



March 26, 2024

Sen. Maria Cantwell
Chair, Senate Energy, Science, and
Transportation Committee
254 Russell Senate Office Building
Washington, D.C. 20510

Rep. Cathy McMorris Rodgers
Chair, House Energy and Commerce
Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

Sen. Ted Cruz
Ranking Member, Senate Energy, Science, and
Transportation Committee
512 Dirksen Senate Office Building
Washington, D.C. 20510

Rep. Frank Pallone, Jr.
Ranking Member, House Energy and Commerce
Committee
2322A Cannon House Office Building
Washington, D.C. 20515

Brian Patrick Kennedy
Speaker Pro Tempore
Rhode Island General
Assembly
President, NCSL

Sabrina N. Lewellen
Deputy Director - Senate
Assistant Secretary of the
Senate
Arkansas General Assembly
Staff Chair, NCSL

Tim Storey
Chief Executive Officer
NCSL

RE: Future Consideration of Autonomous Vehicles

Chair Cantwell, Chair McMorris Rodgers, Ranking Member Cruz, and Ranking Member Pallone Jr.,

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 write to inform you and your committees of NCSL's position on the regulation of autonomous vehicles (AVs) as testing and usage expands across the country.

The rise in use of AVs has the potential to both revolutionize personal mobility and provide immeasurable safety benefits. As federal, state and local governments all play a role in regulating vehicles that operate on public roads, there is a need to clearly define each level of government's role in the operation of AVs while avoiding additional preemption of state authority and burdensome unfunded federal mandates.

State Authority to Regulate Autonomous Vehicle Testing

NCSL recognizes and agrees that the National Highway Traffic Safety Administration (NHTSA) is and should be the sole entity setting federal motor vehicle safety standards (FMVSS) for autonomous vehicles, equivalent to its current role for conventional vehicles. However, NCSL strongly believes that states are, and should remain the sole authority when it comes to vehicle use—which includes vehicle registration; driver licensing and education; traffic laws, regulation, and enforcement; and insurance and liability. NCSL is opposed to congressional proposals that would seek to preempt this authority from states by prohibiting them from prescribing certain standards or regulations relating to autonomous vehicle testing, including requirements related to the presence of a human driver.

Advisory Councils

NCSL requests that state legislators be appointed to, or included in, any congressional task force, council or other advisory group related to the development of autonomous vehicles. NCSL encourages congressional task forces to work with our organization to help ensure the appropriate states and legislators are included.

Cybersecurity Information Sharing

Cybersecurity is a vital aspect of autonomous vehicles. As these vehicles begin to communicate with each other (vehicle-to-vehicle or V2V), as well as with infrastructure (vehicle-to-infrastructure, V2I and V2X), the potential risk of cyberattacks and security breaches greatly increases. NCSL urges Congress to both share any emerging threat information with state governments and to work with states to ensure that such threats and affected vehicle populations do not become endemic. A collaborative effort is vital to ensuring such safety.

NCSL stands ready to work with Congress and your committees throughout the legislative process as you look to the future of this groundbreaking transportation method. If you have any questions regarding the positions outlined above, please do not hesitate to contact Ben Nasta at 202-624-3597, or benjamin.nasta@ncsl.org.

Sincerely,



Representative Kay J. Christofferson
NCSL Transportation Committee Co-Chair
Utah House of Representatives



Representative Jake Fey
NCSL Transportation Committee Co-Chair
Washington House of Representatives