



April 15, 2020

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Charles Schumer
Minority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Leader McConnell, Speaker Pelosi, Leader Schumer, and Leader McCarthy:

Consumer Reports, the independent, non-profit member organization, urges you to **oppose including the SELF DRIVE Act, AV START Act, or any other automated vehicle (AV) bill in must-pass legislation**, including any COVID-19 or economic relief package. At this time of national emergency, Congress should be focusing on ensuring the health and financial well-being of families and individuals, not rushing forward with inadequate AV legislation that puts the interests of the auto industry and tech companies ahead of people's safety on the road.

As self-driving technologies develop, it is clear that AVs have enormous potential to help make future transportation safer and more accessible. Current federal law reflects this outlook, and already permits significantly greater use of AVs on public roads for both testing and commercial purposes. But innovation must be accompanied by robust, sensible safety rules if the technology's full potential is to be realized, and right now, congressional proposals fall far short. The legislative text produced thus far by Congress—including the SELF DRIVE Act (H.R. 3388, 115th Cong.), AV START Act (S. 1885, 115th Cong.), and draft sections released recently by the Senate Commerce Committee and House Energy and Commerce Committee—would weaken, rather than strengthen, road safety for consumers.¹

Congress can and must do far better for all Americans, especially since a comprehensive AV bill would bring the most significant changes to federal auto safety laws in decades. Instead of undermining federal safety standards and the authority of state and local governments, and establishing a separate, weaker legal framework for highly automated vehicles, federal legislation should include strong safety measures that truly would protect consumers regardless of whether a human or software is doing the driving. To put safety first as AVs are developed, tested, and deployed, this stronger legislation would:

- Require the Department of Transportation to issue strong motor vehicle safety standards in a timely manner for all known and reasonably foreseeable AV applications;

- At least double the budget and staff resources of the chronically underfunded National Highway Traffic Safety Administration (NHTSA), and empower the agency with new tools and authorities so that it can more effectively do its job of protecting the public from death and injury in motor vehicle crashes;
- Require companies to prove AV safety by clearly demonstrating a driving automation system that will substantially reduce roadway crashes and fatalities compared to vehicles available today, based on rigorous evidence shared with regulators and the public and validated by independent third parties;
- Ensure NHTSA, other investigators, and state/local governments readily receive all relevant safety data for AVs, including data on crashes and collisions narrowly avoided;
- Maintain the ability of state and local jurisdictions to protect their citizens, including by not preempting their authority except where NHTSA explicitly acts to address a hazard;
- Limit any exemptions from federal motor vehicle safety standards to equipment required exclusively for the driving task that may be fully replaced by automation, and grant only those exemption applications that are backed by evidence that a new feature maintains and enhances safety and keeps occupants protected in a crash at least at the level federal standards demand today;
- Prioritize safety for all road users, including all AV occupants and other motorists, pedestrians, motorcyclists, transit riders, and cyclists; and ensure AV access for everyone, including people with sensory, cognitive, and physical disabilities, including wheelchair users, as well as people with neurological conditions; and
- Require any technical advisory committee or administrative process to be transparent, balanced, and accountable, including by ensuring open and public rulemakings by NHTSA and full compliance with the Federal Advisory Committee Act.

This stronger legislation also would ensure that NHTSA abandons its misguided and dangerously lax “hands-off” approach to the safety of AVs and vehicles with active driving assistance systems, and instead implements critical measures recommended by the National Transportation Safety Board following recent crash investigations involving driving automation.² Congress should require NHTSA to accompany these improvements for AVs with critical safety rules for the cars of today, including requirements for all new cars to come standard with proven advanced safety features like forward collision warning, automatic emergency braking with pedestrian detection, and blind spot warning.

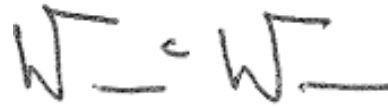
Fundamentally, we urge you—as congressional leaders and representatives of the public—to show your constituents and people across the country that protecting them is your top priority. The best way to accomplish this is to focus right now on our country’s response to the coronavirus pandemic and the health and financial security of all Americans, and to work separately in the coming months for a far stronger, safety-first bill to promote road safety as automated vehicles are developed, tested, and deployed.

As this work continues, Consumer Reports looks forward to working together to put people first during the current pandemic and to make substantial consumer safety improvements to any AV bill. Thank you for your consideration.

Sincerely,



David Friedman
Vice President, Advocacy



William Wallace
Manager, Safety Policy

cc: Members of the U.S. Senate

Members of the U.S. House of Representatives

¹ See CR, Letter from Consumers Union to the U.S. House of Representatives on the SELF DRIVE Act (Sept. 6, 2017) (online at: advocacy.consumerreports.org/research/cu-letter-to-the-us-house-on-the-self-drive-act); see also “Consumer Reports: Self-driving cars bill still falls short on safety,” press release (Dec. 4, 2018) (online at: advocacy.consumerreports.org/press_release/consumer-reports-self-driving-cars-bill-still-falls-short-on-safety).

² See, e.g., “Consumer Reports: Uber crash should be ‘a wake-up call’ for companies developing self-driving cars, DOT, and state governments,” press release (Nov. 19, 2019) (online at: advocacy.consumerreports.org/press_release/cr-uber-ntsb-nov-19-2019).