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ONE HUNDRED FIFTEENTH CONGRESS

# Congress of the United States
## House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

**MEMORANDUM**

**June 23, 2017**

**To: Subcommittee on Digital Commerce and Consumer Protection Democratic Members and Staff**

**Fr: Committee on Energy and Commerce Democratic Staff**

**Re: Hearing on "Self-Driving Vehicle Legislation"**

On **Tuesday, June 27, 2017, at 10:00 a.m. in room 2123 of the Rayburn House Office Building**, the Subcommittee on Digital Commerce and Consumer Protection will hold a hearing titled "Self-Driving Vehicle Legislation." This hearing is the fourth hearing held by the Subcommittee on automated vehicles.[1]

## I. BACKGROUND

Automated vehicles, also known as self-driving or driverless vehicles, are vehicles in which the steering, acceleration, or braking systems can operate with little or no direct input from the driver.[2] These vehicles may also have the ability to monitor and independently respond to new situations or changing conditions.[3]

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[1] House Committee on Energy and Commerce, *Hearing on Disrupter Series: Self-Driving Cars*, 114th Cong. (Nov. 15, 2016); House Committee on Energy and Commerce, *Hearing on Self-Driving Cars: Road to Deployment*, 115th Cong. (Feb. 14, 2017); House Committee on Energy and Commerce, *Hearing on Self-Driving Cars: Levels of Automation*, 115th Cong. (Mar. 28, 2017).

[2] National Highway Traffic Safety Administration, *U.S. Department of Transportation Releases Policy on Automated Vehicle Development* (May 30, 2013) (press release).

[3] National Highway Traffic Safety Administration, *Preliminary Statement of Policy Concerning Automated Vehicles* (May 30, 2013).

Major automakers and technology companies are actively developing autonomous vehicle technology.[4] Many auto companies plan to gradually add driver-assistance technologies to traditional car models, while other companies are developing vehicles that are built from the ground up to operate without a human driver.[5]

## II. BRIEF SUMMARIES OF LEGISLATIVE HEARING BILLS

A. Let NHTSA Enforce Automated Vehicle Driving Regulations (LEAD'R) Act.—This bill preempts state laws or regulations regarding the design and construction of highly automated vehicles (HAVs). It protects the authority of the states to regulate, among other things, vehicle registration, licensing, insurance, and traffic laws unless the law or regulation is effectively an unreasonable restriction on the design or construction of HAVs.

B. Practical Automated Vehicle Exemptions (PAVE) Act.—This bill expands the number of cars permitted to be exempted from Federal Motor Vehicle Safety Standards (FMVSS) under certain conditions from 2,500 to 100,000 per exemption.

C. Renewing Opportunities for Automated Vehicle Development (ROAD) Act.—This bill expands the number of years for which an exemption may be granted under certain circumstances from two years to five years.

D. Expanding Exemptions to Enable More Public Trust (EXEMPT) Act.—This bill creates two new circumstances under which exemptions may be granted: (1) promoting the public adoption and acceptance or facilitate meaningful deployment of HAVs or (2) promoting transportation access to individuals with disabilities. In both cases, the overall safety level of the vehicle must at least equal the overall safety level of nonexempt vehicles.

E. Maximizing Opportunities for Research and the Enhancement of Automated Vehicles (MORE) Act.—This bill expands permissions created in the FAST Act, signed into law in the 114th Congress, for testing vehicles not in compliance with FMVSS to equipment manufacturers, suppliers, universities, and new entrants to the HAV market.

F. Increasing Information and Notification to Foster Openness Regarding Highly Automated Vehicle Matters to States (INFORM) Act.—This bill requires the National Highway Traffic Safety Administration (NHTSA) to notify states when it grants an exemption to FMVSS for HAVs.

G. To establish a Disability Mobility Advisory Council.—This bill directs the Secretary of Transportation to establish within the Department of Transportation (DOT) an

[4] *30 Companies Are Now Making Self-Driving Cars*, Business Insider (Apr. 22, 2016) (www.businessinsider.com/30-companies-are-now-making-self-driving-cars-2016-4).

[5] RAND Corporation, *Autonomous Vehicle Technology: A Guide for Policymakers* (2016); Google Self-Driving Car Project, Home Page (www.google.com/selfdrivingcar) (accessed Nov. 7, 2016).

advisory committee to make recommendations regarding advancing mobility access for the disabled community.

H. To establish an Advisory Council for Improving Mobility Access for Underserved Populations and Senior Citizens.—This bill directs the Secretary of Transportation to establish within DOT an advisory committee to make recommendations regarding mobility access for senior citizens and populations underserved by traditional public transportation services.

I. To establish an Automated Driving System Cybersecurity Advisory Council.—This bill directs the Secretary of Transportation to establish within DOT an advisory committee to make recommendations regarding cybersecurity for the testing, deployment, and updating of automated driving systems.

J. Sharing Automated Vehicle Records with Everyone for Safety (SHARES) Act.—This bill directs the Secretary of Transportation to establish within NHTSA an advisory committee to develop a framework that allows manufacturers of HAVs to share certain relevant information that does not risk public disclosure of proprietary information.

K. Highly Automated Vehicle Pre-Market Approval Reduces Opportunities for More People to Travel Safely (HAV PROMPT) Act.—This bill prohibits NHTSA from implementing a pre-market approval process for HAVs.

L. Guarding Automakers Against Unfair Advantages Reported in Public Documents (GUARD) Act.—This bill designates certain information related to automated driving systems (e.g., data relating to crash data; information relating to the design of communications systems or mechanical functions; data related to the testing of cybersecurity, human-machine interfaces, fallback, and object and event detection response capabilities) as confidential business information for purposes of the Freedom of Information Act.

M. Managing Government Efforts to Minimize Autonomous Vehicle Obstruction (MEMO) Act.—This bill requires NHTSA and the Federal Trade Commission (FTC) to enter into a memorandum of understanding (MOU) regarding privacy and cybersecurity. The MOU must include a commitment from the FTC to focus on privacy and cybersecurity issues not connected with the operation of HAVs and a commitment from NHTSA to focus on privacy and cybersecurity issues that are connected with the operation of HAVs.

N. Designating Each Car's Automation Level (DECAL) Act.—This bill requires manufacturers to include a description of the level of automation of an HAV on the window stickers required for cars for sale.

## III. WITNESSES

**Mitch Bainwol**
President and CEO
Alliance of Automobile Manufacturers

**John Bozzella**
President and CEO
Global Automakers

**Tim Day**
Senior Vice President
Chamber Technology Engagement Center
U.S. Chamber of Commerce

**Alan Morrison**
Lerner Family Associate Dean for Public Interest and Public Service Law
George Washington University Law School

**The Honorable David L. Strickland**
Counsel
Self-Driving Coalition for Safer Streets and Partner
Venable LLP

**Will Wallace**
Policy Analyst
Consumers Union