Comment on the NHTSA's Proposed Rulemaking
Docket No. NHTSA-2018-0092

The National Highway Traffic Safety Administration is seeking comments on a proposed rule regarding the structure of a 'national pilot program' that will enable the administration to facilitate, monitor, and learn, from the testing and development of vehicle safety technologies related to Automatic Driving Systems. The Administration is seeking comment on four different aspects:1) potential factors to take into consideration in designing the pilot program, 2) the use of existing statutory provision and regulations to allow for implementation, 3) additional elements of regulatory relief, 4) nature of safety and other analyses while still preserving the freedom to innovate. In this comment I will be focusing on the first and fourth factors.

The administration separates ADS into 5 categories based on the level of automation and is specifically seeking comments related to level 4 (High Driving Automation) and level 5 (Full Driving Automation).

The administration is seeking comments from interested stakeholders, road users, vehicle drivers and passengers, cyclists and pedestrians. I fall into several of these categories and as such would like to comment on this ANPRM. As a car driver, car passenger, and pedestrian, I fully support the development of this technology. In the United States in 2016, there were 34,439 fatal motor vehicle crashes which led to the death of 37,461 people[1]. My home state of Florida experienced the third highest number of traffic fatalities in the country in 2016 with 3,174 deaths, only falling behind California and Texas[2].

As a car diver I have noticed many people using their cell phones and not fully paying attention to the road when driving. I believe that the majority of car crashes and deaths can be boiled down to human error in that they were practicing bad driving habits. (texting, calling, playing games, etc.) I believe that taking steps the number of people driving and increasing the AI of ADS would benefit the American people in that it would save them money (costs associated with traffic accidents) and time (loss of time waiting in traffic jam).

I know that these cars are not perfect, I even remember when the Tesla self-driving car crashed and killed the passenger in Williston, FL[3]. This was near my home in Jonesville, FL and we learned that the car's computer mistook the side of a semi-truck for clouds in the sky. I am a supporter of the NHTSA's effort to make safety regulations and foster development of the level 4 & 5 ADS.

I am not a mechanic, engineer, technical expert. I am law student taking Administrative Law who is enthusiastic about the future of ADS in the United States.

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[1] https://www.iihs.org/iihs/topics/t/general-statistics/fatalityfacts/state-by-state-overview
[2] Id.
[3] https://www.reuters.com/article/us-tesla-crash/tesla-driver-in-fatal-autopilot-crash-got-numerous-warnings-u-s-government-idUSKBN19A2XC

I believe that the administration should develop robust safety measures in order ensure that the new technology will be usable and lower the number of deaths caused by traffic accidents in this country, will cut back on the externalities of those accidents.

Factors to consider in developing pilot program:

1. Does the computer register and adapt to different weather conditions (sunny, raining, snowing)?
2. Does the computer have the ability to change lanes on and off the interstate?
3. Is there a different mode the computer needs to be in to interact with interstate traffic vs non-interstate traffic?
4. Does the computer have the ability to differentiate between cars and non-cars on the road?
5. Does the computer have the ability to recognize emergency vehicle lights and move the car over and slow down?
6. Does the computer have the ability to communicate/interact with other ADS vehicles around it?
7. Will the level 4/5 ADS vehicles be affordable?
8. How old do you have to be to operate a level 4/5 ADS?
9. If there is a level 5 ADS that is operational and no manual driving is needed, may a teenager or person younger without a license operate it?
10. Will separate insurance be required for those operating or riding in an ADS?
11. How safe will it be to change modes of operation while moving (going from ADS to manual)?
12. Will the level 5 ADS be used for commercial purposes such as trucking or taxi (self-driving Uber).
13. If a level 5 vehicle is stolen, can the computer be remotely contacted and forced to shut down?
14. Does the computer and ADS components increase the chance of explosion during a crash?
15. To what extent is the ADS programmed to follow the laws of the road?
16. How does the ADS know what the speed limit is in a certain area?
17. In the scenario where an ADS has a destination and is moving towards a traffic light, if the light becomes yellow, does the ADS speed up to make it through, or slow down and come to a stop?
18. Elon Musk himself has expressed great concern over the rise of AI technology and the possibility of it becoming too smart and trying to take over. Given that legitimate concern, how what will the administration do to cap the level of AI in a level 4/5 ADS vehicle in the future?

These are just some of the potential factors I believe that should be taken into consideration when developing the pilot program for regulating level 4 & level 5 ADS vehicles. However, while I do have concerns about safety and acknowledge the need for regulation I do not want this industry to be over regulated to the point where is stifles the industry's development of this technology. The county's need for this technology is too great to be too heavily bogged down by regulation to the point where automakers become disinterested in further development. Perhaps the administration should consider creating a track or a fake town that these vehicles could operate and be tested at, before moving into live towns for testing.

Jake S.
Comment Letter

Thank You,

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