NAMIC
NATIONAL ASSOCIATION OF MUTUAL INSURANCE COMPANIES

317.875.5250 | [F] 317.879.8408
3601 Vincennes Road, Indianapolis, Indiana 46268

202.628.1558 | [F] 202.628.1601
20 F Street N.W., Suite 510 | Washington, D.C. 20001

September 11, 2023

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

Re: Agency Information Collection Activities; Notice and Request for Comment; Examining Distraction and Driver Monitoring Systems to Improve Driver Safety; Agency/Docket Number: Docket No. NHTSA-2023-0026; Document Number: 2023-14949

Dear Acting Administrator Carlson:

On July 14, 2023, the National Highway Traffic Safety Administration (NHTSA) published in the Federal Register a Notice and request for comments on a request for approval of a new information collection (the Notice) which proposes to NHTSA proposes to collect information from the public as part of a study to improve NHTSA's understanding of the differences in approaches to driver state detection and the potential safety impacts of driver monitoring systems (DMS).

The Notice invites public comments on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of NHTSA, including whether the information will have practical utility; (b) the accuracy of NHTSA'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.

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 NHTSA seeks information as part of a study to improve NHTSA's understanding of the differences in approaches to driver state detection and the potential safety impacts of DMS. DMS refers to in-vehicle technology that can detect driver state and interact with the driver through the human-machine interface (the user interface that connects the driver to the vehicle). For example, a DMS that detects drowsiness may display an icon on the dashboard, such as a coffee cup, accompanied by a sound to alert the driver that drowsiness is present.

NAMIC and its member companies are committed to safety and support NHTSA's efforts that enhance safety. At the same time, however, there is risk from committing safety resources and personnel to projects that provide marginal benefit – or worse – provide the illusion of safety where it does not exist. We are concerned that results from this project may not provide real enhancement to safety and potentially provide a false sense of security.

The Notice details a one-time study of 68 volunteers of varying age, sex and other qualification selected using NHTSA Form 1718: Online Eligibility Questionnaire; NHTSA Form 1719: Karolinska Sleepiness Scale; NHTSA Form 1720 Sleep Food Intake; and NHTSA Form 1721. It appears that the subjects will be limited to voluntary applicants within a 30-mile radius of Iowa City, Iowa. Only potential subjects in the registry meeting inclusion criteria will be contacted. Respondents will be asked a series of questions to determine eligibility to participate in the study. The limited location, number of study participants, and selection process raise questions about the applicability of any results to a more general driving population.

The Notice provides that additional efforts will be made to enroll individuals with diverse skin tones, oversampling those who rate themselves higher on the Fitzpatrick Skin Type Scale, a recognized tool for dermatological research into human skin pigmentation. Acknowledging that some DMS apply facial recognition software that may be impacted by skin pigmentation, it is not clear that this study will use such a system in any or all of its tracks. The proposed self-rating of an applicant on the Scale negates any uniformity of the application of the Scale, and it is unclear why oversampling versus equal skin types is the appropriate standard.

The overall sample will contain 80 data sets. To achieve this, 120 subjects are anticipated to be enrolled due to attrition across tracks. Each track will have 40 completed data sets. Thus, the total sample size is anticipated to be 68 subjects and will include subjects that completed Track A only (n

= 28), Track B only (n = 28), and those that completed both tracks (n = 12). Track A will evaluate the ability of the DMS to assess distraction and Track B will evaluate the ability of the DMS to assess both drowsiness alone and distraction while drowsy. The study appears to be sessions in driving simulators and not actual vehicles. The details of the tracks, including duration, type of roads, time of day, or other specifics are not included in the notice, making it more challenging to evaluate.

The Notice provides that DMS are currently deployed in many production vehicles. Current production systems use different data sources, including driver-facing cameras, vehicle inputs (e.g. steering wheel torque), driving performance (e.g., lane departures), and other measures (*e.g.*, time on task). Future production systems are also likely to use physiological sensors (e.g., heart rate) as tools to identify driver state more accurately. DMS could play a variety of roles in vehicles, including detecting and alerting drivers to distraction, drowsiness, or impairment, and then adjusting the vehicle technology to meet the needs of the driver or providing support in particular situations. Critically however, the proposed study provides no specificity of what driver monitoring system or systems will be applied to what subject on what tract at what stage or in what manner.

Finally, the Estimated Total Annual Burden Cost are limited to one-time cost for local travel to and from the University of Iowa Driving Safety Research Institute (DSRI), home of the National Advanced Driving Simulator where the tracks will take place. It is not clear if DSRI will be compensated or reimbursed for their work on this study from a new or existing funding source.

Going forward, we suggest 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 study. 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. Thank you for your time and consideration.

Thomas J. Karol

General Counsel – Federal
National Association of Mutual Insurance Companies