



The Hon. Nancy Pelosi
233 Cannon House Office Building.
Washington, DC 20515

Dec. 6, 2018

Re: Please Block AV START Act (S.B 1885)

Dear Rep. Pelosi,

We are writing on behalf of Consumer Watchdog to call on you to stop the AV START Act (S. 1885) from being ram-rodded through Congress and attached as a rider to a “must-pass” spending bill.

This is a power grab by the auto industry to overturn landmark California privacy and self-driving car safety provisions before the Democratic majority takes charge in the House in January.

The auto industry should not be able to wipe out California’s self-driving car safety and incident reporting laws or the application of the new California Consumer Privacy Act under the cover of a lame duck session. We ask you to stop this reckless and craven power grab by the auto makers in its track. The latest draft bill would turn public roads into private laboratories and us into human guinea pigs for the developers of self-driving vehicles. It would preempt vital California autonomous vehicle safety regulations and chip away at the protections offered by the landmark California Consumer Privacy Act.

Threat to California’s safety rules: AV START’s preemption of state regulations is all the more threatening because it puts no safety standards in their place. That would have a substantial impact on California where the Department of Motor Vehicles has issued 61 permits to test autonomous vehicles with a backup safety driver and one permit to test robot cars without a driver. Here is the impact on California’s carefully crafted autonomous vehicle rules:

- DMV regulations require that companies file reports about any crashes within ten days of the incident. Annually, companies must file a so-called disengagement report, which details every time the robot technology failed and a human test driver had to intervene. Much of what we know about the state of the safety of autonomous vehicle technology has been gleaned from these mandated reports. AV START would nullify California’s reporting requirement.
- California has just implemented regulations covering testing of self-driving cars without a backup driver in the vehicle. One permit to test driverless cars has been issued to Waymo, formerly Google’s robot car division. The California DMV regulations require

that a remote operator monitor the vehicle. AV Start would preempt and nullify that requirement.

- California DMV rules also require that the company testing driverless robot cars file a plan for how the vehicle would interact with police and emergency responders. AV START does away with that requirement.

Threat to California Consumer Privacy Act: The California Consumer Protection Act is the strongest privacy law in the nation. It would, for instance allow a private right of action – though with some limits -- in data breach cases. No such right currently exists. The law ensures:

- The right of Californians to know what personal information is being collected about them.
- The right of Californians to know whether their personal information is sold or disclosed and to whom.
- The right of Californians to say no to the sale of personal information.
- The right of Californians to access their personal information.
- The right of Californians to equal service and price, even if they exercise their privacy rights.

The AV Start Act puts the Federal Trade Commission in charge of protecting the privacy of personal information gathered by robot cars. It would obliterate the protection under the California Consumer Privacy Act and preempts California's jurisdiction over the privacy of data gathered by autonomous vehicles. Instead, Trump's FTC would determine the rules.

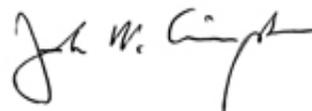
An autonomous vehicle law should immediately set performance standards that ensure an autonomous vehicle can detect and respond to its surroundings and other road users, including drivers, cyclists and pedestrians. It should immediately set performance standards for cybersecurity and electronics. AV START fails to do this and threatens meaningful state laws.

A bad law is worse than no law. There is no reason to rush this deeply flawed legislation through Congress. The preemption of California's autonomous vehicle regulations and the threat to our landmark Consumer Privacy Act must be thwarted. Consumer Watchdog calls on you to do so.

Sincerely,



Jamie Court
President



John M. Simpson
Privacy and Technology Project Director