



November 22, 2016

Officers  
Chair  
Judith L. Lichtman  
National Partnership for  
Women & Families  
Vice Chairs  
Jacqueline Pata  
National Congress of American Indians  
Thomas A. Saenz  
Mexican American Legal  
Defense and Educational Fund  
Hillary Shelton  
NAACP  
Secretary  
Jo Ann Jenkins  
AARP  
Treasurer  
Lee A. Saunders  
American Federation of State,  
County & Municipal Employees

Secretary Anthony Foxx  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Washington, DC 20590

RE: Docket No. NHTSA-2016-0090

Board of Directors  
Helena Berger  
American Association of  
People with Disabilities  
Cornell William Brooks  
NAACP  
Kristen Clarke  
Lawyers' Committee for  
Civil Rights Under Law  
Lily Eskelsen Garcia  
National Education Association  
Marcia D. Greenberger  
National Women's Law Center  
Chad Griffin  
Human Rights Campaign  
Wylecia Wiggs Harris  
League of Women Voters of the  
United States  
Mary Kay Henry  
Service Employees International Union  
Mark Hopkins  
AAUW  
Sherrilyn Ifill  
NAACP Legal Defense and  
Educational Fund, Inc.  
Michael B. Keegan  
People for the American Way  
Samer E. Khalaf  
American-Arab  
Anti-Discrimination Committee  
Marc Morial  
National Urban League  
Mee Moua  
Asian Americans Advancing Justice |  
AAJC  
Janet Murguía  
National Council of La Raza  
Debra Ness  
National Partnership for  
Women & Families  
Terry O'Neill  
National Organization for Women  
Rabbi Jonah Pesner  
Religious Action Center  
Of Reform Judaism  
Anthony Romero  
American Civil Liberties Union  
Shanna Smith  
National Fair Housing Alliance  
Richard L. Trumka  
AFL-CIO  
Randi Weingarten  
American Federation of Teachers  
Dennis Williams  
International Union, UAW  
William Yoshino  
Japanese American Citizens League

Dear Secretary Foxx,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 210 national organizations to promote and protect the civil and human rights of all persons in the United States, we submit these comments on the proposed rulemaking on the National Highway Traffic Safety Administration's (NHTSA) Federal Automated Vehicles Policy. As a leader in the movement to ensure fair and accessible transportation policies, The Leadership Conference supports policies that foster investment in transportation projects that enable prosperity for all.

The Leadership Conference works with PolicyLink to co-lead the Transportation Equity Caucus, which supports transportation policy that ensures opportunity. We believe that federal transportation policy is a crucial link that has the ability to connect disadvantaged communities to basic necessities including jobs, schools, housing, and health care. We support transportation investments that advance economic and social equity in America.

We appreciate the U.S. Department of Transportation's (USDOT) request for guidance on automated vehicles requesting that the industry adopt reasonable practices and procedures to deploy automated vehicles. We applaud USDOT's intent to thoughtfully regulate areas including human-vehicle interaction, ethical considerations, crashworthiness, and data privacy and security. Furthermore, while we acknowledge that transportation needs are different in every region, we are pleased to see that USDOT has the intention of creating a consistent standard across states developing policies about automated vehicles.

For The Leadership Conference, transportation policy is a key civil rights issue and one that is critical to connecting opportunity to the communities that we represent. The widespread introduction of automated vehicles will revolutionize our transportation system as we know it. As we integrate this technology in our everyday lives, we will face a unique host of challenges and opportunities. Automated vehicles have the potential to improve road safety while providing greater access and mobility to more Americans, including seniors, people with disabilities, and rural residents. This will require states and local governments to collaborate on policies that guide the implementation of automated vehicles in order to prevent potential negative impacts.<sup>1</sup>

**Any effective policy will be focused on increasing opportunity and access for vulnerable communities. USDOT must make sure that any policy regarding automated vehicles**

Policy and Enforcement  
Committee Chair  
Michael Lieberman  
Anti-Defamation League  
President & CEO  
Wade J. Henderson  
Executive Vice President & COO  
Karen McGill Lawson

