Anthony Foxx
Secretary
Department of Transportation

March 3, 2016

Mark R. Rosekind
Administrator
National Highway Traffic and Safety Administration

Dear Secretary Foxx and Administrator Rosekind:

The rules of the road for automated technologies that would dramatically alter transportation in this country should be developed in the light of day with the highest level of transparency and public participation. Thus far, the Department of Transportation and the National Highway Traffic Safety Administration (NHTSA) have not held a single public proceeding focused on autonomous vehicles.

We are writing on behalf of Consumer Watchdog, Consumers Union, Consumers for Auto Reliability and Safety, and the Center for Auto Safety to ask you to commit to maximum transparency and public involvement as the DOT and NHTSA further develop policy and safety standards covering autonomous self-driving vehicles.

January saw the release of the "DOT/NHTSA Policy Statement Concerning Automated Vehicles," which updates NHTSA's preliminary policy statement from 2013. The update pledges that within six months NHTSA will develop a model state policy on automated vehicles that offers a path to a consistent national policy.

In February, NHTSA's letter responding to Google's request for an interpretation about how certain Federal Motor Vehicle Safety Standards (FMVSSs) should apply to its self-driving cars became public. NHTSA's interpretation held that the artificial intelligence based self-driving system, should count as the driver, rather than a human occupant, but that many rules would require a formal rulemaking process to be changed to apply to Google's self-driving cars. Because of the time necessary for rulemakings you suggested Google consider petitioning for exemptions.

While autonomous technologies may offer great benefits in the future, it is imperative that NHTSA continue to put safety first as the technologies develop. The best way to demonstrate your commitment to safety is a completely open, transparent process with the maximum public involvement.

To foster that open process, which ultimately builds public trust in the policies and standards, we ask you to:

-- Open an easily accessible public docket for all documents and comments related to autonomous vehicle technology and policy, including any company's petition for exemption from safety regulations.

-- Hold a public meeting involving all stakeholders as soon as possible to assist in developing a model state policy and to consider other policy issues surrounding self-driving vehicles. The meeting should be held well before the model state policy is issued in order to inform the model policy.

-- Meet with consumer and safety advocates as soon as is convenient so that we can express some of our concerns as self-driving policies are developed.

As you go forward with autonomous vehicle standards and policies, we urge you to consider California's experience with self-driving vehicles. California's Department of Motor Vehicles has proposed regulations that would require a human driver behind the steering wheel who can take control when necessary. Data from the manufacturers themselves indicated the need for this safety requirement.

On Jan. 1 seven companies testing self-driving cars in California were required to file "disengagement reports" with the DMV describing all cases when the human driver felt compelled to assume control to ensure safety or cases when the autonomous technology failed and turned over control to the test driver. The reporting period covered the 15 months from September 2014 through last November.

Google, which logged 424,331 "self-driving" miles over the 15-month reporting period, reported a human driver had to take control of test vehicles over 341 times, an average of 22.7 times a month. The car technology failed 272 times and ceded control to the human driver; the driver felt compelled to intervene and take control 69 times.

Other testing companies, driving far fewer autonomous miles than Google, also reported substantial numbers of disengagements. These "disengagements" were promoted by real situations that drivers routinely encounter on the road. Among the reasons human drivers had to take over the wheel were: failures to detect traffic lights, heavy pedestrian traffic, weather conditions, reckless behavior by another driver, cyclist or pedestrian, over-hanging branches, road construction, and "an unwanted maneuver of the vehicle."

These real-world results show there are many everyday routine traffic situations that cars simply can't cope with yet. NHTSA's model policy must reflect this simple reality: Self-

driving vehicles aren't ready to safely manage many routine traffic situations without human intervention.

Your updated autonomous vehicle policy statement pledges that "the North Star for DOT and NHTSA remains safety." The statement also says that autonomous vehicle technology is an area of rapid change that requires you to remain "flexible and adaptable." Please ensure that flexibility does not cause you to lose sight of the need to put safety first. Innovation will thrive hand-in-hand with thoughtful regulation. You can get there with maximum transparency and public involvement.

Sincerely,

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