

August 28, 2019

BY ELECTRONIC SUBMISSION

Docket Management Facility  
U.S. Department of Transportation  
West Building Ground Floor, Room W12-140  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

Re: **Request for Comments on Removing Regulatory Barriers for  
Vehicles with Automated Driving Systems  
Docket No. NHTSA-2019-0036**

Dear Sir or Madam:

The Consumer Technology Association (“CTA”)® commends the National Highway Traffic Safety Administration (“NHTSA”) for its efforts to advance the development of automated driving systems (“ADS”) through this advance notice of proposed rulemaking (“ANPRM”). The agency’s commitment to regulatory modernization is crucial to realizing the tremendous potential of ADS technologies to expand mobility, reduce emissions, drive economic growth, and, above all, enhance safety on our nation’s roads and highways.

Consistent with these goals, CTA supports NHTSA’s efforts to enable greater ADS testing and deployment by updating the Federal Motor Vehicle Safety Standards (“FMVSS”). As NHTSA acknowledges in the ANPRM, references to manual controls in the current FMVSS present an obstacle to testing and regulatory compliance for innovative vehicle designs that lack such controls. We appreciate NHTSA’s recognition that the right way to address these barriers is not to require the inclusion of extraneous controls and equipment<sup>1</sup> but rather to modernize the FMVSS in a way that prioritizes safety and supports innovation.

CTA’s membership spans the full ecosystem of companies working to bring ADS innovations to America’s roadways, including vehicle and component manufacturers, software developers, and transportation platforms, among others. As NHTSA considers the compliance verification options set forth in the ANPRM and balances the usefulness

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<sup>1</sup> See Removing Regulatory Barriers for Vehicles with Automated Driving Systems, 84 Fed. Reg. 24,433, 24,436 (May 28, 2019).

and agility of an ADS-equipped vehicle with a safety model that complies with the societal norms of careful driving, we urge the agency to adopt technology-neutral policy solutions that provide a level playing field for the diverse participants in this frontier industry. This can be achieved in part through a flexible approach to compliance verification testing that provides manufacturers and developers the ability to demonstrate compliance along multiple paths, including each of the options described in the ANPRM or some combination thereof.

NHTSA's safety goals will be advanced by setting objective standards that all industry participants can strive to meet regardless of their specific approach to ADS technology or their contemplated business model. For example, NHTSA should select compliance verification methods that are viable both for vehicles with human occupants and for vehicles designed to operate without human occupants. A technology-neutral approach will allow the best performing technologies and business models to distinguish themselves and win acceptance in the marketplace. To support these efforts, any new U.S. Department of Transportation ADS working group should ensure composition from the broad AV industry.

We encourage NHTSA's continued evaluation and consideration of the unique characteristics of ADS technologies and ADS-enabled business models that may affect the agency's regulatory approach. For example, the ANPRM discusses an option to achieve compliance verification similar to today's approach for non-ADS vehicles, in which NHTSA could acquire test vehicles from commercial dealerships. However, many CTA members and other industry participants have indicated an intent to operate ADS-equipped vehicles as proprietary fleets rather than sell vehicles to the public through traditional dealerships. NHTSA should consider how it can work with manufacturers and other industry participants to develop verification processes that are workable across business models. In addition, NHTSA's approach to compliance verification should accommodate variations and limitations in the operational design domain ("ODD") of particular ADS technologies. Most importantly, NHTSA's regulatory approach should acknowledge the rapid pace of technology development in this industry and provide flexibility to prevent the need to revisit regulations as technology evolves.

Pending completion of the rulemaking process, we urge NHTSA to exercise its exemption authority to facilitate deployment of ADS-equipped vehicles with innovative designs. CTA recently filed comments in support of exemption petitions filed by General Motors<sup>2</sup> and Nuro.<sup>3</sup> Granting the requested exemptions will enable greater opportunities for "real world" experience with ADS technology, which is essential to refining these systems for wider deployment and may yield insights to support NHTSA's future

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<sup>2</sup> See Comments of the Consumer Technology Association on Petition of General Motors LLC for Temporary Exemption from Various Requirements of the Safety Standards for an All-Electric Vehicle With an Automated Driving System, Docket No. NHTSA-2019-0016 (May 20, 2019), <https://www.regulations.gov/document?D=NHTSA-2019-0016-0033>.

<sup>3</sup> Comments of the Consumer Technology Association on Petition of Nuro, Inc. for Temporary Exemption for an Electric Vehicle With an Automated Driving System, Docket No. NHTSA-2019-0017 (May 20, 2019), <https://www.regulations.gov/document?D=NHTSA-2019-0017-0015>.

regulatory efforts. We also urge NHTSA to finalize and initiate its proposed ADS pilot program, of which CTA filed comments<sup>4</sup> in support.

Thank you for the opportunity to provide these comments. We greatly appreciate NHTSA's continued engagement with stakeholders in developing a policy framework that supports the development and commercialization of lifesaving ADS technologies. Please do not hesitate to contact us with any questions you may have.

Sincerely,

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<sup>4</sup> See Comments of the Consumer Technology Association on Advance Notice of Proposed Rulemaking: Pilot Program for Collaborative Research on Motor Vehicles with High or Full Driving Automation, Docket No. NHTSA-2018-0092 (Dec. 10, 2018), <https://www.regulations.gov/document?D=NHTSA-2018-0092-0069>.