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Ann Carlson
Acting Administrator
National Highway Traffic Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue SE, West Building Ground Floor
Washington, DC 20590

RE: Petitions for Temporary Exemption from Various Requirements of the Federal Motor Vehicle Safety Standards for an Automated Driving System-Equipped Vehicle [NHTSA–2022–0066 and NHTSA–2022–0067]

Dear Acting Administrator Carlson:

AAA appreciates the opportunity to provide input as NHTSA considers requests to be exempted from certain Federal Motor Vehicle Safety Standards (FMVSS) in order to develop new vehicles that have automated driving systems (ADS). Indeed, if granted these exemptions, the petitioners will take an important step in bringing the next generation of vehicle technologies to life – creating new interior designs for vehicles in their respective classes and demonstrating new consumer use cases. Because the petitions represent prototypes of new vehicle products that will give the public an opportunity to experience an automated future, AAA believes that NHTSA must work hand-in-hand with industry to ensure that the vehicle standards regime evolves while still prioritizing safety.

AAA urges the agency to use careful, thoughtful consideration as it reviews the petitioners' requests and public input. While there is much enthusiasm in the auto and technology industries to accelerate rapid development and deployment of automated vehicles, 85% Americans are fearful or unsure of self-driving technology¹, a level that has remained steady for the past several years. Moreover, AAA's 2022 annual automated vehicles survey found that for transporting their children or loved ones, 85% also said they would not be comfortable with using a self-driving vehicle.² Missteps in the industry – as we have already seen from a number of high-profile incidents involving vehicles with advanced driver assistance systems – could hamper future widespread consumer adoption. As a result, the potential benefits of these technologies may be delayed. Policymakers must proceed cautiously in order to facilitate safe innovation that demonstrates the safety value of new technologies to occupants.

In response to NHTSA's request for comments on the data requirements for petitioners if granted exemptions, AAA believes NHTSA should require that ADS-equipped vehicles be equipped with a

¹ <https://newsroom.aaa.com/2022/05/consumer-skepticism-toward-active-driving-features-justified/>

² Ibid.

new generation of event data recorder to capture sufficient pre-crash and post-crash data as specified within 49 CFR part 563, Event Data Recorders so that the causes of crashes can be determined and resolved to support improvements to the ADS technologies and operation. Data elements described in 1.b through 1.e should be included in reporting requirements. If the ADS was in control of the vehicle at any point during or up to 30 seconds before the event, all reported data should be made publically available. This may include the standardization of some data elements to allow third party investigations. Additionally, NHTSA should consider how an EDR data requirement will harmonize with state and federal laws and regulations governing the access of EDR data. State and federal EDR privacy laws rightly establish protections for non-anonymized data that could be used to establish crash liability. The same consumer protections should be afforded to non-anonymized crash data and other potentially sensitive data generated by the operation of an ADS-equipped vehicle.

Moreover, as NHTSA contemplates the extent to which accessibility and equity might be considered in a petitioner's request, recent research from the AAA Foundation for Traffic Safety on older drivers and their use of advanced driver assistance systems (ADAS) notes, "safety benefits may be reduced if older drivers do not use the technologies in their vehicles or they do not learn how these technologies function and ... it is important to understand that many older adults, particularly those with lower incomes and education, may not have access to or knowledge of the digital platforms that new [educational] programs tend to utilize."³ Like ADAS, ADS-equipped vehicles offer new technologies that require education for safe use, so AAA urges NHTSA to request information from petitioners on how they intend to educate occupants on in-vehicle safety features before they ride in a vehicle – regardless of disabilities, age, income, or education level. ADS safety education efforts might require petitioners to develop different types of programs to meet varying occupant needs. NHTSA should seek to understand the contours of the safety education programs petitioners will use to determine if more is needed for various types of occupants who may need a new approach to ADS safety education.

In closing, NHTSA must ensure that, as it thoroughly reviews these petitions, it does not compromise safety by rushing its decision-making process. The exemption review process should be robust and consider that these petitions present narratives on prototypes that could end up evolving into much different vehicles as they undergo the development and deployment process. If NHTSA finds itself in a position where it has to recall vehicles to which it granted FMVSS exemptions, it could take years to regain consumer trust. The American public expects NHTSA, through its exemption and FMVSS processes, to assist manufacturers in introducing safe vehicles into the market. The federal government must safeguard the trust Americans place in it; without it, NHTSA will be unable to deliver on its mandate to keep our nation's roads safe.

Sincerely,



Jill Ingrassia
Executive Director
AAA Advocacy & Communications

³ Eby, D.W., Kostyniuk, L.P., Molnar, L.J., Zakrajsek, J.S., Zanier, N., St. Louis, R.M., Smith, J., Yung, R., Nyquist, L., DiGuseppi, C., Jones, V.C., Li, G., Mielenz, T.J. & Strogatz, D.S. (2021). Advanced Driver Assistance Systems and Older Drivers: Changes in Prevalence, Use, and Perceptions Over 3 Years of the AAA LongROAD Study (Research Brief). Page 8. Washington, D.C.: AAA Foundation for Traffic Safety.