

July 25, 2023

Ms. Ann Carlson  
Acting Administrator  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**Re: Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Automated Vehicle Transparency and Engagement for Safe Testing (AV TEST) Initiative; Agency/Docket Number: Docket No. NHTSA- 2023-015, Document Number: 2023- 13902**

Dear Acting Administrator Carlson:

On June 30, 2023, the National Highway Traffic Safety Administration (NHTSA) published in the Federal Register an Information Collection Request (ICR) for NHTSA's Automated Vehicle Transparency and Engagement for Safe Testing (AV TEST) Initiative, which involves the collection of voluntarily submitted information from entities involved in the testing of vehicles equipped with automated driving systems (ADS) and from States and local authorities involved in the regulation of ADS testing. (the Notice). The purpose of this collection is to provide information to the public about ADS testing operations in the United States and applicable State and local laws, regulations, and guidelines. 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 ten 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 Notice provides that the AV TEST Initiative seeks to enhance public education and engagement with public ADS vehicle testing by coalescing information regarding respondents' various testing operations or requirements into a centralized resource. This information collection seeks voluntarily provided information from entities performing ADS testing about their operations and information from local authorities about requirements or recommendations for such operations. The first objective of the program is to provide the public with access to geographic visualizations of testing at the national, State, and local levels. The second objective is to provide members of the public with information collected from States and local authorities that regulate ADS operations.

The Notice states that ADS technology, including technology contemplating no human driver at all, has the potential to significantly improve roadway safety in the United States, that many stakeholders have progressed to conducting ADS vehicle testing on public roads, and that the AV TEST Initiative seeks to enhance public education and engagement with public ADS vehicle testing. It goes on to note that this education will consist of voluntary submissions by participants who will choose its own degree of involvement and the frequency of its submissions.

Testing new ADS technology on public roads with other drivers involves significant risks to the ADS vehicle and other drivers. NAMIC is greatly concerned that the National Highway Traffic Safety Administration seems to endorse this increased risk in the hope of potential developments and does not acknowledge that ADS might have an equal - if not greater - potential to significantly degrade roadway safety. Rather than being an advocate for potential benefits from developing technology, safety regulators should more prudently err on the side of caution. Even inferred approval of ADS by NHTSA could provide the public with a false sense of security and the impression that the Federal Government has fully endorsed such technology as a matter of policy.

We are also concerned that NHTSA seems to see role for itself in enhancing public engagement with the testing of ADS by private industry respondents that include ADS operators, developers, or vehicle manufacturers. The federal government should not be part of an ADS industry marketing campaign. Particularly as the American public has a growing wariness of undelivered promises and unsupported assertions around ADS, a cheerleading exercise does not appear to be the appropriate approach for the agency tasked with safety at the federal level. Almost 70% of people said they were afraid of self-driving vehicles, up from 55% last year, according to a May 2023 [survey](#) from AAA. The same work found that 22% of Americans expect driver support systems, with manufacturer designated names like Autopilot, ProPILOT, or Pilot Assist, to have the ability to drive the car by itself without any supervision, indicating a gap in consumer understanding.

A fundamental problem with the proposed data collection is that this education program will be limited to voluntary submissions by participants who will choose their own degree of involvement and the frequency of its submissions. Only participants with the most positive information will agree

to participate and then they will provide selected data that is not subject to review or corroboration. This will be little more than free marketing for participants.

Conversely, it would be most valuable for the NHTSA – which will respond to ADS requests for exemptions to FMVSS – to have the best understanding of testing of ADS by private industry respondents that include ADS operators, developers, or vehicle manufacturers. NHTSA already has a [Test Tracking Tool](#) as part of the AV TEST which lists the names of many – perhaps all – of the ADS companies engaged in ADS testing. NHTSA could propose that companies that will seek FMVSS exemptions for ADS vehicles must participate in verified information disclosures of specific and uniform data on ADS testing and safety. Companies that do not provide such data, or provide false or inadequate data, may have more difficulty with FMVSS exemption considerations.

This would ensure that information is valid and useful for safety evaluations by NHTSA. Of course, this valid and useful information could be made publicly available to meet with the purported education and engagement objectives, coalescing information regarding respondents' various testing operations or requirements into a centralized resource.

We also strongly recommend that NHTSA seek input from the insurance industry, who have experience and expertise that is relevant to the goals proposed in the Notice. Specifically, the insurance industry may be able to provide NHTSA with advice and recommendations on specific metrics, key performance indicators, and measures of success that NHTSA may propose for the performance and efficacy of the proposed reporting. NAMIC would be most interested in working with NHTSA on these areas .

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



Thomas J. Karol

General Counsel – Federal  
National Association of Mutual Insurance Companies