

**The UNECE World Forum for Harmonization of Vehicle Regulations (WP.29) Address
NHTSA Deputy Administrator James Owens
Tuesday, November 10, 2020
Final**

Thank you, Mr. Chairman, and good afternoon, good evening and good morning to everyone. I am honored to be with you virtually and extend greetings to you on behalf of U.S. Transportation Secretary Elaine L. Chao. I would like to express my sincere appreciation to Director Yuwei Li for his warm welcome and flexibility in accommodating my participation by videoconference today.

The work conducted by the UNECE World Forum for Harmonization of Vehicle Regulations is critically important and has worldwide implications for vehicle and pedestrian safety.

I believe, as does everyone here at WP.29, that automated vehicle technologies hold the promise to help prevent fatal crashes, save lives, and reduce the severity of the crashes that do occur.

However, these technologies cannot fulfill their lifesaving promise if the public does not accept them. It is imperative that the public have full trust in these technologies for them to become an integral part of our society – and for them to save lives.

It is important to have these discussions here at the United Nations, which, since its founding, has been most effective when it has served as a global forum for our most pressing issues. The preservation of life on roadways – of vehicle occupants, of pedestrians, of cyclists, of all road users – should be a priority for all nations.

WP.29 is uniquely positioned to build a coalition around this effort, to attract the best minds, and to bring countries together to share their knowledge, their expertise, and their perspectives.

Today, I will share with you how the United States of America is accelerating innovation and facilitating the smooth deployment of automated driving systems, or ADS.

At the U.S. National Highway Traffic Safety Administration, every decision must be made based on sound science, data, and transparency. It is not our practice to issue a new regulation simply because it is believed it might have a safety benefit or because it might be expedient.

Instead, we first conduct substantial research and data collection to measure the scope of the issue and to determine if the proposal will provide a true safety benefit. If we do not have sound science, then we do not know if the proposal will improve safety. Intuition is not enough, and it is not science.

We are required to establish standards that can be tested anywhere, and that means we must spend time carefully crafting testing procedures before we can create metrics for performance. We also consider whether the proposal may have any unintended consequences.

NHTSA's rulemaking is also an open process; regulations are not made without significant public input. Any regulation being considered must be published in the Federal Government's official journal, known as the Federal Register, at multiple stages, so that anyone may read it and offer comments for the record.

We receive comments from a diverse cross-section: from the public, from cities and states, from local law enforcement, from safety advocates, and from industry. These voices, combined with the diligence and expertise at NHTSA, result in an improved final product, one that is scientifically sound, repeatable, and designed to ensure real safety benefits.

The United States is a leader in ADS technologies, but NHTSA has not yet issued new performance standards because this technology is still in its infancy.

Performance standards and regulations are appropriate for mature, stable, and well-understood technologies; they are less suitable for newer and rapidly evolving technologies that are not yet well understood.

To regulate technologies or ideas before they even exist would stifle their development, and thus, their lifesaving potential. And, as with automatic seat belts and early air bags, premature rules could create unexpected negative consequences.

When it comes to ADS technologies, the same principles apply.

The rulemaking process, as I described, is time consuming and lengthy. A new rulemaking can take years to write and implement. On the other hand, voluntary cooperation allows us to implement new programs and information sharing in a matter of months, as compared to years.

When it comes to technology, time is of the essence. We all share a common goal in educating the public, and companies have clear incentives to ensure testing is safe.

For those reasons, NHTSA recently launched a new market-based initiative that expands the scope of our cooperative approach.

The Automated Vehicle Transparency and Engagement for Safe Testing, or AV TEST, Initiative is the first platform connecting the public, manufacturers, developers, operators, and all levels of government to voluntarily share information about the on-road testing and development of prototype automated driving systems.

This initiative is built on the voluntary cooperation principles contained in AV 2.0, which remains our Department's foundational document on ADS issues.

The AV TEST Initiative provides a critical resource to educate and engage the public about these vehicles, the scope of on-road testing, and the stakeholders involved. It even includes an interactive website where people can learn about the types of testing occurring in their cities, as well as local and state legislation and safety regulations.

We're pleased by the tremendous interest in the AV TEST Initiative. Currently, 21 companies and 12 U.S. states are participating in the pilot project. Word continues to spread, and we have heard from an additional 30 companies and six states who are interested in participating.

Right now, we're going through the approval process to expand and fully launch the program. This process includes posting a public notice and collecting public comments. Once approved, we'll look forward to welcoming many more participants.

By partnering on a voluntary basis, we created this initiative and unveiled it to the public very quickly. Had we done this through the rulemaking process, it likely would have taken years – and, as we all know, this technology is not waiting around.

NHTSA has already demonstrated that market-based incentives are powerful tools for improving safety performance. For example, NHTSA's New Car Assessment Program, or NCAP, has led to the adoption of safety improvements as Americans seek out vehicles with better safety ratings for their families. The AV TEST Initiative can provide a similar opportunity.

Under the leadership of Secretary Chao, NHTSA is facilitating the safe testing, development, and eventual deployment of vehicles with ADS.

NHTSA exercises careful oversight over these emerging technologies by engaging with developers, conducting research, investigating incidents, and when necessary and appropriate, exercising our broad enforcement authority.

NHTSA also maintains a close dialogue with developers to ensure that our safety concerns are considered during the product development process. That dialogue continues through the AV TEST Initiative as well.

While there are many benefits to a voluntary approach as technologies continue to develop, this does not supplant our existing enforcement authority. It is important to note that all motor

vehicles are subject to an existing standard in the United States – they cannot create an unreasonable risk to safety.

When NHTSA determines that there is an unreasonable risk to safety, we do not hesitate to use our enforcement authority to ensure that the product is recalled. The same applies to vehicles with advanced driver assistance systems and vehicles with ADS.

Our nation is a leader in vehicle technologies because innovators are able to develop safety-enhancing technologies here and now. When the time is right, when the data is available, when the technology is proven—we may adopt performance-based standards for these vehicle automation technologies and others that may emerge.

In our view, those who are getting out ahead of WP.29 by adopting ADS regulations without sufficient evidence may be stifling creativity and free trade, and ultimately, perhaps even safety.

Performance standards implemented prematurely will hamper innovation, limit testing in different environments, and ultimately serve as an unwarranted barrier to trade. The auto industry is global in nature and has significant impact everywhere. Promising lifesaving technology should be allowed to develop and reach its potential, and should not be constrained by trade barriers.

The United States is proud of its tradition of innovation, entrepreneurship, and ingenuity. This tradition has been furthered, and not hampered, by a measured approach to regulations. Performance standards require science and data that demonstrate the costs and benefits to society. They should not be adopted simply to respond to critics.

Our nation will continue to be a leader in the development of automated driving systems, just as we have led in the creation of NCAP, Federal Motor Vehicle Safety Standards, and other approaches that have been accepted around the world. We implemented a number of regulations first, such as electronic stability control, and those standards served as a basis for what this body then passed.

This is the approach that WP.29 must consider in the development of a globally harmonized technical regulatory framework. Technology has changed the way we drive, and these benefits can only be accelerated if they are not stifled by premature regulations or artificial trade barriers.

We're excited about the future and the work underway here at WP.29. I believe the future of mobility is promising – as long as innovation is allowed to flourish.

Thank you very much.