



Property Casualty Insurers
Association of America

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DAVID M. GOLDEN
ASSISTANT VICE PRESIDENT,
COMMERCIAL LINES POLICY

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Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue SE
West Building Ground Floor Room W12-140
Washington, DC 20590-0001
Via Electronic Submission

Subject: Automated Driving Systems for Commercial Motor Vehicles
Request for Comments
Docket ID: FMCSA-2018-0037

Auto insurers consistently advocate for highway safety improvements. The Property Casualty Insurers Association of America (PCI) appreciates this opportunity to address the application of Federal Motor Carrier Safety Administration (FMCSA) regulations to Automated Driving Systems in large motor vehicles. PCI is composed of approximately 1,000 insurance companies and 350 insurance groups, representing the broadest cross section of home, auto, and business insurers of any national trade association. PCI's members write 47 percent of our nation's business auto insurance.

Automated vehicles hold great promise to save lives by reducing the number of deaths and accidents on our nation's roads as well as providing increased mobility for disabled and aging populations. In the trucking context, they should significantly reduce the likelihood of 80,000 lbs. of truck colliding with a car. They also promise to fundamentally shift the workload of the vehicle operator, greatly reducing driver fatigue-related accidents.

As supporters of both safety and innovation, PCI members are encouraged that FMCSA's three-month waiver, five-year exemptions and three-year pilot programs promise to be useful tools to allow appropriate testing of these systems on public highways, with the presence of trained drivers as appropriate for the testing involved.

FMCSA also believes that its existing regulations would allow Automated Driving Systems to "perform the driver's functions in the operational design domain in which the system would be relied upon, without the presence of a trained commercial driver in the driver's seat." At the same time, however, the Volpe Center "found that several broad potential challenges exist for all of the automated CMV operating concepts considered." We will leave this apparent conflict to other commenters having technical expertise regarding FMCSA regulations.

Insurers' abilities to identify vehicles with automated driving technology, as well as differentiate among various system providers and system functions, will be critical for development of new insurance products, underwriting, and pricing methods as automated vehicle technology evolves. FMCSA should take this opportunity to address Automated Driving System information access, both during testing and after full implementation. Automated vehicle technology brings opportunities for insurers to innovate and develop new insurance products that support the use of automated vehicles. Right now, auto insurance pricing is largely based on the driver. Going forward, assessing the risk will become more focused on the systems driving the vehicles as opposed to human drivers.

Appropriate information sharing is also critical for insurers to fulfill their dual roles in improving safety and resolving highway accidents. PCI is encouraged that in its guidance "Automated Driving Systems 2.0: A Vision for Safety", the Department of Transportation (DOT) recommended the sharing of post-crash data and

information that facilitates the repair of vehicles. At the same time, protecting the vehicle user's privacy, ensuring vehicle systems are secure and that intellectual property rights are protected are also essential.

Insurers are important stakeholders in this process and have valuable contributions to make to the public policy discussion. PCI is eager to continue working with USDOT, Congress, the states, other stakeholders, and policymakers to address these issues. We hope that FMCSA will join in this effort so that information access is appropriate and consistent across federal agencies.

PCI agrees with FMCSA's statement that, "the Agency is not seeking comments on its financial responsibility requirements because they are not directly related to CMV technologies and because future insurance requirements will depend in part on the evolution of State tort law with respect to liability for the operation of ADS-equipped vehicles." Indeed, many legal observers believe that a product liability component for automated vehicle system manufacturers will become increasingly important in apportioning auto accident responsibility. Consequently, the traditional driver-based liability component may well diminish, as automated vehicles become more common on our highways. It does not make sense to change financial responsibility requirements for motor carriers just as driving begins to shift toward automated systems that motor carriers and human drivers will not directly control.

Automated vehicles hold the promise of many innovations to come for vehicles, the motor carrier industry, and the insurance coverage that protects them all. PCI supports innovation and recognizes that information flow to appropriate parties, including insurers, will be critical to improved safety on our highways. Our association looks forward to working with FMCSA and other stakeholders to make the promise of safer highways come true.

Sincerely,

David M. Golden

David M. Golden
Assistant Vice President, Commercial Lines Policy