

Supporting Statements: Part A
Automated Vehicle Transparency & Engagement for Safe Testing (AV TEST) Initiative
OMB Control Number 2127-NEW

ABSTRACT:¹

NHTSA requests review and approval from the Office of Management and Budget (OMB) for a new information collection request (ICR) for a safety information sharing initiative for testing in the United States of vehicles equipped with Automated Driving System (ADS, commonly referred to as “AV”) technology. This initiative will involve the collection of information on a digital platform on NHTSA’s website. The voluntarily-provided information will be published on NHTSA’s website to provide information about ADS testing to members of the public. The platform will collect and provide information from States and local authorities about laws and guidelines for ADS operations and information about specific operations within the U.S. from ADS manufacturers and operators.

One of the key features of the AV TEST Initiative is that each external stakeholder’s participation is completely voluntary, with each participant choosing its respective degree of involvement and disclosure. As such, respondent submissions may vary in comprehensiveness and frequency of submissions or updates.

The goal is to provide a centralized educational resource for ADS testing information in the United States, as well improve public visibility, engagement, and awareness of ADS developments and testing activities. This collection will consolidate, standardize, and share information on ADS development and testing in the U.S. The proposed questions for this collection can be found in Attachment A, and sample screenshots of the data interface can be found in Attachment B.

To date, there have been limited mechanisms available for Federal, State, and local governments and the automotive industry to coordinate and share information, and public information on ADS testing across the country is largely driven by anecdote, media reporting, or other localized information resources concerning particular ADS testing projects. The absence of a centralized source of information related to ADS vehicle testing inhibits the availability of public feedback concerning testing projects and affects public trust and confidence in the safety performance of innovative technologies under development.

The data and information collection will support two main objectives. The first is to provide the public with access to geographic visualizations of testing at the national, State, and local levels. This information will be specifically displayed through a graphic of the United States, with projects overlaid on the geographic areas in which the testing project is taking place (“heat map”). By clicking on a testing location, members of the public will be able see additional

¹ The Abstract must include the following information: (1) whether responding to the collection is mandatory, voluntary, or required to obtain or retain a benefit; (2) a description of the entities who must respond; (3) whether the collection is reporting (indicate if a survey), recordkeeping, and/or disclosure; (4) the frequency of the collection (e.g., bi-annual, annual, monthly, weekly, as needed); (5) a description of the information that would be reported, maintained in records, or disclosed; (6) a description of who would receive the information; (7) the purpose of the collection; and (8) if a revision, a description of the revision and the change in burden.

information about the operation and the ADS operator. Additional information may include basic information about the ADS operator, a brief statement about the entity, specific details of the testing activity, high-level (non-confidential) descriptions of the vehicles and technology, photos of the test vehicles, the dates on which testing occurs, frequency of vehicle operations, the number of vehicles participating in the project, the specific streets or areas comprising the testing routes, information about safety drivers and their training, information about engagement with the community and/or local government, weblinks to the company's websites with brief introductory statements, and a link to the company's Voluntary Safety Self-Assessment.

The second objective is to provide public access to information from State and local governments related to legislation, regulations, or guidelines for ADS vehicle testing operations within their jurisdictions, privacy-related issues, emergency response efforts and training directed to ADS technologies, and other local initiatives, such as smart city initiatives, that cultivate ADS testing.

1. Explain the circumstances that make the collection of information, necessary. Identify any legal and administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

NHTSA, under the DOT, was established by the Highway Safety Act of 1970, as the successor to the National Highway Safety Bureau, to carry out safety programs under the National Traffic and Motor Vehicle Safety Act of 1966 and the Highway Safety Act of 1966. The Vehicle Safety Act was subsequently re-codified under Title 49 of the U.S. Code in Chapter 301, Motor Vehicle Safety. Under the authority of the National Traffic and Motor Vehicle Safety Act of 1966, as amended, NHTSA's purpose is to reduce traffic accidents and deaths and injuries resulting from traffic accidents. 49 U.S.C. 30101. In support of that purpose, the agency is authorized to carry out needed safety research and development. 49 U.S.C. 30101(2).

DOT and NHTSA are fully committed to reaching an era of crash-free roadways through the deployment of innovative lifesaving technologies. The prevalence of automotive crashes in the United States underscores the urgency to develop and deploy lifesaving technologies that can dramatically decrease the number of fatalities and injuries on our Nation's roadways. NHTSA believes that ADS technology, including those contemplating no human driver at all, have the potential to significantly improve roadway safety in the United States.

However, such technology remains substantially in development phases with companies across the United States performing varying levels of development, research, and testing relating to the performance of various aspects of ADS vehicle technologies. While much of these development operations occur in private facilities and closed-course test tracks, many stakeholders have progressed to conducting ADS vehicle testing on public roads or in public demonstrations.

