



July 6, 2021

Dr. Steven Cliff
Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave SE,
Washington DC, 20590

RE: Standing General Order 2021-01: Incident Reporting for Automated Driving Systems (ADS) and Level 2 Advanced Driver Assistance Systems (ADAS)

Dear Acting Administrator Cliff,

The Alliance for Automotive Innovation (“Auto Innovators”) and its member companies are committed to a cleaner, safer, and smarter transportation future. To further our shared safety goals, we have developed and advocated for policies that support the safe and responsible testing and deployment of Advanced Driver Assist Systems (ADAS) and Automated Driving Systems (ADS).

Last December, we unveiled an AV Policy Roadmap that included 14 specific recommendations for the National Highway Traffic Safety Administration (NHTSA) and other federal policymakers to help advance the safe testing and deployment of automated vehicles (AVs) at scale in the United States. Then, in April, we released a New Car Assessment Program (NCAP) modernization proposal to spur investment, development, and deployment of ADAS. We also recently released Level 2 Driver Monitoring Principles to reiterate the importance of effective driver monitoring in vehicles with Level 2 ADAS systems and to help improve public confidence in these technologies.

Auto Innovators welcomes the opportunity to work with you collaboratively to advance these and other initiatives that can increase consumer acceptance and adoption of these vehicle technologies that have the potential to increase safety. We recognize that transparency about the real-world performance of these technologies can help to facilitate that goal. To that end, we continue to assess and evaluate the Standing General Order 2021-01 (“SGO”) that NHTSA issued last week.

In the meantime, our member companies are understandably focused on fully understanding the specifics of their compliance obligations and responsibilities under the new SGO. We understand and appreciate that NHTSA will be holding a workshop this week which we anticipate will provide some additional direction and clarity. However, we strongly suggest that NHTSA also make publicly available written guidance so that manufacturers can receive clarification before

implementing processes to comply with the SGO. Such guidance will help to ensure a shared and common understanding of these obligations and responsibilities between the agency and reporting entities. Following initial discussions with NHTSA staff after the SGO was issued last week, Auto Innovators has identified the following areas that warrant additional clarification:

1. When does NHTSA deem service of the SGO to have occurred?
 - a. Does NHTSA consider email to be “personal service” under Section 510.3?
 - b. If NHTSA intends to serve Reporting Entities by registered or certified mail, does that add three days to the effective date of the SGO, per Section 510.3(d)?
2. What specifically does NHTSA consider to be L2 ADAS for purposes of this SGO? Is NHTSA able to provide a list of common systems/features that it deems to be (or not be) L2 ADAS systems/features.
 - a. As L2 ADAS can be comprised of a number of subcomponents/subsystems, does NHTSA intend to capture each of these components/systems in the reports?
3. When NHTSA issued Standing General Order 2015-01 on July 27, 2015 (subsequently revised on August 17, 2015 as 2015-01A) on inflator ruptures, it initially required a 1 day notice. In response to industry input on feasibility of such a turnaround, the agency changed to a 5 day notice. Here again, in this SGO, which involves far more information that might not be readily available or known, Auto Innovators members are extremely concerned with their ability to make the required reporting in 1 day. Will the agency consider making a similar change here based on practical considerations of this vast reporting?
4. When is a notice deemed to have been “received” by a Reporting Entity?
5. Does NHTSA expect a Reporting Entity to report information about a crash that is discussed on a third-party website, such as social media, when such a crash is not affirmatively sent to or shared with the company directly?
6. What if a media report is publicized or a social media report is posted on a weekend or federal holiday or during a natural disaster or national security incident when the company is closed? In this case, is notice received over the weekend, on the federal holiday, or during the disaster? Or is notice considered received when normal business operations have resumed?
7. Who within a Reporting Entity falls under the definition of “you,” especially with respect to the definition of “Notice?” Does this include any employee at the manufacturer, including those that may not have involvement in vehicle development, compliance, or reporting?
8. What is NHTSA’s expectation regarding notice on VOQs that have not yet been subject to additional investigation and where no additional details beyond what is already stated in the VOQ text is available?
9. Is there a difference between a “public road” and a “publicly accessible” road for purposes of triggering the reporting requirement?
10. Does the SGO require a Reporting Entity that does not yet equip any of its vehicles with a Level 2 ADAS or an ADS to make monthly “lack of reportable information” reports under Request 4 of the SGO?
11. Does the SGO require a Reporting Entity that does not yet operate any of its vehicles with a Level 2 ADAS or an ADS on publicly accessible roads to make monthly “lack of reportable information” reports under Request 4 of the SGO?

