ADVOCATES FOR HIGHWAY & AUTO SAFETY

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Crash Investigation Sampling System (CISS) Expansion
Request for Comments
88 Federal Register 20207, April 5, 2023

Advocates for Highway and Auto Safety (Advocates) files these comments in response to the National Highway Traffic Safety Administration's (NHTSA) notice of request for comments on the expansion of the Crash Investigation Sampling System (CISS).[1]

Deaths and Injuries Resulting from Motor Vehicle Crashes are at Historically High Levels

On average, 118 people were killed every day on roads in the U.S. in 2021,[2] totaling nearly 43,000 fatalities for the year. An additional 2.5 million people were injured.[3] This represents a 27% increase in deaths in just a decade.[4] Early projections for 2022 show traffic fatalities remain high.[5] Other road users experienced increases in deaths as well. Pedestrian fatalities increased 13 percent, and bicyclist deaths were up two percent from 2020 to 2021.[6] Large truck crashes killed nearly 5,800 people in 2021.[7] Conservatively, the annual economic cost of motor vehicle crashes is approximately $340 billion (2019 dollars).[8] This means that every person living in the U.S. essentially pays an annual "crash tax" of over $1,000. Moreover, the total value of societal harm from motor vehicle crashes in 2019 was nearly $1.4 trillion.[9]

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1 88 FR 20207 (Apr. 5, 2023).
2 Overview of Motor Vehicle Traffic Crashes in 2021, NHTSA, Apr. 2023, DOT HS 813 435. (Overview 2021).
3 Overview 2021.
4 Traffic Safety Facts 2020: A Compilation of Motor Vehicle Crash Data, NHTSA, Oct. 2022, DOT HS 813 375, (Annual Report 2020); and Overview 2021; [comparing 2012 to 2021].
5 Traffic Safety Facts: Crash Stats, Early Estimate of Motor Vehicle Traffic Fatalities in 2022, NHTSA, Apr. 2023, DOT HS 813 428. (Early Estimates 2022).
6 Overview 2021.
7 Overview 2021.
8 The Economic and Societal Impact of Motor Vehicle Crashes, 2019, NHTSA, Dec. 2022, DOT HS 813 403. (Economic and Societal Impact 2019).
9 Economic and Societal Impact 2019

NHTSA Must Expand CISS to Improve the Safety of Roads in the U.S.

The CISS program is critical in NHTSA's efforts to collect crash data to inform regulatory, program, and policy decisions regarding vehicle design and traffic safety.[10] As the agency states in the current notice, the data collected by CISS "is used throughout the world by stakeholders, researchers, manufacturers, other Federal agencies, and safety advocates for making vehicles and highways safer."[11] Congress, recognizing the importance of CISS, authorized NHTSA to enhance the program in the Infrastructure Investment and Jobs Act (IIJA) enacted in 2021.[12]

Advocates supports NHTSA upgrading CISS by including additional program sites, expanding the crash types and improving response protocols. NHTSA indicates that the CISS collects crash data from 32 sites and is currently limited to crashes involving at least one passenger vehicle towed from the scene.[13] In addition, CISS captures very few crashes involving a non-motorist, motorcycle, large vehicle or vehicles with new technologies.[14] With CISS only investigating 4,000 crashes annually, NHTSA notes that this limited sample makes it difficult to identify emerging crash trends.[15] As such, Advocates supports NHTSA expanding the number of program sites as well as the number and type of crashes investigated annually by CISS. Moreover, the agency indicates that the current timeline for the investigation process with crashes being examined three to seven days after the event results in critical information being lost.[16] As such, Advocates supports NHTSA implementing rapid response protocols for CISS investigations.

In the current notice, NHTSA inquires as to the new crashes and data elements that should be included in CISS to improve the program. In determining how to most effectively enhance CISS, the agency must examine its most pressing data needs. In 2021, NTHSA issued Standing General Order 2021-01 (SGO) to require the reporting of certain crashes involving vehicles equipped with automated driving systems and SAE Level 2 advanced driver assistance systems (ADAS).[17] The data obtained through the SGO is intended to assist NHTSA in the investigation and regulation of these new technologies.[18] NHTSA should view the CISS program as another important regulatory resource to capture data the agency currently lacks in order to effectively regulate emerging vehicle technologies including autonomous vehicles.

