



May 27, 2020

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

RE: Docket No. NHTSA-2020-0014

Dear Docket Officer:

Thank you for allowing the National Safety Council (NSC) to comment on the National Highway Traffic Safety Administration (NHTSA) Notice of proposed rulemaking (NPRM) regarding "Occupant Protection for Automated Driving Systems."

NSC is a mission-based organization, focused on eliminating the leading causes of preventable death and injury. We focus our efforts and thought leadership on impacting safety through three strategic pillars: Workplace, Roadway and Impairment. Our more than 15,000 member companies represent employees at nearly 50,000 U.S. worksites.

The research commented on in this NPRM is partly a result of the outcome articulated in the publication of "Ensuring American Leadership in Automated Vehicle Technologies: Automated Vehicles 4.0" (AV 4.0) by the U.S. Department of Transportation (DOT). AV 4.0 states NHTSA is:

Researching unintended regulatory barriers. Historically, the Federal Motor Vehicle Safety Standards (FMVSS) have been based on the concept of a human operating the vehicle. With the introduction of advanced driving systems (ADS), driving tasks are increasingly shifted to the vehicle. The absence of a human driver creates opportunities for vehicle manufacturers to design new vehicle architectures that may remove driving controls, change seating configurations and establishing new interfaces for occupants.

Further, NHTSA states:

This NPRM builds on NHTSA's efforts to identify and address regulatory barriers to vehicles with unique designs that are equipped with ADS technologies, including the advance notice of proposed rulemaking on removing barriers in the crash avoidance (100 Series) FMVSS in May 2019, the request for comments on this topic in January 2018 and the research that NHTSA is currently conducting.



The National Safety Council believes shifting focus from tried-and-true vehicle standards is the wrong approach and evaluating the removal of those standards is premature at this time. As most ADS vehicle designs that might benefit from a revision of FMVSS standards are still on the drawing boards and unforeseen issues are certain to arise, eliminating current standards at this point is hasty. NSC believes that current NHTSA/FMVSS procedures for exemptions or exceptions to existing FMVSS requirements on a case-by-case basis are adequate and working well. NHTSA should focus on how to ensure the safety of these vehicles, not removing so-called “barriers.”

Furthermore, even as new level two safety features are developed and implemented, the national fleet will be slow to turn over, and it will be decades before the majority of vehicles on the road will have advanced driver assistance systems (ADAS) beyond level two. During the development and rollout period for more advanced technologies, tens of millions of new vehicles will lack many of the promised capabilities of automated vehicles and legacy technology vehicles will remain available on the secondary market for many years. Therefore, NSC does not see any merit in wholesale changes to the existing post-crash protections established in the current FMVSS. In the near term, critical features that save lives in crashes will continue to be seat belts, air bags, energy-absorbing design and materials not related to the vehicle’s automation level. These important safety technologies may need to be adjusted, but they should not be removed from vehicles, especially as experts predict a mixed fleet of vehicles for decades to come.

Rather than expend time and effort in this area, NHTSA should redirect its priorities to examine the impact of FMVSS in saving lives on our roadways in order to prioritize inclusion of ADAS technologies in advanced vehicles and seek feedback on additional requirements for life-saving ADAS in new vehicles. For example, we know seat belts have saved tens of thousands of lives, but Americans do not buckle up at the same rate in back seats as they do in front seats. Rear seat belt reminders have been required in cars sold in the European Union (EU), and vehicle occupants in EU countries buckle up at a higher rate than the U.S. EU fatality rates are consistently lower than the U.S. The U.S. could reduce fatalities involving unbelted passengers if rear seat belt reminders were installed in all cars sold in the U.S. NHTSA has a pending rulemaking regarding this technology.

The FMVSS ensure minimum levels of protection and safety for drivers, vehicle occupants and other roadway users. As such, NHTSA and DOT should not degrade the crash avoidance, crashworthiness, survivability and post-crash survivability of motor vehicles in an effort to encourage deployment of automated vehicles. The gains achieved through new technology could be lost if the basic standards and protections NHTSA has provided Americans for the past 50 years are turned back.

## **Conclusion**



Today, we have millions of drivers behind the wheel and spend millions of dollars on education and enforcement campaigns. Yet, we still suffer billions in economic losses because of motor vehicle crashes. The integration of AV technologies likely will be challenging as we deal with a complex and ever-changing human-machine interface. That is why federal leadership is needed.

The National Safety Council believes there is more that DOT can do to ensure the safe deployment of AV technologies. We look forward to working collaboratively on the road to zero roadway deaths.

Sincerely,

A handwritten signature in cursive script that reads "Lorraine M. Martin".

Lorraine M. Martin  
President and CEO