

February 11, 2020

Chairman Frank Pallone
Committee on Energy and Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Chair Janice D. Schakowsky
Subcommittee on Consumer Protection and
Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Ranking Member Greg Walden
Committee on Energy and Commerce
United States House of Representatives
2322 Rayburn House Office Building
Washington, D.C. 20515

Ranking Member Cathy McMorris Rodgers
Subcommittee on Consumer Protection and
Commerce
United States House of Representatives
2322 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Pallone, Chair Schakowsky, Ranking Members Walden and McMorris Rodgers, and members of the Subcommittee,

On behalf of the Competitive Enterprise Institute (CEI), thank you for holding the hearing today, “Autonomous Vehicles: Promises and Challenges of Evolving Automotive Technologies.” We appreciate your continued efforts to develop a national regulatory framework for highly automated vehicles (HAVs), which are motor vehicles equipped with automated driving systems (as defined by SAE Recommended Practice J3016). CEI supported the bipartisan legislative efforts in the previous Congress and we strongly support the passage of similar legislation as soon as possible.

For the last decade, CEI has been involved in most of the significant state and federal efforts to enact sound HAV public policy. At the state level, many legislative proposals—including some which have been enacted—unfortunately have not reflected widely recognized best practices, nor have they adequately recognized the longstanding policy roles of various levels of government.

In several states, well-meaning legislators have tasked inexperienced and unequipped regulators from agencies such as the Department of Motor Vehicles with developing HAV safety and performance rules. Worse, some municipalities are considering developing their own conflicting and counterproductive rules.

For over 50 years, Congress has recognized that automotive safety and performance requirements should be led by one agency with the competence and resources to do so: the National Highway Traffic Safety Administration (NHTSA). But NHTSA has not yet acted beyond issuing HAV nonbinding guidance, allowing a growing patchwork of haphazard “mini-NHTSAs” to increasingly fill this policy vacuum created through federal inaction.

Such a patchwork threatens the development and deployment of HAVs and related services, which in turn threatens the large potential safety and mobility gains offered by HAV technologies. NHTSA reported 36,560 crash fatalities in 2018 and NHTSA research has long indicated that human error and misbehavior are factors in more than 90 percent of crashes. HAV technology that reduces or relieves human responsibility for the core driving task thus has the potential to greatly reduce crashes and their associated fatalities, injuries, and property damage.

To reduce these risks of federal inaction, Congress should reassert the federal government's enduring authority over automotive safety and performance regulation by passing a nationwide HAV framework to provide a clear signal to developers, citizens, and state and local governments.

CEI withholds judgement on any particular legislative action until we are able to review the text, but we urge you and your colleagues in the Senate to continue work in a bipartisan fashion to pass this badly needed HAV legislative framework.

Sincerely,

Marc Scribner
Senior Fellow
Competitive Enterprise Institute

CC: Members of the United States Senate Committee on Commerce, Science and Transportation