



May 4, 2020

The Honorable James Owens  
Acting Administrator  
National Highway and Traffic Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**Robin Vos**  
Assembly Speaker  
Wisconsin  
President, NCSL

**Martha R. Wigton**  
Director  
House Budget & Research  
Office  
Georgia  
Staff Chair, NCSL

**Tim Storey**  
Executive Director

Re: Notice of Proposed Rulemaking - Occupant Protection for Automated Driving Systems –  
Docket No. NHTSA-2020-0014

Dear Acting Administrator Owens:

On behalf of the National Conference of State Legislatures (NCSL), the bipartisan organization representing the legislatures of our nation's states, commonwealths and territories, we appreciate the opportunity to provide comments as you and your staff consider how to best update the current crashworthiness federal motor vehicle safety standards (FMVSS) for autonomous vehicles to remove current federal regulatory barriers to the testing and eventual deployment. Our comments below focus not on the technical and engineering specifics offered in the proposed rule, but rather on how important it is that states and the federal government work together to ensure the safe adoption of AVs into our existing transportation networks with other transportation modes and users. We must approach these issues in a systematic and pragmatic manner to ensure that safety on our nation's roadways and streets is paramount.

Autonomous vehicles will be a significant part of the future of the automotive industry. While AVs present many, perhaps incalculable, potential benefits for society, their implementation will also undoubtedly pose many challenges. Ensuring that such a new technology is safely and effectively made available to the general public, will take many years and the cooperation of federal, state and local officials.

Although NHTSA's application of federal safety standards to the performance of autonomous vehicles is likely to raise questions concerning the mix of federal, state and local powers, we want to stress that NCSL fully agrees that the regulation of motor vehicle safety (in the traditional manner, as defined in Title 49 Sections 30102 and 30111) is, and should remain, a federal obligation. This includes the specific FMVSS discussed in the proposed rule that focus on crashworthiness and occupant protection. However, state and local governments must remain the primary authority concerning operational safety, including regulating the operation of motor vehicles after such vehicles have been constructed, the operators of those motor vehicles, as well as the establishment of the rules of the road on how motor vehicles can be safely operated on public roadways.

Under the proper federal-state framework, states and local governments should retain the authority not only to enforce but to originate and establish laws and regulations governing the operation of motor vehicles on a public road (be they operated by a human driver or a vehicle decision-making system). Were the federal government to encroach into this space, it could inadvertently create significant roadblocks for the deployment of autonomous vehicles.

NCSL looks forward to continuing to work with you as you continue your work to update and modernize and existing federal motor vehicle safety standards to allow for the eventual deployment of autonomous vehicles. If you have any questions, please do not hesitate to contact NCSL staff Ben Husch (202-624-7779 or [ben.husch@ncsl.org](mailto:ben.husch@ncsl.org)).

Sincerely,



Representative Stephen Handy  
NCSL Natural Resources and Infrastructure  
Committee Co-Chair  
Utah House of Representatives



Representative Andrew McLean  
NCSL Natural Resources and Infrastructure  
Committee Co-Chair  
Maine House of Representatives