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May 15, 2020

Mr. James Clayton Owens
Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Docket No. NHTSA-2020-0014

Dear Mr. Owens:

The Texas Department of Transportation (TxDOT) appreciates the opportunity to provide comments on the National Highway Traffic Safety Administration's Notice of Proposed Rulemaking on Occupant Protection for Automated Driving Systems (ADS). I understand that this NPRM is the first in a series of regulatory actions that your agency will be proposing to ensure the near- and long-term testing and compliance with Federal Motor Vehicle Safety Standards for ADS. TxDOT looks forward to future opportunities to provide comments on the potential safety implications of ADS.

TxDOT's comments follow this letter. If you have any questions, please contact Darran Anderson at (512) 305-9508.

Sincerely,

A handwritten signature in black ink that reads "James M. Bass".

James M. Bass
Executive Director

cc: Marc Williams, Deputy Executive Director
Darran Anderson, Director, Strategy and Innovation
Jerry Haddican, Director, Government Affairs

This Notice of Proposed Rulemaking (NPRM) proposes to make some definitional or textual changes to the portions of the crashworthiness (200 Series) Federal Motor Vehicle Safety Standards (FMVSS) to address regulatory barriers to vehicles with unique designs that are equipped with Automated Driving System technologies. TxDOT offers the following comments on this NPRM:

1. A vehicle equipped with ADS without traditional driving controls need not have a driver's seat; however, an ADS-equipped vehicle with driving controls would still need to have a driver's seat.

The proposed changes (below) to these key definitions would help remove unnecessary barriers to innovation for ADS developers or manufacturers while ensuring that occupants and/or driver (if available) continue to receive the same protections afforded by the 200 Series FMVSS regardless of the presence of traditional driving controls in a vehicle equipped with ADS:

- a. Retain the modified definitions for: "driver air bag," "driver dummy," "driver's designated seating position," "passenger seating position," and "steering control"
 - b. Add "manually-operated driving controls"
 - c. Move the definition of "row" from FMVSS No. 226 to Part 571.3
 - d. Move the definition of "steering of control system" from FMVSS No. 203 to Part 571.3
2. Clarify the application of some occupant protection standards to vehicles designed to carry objects, not occupants, and clarify the applicability of standards designed to protect drivers from injury from the steering control system.
 3. Address the protections required when there is not a steering wheel or steering column in a motor vehicle.
 4. Retain the modified regulatory text that addresses situations where there may be no driver's seat and multiple outboard passenger seats.
 5. Discuss the treatment of advanced air bags and advanced air bag suppression telltales given the likely eventuality that child occupants of an ADS-equipped vehicle could one day sit in what we now consider the driver's seat.
 6. Retain the regulatory text currently using the driver's seat or the steering control as a spatial reference point for other locations in the vehicle.
 7. Make editorial revisions and some clarifying modifications to ensure that industry and the public have a clear idea of how the occupant protection standards apply to ADS-equipped vehicles.