

January 19, 2017

The Honorable Dan Ruby
Chairman
House Transportation Committee
State Capitol
Bismarck, North Dakota 58505-0360

SUBJECT: HOUSE BILL 1202 - RELATING TO THE OPERATION AND REGULATION OF
AUTONOMOUS VEHICLES

Dear Representative Ruby:

Global Automakers, www.globalautomakers.org, represents international motor vehicle manufacturers, original equipment suppliers, and other automotive-related trade associations. We work with industry leaders, legislators, regulators, and other stakeholders in the United States. Our goal in North Dakota and elsewhere is to create public policy that improves motor vehicle safety, encourages technological innovation and protects our planet. Global Automakers is writing to inform you of our opposition to House Bill 1202.

The Association of Global Automakers represents international motor vehicle manufacturers, original equipment suppliers, and other automotive-related trade associations. We work with industry leaders, legislators, regulators, and other stakeholders in the United States. Our members have made, and continue to make, substantial investments in research and development on automated vehicle technologies, which have the potential to provide significant public benefits in terms of safety, mobility, congestion, and the environment.

Our Position

Global Automakers **opposes House Bill 1202** as introduced. House Bill 1202 grants the Department of Transportation with unlimited regulatory authority without establishing an appropriate framework for autonomous vehicle standards. The enactment of such legislation would create uncertainty for automotive manufacturers and others who are investing heavily in the technology as well as establish a patchwork of state laws that could slow the pace of innovation.

House Bill 1202 is not necessary to foster the development and testing of automated vehicles in North Dakota. Under current state law, North Dakota does not expressly prohibit the testing of levels four and five autonomous vehicles on public roads. Therefore, we think this bill unnecessarily creates the risk that North Dakota may erect counterproductive barriers to the testing and sale of automated vehicles, and that other states may follow suit.

Advancing Vehicle Automation Requires the Right Public Policy

In light of the tremendous societal benefits that vehicle automation can provide, Global Automakers believes that it is critically important that public policy supports and spurs advances in this lifesaving technology, and does not erect unnecessary barriers. This regulatory framework should have two components:

First, it should be flexible and allow manufacturers to develop, test, and market new systems that will provide broad societal benefits. A formal and overly-prescriptive program simply cannot keep up with the pace of innovation. House Bill 1202 provides no assurances that such an overly prescriptive program would not emerge.

Second, automated vehicle policy should be national in scope and allow manufacturers to build vehicles that can be tested, sold and operated in all fifty states. A patchwork of separate state laws establishing inconsistent design and performance criteria for automated vehicles would be unworkable. House Bill 1202 provides no assurances that performance criteria affecting the design of automated vehicle systems would not be created.

In September 2016, NHTSA issued its Federal Automated Vehicle Policy (the Policy) to serve as a framework to promote a national approach to ensure the continued advancement of automated vehicle technology. This Policy includes “Guidance” for the developers of automated vehicles, and is intended to provide a dynamic approach to these issues; issues we believe should be addressed at the federal level to provide greater regulatory certainty and consistency when designing vehicles for a national market. Global Automakers believes that NHTSA’s Federal Automated Vehicle Policy is an important first step toward a consistent national approach for this burgeoning technology. To support the continued deployment of this evolving technology, new approaches are needed as an alternative to the formal rulemaking process. The NHTSA Policy is intended to provide these additional safety assurances, recognizing that technology can advance more rapidly than regulation.

The Model State Policy seeks to provide guidance on how states may help support a uniform nationwide approach to automated vehicle policy. It identifies and defines the important roles that state governments should consider in addressing issues related to vehicle automation, as well as those areas that are not appropriate for state regulation. We strongly believe standards that impact the design and performance of motor vehicles is a federal responsibility while states maintain authority over issues such as driver licensing, vehicle registration and insurance.

HB 1202 is Unnecessary and Could Erect Barriers to Automated Vehicle Testing and Deployment

In our view, House Bill 1202 is unnecessary to promote the safe testing of automated vehicles in North Dakota. A law authorizing an open-ended rule may create unintended outcomes that impede testing. States such as Ohio and Virginia have demonstrated how to promote autonomous vehicle testing without

the need to enact new laws or rules. North Dakota should follow this example, using the Model State Policy as guidance without codifying its terms.

Sincerely,



Josh Fisher
Manager
State Government Affairs