

Dustin Bonk - Comments

NHTSA should grant the petition for three reasons: first, NHTSA has granted similar petitions in the past; second, FMVSS 101 is unclear as to whether Tesla's feature is a violation; and third, the feature is very common.

NHTSA, as Tesla notes in the petition, has granted substantially similar petitions in the past, and therefore should grant this petition in accordance with the prohibition of arbitrary and capricious rulemaking in 5 U.S.C. 706(2)(A).

NHTSA, in my view, must revise FMVSS 101 Table 1 to clarify whether speedometers may denominate speed in only miles per hour, simultaneously in miles per hour and kilometers per hour, or whether showing speed solely in kilometers per hour is acceptable. All three readings have support under the wording of the table; I ask NHTSA to propose a rule determining which of these three options are acceptable for motor vehicles sold in the United States. It is of note that the change Tesla describes only occurs upon deliberate input of the driver, and not automatically, reducing safety risk. It is also noteworthy that both Mexico and Canada (as well as most of the developed world) use the SI kilometer as a unit of length; it would be detrimental to U.S. drivers who cross the borders regularly to have a car whose speedometer is denominated solely in miles per hour.

Finally, the feature Tesla describes is fairly common. In addition to the petitions Tesla describes, my family owns a 2014 Chevrolet Silverado Crew Cab that has the ability to show speed solely in kilometers per hour through input in the DIC. A video of another driver doing this is available here: https://www.youtube.com/watch?v=_BZDjbL9HmM .