



June 5, 2023

Ms. Ann Carlson
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

RE: Agency Information Collection Activities; Notice and Request for Comment; Automated Vehicle Transparency and Engagement for Safe Testing (AV TEST) Initiative [Docket No. DOT-NHTSA-2023-0015]

Dear Ms. Carlson,

The Alliance for Automotive Innovation (“Auto Innovators”) appreciates the opportunity to provide comments in response to April 6, 2023, Federal Register Notice and Request for Comment on the agency’s request for OMB approval for the extension with modification of a currently approved information collection in support of the Automated Vehicle Transparency and Engagement for Safe Testing (AV TEST) Initiative.^{1,2}

Auto Innovators members have made and continue to make significant investments in advancing automated vehicle (AV) technology development in the United States, as reflected in the number of ongoing AV-related activities already catalogued on the AV TEST initiative website.³ Providing the public with access to see where testing is occurring at the national, state, and local levels helps provide additional transparency and assurances for how safety, mobility and accessibility issues are being addressed by innovators in the AV space, which is critical for building public acceptance of this burgeoning technology. In addition, access to information collected from states and local authorities that regulate ADS operations helps ensure more widespread awareness of the rules, regulations, and guidelines related to AV testing and deployment.

However, there are several ways in which this data collection effort can be further enhanced to inform and support the transition from AV testing to deployment, particularly as we work to address potential barriers to deployment. For example, despite the rapid pace of innovation, there are still several outstanding policy actions that are needed here in the United States. These include:

¹ From the manufacturers producing most vehicles sold in the U.S. to autonomous vehicle innovators to equipment suppliers, battery producers and semiconductor makers – Alliance for Automotive Innovation represents the full auto industry, a sector supporting 10 million American jobs and five percent of the economy. Active in Washington, D.C. and all 50 states, the association is committed to a cleaner, safer and smarter personal transportation future. www.autosinnovate.org.

² 88 FR 20608

³ NHTSA AV TEST Initiative: <https://www.nhtsa.gov/automated-vehicle-test-tracking-tool> (Accessed: June 5, 2023)

- Modernizing existing policies and regulations to address existing barriers to innovative vehicle designs and to provide appropriate regulatory certainty that supports continued U.S.-based investment in this technology.
- Ensuring that AVs that demonstrate equivalent safety to existing FMVSS can be approved for deployment through the existing exemption process in a timely manner.
- Implementing an AV pilot or demonstration programs to support the testing and deployment of AVs at scale under NHTSA's oversight to better inform any future regulations or standards.
- Maintaining traditional federal roles over motor vehicle design, construction, and performance and facilitating engagement with states on existing or new state requirements that may impact AV deployment.
- Expanding allowable exemptions to the make inoperative prohibition to accommodate instances where driver interactions with certain controls or displays are not necessary when the vehicle is being operated by an automated driving system.
- Acting in a timely manner on petitions filed pursuant to 49 C.F.R. Part 555, pending before the agency, in order to allow for the deployment of a limited number of vehicles without traditional human driver controls.

As noted in the Federal Register Notice, public comments are invited on any aspect of the information of the information collection, including: (a) *whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility*; (b) *the accuracy of the Department's estimate of the burden of the proposed information collection*; (c) *ways to enhance the quality, utility, and clarity of the information to be collected*; and (d) *ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology*. Each of these subject areas is addressed in more detail in the subsections below.

a. whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility.

The AV TEST initiative is an important tool for providing the public with transparency on the status of AV testing, and we support ongoing agency efforts to provide a central location for consolidating this information. However, there are opportunities for the agency to better utilize the data collected as part of this program to advance the deployment of these advanced technology vehicles and ensure ongoing US competitiveness with respect to automation, including:

Ensuring Informed Policy Decisions

To fully realize the benefits of AVs, it is critical to ensure a consistent and harmonized approach to policy development. If leveraged appropriately, the information collected as part of the AV TEST initiative can play a key role in informing policy decisions to help advance the safe deployment of AVs. While the interactive map and visualization tool provide a useful resource for the public in understanding AV operations in their area (or nationwide), the information can be better collated to ensure any lessons learned can be easily shared or accessed by policymakers. This will help ensure greater alignment

between different regions as legislators and regulators work to ensure the appropriate policy frameworks are in place within their respective jurisdictions.