To regulate these activities, various levels of local authorities, including cities and States, have developed laws to govern the operation of ADS vehicles on public roads in their jurisdictions. In addition to these regulatory frameworks, multiple authorities seek to cultivate the development

and demonstration of ADS technology through the inclusion of ADS technology in local initiatives, such as smart city projects. As such, both national and local authorities have increasingly engaged with ADS technologies in a variety of manners.

Within this diverse backdrop of stakeholder testing programs and regulatory frameworks, the field lacks a centralized resource to consolidate information concerning ADS testing activities and make such information available to the public. NHTSA, as the federal agency charged with promoting motor vehicle safety throughout the Nation and an agency with existing working relationships with both industry stakeholders and local jurisdictions, is uniquely situated to develop such a centralized resource by aggregating information voluntarily provided by external stakeholders and making it available to the public. Such a collection of information is not currently required by statute and NHTSA's current regulatory activities do not collect information spanning the full range of material necessary to develop such a resource.² However, working cooperatively with industry stakeholders and local jurisdictions, NHTSA may collate information each external stakeholder respectively identifies for sharing with the agency and organize the information into a cohesive display of national ADS testing programs.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information will be compiled and presented to the public on NHTSA's website. The purpose of this collection is to provide a centralized repository of information for the public to better understand the testing of ADS vehicle technology in the United States and applicable State and local requirements and recommendations. The website will provide a geographic heat map that will enable members of the public to quickly identify ADS testing occurring in particular areas of the country. This seeks to promote both awareness of and public engagement with such projects. By selecting a particular testing operation on the heat map, members of the public will be provided with additional information about the testing and the ADS operator, and a weblink, if provided, to the operator's website. NHTSA will use the information submitted by State and local authorities to provide a centralized resource to members of the public that will allow them to find weblinks to additional information about State or local ADS regulations or other ADS issues, such as privacy or emergency response training. In addition, for projects that intersect with NHTSA regulatory activities or other DOT initiatives, such as grant programs, the resource will help further public understanding regarding federal regulatory activities relating to ADS testing.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

² Some pertinent information may already be collected by the agency pursuant to unrelated existing programs, such as NHTSA's exemption program under 49 CFR Part 555 and its exemption program for vehicles temporarily imported for research, demonstration, and other purposes under 49 CFR Part 591, which are described further herein.

NHTSA will provide secure, web-enabled access to participants to facilitate the transfer of data and information to the agency. A fillable electronic file, found in Attachment C, will be provided that identifies the general types of data and information requested. The file will include a short set of standard questions that permit the entry of specific values (e.g., number of test vehicles), and short descriptions with weblinks to the participant's home website (e.g., describe the nature of your test program). Participants will decide the frequency and comprehensiveness of their submissions and updates. NHTSA believes this is the least burdensome means for participants to provide data and information, while maintaining some degree of uniformity among participants.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The goal of the initiative is to aggregate and make available voluntarily-submitted primary-sourced information to the public. As a result, the program seeks to enable external stakeholders to provide information specifically for purposes of its presentation on the AV TEST Initiative website. NHTSA only has primary-source information on a limited number of ADS operations and, to the extent that it does, will repurpose the information to use on the AV TEST Initiative. The information that will be repurposed will be taken from NHTSA's exemption programs. This will reduce burden to entities that seek to participate and for which NHTSA has information on ADS operations. Other than for a limited number of ADS operations, NHTSA does not have primary-source information that it can repurpose and, therefore, needs this new collection to be able to provide a centralized resource on ADS operations throughout the country to members of the public.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Given the diverse array of private entities and local governments that currently engage in ADS vehicle testing operations, it is possible that the collection may involve small businesses and local governments that qualify as small entities. However, such entities are not required to participate in the AV TEST program. Thus, both their participation and any information that they elect to submit for publication will be entirely voluntary and within the discretion of those entities. The Initiative does not impose a standardized burden on any such entities. Due to the elective nature of the information submitted, any burden undertaken by such entities through their participation would presumably only amount to the level of effort that each entity deemed worthwhile to advance its goals of increasing public awareness of its ADS activities.

To ameliorate the burden associated with providing information for the program, NHTSA will make electronic forms available for respondents to submit information. Likewise, NHTSA will provide technical assistance to any participating entities with questions or in need of assistance in furnishing information.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Without this information collection, NHTSA would be constrained in its ability to provide a resource to members of the public about various ADS operations within the U.S. and about different State or local requirements governing the operation of ADS vehicles. This collection involves the use of an online portal to submit information and respondents may choose how frequently they submit information and how much information they provide. For these reasons, NHTSA does not believe the information collection will be burdensome.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- a. requiring respondents to report information to the agency more often than quarterly;
- b. requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- c. requiring respondents to submit more than an original and two copies of any document;
- d. requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- e. in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- f. requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- g. that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- h. requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances that would cause this collection to be collected in a manner inconsistent with 5 CFR 1320.5(d)(2).

