

May 20, 2019

National Highway Traffic Safety Administration
1200 New Jersey Ave SE
West Building
Washington, DC 20590-0001
Re: Docket No. NHTSA–2019–0017

Local Motors, LLC. is responding to the National Highway Traffic Safety Administration’s (“NHTSA”) request for public comment as found in the Notice of receipt of petition for temporary exemption; request for public comment Docket No. NHTSA-2019-0017 (Document Citation: 84 FR 10172) by providing our perspective on some of the questions proposed to the public in the notice, starting with question 4.

4. *Independent of the agency’s disposition of this petition, NHTSA seeks comment on whether, and if so how, the agency should also consider creating a new vehicle classification category for light and/or low-speed passengerless ADS vehicles like the R2X to which a subset of FMVSS requirements would apply.*

NHTSA should create new classifications under the low speed vehicle classification. Low Speed Vehicles are not required to meet all the standards that passenger vehicles are required to meet. Low Speed Vehicles are used throughout the United States and throughout the world on a regular basis and provide a much-needed form of transportation to populations in specific settings. Countries other than the US have created new vehicle classifications to accommodate vehicles that are in between traditional low speed vehicle and passenger vehicles and buses.

The proliferation of HAVs and their operation in low-speed environments is creating meaningful new classes of vehicles. The Nuro RX2 is looking to enhance delivery options in a manner that removes a human driver and passengers. Other new vehicles will increasingly play a critical role both in downtown city (core) areas, as well as becoming an important “connector” in the more suburban areas where cities continue to struggle to meet rising mass transit demands.

Creating new vehicle classifications is in the public interest, for multiple reasons including:

- Serving underserved populations
- Reduced traffic and congestion
- Less emissions
- Introducing the public to fully functioning autonomous vehicles

Local Motors is deploying low speed shuttles in low speed environments and has offered on numerous occasions to share findings with NHTSA to demonstrate the safe nature of these vehicles.

Question 5 *Nuro contends that an exemption is necessary facilitate the development of and LEV because it has “exhausted the safety gains that can accrue” from its current testing. Does the petition provide sufficient information to enable the agency to determine whether exempting the vehicle would make the*

development or field evaluation of a low-emission motor vehicle easier? If not, what additional information should the agency seek prior to rendering its final determination and why?

The Nuro petition provides sufficient information. A field evaluation consists of evaluating a vehicle in the field in which it operates. Public roads are the ultimate field upon which any new vehicle needs to operate for it to be properly evaluated. NHTSA has acknowledged in previous notices the need to allow autonomous vehicles on public roads. The Part 555 petition is means that NHTSA has encouraged manufacturers to pursue on many occasions as the method for noncomplying vehicles to be provided the opportunity. It is time for NHTSA to allow these vehicles the opportunity. NHTSA should continue to pursue the collaborative pilot program rulemaking, additional requirements or requests should be introduced, discussed and researched in real time. Sharing data from pilots is something Local Motors has been a proponent of for several years. Olli pilot deployments are collecting data of vehicle operations from both the vehicle control unit as well as the autonomous control system. Directional data and sensor data will be used to research incidents in operation that pertain to the main reporting criteria. Items that can be reported include:

- Route hazards
- Near misses
- Collision incidents
- Injuries
- Disengagement of the autonomous system

Low-speed autonomous vehicles are poised to provide the most meaningful and safe applications within transportation. it is our belief that if NHTSA focuses on low speed environments, from testing, to pilots and, ultimately, to commercial deployment, it would provide a clear path to universal HAV and SDV system adoption.

Question 7 "In determining whether to grant the petition, how should NHTSA consider whether an exemption would "unreasonably lower the safety level"? Should this consideration be solely limited to safety level provided by the exempted standards or the safety of the vehicle more generally?"

An ADS enabled vehicle by nature would not house or use a physical driver to pilot the vehicle. The requested exemptions and their related vehicle hardware serve a non-functional purpose on a vehicle of this type and purpose due to the absence of a human to use these visibility focused requirements.

Question 8 "Is it appropriate for the agency to give any consideration to the quality of the performance of Nuro's ADS as part of its assessment whether granting Nuro's petition is in the public interest and consistent with the Safety Act?"

It is appropriate to consider Nuro's and other Autonomous vehicle manufactures safety record and documented successful trials of validation as a commitment to the public and the agency's responsibility to ensure safety

9. "How should safety considerations, including the performance of the ADS, be included in the "terms" of a granted exemption?"

Based on the requested exemptions, ADS performance measurement is less meaningful to the specific features being omitted, but continued diligence in reporting continued successful operations is a

reasonable expectation post-exemption granting.

10. *“Does the petition provide sufficient information to enable the agency to determine whether exempting the vehicle would unreasonably degrade the safety of the vehicle? If not, what additional information should the agency seek prior to rendering its final determination and why?”*

The petition provides adequate description and reasoning for the requested exemptions.

Question 35

35. *If the agency were to require the reporting of data, for what period should the agency require it to be reported—the two-year exemption period, the R2X’s entire normal service life, or a time period in between?*

The opportunity for the Nuro vehicles to meet community needs and to operate as outlined within the prescripts of local community’s road rules during the two-year exemption period requested, should provide ample data and real-world examples of safe operation. In case their vehicles do not deliver as promised regarding safety and functionality NHTSA has the authority to revoke the exemption.

We encourage NHTSA and US DOT to focus its efforts on HAVs and SDV systems in low-speed environments, which minimizes overall risk, while still providing the necessary data and analytics that will build trust and confidence necessary to have the public at large fully embrace these vital modes of transportation quickly.

Real world public-road testing is the ultimate and most meaningful means of validation of any road vehicle. Conditions that exist on public-road include unique vehicle, pedestrian, and weather-related anomalies and conditions that cannot be accurately simulated to match real conditions.

Data reporting of incidents of non-conformity should be reported initially as well as future non-incidents of like conditions where a new learned solution was implemented and demonstrated improved safety or functionality.

Whether it be through creating new vehicle classifications that provide evidence of safety through on road exposure in pilots or through the Part 555 petition process, or through NHTSA updating the Part 591 petition process which currently discriminates against new domestic manufacturers or through a collaborative pilot program the time is now for NHTSA to lead and allow new types, and classifications of vehicles. NHTSA has a mission to protect the public and to serve the public interest, allowing new technology the opportunity to prove itself as safe transportation is in the public interest.

Sincerely,



Gregory Haye

Vice President of Product Management

Local Motors, LLC.