



222 W. Merchandise Mart Plz, Ste 570  
Chicago, IL 60654  
312-448-8083

DATE: August 28, 2019

Ms. Heidi King  
Acting Administrator, National Highway Traffic Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Washington, DC 20003

RE: Comment on NHTSA ANPRM re Removing Regulatory Barriers for Vehicles with Automated Driving Systems, Docket Number NHTSA -2019-0036

Dear Administrator King:

In accordance with the Federal Register notice dated May 28, 2019, the Shared Use Mobility Center (SUMC) submits these comments for your consideration. SUMC is pleased that the National Highway Traffic Safety Administration (NHTSA) has recognized that the mobility landscape is changing dramatically and that safety rules must change. We think this sea change provides an opportunity to think "outside the vehicle" and design FMVSS to improve the safety of transportation system users as a whole, not just the safety of vehicle occupants.

We write to support an approach for safety requirements that places vehicles in a multimodal system, embedded in a context in which they are used, and done in conjunction with infrastructure capabilities of the present and requirements for the future.

The need is great. In 2018, pedestrian deaths were at nearly a 30-year high.

<https://www.nytimes.com/2019/03/07/us/pedestrian-deaths.html>. Similarly for cyclists, "2016 went down in the record books as the deadliest year for U.S. cyclists since 1991."

<https://www.outsideonline.com/2390525/bike-commuter-deaths>. Over that same 25-30 years, overall vehicle traffic deaths have been trending downward, due in part to the design of vehicles and to the requirements of FMVSS.

If automated vehicles are going to become the vehicles of the future, multimodal safety standards that address the safety of people inside and outside vehicles should be established. NHTSA has the opportunity to set the tone for leading innovation at a time when technological changes are upending the business model on which automakers and regulators have relied for a very long time. Many pedestrian protection systems are already available and are optional in vehicles. It would be a step forward to make the functions mandatory.

In addition to safer vehicle structures that protect people in an envelope around the vehicle, we note that vehicles and the infrastructure in which they operate need to have designs that are

complementary, especially for operation in dense urban areas. Cities have made strides in making streets accessible for persons with disabilities and those who may need greater infrastructure support for mobility. Curb design, intersection design, and parking design all work together with vehicle design to make mobility safer, or not. Automated vehicle standards should be written in the context of the streets and roads where they will be used; if the promise of automated vehicles comes along with reduced parking or smaller lanes, then vehicle standards cannot ignore the redesigned streets.

Our organization wants to ensure that people have freedom to move. That freedom is best expressed when there are multimodal options, not confined to cars, trucks and SUVs. Especially as the population becomes more urbanized, bicyclists, scooter riders, and pedestrians – as well as transit users – optimize that freedom. NHTSA can help with standards that emphasize the importance for vehicle automated driving systems to interpret the environment to assess whether pedestrians, cyclists, or scooters are present. Sensors in automated systems can detect potential collisions and vehicles can be programmed to avoid them in scenarios where human operators may be less adroit at detection and avoidance. The systems should be designed to reduce, eliminate, or mitigate any contact with pedestrians, cyclists or scooters, and FMVSS should set the standards requiring them to do so.

In summary, while this request for comments looks at the narrow question of how to amend the FMVSS to safely permit ADS-DVs without traditional manual controls, this approach is too narrow and misses the opportunity to revise FMVSS to address safety issues that limit the freedom of transportation for pedestrians, cyclists and scooter riders, as well as seniors and people with disabilities. We recognize that NHTSA has looked at such approaches, such as with cameras for rearview video systems; NHTSA can take this approach and build on it, with, for example, standards to prevent “dooring” of bicyclists. With the current safety record of fatalities for pedestrians and cyclists, such an approach is timely. Enhanced safety will encourage multimodal transportation, with its associated benefit of reduced greenhouse gas emissions and enhanced quality of life.

We note that one expression of the mission of the Department of Transportation is to:

*Serve the United States by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets our vital national interests and enhances the quality of life of the American people, today and into the future.*

Seizing the opportunity to revise FMVSS to address multimodal safety in a more comprehensive manner will serve that mission better than a narrow focus that disregards the larger transportation system and its evolution emphasizing active multimodal transportation.

Thank you for providing an opportunity to comment on the proposed rule for Removing Regulatory Barriers for Vehicles With Automated Driving Systems.

Respectfully submitted,

Ellen Partridge  
Policy & Strategy Director  
Shared Use Mobility Center