

March 19, 2018

The Honorable Elaine L. Chao
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Dear Secretary Chao:

As leaders of national, state and local organizations representing public health and safety professionals, bicyclists, pedestrians, smart growth advocates, consumer and environmental groups, law enforcement and first responders, and individuals with disabilities, we are writing to convey our strong objections to the lack of appropriate action and effective oversight by the U.S. Department of Transportation (DOT) in the development and deployment of autonomous vehicles (AVs), or driverless cars. The Department and its safety agency, the National Highway Traffic Safety Administration (NHTSA), have chosen to be detached spectators instead of engaged safety regulators during one of the most crucial and critical times in the history of automobiles. Unfortunately, inaction and indifference have grave and dangerous consequences for everyone -- passengers in driverless cars, other motorists, bicyclists, pedestrians and members of the disability community.

Recently, you expressed your support for the Department's decision to issue only weak and unenforceable voluntary guidelines for auto and tech industries and stated, "We are not in the business of picking winners or losers. The market will decide what is the most effective solution."ⁱ

Our organizations share your view that DOT should not be picking "winners or losers" in the marketplace. However, we strongly believe that DOT has a legal responsibility to evaluate and regulate technologies that are "safety winners or losers" *before* they even enter the marketplace. This is the most effective and assured approach to prevent unproven and potentially dangerous technologies from being sold to the public and allowed on public streets and highways across the country.

Congress created NHTSA in 1966 precisely because relying solely on market forces to manufacture and sell safe vehicles was a failed approach to addressing the mounting death and injury toll on our highways.ⁱⁱ The bipartisan law required the federal government to establish minimum vehicle safety performance standards to protect the public against "unreasonable risk of accidents occurring as a result of the design, construction or performance of motor vehicles."ⁱⁱⁱ

While motor vehicles have changed dramatically in the past 50 years and will continue to do so in the future, the statutory mission of the agency has not. NHTSA has estimated that since 1960, over 600,000 lives have been saved by motor vehicle safety technologies.^{iv}

In 2016, over 53 million cars were subject to a government recall, the highest number in our nation's history, because market forces failed to put public safety ahead of financial interests.

Recent examples include vehicles equipped with exploding Takata airbags, deadly GM ignition switches and polluting VW diesel engines, runaway Toyota vehicles, and other serious defects. The same industry that created and purposely hid these safety problems is now seeking and receiving from DOT a free hand to produce and sell vehicles that will contain millions of lines of code, thousands of feet of electrical circuitry and advanced electronics yet meet no minimum federal electronics requirements as is mandated by the Federal Aviation Administration or safety standards for cybersecurity protections. Moreover, there are no standards to test the capacity of an autonomous vehicle to “see” various objects on the streets or highways or any to ensure that drivers of level 2 and 3 AVs are not distracted and unable to take control of the vehicle when necessary. In short, AV manufacturers will be subject to little, if any, government oversight and accountability as the most radical new and untested vehicles enter our highways since the invention of the passenger motor vehicle.

Numerous opinion polls already show strong public skepticism and reticence about AVs and those concerns are justified. The reluctance and hesitation of the public to embrace AVs will not be overcome unless unproven, unreliable and unsafe technologies are kept out of the marketplace. It is incumbent upon DOT to assure the public that only safe and adequately tested vehicles meeting minimum federal performance requirements are sold and operated on our streets and roads. This is no different than DOT’s statutory mandate to protect and safeguard families using other modes of travel including plane, rail, bus, bicycle, or walking.

We urge DOT, under your watch, to encourage and oversee the development and deployment of life changing and lifesaving motor vehicle technologies by issuing minimum performance standards instead of “voluntary guidelines”, providing consumers with essential information on the capabilities and limitations of autonomous vehicles, and rigorously enforcing current legal mandates for industry to immediately report problems. Regardless of Congressional activity on AVs, DOT’s obligation to carry out its mission of ensuring a safe transportation system must be met. The public expects and deserves no less.

Sincerely,

Ralf Hotchkiss, Co-Founder
Whirlwind Wheelchair International

Mark Plotz, Conference Director
National Center for Bicycling & Walking

Georges Benjamin, MD, Executive Director
American Public Health Association

Christopher Michetti, MD, President
American Trauma Society

Leah Shahum, Founder and Director
Vision Zero Network

Dominick Stokes, Vice President for
Legislative Affairs, Federal Law Enforcement
Officers Association

Paul Steely White, Executive Director
Transportation Alternatives

Catherine Chase, President
Advocates for Highway and Auto Safety

Joan Claybrook, President Emeritus
Public Citizen, and Former NHTSA Administrator

Jack Gillis, Director of Public Affairs
Consumer Federation of America

Robert Weissman, President
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Sally Greenberg, Executive Director
National Consumers League

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Bill Newton, Deputy Director
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Andrew McGuire, Executive Director
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Jason Levine, Executive Director
Center for Auto Safety

Rosemary Shahan, President
Consumers for Auto Reliability and Safety

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National Coalition for Safer Roads
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Missouri Bicycle & Pedestrian Federation

Cathy DeLuca, Policy & Program Director
Walk San Francisco

Dan Becker, Director
Safe Climate Campaign

Irene E. Leech, President
Virginia Citizens Consumer Council

Dawn King, President
Truck Safety Coalition

cc: Ms. Heidi King, Deputy Administrator, National Highway Traffic Safety Administration

ⁱ Andrew J. Hawkins, *Self-driving cars continue to face little resistance from the federal government*, The Verge (Mar. 5, 2018).

ⁱⁱ Pub. L. 89-563 (Sept. 9, 1966).

ⁱⁱⁱ Title 49, U.S.C. Sec. 30102.

^{iv} Lives Saved by Vehicle Safety Technologies and Associated Federal Motor Vehicle Safety Standards, 1960 to 2012, DOT HS 812 069 (NHTSA, 2015); See also, NHTSA AV Policy, Executive Summary, p. 5 endnote 1.