12. Does NHTSA expect reports of crashes of vehicles that are equipped with L2 ADAS before the company learns if the L2 ADAS was engaged at the time of the crash?
 - a. Relatedly, what is the method to withdraw/correct a report in cases where the initial allegation is not substantiated with facts, for example the initial report erroneously states a system was active and further investigation disproves this?
13. How is the 10-day supplemental report indicated on the Incident Report Form, so that the Agency can pair it with the initial 1-day report where applicable?
14. Is the intent that Reporting Entities are to report incidents when all criteria in A, B, **and** C are met? In other words, Reporting Entities have 1 day to report an incident once it has received notice that an equipped vehicle with L2 ADAS was engaged was involved in a crash where someone was transported to a hospital for medical treatment, a fatality, a vehicle tow-away, or an air bag deployment or involves a vulnerable road user. What if a Reporting Entity receives a customer call that their L2 ADAS-equipped vehicle was involved in a minor crash while the technology was in use, but not no one was transported to a hospital for medical treatment and there was no fatality, vehicle tow-away, or airbag deployment and the incident did not involve a vulnerable road user? What if a Reporting Entity receives a customer call that their L2 ADAS-equipped vehicle was involved in a crash with airbag deployment but the customer does not know or remember if they were using their L2 ADAS at the time of the crash?
15. The definition of “Notice” uses “hospital-treated injury” in the description of the reporting criteria, but Request No. 1 criteria C uses “individual being transported to a hospital for medical treatment.” Which are the intended reporting criteria? What if a Reporting Entity receives a customer call that their L2 ADAS-equipped vehicle was involved in a crash while he or she was using the technology, but no one was transported to the hospital? However, sometime later, an occupant of one of the involved vehicles goes to the hospital on their own for treatment. Is this reportable?
16. Can NHTSA provide clarity on what specifically is meant by the sentence “[o]ther potential safety issues with vehicles operating using Level 2 ADAS include...the *evolution of the system over time through software updates*”?
17. If a vehicle manufacturer has reported an incident, do the Tier 1 and Tier 2 motor vehicle equipment suppliers also need to submit a report on the same incident? Similarly, if the incident involves an automated vehicle service operated by someone other than a vehicle manufacturer, do reports need to be submitted by both the manufacturer and the operator?
 - a. If yes, how will NHTSA handle duplicative reports concerning the same vehicle?
 - b. For the purposes of reporting, does NHTSA consider Tier 1 & 2 manufacturers to have received notice of an accident if they learn about it through telematics or other data owned by the vehicle manufacturer?
18. Are Tier 1 & 2 suppliers of ADAS and ADS systems obligated to report incidents involving vehicles for which their automotive manufacturer partners have requested or contracted that the ADAS/ADS system should be white-labeled? If so, are there potential ways to keep the Tier 1 & 2 suppliers anonymous?
19. Is NHTSA’s expectation that companies will proactively seek all of the information sought by Appendix C, or report only what is provided to the company in the notice that triggers the report? For example, crash scene latitude and longitude expressed in decimals will rarely be included in a crash notice.

