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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

July 14, 2016

Mr. Elon Musk
Chairman and Chief Executive Officer
Tesla Motors, Inc.
3500 Deer Creek Road
Palo Alto, California 94304

Dear Mr. Musk:

I write to you today regarding the recent news of a fatal crash involving a Tesla vehicle. I seek information regarding the actions Tesla Motors has taken thus far, as well as future actions planned in response to this accident. In particular, I am interested in the company's efforts to ensure the Autopilot technology was deployed safely in this instance. In addition, given the potential of vehicle safety technologies to decrease traffic accidents and fatalities, I am also interested in Tesla's work to educate customers on the use, benefits, and limitations of the technology.

According to reports, on May 7, 2016, the driver of a Tesla Model S was killed when his vehicle impacted the bottom side of a tractor trailer.¹ The Tesla's "Autopilot" feature, a driver assistance feature that allows the vehicle to automatically steer, change lanes, and manage speed,² was enabled at the time of this tragic accident. The brake was not applied because, according to public statements attributed to Tesla, neither the Autopilot nor the driver "noticed the white side of the tractor trailer against a brightly lit sky."³ The driver in this unfortunate incident, a former Navy SEAL, represents the first known fatality in which Autopilot was engaged.⁴ While investigations are still ongoing, questions remain as to whether the technology performed as intended and whether this tragic accident could have been avoided. On June 28, the National Highway Traffic Safety Administration (NHTSA) opened a preliminary evaluation to examine

¹ See, e.g., Jacob Bogage, *Tesla driver using autopilot killed in crash*, WASH. POST, June 30, 2016, available at <https://www.washingtonpost.com/news/the-switch/wp/2016/06/30/tesla-owner-killed-in-fatal-crash-while-car-was-on-autopilot/>.

² Tesla Motors, Model S: Autopilot, <https://www.teslamotors.com/models> (last visited July 14, 2016).

³ The Tesla Team, *A Tragic Loss*, Jun. 30, 2016, <https://www.teslamotors.com/blog/tragic-loss>.

⁴ Joan Lowy & Tom Krisher, *Tesla driver killed in crash while using car's 'Autopilot'*, ASSOC. PRESS, June 30, 2016, available at <http://bigstory.ap.org/article/ee71bd075fb948308727b4bbff7b3ad8/self-driving-car-driver-died-after-crash-florida-first>.

the “design and performance of any driving aids in use at the time of the crash.”⁵ Specifically, NHTSA is evaluating the use of automatic emergency braking functionality on the vehicle.⁶

As Committee Chairman, I generally support the advancement of autonomous vehicle technology for its potential to improve safety and mobility. Preliminary data recently released by NHTSA show that approximately 35,200 people died on American roads in 2015, a substantial increase from 2014. More than ninety percent of these tragedies are linked to human error, including driver intoxication and distraction. Technological advancements have the potential to reduce that number significantly. Therefore, it is essential to use lessons learned from this incident to improve safety technologies, ensure they perform as advertised, and make certain that consumers are properly educated about their use.

Earlier this year, at our Committee hearing on the future of self-driving cars, automobile industry representatives and self-driving technology innovators acknowledged that, while hurdles exist for the deployment of self-driving vehicles, driver assistance and autonomous technologies offer significant safety benefits.⁷ Some witnesses encouraged a sole focus on fully self-driving cars, while others advocated for an evolution of driver assistance systems, such as Autopilot, that can provide immediate safety benefits and gradually help consumers become more comfortable with the concept of a fully self-driving car. In either case, research is needed on the interactions between the operator and vehicle at different levels of autonomy to ensure consumers are able to respond to the technology appropriately. In order to achieve the intended safety benefits of these technologies, manufacturers must educate customers not only about their benefits but also their limitations. Tesla Motors has reportedly taken many steps in this area.

To address the foregoing issues, I request that you direct company representatives to brief Committee staff on the details of this incident, including the technology that was in use at the time, Tesla’s actions in response, and the company’s cooperation with NHTSA, by no later than July 29, 2016.

⁵ Nat’l Highway Traffic Safety Admin. (NHTSA), Office of Defects Investigation (ODI), Automatic Vehicle Control Systems, No. PE16007, <http://www-odi.nhtsa.dot.gov/acms/cs/jaxrs/download/doc/UCM530776/INOA-PE16007-7080.PDF> (June 28, 2016).

⁶ Letter from Mr. Jeffrey L. Quandt, Chief, Vehicle Control Division, ODI, NHTSA, to Mr. Matthew Schwall, Director, Field Performance Engineering, Tesla Motors, Inc. (July 8, 2016), <http://www-odi.nhtsa.dot.gov/acms/cs/jaxrs/download/doc/UCM533397/INIM-PE16007-64338.pdf>.

⁷ *Hands Off: The Future of Self-Driving Cars: Hearing Before the S. Comm. on Commerce, Sci., and Transp.*, 114th Cong. (Mar. 15, 2016).

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If you have any questions about this request, please have your staff contact Ashok Pinto or Cherilyn Pascoe of the Commerce Committee's Majority staff at (202) 224-1251. Thank you in advance for your prompt attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Thune", with a stylized, flowing script.

JOHN THUNE
Chairman

cc: The Honorable Bill Nelson, Ranking Member