While requiring respondents to standardize their submissions would likely create additional burden for reporting, NHTSA should implement internal processes for restructuring data into a common format after it has been submitted. Although this would likely have some resource implications for the agency, it would help maximize the utility of the data without creating an additional burden on respondents.

Providing a foundation for near-term deployment

We recommend NHTSA consider repurposing or rebranding the AV TEST initiative to emphasize not only the testing of AVs, but also to capture the transition from testing to real- world deployment. This is unlikely to create any additional burden in terms of the information provided as part of the AV TEST initiative but is likely an important distinction to make in building public acceptance and confidence in new technology. This could perhaps be achieved by using different colors and/or patterns to enable users to distinguish between testing and deployment in the online visualization tool.

b. the accuracy of the Department's estimate of the burden of the proposed information collection.

Auto Innovators has no specific comments on the accuracy of the agency's estimates.

c. ways to enhance the quality, utility, and clarity of the information to be collected; and

Auto Innovators provides the following recommendations for improving the quality, utility, and clarity of information collected as part of the AV TEST initiative:

Ensure the accuracy and timeliness of information.

It is important that NHTSA conduct periodic reviews to verify the accuracy of information that is made available on the AV TEST initiative portal, and that it is up to date. This may include spot check outreach to select organizations to provide updates on the status of their operations, or other updates to the data where the information is known to no longer be accurate (for example, if an AV tester were to cease operations).

Provide tools for comparative analysis of state data.

NHTSA should proactively encourage states to share information on statewide AV policies or initiatives as part of the AV TEST program, as this information is not only critical for public transparency, but also an important resource for manufacturers that need to develop systems to account for operational and policy related differences between regions.

Similar to the comments above on *ensuring informed policy decisions*, the data provided to NHTSA could be used to help foster continued dialogue with state policymakers on potential areas for harmonization. If the initiative were structured to also allow for state laws relating to or impacting AVs to be more easily

compared, this could help policymakers and other stakeholders identify conflicting or misaligned requirements that often add significant burdens for AV manufacturers and developers. We therefore urge NHTSA to consider expanding the AV TEST tool to provide this type of functionality.

Track changes in AV testing and deployment

While it is important that the AV TEST initiative provides an accurate snapshot of operations, it would also be useful for the tool to provide the ability to track trends over time.

We therefore recommend that NHTSA capture timestamp information for reports that are submitted as part of the AV TEST initiative. This data could then be combined with information about changes in the national and regional policy landscape as well as the external operating environment to help better understand the impact of various factors on the transition from testing to deployment. If it is not possible for this to be incorporated as part of the visualization tools (e.g., where a sliding scale could be used to populate the database for a given date in time), we urge the agency to consider developing periodic reports to identify persistent challenges to AV-related innovation and provide recommendations or take actions to address these.

d. ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

We urge the agency to continue to explore opportunities to minimize the burden of reporting to encourage more voluntary submissions from both public and private sector stakeholders that contribute to the initiative, particularly should the current AV TEST program expand to accommodate agency actions surrounding the NHTSA Framework for Automated Driving Systems Safety. This could include more simplified means of submitting data as part of the initiative, and also ensuring that future data requirements are reasonable defined in terms of scope and focus solely on the data needed to support informed policy decisions and providing the public with relevant information on the testing and deployment of AVs.

At present, it is unclear on the extent to which the AV TEST initiative will complement the agency's pending efforts on *Framework for Automated Driving Systems Safety* and *Facilitating New Automated Driving System Vehicle Designs for Crash Avoidance Testing*, and we urge the agency to provide clarification and whether this could result in a significant expansion of data reporting requirements or expectations.^{4,5}

⁴ Framework for Automated Driving Systems Safety [RIN: 2127-AM15]

<https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202210&RIN=2127-AM15>

⁵ <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202210&RIN=2127-AM00>