8. Provide a copy of the Federal Register document soliciting comments on extending the collection of information, a summary of all public comments responding to the notice, and a description of the agency's actions in response to the comments. Describe efforts to consult with persons outside the agency to obtain their views.

On July 2, 2020, NHTSA published a 60-day notice in the Federal Register requesting comment on this new information collection (85 FR 39975). NHTSA received a total of twenty comments from organizations and individuals. A summary of the twenty public comments and NHTSA's response to each of the comments received can be found in Attachment E. NHTSA also

conducted a pilot with ADS operator participants and State or local government participants. The pilot participants provided NHTSA with valuable input on how to make the data entry website more user friendly and also provided information about their expected burden for participating in the AV TEST Initiative.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

NHTSA is not providing payment or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

NHTSA is not providing any assurance of confidentiality because the information provided to NHTSA is provided specifically for the purpose of publication on NHTSA's website for the program. All respondents to this voluntary collection will be informed that all information provided may be made public on NHTSA's website and will be advised not to submit any information that would be considered confidential. No SORN is required for this project. The Privacy Threshold Assessment was approved on April 2, 2020.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

NHTSA is not asking any questions of this nature. All information for the program is business-related information concerning an entity's automated vehicle operations in the United States or information provided by States or local authorities about their laws, regulations, and recommendations pertaining to ADS operations and about ADS-related activities.

12. Provide estimates of the hour burden of the collection of information on the respondents.

NHTSA anticipates that the AV TEST Initiative will involve up to 300 respondents in the next three years, as an increasing number of stakeholders become involved in testing ADS technology. The AV TEST Initiative involves two information collections. The first information collection involves (1) original manufacturers of ADS-equipped vehicles or ADS-equipped vehicle equipment and (2) operators of ADS-equipped vehicles. The second information collection is directed at States and other local authorities that regulate ADS activity within their respective jurisdictions. NHTSA anticipates that its estimate of up to 100 respondents, annually, includes approximately 40 ADS vehicle or technology manufacturers and operators and 60 States and local jurisdictions.

While both collections involve electronic submission of information on a portal, the underlying information collected from the private industry respondents and State and local authorities is very different. While private industry respondents will be asked for information about individual ADS testing operations, State and local authorities will only be asked for limited information, primarily in the form of short descriptions and weblinks, about ADS related activities such as legislation, regulations, guidelines, and other policies or activities related to ADS.

While NHTSA's estimate for the burden hours per ADS operator participant remained the same from the July 2, 2020 notice, NHTSA has increased the burden estimate for State and local participants. Since publishing the original notice, NHTSA conducted a pilot involving 9 State and local participants and 9 ADS operators. NHTSA's revised estimates are based upon direct work with the participants in the pilot phase of the AV TEST Initiative. One of the pilot participants, the Maryland Department of Transportation, also commented on the July 2 notice.

Specific estimates provided by a majority of participants in the initiative's pilot program confirmed NHTSA's original estimate that, on average, ADS operators would spend approximately 48 hours per year, or 4 hours per month, on data entry for the AV TEST Initiative. This estimate also factors in time for new participants to learn how to use the data-entry platform and submit initial information.

While NHTSA's estimate for ADS operators has remained 48 hours per year, NHTSA has revised its estimate for State and local participants based on specific estimates provided by pilot participants, as well as NHTSA's observation of pilot participants in gathering and submitting data. Although the July 2 notice estimated that State and local participants would spend approximately 10 hours per year on data submission to the AV TEST Initiative, NHTSA now estimates the annual burden to be 30 hours per participant.

NHTSA estimates that the annual burden of participation will be approximately 48 hours for private industry respondents that include ADS operators, developers, or vehicle manufacturers. This total number of hours represents approximately four hours per month to perform data entry for testing projects (4 hours × 12 months = 48). Therefore, for the estimated 40 private industry participants, the total burden is estimated to be 1,920 hours per year (40 respondents × 48 hours).

NHTSA estimates that the annual burden of participation will likely be approximately 30 hours for State or local authorities.³ Therefore, for the estimated 60 State or local authority participants, the total burden is estimated to be 1,800 hours per year (60 respondents × 30 hours). The total annual burden for the entire information collection request is estimated to 3,720 hours (1,920 hours + 1,800 hours).