[10] 88 FR 20207.
[11] *Id.*
[12] Pub. L. 117-58, § 24108(e) (2021).
[13] 88 FR 20208.
[14] *Id.*
[15] *Id.*
[16] *Id.*
[17] See: https://www.nhtsa.gov/laws-regulations/standing-general-order-crash-reporting
[18] *Id.*

Specific Responses to Questions Posed in Notice:

Type of Crashes to Include in CISS

Advocates supports expanding the scope of CISS to capture trends and details in areas of concern involving road safety. As NHTSA has noted, crashes, injuries and fatalities have been trending in the wrong direction in recent years with notable increases involving groups such as vulnerable road users, crashes involving large trucks, and motorcyclists. These crash types must also be viewed in consideration of transportation trends to ensure that data collected is representative. For example, data on large trucks should not be limited to Class 8 tractor-trailers but also should include the expanded use of smaller trucks for local deliveries. It is incumbent upon NHTSA to adapt the CISS, and the agency's other data collection systems, to improve both the quantity and quality of data available for analysis to support actions necessary to address these serious safety issues.

New Data Elements for New Crash Types

Similar to identifying additional crashes that should be included in CISS, NHTSA must review available research as well as current rulemakings to identify the additional data elements needed to be collected in order to support safety analyses. For example, it is entirely foreseeable that NHTSA will need to improve identification of means of conveyance (including bicycles/e-bicycles, e-scooters and other micromobility products as well as assistive devices including wheelchairs) and evaluate trends in use of micromobility systems and any accompanying safety concerns. Similarly, with the advance of pedestrian automatic emergency braking (AEB) systems, researchers will need more specific details regarding crashes involving pedestrians and vehicles such as the clothing and general characteristics of the pedestrians involved. NHTSA should review comments and criticisms of existing research on these topics to identify additional data needs that can be met by enhancing CISS. For large truck involved crashes, NHTSA must consider the needs of their partner agencies to complete or update rulemakings such as the Federal Motor Carrier Safety Administration (FMCSA). Past crash data collections of large trucks, which had numerous shortcomings, should serve as a basis for identifying which information is desirable to be added to CISS cases of this type. For example, better identification of types of operations, applicable exemptions, actual vehicle weight at the time of the crash, hours-of-service history, carrier performance and original destination are critical to the oversight functions of FMCSA.

Advocates supports the call for additional information on the availability and performance (including failures) of advanced and emerging technologies such as ADAS. NHTSA must consider the potential need to update vehicle identification number (VIN) requirements or other vehicle identifiers to enable researchers to quickly determine which systems are in a subject vehicle. Similarly, NHTSA should review and modernize the event data recorder (EDR) requirements to ensure that the data being collected by these systems is uniform across platforms, is complete and accurate, and captures the performance of all systems critical to vehicle safety. Strengthening EDRs will improve the accuracy and completeness of data in CISS.

Lastly, NHTSA should improve other data collected by the agency. For example, the usefulness of data from improvements and expansions of CISS to capture more VRU crashes may be limited by the lack of exposure data. NHTSA must review other related data systems and ensure that related measures are keeping up with improvements in CISS.

Improving Timeliness of Investigations Protocols or Notification and Identification of Crashes

Advocates supports efforts to improve the timeliness of the investigation process. As NHTSA has noted, spoliation of evidence from a collision begins almost immediately. We commend NHTSA for undertaking improvements to lessen the response time as well as improve crash identification and data collection.

Conclusion

Advocates supports NHTSA enhancing the CISS as authorized by Congress in the IIJA as the program is essential to improving public safety on our Nation's roads at a time when vehicle crashes claim tens of thousands of lives annually. The actions detailed in the current notice will enhance CISS by improving the amount and quality of the data collected by the program and should be implemented without delay.

Sincerely,

Peter Kurdock
General Counsel

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