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November 1, 2019

The Honorable James Owens
Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave., S.E.
Washington, DC 20590

Re: NHTSA Notice of Proposed Rulemaking Federal Motor Vehicle Safety Standard No. 141, Minimum Sound Requirements for Hybrid and Electric Vehicles, NHTSA Docket No. 2019-0085, 84 Fed. Reg. 48866 (September 17, 2019)

Dear Deputy Administrator Owens:

The Alliance of Automobile Manufacturers (“Alliance”)¹ and The Association of Global Automakers (“Global Automakers”)² welcome the opportunity to submit written comments to the National Highway Traffic Safety Administration’s (“NHTSA” or “Agency”) notice of proposed rulemaking (“NPRM”) for *Federal Motor Vehicle Safety Standard (“FMVSS”) No. 141, Minimum Sound Requirements for Hybrid and Electric Vehicles*, to allow manufacturers of hybrid and electric vehicles (“HEVs”) to install a number of driver-selectable pedestrian alert sounds in each HEV they manufacture. This NPRM responds to a joint Alliance/Global Automakers petition³ for reconsideration of the FMVSS No. 141 final rule published December 14, 2016,⁴ and also provides technical clarification and correction.

¹ BMW Group, FCA US LLC, Ford Motor Company, General Motors Company, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche, Toyota, Volkswagen Group of America and Volvo Cars North America. For further details, see <https://www.autoalliance.org/>.

² Aston Martin Lagonda of North America, American Honda Motor Company, Ferrari North America, Inc., Hyundai North America, Isuzu Motors America, LLC, Kia Motors America, Maserati North America, Inc., McLaren Automotive, LTD, Nissan North America, Inc., Subaru of America, Inc., Suzuki Motor of America, Inc., and Toyota Motor North America, Inc. For further details, see <https://www.globalautomakers.org/>.

³ See Docket Number NHTSA-2016-0125-0012.

⁴ Final Rule, Federal Motor Vehicle Safety Standards; Minimum Sound Requirements for Hybrid and Electric Vehicles, 81 FR 90416, (September 5, 2017).

Alliance and Global Automaker comments address driver-selectable sounds, and technical clarification and corrections to the Agency's ambient noise correction procedure and phase-in reporting requirements.

Driver-Selectable Sounds

Members of the Alliance and Global Automakers are committed to enhancing pedestrian safety in the design and manufacture of its HEVs. We commend the Agency for providing manufacturers with greater flexibility and cost effectiveness to implement the Pedestrian Safety Enhancement Act ("PSEA") of 2010.⁵ Amending the "Sameness" requirement, section S5.5.1 of FMVSS No. 141, to permit an unlimited number of sounds to comply with the safety standard, allows manufacturers to offer drivers a selection of pedestrian alert sounds for their preference. This amendment facilitates an increase in consumer choice and promotes consumer satisfaction and acceptance. Additionally, NHTSA's amendment eliminates a design restrictive requirement so that manufacturers have more flexibility and options to develop and install sounds for their HEVs. The Alliance and Global Automakers fully support this amendment. We also support the positions outlined in comments submitted by the National Federation of the Blind with regard to driver-selectable sounds.

Technical Clarification and Correction

Ambient Noise Correction Procedure

This NPRM proposes to amend section S6.7.3 to more clearly state the Agency's intended method of evaluating one-third octave bands for ambient correction during compliance testing. However, to ensure an appropriate level of repeatability and reproducibility for this FMVSS test procedure, and for global harmonization, we recommend that the Agency adopt SAE International's ("SAE") recommended practice, SAE J2889-1,⁶ for evaluating background noise as described in SAE's comment document to NHTSA in response to this notice.

Phase-In Reporting Requirements

⁵ Public Law 111-373, 124 Stat. 4086 (January 4, 2011).

⁶ SAE International, *SAE J 2889-1-2015, Measurement of Minimum Noise Emitted by Road Vehicles*, Warrendale, PA: Author, (November 2015).

We thank the Agency for making changes to 49 CFR 585, Subpart N, the phase-in reporting requirements for FMVSS No. 141, to specify that phase-in reporting applies to the production year ending August 31, 2020. However, this technical correction needs additional clarity regarding due dates and phase-in of compliance with FMVSS No. 141 relative to vehicles already produced and in compliance with the standard as it is currently written. Also, it would be very helpful for manufacturers if NHTSA stated in writing, by further amending Section 585.133 of the NPRM, that by the end of October 2020 each manufacturer of hybrid and electric vehicles must submit a report to the Agency on the number of FMVSS No. 141-compliant and non-compliant vehicles it produced during the 50% phase-in period. This is the only phase-in report that is required for FMVSS No. 141.

In addition to our comments outlined above, we request that NHTSA consider the technical clarification and correction concerns for FMVSS No. 141 that we described in our letter⁷ to the Agency dated April 9, 2018, that are not addressed in the current notice.

The Alliance and Global Automakers appreciate NHTSA's consideration of our comments, and we would be pleased to provide any additional information needed. We look forward to continue working closely with NHTSA to address pedestrian safety.

Sincerely,

ALLIANCE OF AUTOMOBILE MANUFACTURERS, INC. ASSOCIATION OF GLOBAL AUTOMAKERS, INC.



Robert Strassburger
Vice President
Vehicle Safety & Harmonization



Steve Gehring
Vice President
Vehicle Safety and Connected Automation

⁷ See Docket Number NHTSA-2018-0018-0004.