Attachment E

Summary of Comments and NHTSA's Response to the 60 Day AV TEST Request for Comment

On July 2, 2020, NHTSA published a notice in the Federal Register Notice with a 60-day comment period soliciting comments on the information collection (85 FR 39975). NHTSA received a total of 20 comments from organizations and individuals. A summary of the comments is provided below and is arranged by topic area.

Mandatory Data Collection and Evaluation of Submissions: Several commenters, such as the National Transportation Safety Board (NTSB) and the Center for Auto Safety, were opposed to the voluntary nature of the Initiative. Although the commenters were in favor of NHTSA collecting information about ADS testing, they believe that NHTSA should make the submission of the information mandatory. Additionally, commenters suggested that NHTSA require more specific information that would allow NHTSA to evaluate the safety of the ADS testing.

The objective of AV TEST Initiative is to provide members of the public with a centralized database of high-level information about ADS testing activities and State and local laws, recommendations, and initiatives. It is, therefore, outside of the scope of the project to make any reporting mandatory or to expand the collection to include technical information or information that NHTSA would use to evaluate the safety of ADS operations. NHTSA shares the commenter's view that detailed technical material often provides valuable information and, in fact, the agency frequently engages with industry participants regarding technical aspects of their ADS development. Also, as noted in *Automated Driving Systems 2.0: A Vision for Safety*, NHTSA encourages ADS developers to make certain information available to members of the public in Voluntary Self-Assessments (VSSAs). NHTSA has outlined 12 areas related to ADS safety and performance to be included in the documents. Entities that choose to participate in AV

TEST will be presented with a data entry field to provide a link to their VSSA if they have one and would like to include it with their AV TEST submission.

Data Standardization, Uniformity, and Completeness: Several commenters urged NHTSA to take steps to standardize submissions, including establishing standard terminology to increase uniformity of submissions. NHTSA appreciates this comment and would like to highlight a few of ways that NHTSA has designed the system to balance improving the quality of data collection and maximizing participation.

First, the AV TEST Initiative uses a data entry website that provides a structured data collection environment for contributors. Participating stakeholders are required to complete a minimum set of data fields when submitting information.[1] If a participant does not fill in a required field, they will be prompted to complete it before the submission can be sent to NHTSA for publication. Requiring certain data elements ensures a minimum level of completion for each submission and improves the quality of the data that is placed on the public website. While certain data fields are required, others are not. This allows the system to accommodate a wider range of ADS testing operations, vehicles, and jurisdictions. One commenter, General Motors LLC, advised that significant variance could exist for the types and amounts of data maintained by companies. As such, NHTSA believes that additional standardization of submission requirements or minimum information thresholds for participation may unintentionally exclude interested parties from participation.

Second, NHTSA agrees with commenters who suggested providing standard terminology and has integrated definitions for the requested data elements into the AV TEST tracker to ensure participants have a consistent understanding of the terminology being used by NHTSA.

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[1] For a submission for an ADS operation, the required fields include: Country, State/Province, City, Public or Private Road, Road Type, Latitude and Longitude, Base Vehicle Type, Operation Status, a field asking whether the vehicle has a safety operator, and a field for the participant to indicate the type of operation (e.g., providing service).

NHTSA is also providing a list of terms and definitions on the public website so that users can better understand the information presented.

Third, NHTSA has designed the data entry website to use drop-down options for many of the data fields to ensure greater uniformity across submissions. For example, the data field for road type provides the following drop-down options: freeway, highway, parking lot, rural, street, business campus, path/sidewalk, university, unknown, or not specified. NHTSA believes this feature will improve data uniformity while providing sufficient flexibility for unique operations. For features that do not have drop-down options, NHTSA has also taken steps to minimize error. For example, the data field for number of vehicles at a test site has character restrictions.

Accessibility and Vulnerable Populations: Several organizations submitted comments underscoring the potential impact of ADS technologies on accessibility and mobility, as well as the impact on children. Commenters suggested that NHTSA provide opportunity for participants to submit information related to accessibility of ADS operations as well as specific information related to the transportation of children.

NHTSA agrees with the comments and believes information about engagement with the community is an integral part of the AV TEST Initiative—particularly those with accessibility issues and members of vulnerable populations. Currently, NHTSA does not restrict participants from conveying this information, particularly for ADS test sites that are available for public use. However, NHTSA will encourage participants to provide information on accessibility and mobility for those with special needs. NHTSA will do this by creating new categories of weblinks that can be submitted to NHTSA. For example, NHTSA has added a "Disability or Accessibility" category, just as it has done for Emergency Response and VSSA information.

