



March 1, 2023

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Dear Secretary Buttigieg:

Thank you for your work to advance national autonomous vehicle (“AV”) policy, and reduce motor vehicle injuries and fatalities on our nation’s roadways. As you have articulated, the United States faces a daunting roadway safety crisis with motor vehicle crashes and deaths at near record highs. At the same time, increased competition from other countries threatens American technological leadership in developing and deploying autonomous vehicles. To maximize the safety, mobility and economic benefits of AV technology, the AV industry and policymakers must work collaboratively to establish a national framework for the safe and swift deployment of AVs in all forms. It is critical that the Administration and Congress amplify the legal and regulatory conditions that will help the AV industry thrive and bring the benefits of AVs to all Americans, and expeditiously act on existing exemption petitions for AV deployment.

As the unified voice of the AV industry¹, the Autonomous Vehicle Industry Association (“AVIA”) represents the world’s leading technology, trucking, ridesharing, automotive, and transportation companies. The cross-section of companies demonstrates the widespread interest in developing AV technology across industries. Our mission is to bring the tremendous safety and mobility benefits of AVs—otherwise known as SAE Levels 4- and 5-capable vehicles—to consumers and businesses in a safe, responsible, and expeditious manner.² AVIA’s [*Federal Policy Framework for Our AV Future*](#), which is summarized below, outlines key policy priorities

¹ Our members include: Apple, Aurora, Cavnu, Cruise, Embark, Ford, Gatik, Kodiak, Lyft, May Mobility, Motional, Navya, Nuro, TuSimple, Uber, Volkswagen Group of America, Volvo, Waabi, Waymo, and Zoox. *See Our Mission and Members*, AVIA, <https://theavindustry.org/about/mission>.

² SAE’s J3016 standards have been adopted industry wide. Level 2 systems (often called advanced driver assistance systems or “ADAS”) are available on vehicles today and are capable of “partial driving automation,” requiring human supervision at all times. Level 3 vehicles have “conditional driving automation,” where the vehicle requires human interaction only in specific situations. Only Level 3, 4, and 5 vehicles are equipped with automated driving systems (“ADS”). *See Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles – J3016_202104*, SAE International, https://www.sae.org/standards/content/j3016_202104/ (last visited Jan. 30, 2023).



for Federal AV legislation and regulation. Your leadership is critical in advancing these policies and we look forward to engaging Department officials, the Administration, and Congress.

The U.S. Department of Transportation can take a number of steps to advance the safety benefits of AVs and help preserve American leadership in the AV industry. The Department should take **administrative and regulatory** actions that:

- **Update NHTSA and FMCSA Regulations.** The Department should propose and finalize Federal Motor Vehicle Safety Standards (“FMVSS”) rules for telltales, indicators, and warnings in Automated Driving System (“ADS”)-equipped vehicles that codify the Department’s interpretation that these indicators “may simply be operable by the [ADS] and need not be located so that they are available to any of the human occupants of the motor vehicle,”³ as well as crash avoidance testing rules for new ADS vehicle designs.⁴ The Department should complete rules that encourage AV truck developers to safely expand operations and commercialization and codify the existing interpretation that the Federal Motor Carrier Safety Regulations (“FMCSRs”) do not require a human driver to operate or be present in a commercial motor vehicle. The Department should initiate new rulemakings that support the deployment of ADS-equipped vehicles, including those with novel designs.
- **Establish a National Demonstration and Deployment Program.** The Department should develop a national demonstration and deployment program to evaluate the commercialization of AVs, including those that do not conform to all FMVSS.
- **Pursue International Engagement.** The Administration and the Department should preserve foreign market access and U.S. leadership in the AV industry by remaining actively engaged with other governments and international bodies about AV policymaking.

In addition to these regulatory and administrative actions, Congress should enact and request that the Administration support federal legislation that includes the statutory and

³ Letter to Google (4 Feb 2016), <https://www.nhtsa.gov/interpretations/google-compiled-response-12-nov-15-interp-request-4-feb-16-final>; Considerations for Telltales, Indicators and Warnings in Vehicles Equipped With Automated Driving System, DOT/NHTSA RIN 2127-AM07, <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202210&RIN=2127-AM07>

⁴ Facilitating New Automated Driving System Vehicle Designs for Crash Avoidance Testing, DOT/NHTSA, RIN 2127-AM00, <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202210&RIN=2127-AM00>



regulatory elements that are critical to the industry's success. To best support the further development of the AV industry, **federal AV legislation** should:

- **Reform the Exemption Process.** Federal legislation should modernize the vehicle exemption process to increase the number of allowable vehicles and lengthen the window in which the vehicles can be produced.⁵ The legislation should expand eligibility for the FAST Act's testing and evaluation exception to level the playing field among all stakeholders in the AV and ADS development ecosystem.⁶
- **Modernize Vehicle Laws to Accommodate Autonomous Operation.** Federal legislation should clarify that restricting the operation of a vehicle's manual controls during autonomous operation—which actually enhances safety by preventing unsafe interference with the ADS's driving—does not run afoul of the “make inoperative provision” of the Motor Vehicle Safety Act (49 U.S.C. § 30122) and codify FMCSA's existing interpretation that the Federal Motor Carrier Safety Regulations (“FMCSRs”) do not require a human driver to operate or be present in a commercial motor vehicle operated by a SAE Level 4 or Level 5 ADS.
- **Preserve Existing Federal Roles with Respect to Vehicle Regulation.** The wide deployment of AVs should not alter the National Highway Traffic Safety Administration's (“NHTSA”) authority in regulating the design, construction and performance of motor vehicles or the Federal Motor Carrier Safety Administration's (“FMCSA”) authority over the operation, licensing, inspection, repair, and maintenance of commercial vehicles.
- **Expand Access to Mobility.** Federal legislation should ensure that no government policy, legislation, or regulation would require individuals to obtain a license to be a passenger in an autonomous vehicle and direct studies on the economic, access, and equity impacts of AVs to better understand the technology's promise.

⁵ Expanding the cap on vehicle production under exemptions was proposed in past drafts of AV legislation. *See* BILL CANIS CONG. RSCH. SERV., R45985, ISSUES IN AUTONOMOUS VEHICLE TESTING AND DEPLOYMENT 17-18 (2021), <https://sgp.fas.org/crs/misc/R45985.pdf>

⁶ The FAST Act exemption, codified at 49 U.S.C. § 30112(b)(10), allows the deployment of non-FMVSS-compliant vehicles for testing purposes, but only by manufacturers who were producing FMVSS-compliant vehicles prior to the date the FAST Act was enacted in 2015. Due to this, AV developers founded after 2015 or who have not previously produced FMVSS-compliant vehicles are unable to utilize the exemption.



I appreciate your time and your consideration of these federal legislative and regulatory priorities. AVIA stands ready to provide you with any further information you may need and looks forward to continued conversation and collaboration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Farrah', is positioned above the typed name.

Jeff Farrah
Executive Director
Autonomous Vehicle Industry Association