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Docket Management Facility, M-30  
U.S. Department of Transportation  
1200 New Jersey Avenue S.E.  
West Building, Room W12-140  
Washington, D.C. 20590

Submitted via [www.regulations.gov](http://www.regulations.gov)

**Comments of Consumer Reports to the  
National Highway Traffic Safety Administration on the  
Notice of Proposed Rulemaking on  
“Occupant Protection for Automated Driving Systems”  
Docket No. NHTSA-2020-0014**

Consumer Reports, the independent, non-profit member organization,<sup>1</sup> welcomes the opportunity to submit comments to the National Highway Traffic Safety Administration (NHTSA) on the notice of proposed rulemaking (NPRM) regarding occupant protection for automated driving systems. While we question whether this initiative is the best current use of NHTSA’s limited rulemaking resources, we appreciate the agency’s targeted approach to modifying its occupant protection standards.

Consumer Reports has repeatedly acknowledged NHTSA’s sharply limited resources, which stand in contrast to the importance of its mission. Given these constraints, we question the present focus of the agency on “removal of regulatory barriers” rather than on developing and implementing standards for proven safety technologies, such as forward collision warning and automatic emergency braking with pedestrian detection, which would help drive safety innovation within the industry. However, we appreciate the agency’s targeted approach on this topic. It is paramount to keep both immediate and longer-term safety consequences in mind when making any modification to Federal Motor Vehicle Safety Standards (FMVSS), especially ones involving occupant protection. Thus, the narrow scope of work employed by the agency—making as few modifications as necessary—is appropriate.

The goal of the crashworthiness series of FMVSS is to protect vehicle occupants in the event of a crash. All available evidence points to the fact that vehicles without manual controls still will be involved in crashes, and thus the safety protection that a vehicle provides occupants in a crash must meet binding minimum standards in all types of vehicles, regardless of the type of control system. In

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<sup>1</sup> Founded in 1936, Consumer Reports uses its dozens of labs, auto test center, and survey research center to rate thousands of products and services annually. CR works together with its more than 6 million members for a fairer, safer, and healthier world, and reaches nearly 20 million people each month across our print and digital media properties.

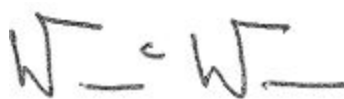
the NPRM, NHTSA proposes specific changes to various crashworthiness standards and requests specific responses. Consumer Reports has the following thoughts on the proposed modifications:

- NHTSA requests comment on a few specific modifications to FMVSS No. 208 (occupant crash protection) to allow for vehicles without manual controls. These requests largely involve the level of protection that should be offered to occupants in the seat that historically has been designated as the driver’s seat, but is not designated as such under the NPRM’s new proposed definition. For instance, NHTSA seeks comment on whether vehicles without a designated driver’s seat or with multiple outboard passenger seats still need to comply with advanced air bag and seat belt requirements. CR strongly urges NHTSA to maintain the maximum protection under the standard in any modification. In the case of vehicles without manual controls, this means treating each front seat as a front outboard passenger seat, and requiring all the protections required by that designation.
- Additionally, NHTSA seeks comment on whether a vehicle capable of operating as both a manual-controlled and automatically-controlled vehicle should disallow motion if a child is detected in a front seat, following the current detection methods of air bag suppression systems. We say yes, and agree with NHTSA’s envisioned approach. Occupant protection must be maintained, and given the dual-operating capability of such a system, the best way to ensure a child is protected as well in the automatically-controlled mode as in the manually-controlled mode, the vehicle should be incapable of motion in the automatically-controlled mode if a child is detected in a front seat.
- Finally, NHTSA proposes many language modifications that lack a clear safety impact. We caution that all changes should be carefully analyzed to protect against harmful unintended consequences. NHTSA should make as minimal a change as necessary to prevent such consequences.

In conclusion, any modifications made to current safety standards—especially those concerning occupant protection and crashworthiness—should be made with the utmost care and foresight. Additionally, in order to fulfill NHTSA’s statutory mission of reducing traffic crashes, deaths, and injuries, allocating resources to finishing current proposed rules should be prioritized. Completing these rules would mean implementing the proposed standard on vehicle-to-vehicle communications, upgrading FMVSS 213 (child restraint systems), and numerous other critical actions.

Thank you for considering our comments on this important topic. We look forward to continuing to work with NHTSA to make our roads far safer than they are today.

Respectfully submitted,



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