Establish Sunset for AV TEST tracker: The Maryland Department of Transportation (MDOT) suggested NHTSA consider establishing a time to sunset the AV TEST tracker to eliminate data collection redundancy. NHTSA does not agree with MDOT's assertion that the AV TEST Initiative would present a data collection redundancy for vehicles that comply with all applicable FMVSS. In fact, some of the operations reported to NHTSA during its pilot phase of the AV TEST Initiative are for ADS operations involving the use of FMVSS-certified vehicles equipped with ADS. The type of information that will be collected through the AV TEST Initiative is not duplicative of data collected through NHTSA's existing crash data systems because NHTSA crash data systems only collect data on vehicles involved in crashes and vehicle-related deaths and injuries. NHTSA does not currently have a mechanism to collect information about ADS operations.

However, NHTSA notes that data submitted as part of the AV TEST Initiative may become stale. For example, because the AV TEST Initiative is voluntary, an ADS operator could provide information on an ADS operation and never update NHTSA when the operation is completed. Although we will provide a mechanism for participants to change the status of test sites from active to inactive or completed, participants may not update the status of an operation. As the AV TEST Initiative progresses, NHTSA will consider reaching out to program participants about operations that has not been updated for an extended period of time. In addition, we have provided participants the ability to remove out-of-date information and archive the data, which removes it from the AV TEST web page.

Estimated Total Annual Burden Hours: MDOT estimates States will spend more than 10 hours per year on supporting their AV TEST profiles. While MDOT acknowledged that that the 10-hour estimate may be appropriate for States solely focused on entering adopted

legislation/regulation information once or twice per year, MDOT expects to 120 hours

responding to the AV TEST Initiative. MDOT stated that it will update the AV TEST database

for multi-modal transportation business units and estimates it will need 10 hours per month for

this exercise. With respect to this subject, the Commercial Vehicle Safety Alliance, whose

members include many State and local jurisdictions, advised that it "deferred to its member

jurisdictions" on the burden presented by this collection.

NHTSA appreciates the comments on this topic and, in particular, the level of investment

in the AV TEST Initiative that MDOT's comment anticipates and hopes that other participants

will similarly dedicate resources as necessary and appropriate to further the goals of the program.

The majority of participants in the pilot program estimated that they have and will continue to

allocate approximately 2-3 hours per month to AV TEST related activities. Therefore, NHTSA

calculates that State and local organizations will dedicate approximately 2.5 hours per month, or

30 hours annually, on their submissions with variances due to a range of factors, such as the

availability of resources or each entity's approaches to the program. Nevertheless, NHTSA

appreciates MDOT's comment that some jurisdiction participants may dedicate more time than

what NHTSA estimates for the average participant.

Categories of Eligible Participants: Valeo, an automotive supplier, commented

expressing a desire to participate in the program and share information regarding its automated

vehicle development activities. Valeo specifically requested that NHTSA enable Tier 1 suppliers

to participate in the AV TEST Initiative in the future. Additionally, the American Automobile

Association (AAA) recommends that future versions of the AV TEST Initiative web platform

include information provided by consumer and safety groups that evaluate vehicle technologies

with the goal of educating consumers on the safety benefits, capabilities, and limitations of these applications.

In response, NHTSA appreciates AAA and Valeo's comments and is encouraged by the interest generated by the program at multifaceted levels of the automotive industry and the public. NHTSA's original 60-day notice contemplated that the collection could also include motor vehicle equipment manufacturers, which could encompass Tier 1 suppliers conducting AV test operations on public roads. As the AV TEST Initiative progresses, NHTSA will evaluate opportunities to enhance the scope of project and may consider allowing submission of information from organizations engaged in evaluating emerging vehicle technologies.

Number of Respondents: Several commenters expressed a concern that the voluntary nature of AV TEST would minimize industry participation, with one commenter believing that NHTSA's original estimate of at least 40 private participants was too high. Based on the number of entities that have already expressed interest in participating, NHTSA continues to anticipate that its estimate of 40 private participants is realistic, with even higher levels of participation possible as AV TEST becomes more established and entities engaged in ADS testing activities increase.

ADS Policy: NHTSA also received comments from safety advocates and individual members of the public highlighting concerns regarding driving automation. One comment stated that "NHTSA should be focusing on proven safety systems currently available that can prevent or mitigate the crashes…" such as a number of crash avoidance technologies included in the NTSB's Most Wanted Lists of Transportation Safety Improvements since 2016. Another commenter suggested that vehicles equipped with ADS technologies should be removed from roadways until NHTSA can ensure "malware and terrorists cannot hack these computers driven

moving time bombs." In addition, one commenter requested that ADS technology testing be limited to roadways that are built solely for ADS-equipped vehicles rather than public roads.

NHTSA appreciates the commenters' input and will keep this input in mind when considering future approaches to ADS technologies.