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01.20.21

Docket Management Facility
National Highway Traffic Safety Administration
U.S. Department of Transportation
Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Re: Docket No: NHTSA-2020-0119-0001; Applicability of Federal Motor Vehicle Safety Standards Test Procedures to Certifying Manufacturers

Zoox, Inc. submits these comments in response to NHTSA's Notice of Interpretation on the Applicability of Federal Motor Vehicle Safety Standards (FMVSS) Test Procedures to Certifying Manufacturers.

The need for policies that enable technology to improve safety on our roadways is mission critical for NHTSA. According to the Agency's own data, 36,096 individuals were killed on U.S. roadways in 2019. This death toll is unacceptable.

Safety is foundational to Zoox's mission. Six years ago, we set out to create the world's first fully autonomous battery electric vehicle optimized for ridesharing in cities. At the end of 2020, we revealed it driving in downtown San Francisco. As that vehicle program continues to progress on private road networks, we test our systems autonomously on conventional Toyota vehicles with safety drivers in the Las Vegas area and the San Francisco Bay area. Those vehicles test across suburban environments, on freeways, and in complex urban areas. We drive autonomously in these domains in the dense fog and heavy rain, during the day and at night.

Zoox commends NHTSA on the approach outlined in the Notice of Interpretation ("Notice"). It gives developers like Zoox more flexibility and opportunity to demonstrate and introduce important safety innovations. Zoox strongly agrees with the premise of the Safety Act, reiterated in the Notice that "the manufacturer of a motor vehicle must produce vehicles that comply with all applicable FMVSS and must exercise reasonable care in certifying compliance."

The Notice appropriately identified complexities and inconsistencies raised by the 2016 letter of Interpretation to Google, which essentially stated that NHTSA could not determine FMVSS compliance for fully autonomous vehicles with novel designs because test procedures did not exist. Zoox agrees with the Notice that "the 2016 Google Interpretation construed the certification requirement too restrictively, and was not in full accordance with the Safety Act or prior Agency interpretations of the statute."

The Notice provides a useful framework to developers in how to demonstrate FMVSS compliance. However, Zoox does not agree with the discussion on FMVSS 135, Light Vehicle Brake Systems. Based on the conceptual framework underlying the Notice, a manufacturer should reasonably be able to develop a test procedure that objectively demonstrates the performance and safety goals of that FMVSS as well.

Zoox believes that this Notice sends an important signal about NHTSA's commitment to setting safety standards that ensure automated driving technology achieves its promise of saving lives and reducing injuries on our roadways.

Sincerely,

Bert Kaufman
Head of Corporate and Regulatory Affairs