



President Barack Obama
The White House
1600 Pennsylvania Ave. NW
Washington, DC, 20500

July 13, 2016

Dear Mr. President:

It is time to stop your administration's undue haste to get autonomous vehicle technology to the road.

Secretary of Transportation Anthony Foxx and NHTSA Administrator Mark R. Rosekind have vowed to issue new "guidance" this month to accelerate deployment of autonomous vehicles. Foxx and Rosekind have apparently fallen victim to the hype of the developers of self-driving cars at the expense of public safety. We call on you to halt the implementation of a self-driving vehicle policy until adequate Federal Motor Vehicle Safety Standards covering autonomous technologies are implemented through a public rulemaking process.

The error in rushing autonomous vehicle technology into cars and onto public highways without enforceable safety rules was underscored by the recent tragic fatal crash of a Tesla Model S in Florida while autopilot was engaged. According to Tesla, the vehicle was apparently unable to sense a white tractor-trailer truck against the bright sky as it made a left turn in front of the car. "Autopilot" technology that cannot sense a white truck in its path, and that fails to brake when a collision is imminent, has no place on the public roads.

Tesla wants to have it both ways, hyping the image of Autopilot as self-sufficient, but walking back any promise of safety by saying drivers must pay attention all the time. The result of this disconnect between marketing and reality was the fatal crash in Florida, as well as other non-fatal Tesla autopilot crashes that have now come to light. By releasing Autopilot prematurely in Beta mode, Tesla is unconscionably using our public highways as a test lab and its customers as human guinea pigs.

Both Volvo and Mercedes have said they will accept liability when their self-driving technology is responsible for a crash. Yet Tesla's Elon Musk has refused to accept responsibility for Autopilot's role in the crash. The company should recall and disable Autopilot in Tesla vehicles that are on the roads, until NHTSA and the National Transportation Safety Board have concluded their Florida investigations, and it should not be allowed on the road until proven safe. If Autopilot is ever proven safe to deploy, Tesla must assume liability for any crashes that occur because the feature is engaged.

Thus far the administration's policies on automated technologies have been developed in the shadows. NHTSA granted Google the right to consider the robot the "driver" in its autonomous vehicles in an interpretation issued without public notice, let alone the opportunity for public input. In March, NHTSA announced an agreement with 20 automakers on voluntary standards for automatic emergency braking that were substantially lower than the findings of NHTSA's own scientists. They also circumvented the public rulemaking process for auto safety features contrary to the law. The rules of the road for automated technologies that would dramatically alter transportation in this country should be developed thoughtfully, in the light of day and with the highest level of transparency and public participation.

Instead of hastily crafted "guidance," with inadequate opportunity for the public to comment, NHTSA should gather the facts from Tesla crashes, as well as test data from other developers of autonomous technologies, and start a formal rulemaking process that results in enforceable rules covering autonomous technology.

California has led the nation as a site for testing autonomous vehicle self-driving technology. Under the current California DMV regulations, self-driving vehicles are limited to operation by trained test drivers, and are not allowed for general use. A trained test driver behind a steering wheel and brake pedal, capable of taking over control when necessary, is required. The importance of this requirement is underscored by so-called "disengagement" reports that must be filed with the DMV explaining when the self-driving robot technology failed. The industry's own figures demonstrate that autonomous vehicle technology is not ready for general deployment. Google, for instance, reported its self-driving technology

failed 341 times, including 272 times when the system realized it could not handle the situation and ceded control to the driver, and 69 times when the test driver believed the situation was so dangerous that they had to intervene. Seven other companies testing autonomous vehicles on public roads in California reported to the DMV that those self-driving cars handed control over to human drivers another 2,704 times.

It is vitally important to preserve state consumer protection laws against selling unsafe products. Tech companies should not be given special exemptions. But they have already gained special treatment that puts the public at risk in states like Texas, where, according to Automotive News:

"No bills restricting autonomous vehicles have cleared the Texas legislature, and regulators have refrained from writing any new rules. So far, Texas has concluded that its existing regulations are sufficient. **The person sitting in the driver's seat is deemed responsible for the car, even if that person isn't actually driving**, said Duncan Stewart, a researcher at the University of Texas and a former engineer at the Texas Department of Transportation. "¹

If the manufacturers, including the high-tech companies, lack the confidence in their products to stand behind them and assume responsibility and liability when the systems they design are in control, and innocent people are injured or killed as a result, those vehicles do not belong on the road.

A troubling aspect of your administration's unjustified rush to deploy autonomous vehicles is the role that former NHTSA officials are playing in promoting robot cars. Former NHTSA Administrator David L. Strickland is counsel and spokesman for the Self-Driving Coalition for Safer Streets, comprised of Google, Lyft, Uber, Ford and Volvo. Three other top NHTSA officials now represent Google and its self-driving car program before their former colleagues.

If the public is to have any faith at all that NHTSA's self-driving vehicle policies are in the public interest rather than serving the narrow self-interest of the developers and manufactures, this revolving door must close. To that end Consumer Watchdog has called on Secretary Foxx and Administrator Rosekind to pledge they will not work as an employee or consultant to developers of self-driving autonomous vehicles for at least seven years after leaving their respective positions. So far, there has been no response and we call on you, Mr. President, to make that request of your appointees.

¹ "Austin may be fertile ground for Google Test," Automotive News, October 12, 2015.

The administration should not succumb to Silicon Valley hype about the miracles of autonomous vehicle technology. Autonomous vehicle technologies hold the promise of improving safety. But that promise can only be realized after thorough testing and a public rulemaking process that results in enforceable standards. Allowing the DOT and NHTSA to race ahead and issue untested, unenforceable, voluntary guidelines will only result in more unnecessary tragic injuries and deaths.

Sincerely,

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And Former NHTSA Administrator

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Cc: Anthony Foxx, Secretary of Transportation
Mark R. Rosekind, NHTSA Administrator