



Anthony Foxx
Secretary
Department of Transportation

Dec. 3, 2015

Mark R. Rosekind
Administrator
National Highway Traffic and Safety Administration

Dear Secretary Foxx and Administrator Rosekind:

I am writing on behalf of Consumer Watchdog, a nonprofit nonpartisan public interest group, in response to Secretary Foxx's recent directive to update NHTSA's policy on automated vehicles. The current "Preliminary Statement of Policy Concerning Automated Vehicles" was issued in May 2013, so more than two years later it does make sense to revisit NHTSA's position. It is imperative, however, that any updates continue to put safety ahead of all other considerations.

Automated technologies – some of which are already being deployed such as automatic emergency braking – can clearly improve auto safety. Consumer Watchdog is concerned that success with such automated features could prompt NHTSA to prematurely recommend approval of the general public use of fully autonomous self-driving robot cars.

Your current policy on self-driving robot cars urges the states allow them only to be used on public roads for testing purposes. Moreover, the policy says, "NHTSA strongly recommends that states require that a properly licensed driver be seated in the driver's seat and ready to take control of the vehicle while the vehicle is operating in self-driving mode on public roads." This recommendation is a key safety provision that protects other vehicles, which are sharing a public highway with a robot car being tested. Consumer Watchdog knows of no evidence that would support changing this recommendation now.

As you know, most of the testing of robot cars on public highways has taken place in California under regulations promulgated by the state Department of Motor Vehicles. The California rules reflect NHTSA's recommendations and allow only testing of robot cars and then only with a licensed and trained driver behind the steering wheel capable of taking control as necessary.

We have closely monitored self-driving robot car testing in our state and there is nothing yet to suggest that the vehicles are ready for safe operation by the general public. Nor is there adequate information to suggest that test vehicles should be allowed to operate on public roads without a driver capable of taking control from the autonomous technology when needed.

After Jan.1 the DMV will gain valuable insight into how well the self-driving technology is working because the companies testing the robot cars are required to file "disengagement reports" covering the period from September 2014 through this November. The reports will describe all cases when the human driver had to assume control to ensure safety or cases when the autonomous technology failed.

Do not put the interests of the robot car developers ahead of the public's safety in the face of ongoing pressure from self-driving robot car manufacturers like Google, which has promised a vehicle without a steering wheel or brake pedal.

Automated technologies are already improving auto safety. Success with those technologies, many of which need further vetting and research before standards can be implemented, must not lead us to believe that we are ready for general public use of fully autonomous self-driving robot cars on our public highways.

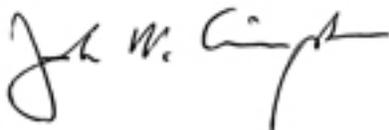
We believe a public workshop would be valuable as NHTSA updates its "Policy Concerning Automated Vehicles" and call on you to convene such a meeting of various stakeholders. Importantly, there is no need to rush the development of regulations and standards that would cover self-driving robot cars. They have not passed through the research and testing phase and clearly are not ready for public deployment. Much more data, such as that which will be available in California's "disengagement reports," is necessary before any standards can be written. You should require that the robot car developers provide such data, including copies of any video and technical information associated with crashes involving cars being tested.

Because there has been no adequate demonstration that the self-driving robot cars are safe for general use, Consumer Watchdog urges NHTSA to continue to recommend the cars only be allowed on public roads for testing purposes. And, a key safety element with the robot cars being tested is that a licensed human driver can take control. We also urge you to maintain that key recommendation in any updated NHTSA policy.

While regulations for the public use of self-driving robot cars are premature, there are automated technologies that improve safety such as automatic emergency braking and vehicle-to-vehicle (V2V) communication. NHTSA should open formal rulemakings to set enforceable standards as such automated technologies are shown to be safety enhancing and are implemented.

Innovation can thrive hand-in-hand with thoughtful regulation. Your 2013 "Preliminary Statement Concerning Automated Vehicles" is an example of just that approach and we are seeing the positive results as automated technology continues to develop. Google may want to put the pedal to the metal as it rushes robot cars out the door, but a thoughtful, deliberate approach to regulations is required. Consumer Watchdog calls on NHTSA to continue to put safety first as you update your automated vehicle policy.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Simpson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John M. Simpson
Privacy Project Director