

California Department of Motor Vehicles and California Highway Patrol
Response to Request for Comments on
NHTSA Automated Driving Systems 2.0 A Vision for Safety
[Docket No. NHTSA-2021-0013]
May 10, 2021

The National Highway Traffic Safety Administration (NHTSA) is inviting public comment on the Agency's request to extend its ability to collect Voluntary Safety Self-Assessments (VSSA) as part of "Automated Driving Systems 2.0: A Vision for Safety." The California Department of Motor Vehicles (DMV) and California Highway Patrol (CHP) are pleased to submit these comments expressing our support for extending the VSSA as a method to collect information from Automated Driving System (ADS) developers about their development of the technology.

The DMV and CHP believe that the VSSA demonstrates to the general public, NHTSA, States and other stakeholders how ADS developers are approaching the safety aspects of ADS technology. The VSSA can help to facilitate communication and collaboration with NHTSA, and the creation of industry standards and norms, while ensuring there is transparency regarding the testing and deployment of ADS. The VSSA also allows companies to share information regarding their approach to safety without the need to reveal proprietary intellectual property. Information sharing offers direct benefit to ADS developers, while the base outline for safety-structure that is made available to developers through ADS 2.0 provides an outline for creating or structuring a safety framework, even for developers who choose not to create or provide a VSSA.

Autonomous Vehicles Testing/Deployment Activity in California

In 2014, the State of California put regulations in place to allow for the testing of autonomous vehicles with a driver. The DMV has since promulgated regulations to allow for testing and deployment of autonomous vehicles on public roads, with and without drivers, including light-duty delivery vehicles. These regulations recognize NHTSA's traditional role in regulating the safety of motor vehicles and require permitted autonomous vehicles to comply with existing Federal Motor Vehicle Safety Standards (FMVSS) or to receive an exemption from the NHTSA.

DMV permits 56 manufacturers to test Society of Automotive Engineer (SAE) Level 3 or Level 4 autonomous technology on public roads. These companies are authorized to test with a safety driver behind the wheel. Since 2014, companies have driven over 8.5 million autonomous miles on public roads. There are currently over 2,900 permitted safety drivers and over 900 registered vehicles in the testing program.

DMV has also permitted seven (7) companies to test autonomous vehicles on California public roads without the presence of a safety driver and one (1) company is authorized to commercially deploy autonomous technology.

As of today, of the 27 companies that have submitted a VSSA to NHTSA, 22 have also applied either for a DMV permit to test autonomous vehicles with a safety driver behind the wheel or for a permit to test autonomous vehicles on California public roads without the presence of a safety driver. While the submittal of a VSSA to NHTSA does not constitute a federal endorsement or approval of a company's disclosure, DMV regulations require autonomous vehicle manufacturers who have submitted this document to NHTSA, to include the VSSA as part of their application for a permit. The submission of this document provides additional information and insights into how a manufacturer has addressed safety as part of their testing and development process.

Companies permitted to test autonomous technology in California must report an Annual Report of Autonomous Vehicle disengagements. The reports include instances where there is a deactivation of the technology due to a failure or when the safe operation requires a safety driver to intervene. Manufacturers are also required to report any collisions that occur while testing on public roads to the DMV within 10 days of occurrence. DMV publishes this testing data at www.dmv.ca.gov and links this information to NHTSA's AV TEST portal.

The State of California appreciates NHTSA's clearly expressed and demonstrated prioritization of public safety by continuing efforts to define ADS safety factors and encourage ADS manufacturers to communicate safety-related information to the public and collaborate with federal and state regulators. The State of California is committed to addressing public safety during the testing and subsequent deployment of ADS-equipped vehicles and looks forward to future opportunities to work with NHTSA, ADS developers and manufacturers, as well as traffic-safety partners and stakeholders.