Accommodate Autonomous Operation.** Federal legislation should clarify that restricting the operation of a vehicle’s manual controls during autonomous operation—which actually enhances safety by preventing unsafe interference with the ADS’s driving— does not run afoul of the “make inoperative provision” of the Motor Vehicle Safety Act (49 U.S.C. § 30122) and codify FMCSA’s existing interpretation that the Federal Motor Carrier Safety Regulations (“FMCSRs”) do not require a human driver to operate or be present in a commercial motor vehicle operated by a SAE Level 4 or Level 5 ADS.
- **Preserve Existing Federal Roles with Respect to Vehicle Regulation.** The wide deployment of AVs should not alter the National Highway Traffic Safety Administration’s (“NHTSA”) authority in regulating the design, construction and performance of motor vehicles or the Federal Motor Carrier Safety Administration’s (“FMCSA”) authority over the operation, licensing, inspection, repair, and maintenance of commercial vehicles.
- **Expand Access to Mobility.** Federal legislation should ensure that no government policy, legislation, or regulation would require individuals to obtain a license to be a passenger in an autonomous vehicle and direct studies on the economic, access, and equity impacts of AVs to better understand the technology’s promise.

⁴ The FAST Act exemption, codified at 49 U.S.C. § 30112(b)(10), allows the deployment of non-FMVSS-compliant vehicles for testing purposes, but only by manufacturers that were producing FMVSS-compliant vehicles prior to the date the FAST Act was enacted in 2015. Due to this, AV developers founded after 2015 or that have not previously produced FMVSS-compliant vehicles are unable to utilize the exemption.



As federal AV legislation progresses, the U.S. Department of Transportation can take a number of steps to help preserve American leadership in the AV industry. Congressional oversight can ensure the Department moves forward expeditiously and appropriately. The Department should take **administrative and regulatory actions** that:

- **Update NHTSA and FMCSA Regulations.** The Department should finalize FMVSS rules for telltales, indicators, and warnings in ADS-equipped vehicles⁵ and crash avoidance testing rules for new ADS vehicle designs.⁶ The Department should complete rules that encourage AV truck developers to safely expand operations and commercialization and codify the existing interpretation that the FMCSRs do not require a human driver to operate or be present in a commercial motor vehicle. The Department should initiate new rulemakings that support the deployment of ADS-equipped vehicles, including those with novel designs.
- **Establish a National Demonstration and Deployment Program.** The Department should develop a national demonstration and deployment program to evaluate the safety benefits of further commercialization of AVs, including those that do not conform to all FMVSS.
- **Pursue International Engagement.** The Administration and the Department should preserve foreign market access and U.S. leadership in the AV industry by remaining actively engaged with other governments and international bodies about AV policymaking.

I appreciate your time and your consideration of these federal legislative and regulatory priorities. AVIA stands ready to provide you with any further information you may need and looks forward to continued conversation and collaboration.

⁵ Considerations for Telltales, Indicators and Warnings in Vehicles Equipped With Automated Driving System, DOT/NHTSA RIN 2127-AM07,

<https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202210&RIN=2127-AM07>

⁶ Facilitating New Automated Driving System Vehicle Designs for Crash Avoidance Testing, DOT/NHTSA, RIN 2127-AM00, <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202210&RIN=2127-AM00>



Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Farrah', is positioned below the word 'Sincerely,'.

Jeff Farrah
Executive Director
Autonomous Vehicle Industry Association