

Dear Acting Administrator Carlson,

The League of American Bicyclists (League) is pleased to have the opportunity to comment on docket NHTSA-2022-0066. The League is a national non-profit bicycle advocacy organization dedicated to building a Bicycle Friendly America for everyone. Through its Bicycle Friendly Community program, the League recognizes nearly 500 communities for their efforts to improve bicycling, and many of these cities host autonomous vehicle (AV) testing operations on their streets.

The docket NHTSA-2022-0066 regards Ford Motor Company (Ford)'s petition seeking exemptions from no less than seven Federal Motor Vehicle Safety Standards (FMVSS) for an autonomous vehicle, which Ford contends has an equivalent level of safety without meeting those standards. In an AV, the driver is the Automated Driving System (ADS) and FMVSS that are designed based upon the needs of human drivers, such as a clear and unobstructed view to the rear, have no benefit and address no need of the ADS.

The League believes that AVs have the potential to greatly improve the safety of America's roadways. As the National Highway Traffic Safety Administration recently announced, traffic deaths in the United States have increased dramatically in recent years with an estimated 9,560 people being killed in the first quarter of 2022, an increase of about 7% from the first quarter of 2021. To reduce traffic deaths and reach the goal of zero traffic deaths will require doing things differently and AVs are an example of a potentially transformative technology that addresses some causes of deaths and serious injuries.

To deliver on the potential safety benefits of AVs, the League has partnered with other organizations to stress the need for a "vision test" for AVs so that there is a performance standard for how AVs detect, identify, and respond to people outside of motor vehicles. In 2019 the League partnered with 47 other organizations to lay out tenets for comprehensive AV legislation, including the need for a "vision test." [1] In 2021, the League partnered with Argo AI to develop cyclist safety principles that included principles for the detection, identification, and response of an AV to people cycling. [2] There is currently no standard for the performance of an ADS or its various components in the FMVSS and there is no requirement that Ford show that its ADS provides equivalent safety to a human driver.

The League appreciates the attention that Ford shows for cyclist safety, detailing the suite of LiDAR, radar sensors, and near and far field cameras used for the detection of pedestrians, cyclists, and animals; high definition mapping; and software systems engineering to ensure safety. Through our partnership with Argo AI, Ford's ADS developer, we are familiar with their approach to cyclist safety and assume the ADS deployed meets the cyclist safety principles we worked on. Ford, and any other manufacturer seeking similar FMVSS exemptions, is not required to show how they considered the safety of people cycling because NHTSA lacks standards in this critical area of safety performance. Creating standards for ADS and sensor performance for people biking and walking are critical areas for action by Congress and NHTSA in the future. If Ford's petition is granted, the League hopes that the substantive AV and ADS information shared with NHTSA through deployment informs future standards in these areas.

The League notes that no FMVSS exists for the design of a vehicle in relation to pedestrian or bicyclist safety. While many experts have cited increasing vehicle size [3], higher bumpers [4], blunter front end

designs [5], and higher hoods [6] as contributors to the vast increase in pedestrian and cyclist deaths over the last decade, there are no New Car Assessment Program tests or FMVSS implemented by NHTSA to address the safety impacts of vehicle designs for people outside of vehicles. Because there are no FMVSS relevant to the safety of people biking, walking, using scooters or wheelchairs, or otherwise existing outside of vehicles, Ford is not required to address the overall equivalent safety of its proposed vehicle design. Based on Ford's petition, it appears existing vehicles sold to the public will be used, with a compact SUV and a sedan shown in some images. As no standards exist for the safety of people outside of vehicles, Ford is not required to show how its vehicles currently sold to the public will be equivalently safe after having sensors installed on their exterior, although those sensors could create differences in how people outside of vehicles are injured if the vehicle were to hit them.

The need to improve traffic safety in the United States is critical. Ford's petition articulates why its ADS-equipped vehicle will provide equivalent overall safety to vehicles that comply with the FMVSS that it seeks exemption from. Unfortunately, due to the limitations of FMVSS, it is difficult to say whether Ford's vehicle will improve bicyclist and pedestrian safety, or deliver on the safety potential of AVs. Because of the lack of action by FMVSS and the lack of industry standards, the League cannot support exemptions for the sale of these vehicles. We cannot support widespread deployment in the absence of standards for safety.

Ford's petition highlights the need for Congress and NHTSA to take action to ensure the safety of people outside of vehicles by virtue of the irrelevance of considering the safety of people outside of vehicles to the success of the petition. If Ford's petition is granted, the League hopes that it will lead to advancements in traffic safety, but the League recognizes that the FMVSS exemption process is no substitute for comprehensive safety standards that consider people outside of vehicles, which are sorely needed.

Sincerely,

Ken McLeod

Policy Director

The League of American Bicyclists

[1] <https://bikeleague.org/content/league-leads-coalition-asking-av-restart>

[2] <https://bikeleague.org/content/league-and-argo-develop-best-practices-av-tech>

[3]

<https://www.urban.org/urban-wire/more-and-more-american-pedestrians-are-dying-because-larger-vehicles-incorporating-data-safety-regulations-can-help>

[4]

<https://magazine.northeast.aaa.com/daily/life/cars-trucks/pedestrian-deaths-on-the-rise/#:~:text=The%20vehicle's%20design%20is%20also,or%20head%2C%20damaging%20vital%20organs.>

[5] <https://www.iihs.org/news/detail/new-study-suggests-todays-suvs-are-more-lethal-to-pedestrians-than-cars>

[6]

<https://www.automotive-fleet.com/10145564/pickups-bigger-dimensions-blind-spots-mean-more-danger-on-the-road>