U.S. SENATOR DIANNE FEINSTEIN
CALIFORNIA

COMMITTEE ON THE JUDICIARY
- CHAIR, HUMAN RIGHTS AND THE LAW
SELECT COMMITTEE ON INTELLIGENCE
COMMITTEE ON APPROPRIATIONS
- CHAIR, ENERGY AND WATER SUBCOMMITTEE
COMMITTEE ON RULES AND ADMINISTRATION

United States Senate

September 21, 2021

Dr. Steven Cliff
Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Acting Administrator Cliff,

Thank you for opening an investigation into recent crashes involving vehicles using automated vehicle (AV) technology. I am concerned that current AV technology testing needs improvement, that state and local authorities need more partnership, and impacts upon the environment and accessibility need to be further analyzed. I urge your continued attention to these issues.

It is imperative that as more states legalize AVs, federal regulators and policymakers conduct thorough studies of the technology and issue detailed regulations and performance standards. I commend recent actions by the National Highway Traffic Safety Administration (NHTSA), including your June Standing General Order and investigations into crashes involving automation, which have the potential to yield valuable insights into AV technologies. As your review continues, more must be done before new technologies, such as those inaccurately marketed as "Full Self-Driving Capability," are introduced on public roads.

I also urge NHTSA to study and recommend options for safety standards. We must find answers about why vehicles using AV technology were not able to detect or navigate around parked, first-responder vehicles. These and other crashes have worrying implications for state and local governments as new technologies are unable to detect obstacles that attentive drivers are easily able to navigate. Additionally, in the wake of the National Transportation Safety Board's February 2020 investigation into Tesla, it has become clear that there must be additional, thorough studies into the potential for driver distraction, disengagement, and misuse while using automated technologies. I urge you to contact state and local leaders in jurisdictions where automated driving systems are already being tested on local roads to hear from them directly about their concerns.

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http://feinstein.senate.gov

Lastly, as NHTSA considers rulemakings for autonomous technologies, I ask that you work collaboratively with the Environmental Protection Agency and the Department of Labor to analyze the impacts upon the environment and accessibility. More research is needed to determine what effect automation will have on vehicle emissions, land use, and our California's unique authority under the Clean Air Act. Similarly, as multiple companies launch passenger services to the public, it is essential that passengers with disabilities, such as those who use wheelchairs, are accommodated in vehicle design.

President Biden's "American Jobs Plan" has clearly stated the need for safety as an essential element of new technologies, and this would include technology for autonomous vehicles. Proper federal oversight will be necessary for new technologies to be deployed safely and earn consumer acceptance, especially in the wake of numerous fatal crashes which have already occurred. I would be very interested in working with you and your office if any legislation should be needed to ensure that these goals are met.

Thank you for your consideration of my request.

Sincerely,

Dianne Feinstein
United States Senator

CC: The Honorable Maria Cantwell, U.S. Senate Committee on Commerce, Science and Transportation
The Honorable Frank Pallone, U.S. House Committee on Energy and Commerce
The Honorable Michael Regan, U.S. Environmental Protection Agency
Thoe Honorable Martin J. Walsh, U.S. Department of Labor
The Honorable Jennifer Homendy, U.S. National Transportation Safety Board