20. Will NHTSA redact the VIN from the reports before making them public?
21. What context will NHTSA provide when releasing data on ADAS and ADS reporting in terms of general crash/accident data for traditional vehicles with no ADAS/ADS?
22. When and how will NHTSA release report information? Will individual reports be released or will aggregated report information be released?
 - a. If the reports will be aggregated, will NHTSA be aggregating the reports on incidents involving L2 ADAS with those involving ADS?
 - b. Will there be aggregated information for commercially available L2 ADAS systems that is distinct from L2 ADAS systems that are being developed but not commercially available?
 - c. Will NHTSA separate ADS reports due to the significant differences between ADAS and ADS technologies (including their availability commercially).
23. Does the SGO monthly reporting requirement negative report apply to a manufacturer that does not have ADS vehicles? The SGO states that a manufacturer must submit the monthly report to report incidents of ADS incidents not covered in the 1-day report. If the company doesn't produce ADS equipped vehicles, the company will never meet the criteria to submit a report.
24. For how many months after an incident does each Reporting Entity have to continue to submit an Incident Report confirming the lack of any reportable information?
25. Is NHTSA likely to make any modifications to the order based on reasonable feedback from reporting entities or industry stakeholders, such as Auto Innovators? If so, how can companies best provide reasonable feedback on potential modifications to NHTSA?
26. Some of the entries on the Incident Report form allow the Reporting Entity to mark "unknown" and others do not. Does this mean that the portal will reject Incident Reports that do not include content for unknown information if "unknown" is not an option on the form?
27. Why are entries for "model" and "model year" allowed to be unknown? A manufacturer cannot know if a given vehicle was equipped with L2 ADAS if it does not know the model and model year, and this information should be required to be available before a reporting obligation is triggered under the SGO.
28. If an owner or operator equips a vehicle with an aftermarket L2 ADAS or ADS, and the OEM of the underlying vehicle receives notice of an Incident involving that vehicle, is the OEM required to report that Incident under the SGO even if its records for the subject vehicle indicate that is not equipped with L2 ADAS or ADS (OEM fitted)?
 - a. If yes, how will the public record reflect that the L2 ADAS or ADS was not installed as original equipment on the vehicle?
29. Given the Incident Report form, there appears to be only one drop down for the entry captioned "Crash With." How, "how" is an Incident involving multiple impacts (e.g., a crash that involves three vehicles, a pedestrian, and a tree) to be reported here?
30. What is NHTSA's expectation for the information captioned "Highest Injury Level." Is NHTSA seeking AIS levels here?
31. What is being requested in the description of "pre-crash movement" on the Incident report?
32. Many vehicle EDRs do not capture up to 30 seconds from prior to the crash through the conclusion of the crash event. Is NHTSA's intent that manufacturers will have to extend

the length of their data capture to at least 30 seconds for vehicles equipped with ADS or level 2 ADAS?

33. What is NHTSA's expectation for the Narrative? Can additional documents be uploaded if necessary to explain certain information, including potential confidential business information?
34. How is a Reporting Entity to state the reason why it cannot respond to a specific item requested on the Incident Report? Does that apply when the Incident Report form permits responding with "Unknown"?
35. How will NHTSA notify companies who may not otherwise be listed under the Service List for SGO 2021-01?
36. If NHTSA plans to make these reports public, does it also intend to include a disclaimer that the content of the report has not necessarily been verified and in many cases are allegations only?
37. Does NHTSA intend to consider a process on CBI similar to the EWR class determinations in the future?

Auto Innovators appreciates the Agency's prompt attention to helping manufacturers and other Reporting Entities gain the information necessary to understand specifics on how and what to provide in order to comply with the SGO and its requirements, particularly given the breadth of the data sources and stated time frames. We appreciate your continued engagement on these important issues and look forward to working with you to improve motor vehicle safety, including through the safe and responsible deployment and use of innovative safety technologies.

Sincerely,



Dave Schwietert
Chief Policy Officer
Alliance for Automotive Innovation

cc: Ann Carlson, Chief Counsel