



April 22, 2021

Acting Administrator Steven Cliff
National Highway Traffic Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Acting Administrator Cliff,

We write to you in light of the fatal accident involving a 2019 Tesla Model S in Spring, Texas, on April 17, 2021. We are encouraged to see the National Highway Traffic Safety Administration (NHTSA) and the National Transportation Safety Board (NTSB) so quickly open investigations into the deadly crash. We implore you to conduct a thorough investigation of the accident and request that your reports include recommendations on corrective actions that can be implemented to prevent future such accidents from occurring.

In 2019, more than 36,000 people were killed in motor vehicle crashes.¹ While automated driving and driver assistance systems – like the Autopilot feature on Tesla cars – can help prevent injurious and fatal accidents, they must be implemented strategically and safely. The most recent Tesla crash is the latest in a rash of accidents – the 28th – that NHTSA is investigating involving a Tesla car.² We fear safety concerns involving these vehicles are becoming a pattern, which is incredibly worrisome and deserves your undivided attention.

We are particularly concerned by conflicting reports about the operation of the vehicle involved in this most recent crash. Shortly after the accident, police preliminarily determined that there was nobody in the vehicle's driver seat.³ On Twitter, Tesla Chief Executive Officer Elon Musk disputed that Autopilot was engaged.⁴ In the past, NHTSA and the NTSB have disagreed over the culpability of Tesla's Autopilot in fatal crashes.⁵ Tesla has also been criticized for

¹ "Automated Vehicles for Safety," National Highway Traffic Safety Administration, U.S. Department of Transportation, <https://www.nhtsa.gov/technology-innovation/automated-vehicles-safety> (accessed April 21, 2021).

² David Shepardson and Hyunjoo Jin, "Texas police to demand Tesla crash data as Musk denies Autopilot use," *Reuters* (New York, NY), April 19, 2021, <https://www.reuters.com/business/autos-transportation/us-probes-fatal-tesla-crash-believed-be-driverless-2021-04-19/>.

³ Rebecca Elliot, "Fatal Tesla Crash in Texas Believed to Be Driverless," *Wall Street Journal* (New York, NY), April 18, 2021, <https://www.wsj.com/articles/fatal-tesla-crash-in-texas-believed-to-be-driverless-11618766363>.

⁴ Elon Musk, Twitter Post, April 19, 2021, 5:14 p.m., <https://twitter.com/elonmusk/status/1384254194975010826>.

⁵ Andrew Hawkins, "The federal government is investigating yet another Tesla Autopilot crash," *The Verge* (Washington, D.C.), March 18, 2021, <https://www.theverge.com/2021/3/18/22338427/tesla-autopilot-crash-michigan-nhtsa-investigation>.

misrepresenting the capabilities of their vehicles' automated driving and driver assistance systems, giving drivers a false sense of security.⁶ In addition, previous incidents have raised concerning questions regarding whether Tesla's Autopilot system has sufficient safeguards to prevent drivers from disengaging from the road.⁷ It is therefore imperative that your report determine the exact cause of this latest accident to better inform our laws around advancements in driving technology and prevent future fatal accidents.

Our roadways must be safe for all people – drivers, passengers, and pedestrians. We strongly urge you to conduct a complete investigation into Saturday's fatal Tesla vehicle crash and develop recommendations for improving automated driving and driver assistance systems. We look forward to working with you and the NTSB to implement policy changes that stop these preventable deaths from occurring and save lives.

Thank you for your attention to this important matter, and we look forward to your response.

Sincerely,



RICHARD BLUMENTHAL
United States Senate



EDWARD J. MARKEY
United States Senate

CC: National Transportation Safety Board

⁶ Elliot, "Fatal Tesla."

⁷ Jeff Plungis, "Tesla's Autopilot Makes It Too Easy for Drivers to Tune Out, NTSB Says," *Consumer Reports*, September 4, 2019, <https://www.consumerreports.org/car-safety/tesla-autopilot-makes-it-too-easy-for-drivers-to-tune-out-ntsb-says>.