



January 28, 2022

The Honorable Shalanda Young
Acting Administrator
Office of Management and Budget
725 17th St NW
Washington, DC 20503

Re: Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Incident Reporting for Automated Driving Systems (ADS) and Level 2 Advanced Driver Assistance Systems (ADAS), Docket No. NHTSA-2021-0070

Dear Acting Administrator Young,

The Association for Unmanned Vehicle Systems International (AUVSI) appreciates the opportunity to respond to the recent notice and request for comments on a request for extension of the previously approved information collection for incident reporting requirements for Automated Driving Systems (ADS) and Level 2 Advanced Driver Assistance Systems (ADAS) submitted by the National Highway Traffic Safety Administration (NHTSA).

AUVSI represents a broad swath of automated technology companies across the commercial and defense sectors. We are pleased to submit comments on behalf of member companies working in the ground vehicle automated goods movement industry, and particularly those named in the Standing General Order (SGO)¹. AUVSI's member companies are focused on advancing ADS systems.

We appreciate NHTSA's commitment to improving the SGO and the changes it made in response to the public comments on NHTSA's 60-day notice published in the Federal Register. We do, however, have remaining concerns and appreciate the chance to share them here.

1. The SGO fails to appropriately weight the risks associated with ADAS and ADS technologies.

AUVSI previously submitted comments to NHTSA on this information collection request, and though the agency responded to stakeholder input by adjusting some aspects of the ICR, it is still

¹ AUVSI member companies named in the Standing General Order include Aurora, Einride, Embark Trucks, Kodiak Robotics, Locomation, Nuro, Perrone Robotics, Plus, Robotic Research, and TuSimple

an imperfect data gathering tool and we heartily encourage OMB to require additional changes before approving the three-year extension request. Critically – even in the face of a growing clarion call to delineate between ADAS and ADS technologies – the SGO links these disparate technologies together for three years. That forced association will cause serious harm to all of those who seek to continue testing and deploying life-saving ADS technologies.

On several occasions, NHTSA and industry officials have bemoaned consumer proclivity to equate the two distinct types of vehicle automation, so AUVSI urges OMB to address this problematic pairing. U.S. Senators and industry stakeholders have even requested that the Federal Trade Commission (FTC) take action to preserve truth in advertising and protect consumers from inaccurate technology advertising or purposeful silence regarding a vehicle’s true capabilities^{2,3}. In its current form, this ICR does nothing to emphasize the differences between the two technologies and could potentially confuse consumers, policymakers and the public even further.

One meaningful example of the SGO’s mischaracterization of ADS and ADAS technologies can be seen in the following quote from the agency’s response to stakeholder comments: “Crashes involving vehicles equipped with these technologies have resulted in multiple fatalities and serious injuries, and NHTSA anticipates that the number of these crashes will continue to grow in the near future given the increased number of these vehicles on the road and the increased number of vehicle and equipment manufacturers in the market.” In this quote NHTSA does not differentiate between vehicles equipped with ADAS and ADS, yet a projection such as this would understandably induce fear in consumers and policymakers.

AUVSI would like to re-emphasize the importance of NHTSA clarifying how it plans to release information collected under the SGO. There is a high likelihood that if OMB does not inject much-needed nuance into the SGO in order to appropriately weight the risk of incidents involving ADAS and ADS, any publicly released data will be poorly explained to consumers and the media. This will result in increased confusion around what commercially available vehicles can and cannot do and further erode consumer trust, not to mention place the increased road safety both ADS and ADAS vehicles can provide in jeopardy.

AUVSI’s recommendation on establishing standards and processes around the eventual public release of this information is to convene industry stakeholders to collectively advise NHTSA, and consult academics, highway safety advocates, and industry representatives representing all automated vehicle use cases.

2. The SGO’s definitions of “notice” and “crash” create ambiguous and unfettered reporting obligations.

Another critical question submitted by stakeholders in the initial 60-day comment period revolved around the verification of reports of an incident a company might receive and if unverified information merited a report. NHTSA responded affirmatively and indicated that if a company is unsure of the information’s trustworthiness they should reference that in the narrative section of

² <https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-and-markey-call-for-ftc-investigation-into-teslas-misleading-advertising-of-driving-automation-systems>

³ <https://www.autosafety.org/tesla-autopilot/>

the report. However, NHTSA did not sufficiently address the question of what will happen with submitted but unverified information if the company later determines that the information received was not accurate. In such a case, AUVSI requests that NHTSA provides written confirmation to the reporting entity that the unverified information will not be included in any publicly released information.

Further, the SGO's broad definition of a crash under Request Number Two creates an ambiguous reporting requirement for ADS developers and limits the utility of such data in assessing the risk of ADS technology. As written, the definition of a crash under Request Number Two could include incidents almost entirely removed from assessing vehicle safety, from a scratch to being rear ended when stopped at a stop sign. Compared to Request Number One, the removal of any severity requirement in Request Number Two will result in superfluous data related to ADS vehicles that do not contribute to an assessment of their safety.

AUVSI appreciates the opportunity to weigh in at this critical stage in federal automated vehicle regulation and policy and urges OMB to carefully consider the recommendations and critiques offered in this comment. The Association will continue to proactively engage with all federal government officials on behalf of our member companies and looks forward to serving as a trusted industry resource.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Robbins", written in a cursive style.

Michael Robbins – Executive Vice President of Advocacy
Association for Unmanned Vehicle Systems International