



Mark R. Rosekind, Ph.D.
Administrator
National Highway Traffic and Safety Administration
1200 New Jersey Ave. SE
Washington, DC 20590

July 28, 2016

Dear Administrator Rosekind:

Last week in San Francisco, you claimed that the safety potential of autonomous cars was so great that, since most vehicle crashes involve human error, replacing humans with robot “drivers” could eliminate 19 out of 20 accidents on the road. We would like to see the data supporting this statement.

But we are also dumbfounded that the fatal crash of a Tesla Model S in Florida that killed a former Navy SEAL did not give you pause, cause NHTSA to raise a warning flag, bring you to ask Tesla to adjust its software to require drivers’ hands on the wheel while in autopilot mode, or even to rename its “autopilot” to “pilot assist” until the crash investigation is complete.

Instead, you doubled down on a plan to rush robot cars to the road, declaring that NHTSA cannot “stand idly by while we wait for the perfect” and “no one incident will derail the Department of Transportation and NHTSA from its mission to improve safety on the roads by pursuing new lifesaving technologies.”

This is a false dichotomy. The question is not whether autonomous technology must be perfect before it hits the road, but whether safety regulators should allow demonstrably dangerous technology with no minimum safety performance standards in place, to be deployed on American highways.

Tesla’s autopilot could not tell the difference between a white truck and a bright sky or between a big truck and a high mounted road sign. Tesla apparently knew of the defect, yet still released autopilot in beta mode and turned its customers into human guinea pigs. Technology with such an obvious flaw should never have been deployed, and should not remain on the road. But you and your colleagues have become giddy advocates of self-driving cars, instead of sober safety regulators tasked with ensuring that new systems don’t kill people. Instead of seeking a recall of Tesla’s flawed technology, you inexcusably are rushing full speed ahead.

No technology can deliver on a promise of safety if it is rushed into vehicles with known deadly defects. Adequate safety standards developed in the full light of day are crucial to ensuring imperfect technologies do not kill people by being introduced into vehicles before the technology matures. As a regulator, NHTSA is responsible for preventing known safety defects from killing people. Thus far, you have failed in this most fundamental mission.

Someday, autonomous technologies can save lives. But they should only be implemented after thorough testing and a public rulemaking that sets enforceable safety standards. That is why we petitioned NHTSA for a rulemaking to set standards for automatic emergency braking, rather than rely on a meager auto industry-friendly voluntary agreement worked out behind closed doors that cannot be enforced. If mandatory standards had been in place for automatic emergency brakes before the Florida crash, it might have been prevented.

And we ask you once again to pledge not to parlay your support for the autonomous car industry into a lucrative new position with the industry when you leave NHTSA, a revolving door so many of your former colleagues have recently pursued.

Exaggerating safety advocates safety concerns claiming they demand “perfection” while you ignore deadly defects serves no one. The reality of the need to test and improve autonomous vehicles should inform your wish for immediate deployment of this challenging new technology that has already resulted in one death and raises the potential for many more before the possible life savings you predict can be realized. Your careful leadership in this regard with NHTSA requiring minimum safety requirements will assure superior industry development and public acceptance sooner than rushing forward today.

Sincerely,

Joan Claybrook
President Emeritus, Public Citizen
and Former NHTSA Administrator

Carmen Balber
Executive Director
Consumer Watchdog

Clarence Ditlow
Executive Director
Center for Auto Safety

John M. Simpson
Privacy Project Director
Consumer Watchdog

Cc: Anthony Foxx, Secretary of Transportation
Nathaniel Beuse, Associate Administrator, NHTSA