

August 22, 2022

The Honorable Steven Cliff
Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Event Data Recorders Proposed Rule, Agency/Docket Number: Docket No. NHTSA-2022-0021, RIN: 2127-AM12

Dear Administrator Cliff,

On June 22, 2022, the National Highway Traffic Safety Administration (NHTSA) published in the Federal Register a Proposed Rule on Event Data Recorders (the “Proposed Rule”). The National Association of Mutual Insurance Companies (NAMIC) welcomes the opportunity to respond to this request for comments.

NAMIC is the largest property/casualty insurance trade group with a diverse membership of more than 1,500 local, regional, and national member companies, including seven of the top 10 property/casualty insurers in the United States. NAMIC members lead the personal lines sector representing 55 percent of the auto market. Through our advocacy programs we promote public policy solutions that benefit NAMIC member companies and the policyholders they serve and foster greater understanding and recognition of the unique alignment of interests between management and policyholders of mutual companies.

The Proposed Rule would amend NHTSA regulations regarding Event Data Recorders (EDRs) to extend the EDR recording period for timed data metrics from 5 seconds of pre-crash data at a frequency of 2 Hz to 20 seconds of pre-crash data at a frequency of 10 Hz (i.e., increase from 2 samples per second to 10 samples per second). The Proposed Rule begins the process of fulfilling the mandate of the Fixing America's Surface Transportation Act (FAST Act), Public Law 119-14 (Dec. 4, 2015), to establish the appropriate recording period in NHTSA's EDR regulation.

As detailed in the Proposed Rule, Section 24303 of the FAST Act requires NHTSA to conduct a study “to determine the amount of time event data recorders installed in passenger motor vehicles should capture and record for retrieval [of] vehicle-related data in conjunction with an event in order

to provide sufficient information to investigate the cause of motor vehicle crashes,” and to submit a report containing the findings of this study to Congress. Further, within two years of submitting this report to Congress, NHTSA “shall promulgate regulations to establish the appropriate period during which event data recorders installed in passenger motor vehicles may capture and record for retrieval vehicle-related data to the time necessary to provide accident investigators with vehicle-related information pertinent to crashes involving such motor vehicles.”

Based upon a study to determine the frequency with which EDRs with a 5-second recording duration fail to record a sufficient duration of pre-crash data to determine crash causation for rear-end, intersection, and roadway departure crashes, NHTSA concluded that in many cases, the 5-second recording duration may not be sufficient to determine the factors that led to the crash or the pre-crash actions taken by the driver to avoid the collision, meaning that EDRs currently would not always provide investigators crash-related information that could assist in the determination of crash causation.

Based upon a further study to determine an appropriate EDR recording duration to provide crash investigators with sufficient data to determine crash causation, the results of this analysis supported that a recording time of 15 seconds would capture approximately 50 percent of the total intersection event time, and 18.6 seconds would capture 90 percent. The study concluded that a recording time of 20 seconds would capture approximately 99 percent of the total intersection event time. Based on the studies, NHTSA believes it is reasonable to propose requiring a minimum of 20 seconds of pre-crash data.

NHTSA also considered improving the pre-crash data sample rate of 2 samples per second (2 Hz) and proposed that increasing the sampling rate in addition to the pre-crash recording duration would better assist in determining crash causation. From their work, NHTSA believes sampling of rate 10 Hz will provide the resolution to understand the real-world performance and effectiveness of these advanced crash avoidance systems that is not currently possible with the current 2 Hz sampling rate and non-synchronized data collection.

NAMIC has long taken the position that EDR data improve crash investigations and crash data collection quality to assist insurers, safety researchers, vehicle manufacturers, and regulators to understand vehicle crashes better and to help determine crash causation. Vehicle manufacturers can use EDR data to improve vehicle designs and developing more effective vehicle safety countermeasures, as well as assess whether the vehicle was operating properly at the time of the event, or to help detect undesirable operations. EDR pre-crash data aids in the improvement of existing safety standards and the development of new safety standards, allowing vehicle manufacturers to improve advanced restraint systems and other occupant protection countermeasures.

As an ever-growing percentage of vehicles on the road today have many and varied advanced safety technologies, including advanced driver assistance system technologies, more and better EDR pre-crash data can provide insurers with a more complete knowledge of pre-crash driver behavior and vehicle performance to better evaluate emerging crash avoidance practices and systems.

The Proposed Rule has specifically requested comments on the need and practicability of increasing the pre-crash recording duration, as well as the need and practicability of increasing the sampling rate. NAMIC most enthusiastically supports this proposal. More and better pre-crash data, collected for a greater period will most certainly lead to validating existing safety standards and practices, as well as developing more and better safety standards and practices.

The proposed changes required for existing EDRs to increase their memory capacity or change the memory implementation strategy, and the costs estimates for those changes – even if they do require other costs (e.g., redesign for a larger unit, additional capacity for Random-Access Memory (RAM), etc.) are without a doubt warranted and justified by the benefits of more and better pre-crash data to increase safety.

In fact, NAMIC's cost benefit analysis of the Proposed Rule leads us to conclude that the changes proposed provide far greater safety value than any additional costs to the vehicle, and that EDRs collecting far more pre-crash data on vehicle dynamics and system status, driver inputs, vehicle crash signatures, restraint usage/deployment status, and post-crash data such as the activation of an automatic collision notification systems; all of which could provide even more safety benefits.

We know, for example, that many vehicle manufacturers collect literally thousands of data elements for their vehicles hourly about the driver actions and about the vehicle performance and condition. We also know that more and more vehicles are equipped with more and more driver assistance features, as well as increasing media access, such as internet, audio, and video. There is a universe of relevant safety data being recorded in these vehicles and at the manufacturer that could increase safety that remains outside the collection and reporting of EDRs.

NAMIC is supportive of the Proposed Rule but considers it a small step in the possible range of safety data collection and reporting. NAMIC applauds the proposed Rule as long-awaited action by NHTSA, but strongly urges NHTSA to consider proposing more wide and extensive auto safety data recording and reporting.

If you have any questions or require further information, please contact me at tkarol@namic.org. Thank you for your time and consideration.



Thomas J. Karol

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National Association of Mutual Insurance Companies