

May 4, 2018

The Honorable John Thune
Chairman
Senate Committee on Commerce, Science and
Transportation
511 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Bill Nelson
Ranking Member
Senate Committee on Commerce, Science and
Transportation
716 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Thune and Ranking Member Nelson:

We are writing to express our concerns with S.1885, the American Vision for Safer Transportation Through Advancement of Revolutionary Technologies (AV START) Act. Transportation for America (T4A) is an alliance of elected, business and civic leaders who, along with the 24 cities in our Smart Cities Collaborative, support the thoughtful deployment of automated vehicles. We believe in the promise of this technology and its possibilities but not at the expense of public safety and common sense.

The AV START Act is a fundamentally flawed bill that will put hundreds of thousands of automated vehicles (AVs) on the roads, keep local governments and the public from knowing much about where and how they are operating, while preempting cities and states from overseeing how and where these vehicles operate in their communities.

We are concerned about reports that the Committee is considering attaching the AV START Act as a rider to the “must pass” Federal Aviation Administration (FAA) reauthorization bill now pending before the Senate. Attaching the AV START Act to any other bill currently under consideration in the Senate as a means to expedite its adoption, without consideration by the full Senate, sets the stage for the same tragic accident that occurred earlier this year in Tempe, AZ to repeat itself many times over.

We urge the Committee to consider the safety of the public first before taking any action on the AV START Act and not attach this legislation to the FAA reauthorization measure nor any other bill at this time.

Americans were deeply troubled after an AV operated by Uber struck and killed a woman in Tempe, AZ.¹ Videos of the incident show the vehicle made no attempt to slow down before the crash and the safety driver failed to take control of the vehicle. It is clear that both the technology and the human safety driver failed, resulting in a tragic fatality. Reports after the fatality suggest that Uber had data indicating its vehicles were underperforming.² Unfortunately, Arizona and many other states do not require AV operators to disclose any data regarding their performance. This leaves everyone in the

¹ <https://morningconsult.com/2018/04/05/americans-less-trusting-self-driving-safety-following-high-profile-accidents/>

² <https://www.nytimes.com/2018/03/23/technology/uber-self-driving-cars-arizona.html>

dark about whether it is safe to move about our communities and creates a climate of secrecy around AV testing and deployment.

This approach will not earn the public's trust and trust is necessary if AVs are to be successfully brought to market and deployed. The lack of oversight by state and local governments and the unwillingness of private operators to share their data with state and local governments means we will never learn from the mistakes and accidents associated with the initial deployments of this new technology.

As currently written, there is nothing in the AV START Act that would help cities, states, law enforcement, or even the National Highway Traffic Safety Administration (NHTSA) learn from these incidents or develop policies and safety regulations to prevent similar crashes in the future.

This legislation is antithetical to the culture of safety the federal government has carefully and deliberately cultivated over the past five decades. Rather than strengthening safety, the AV START Act simply codifies the climate that made the crash in Arizona possible by actively prohibiting the creation of any data sharing standards.

Under the AV START Act, the federal government will be actively prohibited from creating any federal data sharing regulations, leaving states and local communities at the mercy of automakers and tech companies to provide the data they see fit to share. At best, this will force states or local communities to negotiate with the private sector or create local data policies. This would be contrary to the stated purpose of the AV START Act: to avoid a patchwork of regulations. We believe the likeliest outcome is that local communities will be pitted against each other in a race to the bottom to attract AV companies by enacting little to no regulation, thus ensuring America's local communities will be in the dark about AV deployment on local roadways and leaving millions of Americans in harm's way.

Increasing secrecy will not improve safety. We should not enshrine secrecy into national transportation policy. In order to create safer conditions for every mode of travel—especially AVs—cities, states, law enforcement, and federal regulators need data to inform and optimize their planning, policymaking, infrastructure, and operations to prepare for the coming wave of automation.

The preemption language in the bill challenges the ability of local communities to regulate their own roads. Currently, state and local governments have the authority to manage the operation of vehicles on their streets to address concerns such as noise, congestion, or safety. Cities and states need to be able to manage AVs on their roads in the same way they manage all other vehicles, commercial and non-commercial, in order to ensure the safety of everyone using their system. The AV START Act strips states and local governments of this authority and leaves them without the tools necessary to protect the public and to address the problems that have and will surely continue to arise during the testing and deployment of AVs.

Protecting public safety is a fundamental role of government. While we share the committee's enthusiasm about the potential of AVs to reduce fatalities and improve access and opportunity for all

Americans, the AV START Act, as currently written, will actively prevent federal, state and local authorities from creating safe conditions for the testing and deployment of automated vehicles.

Instead of creating a framework that unlocks the transformative potential of this technology and allows cities and states to experiment and innovate in flexible ways to tackle their most pressing challenges, this legislation puts business interests first, handcuffs our transportation leaders and revokes their ability to keep our streets and residents safe by deploying automated vehicles in a thoughtful manner.

We urge the Committee to work with states and local governments, their transportation officials and safety advocates to fully address these concerns before moving forward with this legislation.

Sincerely,



Kevin F. Thompson
Director, Transportation for America

cc: Members of the United States Senate