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January 20, 2021

Mr. James C. Owens
Acting Administrator
National Highway Traffic Safety Administration
US Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Subject: Applicability of [NHTSA FMVSS Test Procedures to Certifying Manufacturers \[Docket No. NHTSA-2020-0119\]](#)

Acting Administrator Owens,

As the nation's oldest and largest organization, representing America's 19,000 cities, towns and villages to the federal government, the National League of Cities (NLC) would like to provide a response to the recent release of [Notice Regarding the Applicability of NHTSA Federal Motor Vehicles Safety Standards \("FMVSS"\) Test Procedures to Certifying Manufacturers](#).

To the extent automated driving may define the future of transportation, ensuring superior safety performance by automated driving systems is essential to our future. Local governments continue to raise concerns with the direction of NHTSA and the Department of Transportation using a loose and unverifiable approach to the safety of autonomous driving systems. The recent [Notice Regarding the Applicability of NHTSA FMVSS Test Procedures to Certifying Manufacturers](#) continues this trend.

Technological advancements are transforming the mobility environment and a wide range of companies continue investing billions of dollars to develop, test and deploy autonomous driving systems. While the industry rapidly evolves, NHTSA, as the agency responsible for ensuring the safety of these vehicles, has not equally modified their processes and regulatory capabilities to allow for safe deployment nor used existing enforcement tools available.

We are concerned with NHTSA's interpretation that a car manufacturer that "exercised reasonable care to ensure that the vehicle complies with the performance requirements in the standard" is insufficient. NHTSA must identify appropriate, replicable common test procedures that can be used to verify the safety of these systems for the public and to update existing FMVSS that depend

on the presence of human-driver controls. Reasonable care must be verifiable for the safety of the public.

As cities have advanced autonomous vehicle pilots with our partners, the most successful have diligently planned, verified, and monitored the operational capabilities of autonomous technologies, but without a strong safety partner at NHTSA and transparency in the safety process, it likely only delays a technology that may have great potential to improve road safety moving forward.

If you have any questions for the National League of Cities regarding these comments, please reach out to Brittney Kohler, NLC Legislative Director for Transportation and Infrastructure. Brittney may be reached at (202) 626-3164 or kohler@nlc.org.

Sincerely,



Clarence E. Anthony
CEO and Executive Director