September 1, 2017

The Honorable Greg Walden
Chairman
Energy and Commerce Committee
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Frank Pallone
Ranking Member
Energy and Commerce Committee
U.S. House of Representatives
Washington, D.C. 20515


Dear Chairman Walden and Ranking Member Pallone:

The development of “self-driving” vehicles and assisted driving technology has the potential to make a quantum leap in road safety and access to transportation, but there are significant challenges ahead and important decisions to be made regarding the appropriate regulatory framework for the testing and deployment of such vehicles. The Property Casualty Insurers Association of America (PCI) believes that the SAFE DRIVE Act, HR 3388, represents progress towards those goals and we look forward to continuing our work with policymakers to address remaining concerns regarding safety standards and data sharing.

PCI is composed of 1,000 member companies, representing the broadest cross section of insurers of any national trade association. PCI members write $216 billion in annual premium, 36 percent of the nation's property casualty insurance. That figure includes over $106 billion, or 43 percent of the auto insurance premium written in the United States.

The increasing automation of the driving function presents both a challenge and an opportunity for insurers to support innovation in vehicle technology by developing new insurance products while maintaining the ability to determine liability and handle claims when accidents occur. Section 5 of HR 3388 requires vehicle manufacturers to have written cybersecurity plans that include “a process for limiting access to the Automated Driving System (ADS)” that gives rise to concerns that access to vehicle data to third parties (such as insurers) could be blocked or severely limited by manufacturers. At a minimum, there should be confirmation that a vehicle owner’s ability to allow access to third parties (such as insurers or repair facilities) should not be blocked by cybersecurity plans.

Similarly, insurers have valuable contributions to make to any advisory council that will make recommendations on automated vehicle policy. Section 9 of the bill establishes the “Highly Automated Vehicle Advisory Council” to “develop technical advice, and present best practices or recommendations to the Secretary” regarding several issues including, cybersecurity and data sharing. While the language in the bill does not specifically include or exclude the inclusion of insurance representatives, we recommend that insurer representation be specifically included.

The bill also provides for the Advisory Council to establish a subcommittee to develop a method for data sharing between manufacturers and NHTSA, but doesn’t address sharing with other parties who will also need access to this data. Once again, insurers and safety researchers have a valuable contribution to make and should have specific representation on this subcommittee.
For HAV technology to reach its potential in terms of safety, standards for automated driving system use on public roads must set clear expectations for the public. Section 6 allows exceptions to existing Federal Motor Vehicle Safety Standards (FMVSS) on vehicle bumpers and steering systems that seem overly broad. Vehicles with automated driving systems will share the road and occasionally collide with human driven vehicles for many years to come, as such, PCI feels strongly that exemptions to FMVSS should not be permitted for crash protection standards.

PCI commends the Committee for its thoughtful and deliberative approach in developing the SAFE DRIVE Act. We look forward to continuing to work with the Committee and other stakeholders as the legislative process moves forward, and would welcome the opportunity to discuss these issues or any questions that you may have.

Sincerely,

Nathaniel F. Wienecke