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Ms. Ann Carlson
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue S.E., West Building
Washington D.C. 20590-0001

January 21, 2021

Re: Notice Regarding the Applicability of NHTSA FMVSS Test Procedures to Certifying Manufacturers, NHTSA Docket No. 2020-0119, 85 Fed. Reg. 83143 (December 21, 2020)

Dear Ms. Carlson:

Intel Corporation (“Intel”) appreciates this opportunity to provide comments to the National Highway Traffic Safety Administration’s (“NHTSA” or “Agency”) request for comments in response to its interpretation notice regarding the applicability of NHTSA Federal motor vehicle safety standards (“FMVSS”) test procedures to certifying manufacturers.

Intel commends NHTSA for affirming that a manufacturer may certify compliance with the existing FMVSS in a manner that differs from the test described in the FMVSS if the manufacturer’s basis for certification demonstrates that it exercised “reasonable care” in making its certification.¹ By addressing the legal and procedural concerns related to its 2016 Google interpretation, NHTSA is removing unintended design restrictions on manufacturers seeking to implement these new transformative technologies under the current FMVSS framework. Going forward, Intel emphasizes the need to expeditiously establish a transparent safety assurance framework for automated driving systems that demonstrate sound design and performance-based metrics to manage safety risks.

Intel, through its subsidiary Mobileye, is a key stakeholder in the development of automated driving system (“ADS”) technology. ADS technology, such as that developed by Mobileye, has the potential to transform personal mobility and transportation of goods by improving roadway safety and helping to reduce vehicle crashes, offering broader access to mobility for the elderly and those with disabilities, and providing numerous environmental benefits including decreased emissions and reduced traffic congestion. Intel is a market leader in automation systems for driver assistance, with over 60 million vehicles on the road around the world today. This foundation of leadership in Advanced Driver Assistance Systems makes Intel uniquely knowledgeable about the life-saving capability of vehicle automation technologies. Through our Mobileye division, Intel will be a global leader in the delivery of Self-Driving Systems as both a supplier, and an operator of direct to consumer Mobility Services around the world. We are positioned to make autonomous driving a reality, and we have the collective depth and breadth of experience, talent, technology, and resources to deliver safe and scalable autonomous vehicle (“AV”) solutions.

¹ See Notice Regarding the Applicability of NHTSA FMVSS Test Procedures to Certifying Manufacturers, 85 FR 83143, Section III (December 21, 2020).

Intel welcomes the Agency’s commitment to facilitating innovations in ADS technology. We believe that efforts to create performance-based safety standards for ADS vehicles and facilitation of compliance testing is crucial to enabling the safety benefits that ADS can provide. This will become more essential as policymakers work to establish regulatory pathways to deploy ADS-equipped vehicles at scale. Currently, France and Germany² have introduced legislation to allow for the deployment of ADS-equipped vehicles by as early as 2022. Additionally, the United Kingdom Law Commission³ is proposing a regulatory framework for AVs which considers Mobileye’s Responsibility-Sensitive Safety (“RSS”) approach, while the Institute of Electrical and Electronic Engineers (“IEEE”)⁴ is finalizing a standard that is consistent with this approach.

We appreciate your consideration of our comments. We welcome the opportunity for further discussion or to provide additional information. Intel looks forward to working closely with NHTSA on issues and efforts related to ADS technology, with the goal of enabling deployment of ADS-equipped vehicles in the United States in a timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angel Preston', with a long horizontal flourish extending to the right.

Angel Preston
Policy Director, Autonomous Vehicles and IOT

² For France, see https://www.ecologie.gouv.fr/sites/default/files/20171_strategie-nationale-vehicule%20automatise_eng_web.pdf. For Germany, see <https://www.bmvi.de/SharedDocs/EN/Articles/DG/automated-and-connected-driving.html>.

³ See <https://www.lawcom.gov.uk/project/automated-vehicles/>, *Automated Vehicles: Consultation Paper 3 - A regulatory framework for automated vehicles*. For RSS discussion, see Chapter 5, pages 70-74.

⁴ See <https://sagroups.ieee.org/2846/>.