**does not increase inequality.** Though automated vehicles may provide many benefits for transportation, there are several points that we would like to emphasize:

- **Pilot programs.** Pilot programs are an integral part of the rollout of automated vehicle technology, as they allow us to answer difficult questions about what role these vehicles will play in our overall transportation system. We recommend that USDOT initiate pilot projects in all of the varying regions across the country – urban, rural, and suburban – to obtain an accurate picture of what this type of technology will look like in real time on the ground. Additionally, these projects will be immensely useful in incentivizing the development of legislation prior to these vehicles being introduced more broadly.
- **Impact on employment.** There is the potential for dramatic job loss with the roll-out of automated vehicles if we do nothing to address this challenge head-on. As recently as 2014, truck, delivery, and tractor driving was one of the most common jobs in 29 states, employing approximately 3.5 million drivers.<sup>ii</sup> This number does not include the additional millions of cab and bus drivers across the country. Millions of Americans in all parts of the country who depend on this industry for their livelihood are now facing what will be a significant shift in employment opportunities. As we incorporate automated vehicles into our transportation system, the federal government must work with industry to minimize job losses, and enact policies and encourage partnerships that address impacts on employment and that offer drivers opportunities for retraining and reintegration during the transition period.
- **Data collection.** The advent of highly autonomous vehicles will directly correlate to an increase in data collection by private entities. As we systematize data collection efforts for automated vehicle use, USDOT must provide guidance that calls for the responsible aggregation and use of user data. Regulations must hold private entities accountable for maintaining privacy. In 2014, recognizing both the opportunities and risks that the collection of new types of data may pose, a broad coalition of civil rights and privacy groups released [Civil Rights Principles for the Era of Big Data](#). We encourage USDOT to take appropriate steps to protect people from errors in data, flawed assumptions, and uses of data that may result in a discriminatory impact. Additionally, there must be disaggregation of data to allow for evaluation on the impact and implementation of automated vehicles.
- **Continued commitment to ongoing work.** We urge USDOT to emphasize the need to remain focused on investing in disinvested communities, especially those that will not reap the initial benefits of automated vehicle technology. As we continue to innovate, we must not leave people behind. USDOT must discourage practices that divert public resources and goods away from disinvested communities. This is an opportunity for USDOT to be strategic about how to encourage private investment in innovation in autonomous vehicles while continuing to prioritize and fund ongoing transportation work in communities where it is needed. USDOT must continue planning for alternate modes of transportation, including bus routes, rail transit, and paths for active transportation, alongside the development of policy to guide automated vehicles.<sup>iii</sup>
- **Ethical concerns.** USDOT must keep safety and legality at the forefront of their guidance. Automated vehicles will be programmed to make decisions about loss of life, specifically, which life to save – the driver or a pedestrian – in the event of a crash.<sup>iv</sup> As these decisions impact not only the automated vehicle, but also its occupants and surrounding road users, we strongly urge

USDOT to encourage a public conversation about this extremely important issue. The introduction of these vehicles will require planning agencies to give great thought to street planning, traffic patterns and how these areas will be affected by having to accommodate cars with drivers, pedestrians, cyclists, and automated vehicles.

We encourage USDOT to develop an implementation policy that keeps equity in mind, particularly where disadvantaged communities are concerned. We urge USDOT to regulate automated vehicles in a way that precludes any unfair impacts on vulnerable communities. We appreciate the opportunity to comment on the proposed guidance. If you have any questions, please contact Emily Chatterjee, Senior Counsel at (202) 466-3648.

Sincerely,



Wade Henderson  
President & CEO



Nancy Zirkin  
Executive Vice President

---

<sup>i</sup> Capital Ideas II: Policy Memos, Transportation for America

<sup>ii</sup> <http://www.npr.org/sections/money/2015/02/05/382664837/map-the-most-common-job-in-every-state>

<sup>iii</sup> Autonomous Vehicle Implementation Predictions: Implications for Passport Planning, Victoria Transport Policy Institute

<sup>iv</sup> <http://blog.caranddriver.com/self-driving-mercedes-will-prioritize-occupant-safety-over-pedestrians/>