The labor cost associated with this collection of information is derived by (1) applying the appropriate average hourly labor rate published by the Bureau of Labor Statistics, (2) dividing by

³ Estimated total annual burden hours of 30 hours per participant have been increased from NHTSA's original estimate of 10 hours. This estimate takes into consideration Maryland Department of Transportation's public comment to the 60 Day Notice and Request for Comment: AV TEST Initiative (<https://beta.regulations.gov/document/NHTSA-2020-0070-0006>).

either 0.701⁴ (70.1%), for private industry workers, or 0.623 (62.3%), for state and local government workers, to obtain the total cost of compensation, and (3) multiplying by the estimated burden hours for each respondent type.

Labor costs associated with original manufacturers of ADS vehicles or ADS vehicle equipment and operators of ADS vehicles are estimated to be \$60.96 per hour for “Project Management Specialists,” Occupation Code 13-1198, (\$42.73⁵ per hour ÷ 0.701). The estimated labor cost per private industry respondent is estimated to be \$2,926.08 per year (\$60.96 × 48 hours). Therefore, the total annual labor cost for private industry to participate in the AV TEST Initiative is estimated to be \$117,043.

Labor costs associated with State and local authorities, such as States, counties, and cities are estimated to be \$60.84 per hour for “Legal Support Workers,” Occupation Code 23-2099, (\$37.90⁶ per hour ÷ 0.623). The labor cost per regional authority respondent is estimated to be \$7,300.80 per year (\$60.84 × 120 hours). Therefore, the total annual labor cost for State and local authorities to participate in the AV TEST Initiative is estimated to be \$438,048 per year.

The total annual labor costs for all respondents, private industry and State and local authorities together, are estimated to be \$226,555 per year. See Table 1 below for a summary of estimated annual burden hours and estimated labor costs.

Table 1—Summary of Estimated Burden Hours and Estimated Labor Costs

Respondent type	Number of respondents	Annual hours per respondent	Labor cost per hour	Annual labor cost per respondent	Total annual estimated burden hours	Total annual labor costs
Original Manufacturer of ADS Vehicles or ADS Vehicle Equipment and Operators of ADS Vehicles	40	48	\$60.96	\$2,926.08	1,920	\$117,043
State or Local Authority	60	30	\$60.84	\$1,825.20	1,800	\$109,512
Total All Respondents	100				3,720	\$226,555

⁴ See Table 1. Employer Costs for Employee Compensation by ownership (Dec. 2019), available at <https://www.bls.gov/news.release/ecec.t01.htm> (accessed May 4, 2020).

⁵ See May 2019 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 336100 - Motor Vehicle Manufacturing, available at https://www.bls.gov/oes/current/naics4_336100.htm#15-0000 (accessed May 4, 2020)

⁶ See May 2019 National Occupational Employment and Wage Estimates by ownership, Federal, state, and local government, available at <https://www.bls.gov/oes/current/999001.htm#23-0000> (accessed May 4, 2020)

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.

The collection for the AV TEST initiative requires no additional costs to the respondents. Although submissions will involve the use of technology to facilitate the transfer of information to NHTSA, NHTSA does not expect the need for respondents to acquire or develop technological prerequisites beyond the ordinary computer capabilities already possessed by the anticipated respondents.

14. Provide estimates of annualized costs to the Federal government.

The AV TEST Initiative is expected to increase costs to the Federal government by approximately \$650,500 annually. NHTSA estimated this additional burden by looking at the additional Information Technology (IT) and federal staff resourcing needed for onboarding and data management. The initial burden to the agency is primarily in the form of the modification of an existing platform to support the program. In addition, there is an inherited ongoing cost that includes: federal labor hours to support program coordination and data use; operations and maintenance of the platform; account and data management; and security monitoring to fulfill federal system security needs. The chart below summarizes this overall annual burden to the agency.

Resource(s)	Description	Annual Estimate
Application Maintenance and Operations	General Support and Maintenance for the Application and Platform: Information Technology	\$400,000
Information Technology Infrastructure Maintenance	Server and Infrastructure Ongoing Support on Shared Platform	\$50,000
Federal Application and Platform Security Monitoring	Monitoring and Updates to Security Controls on the Platform to Include Updated Documentation and Controls; Includes Account Authentication Management	\$25,000
Federal Labor Contribution	1.5 Federal Full Time Equivalent Employees Across the Agency (includes a dedicated resource management analyst plus portions of others' time): Averaged at GS-13/5 Salary	\$175,500
	Total Annual Agency Burden	\$650,500

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet. If this is a new collection, the program change will be entire burden cost and number of burden hours reported in response to questions 12 and 13.

This is a new collection. NHTSA estimates that the burden associated with this collection will be, on average, approximately 3,720 hours in each of the next three years. NHTSA estimates that there will be no increased costs to respondents associated with this collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

NHTSA anticipates publishing the information obtained through the AV TEST Initiative publicly on a section of the agency's website designed for the program. One of the primary features of this website will be the display of a geographic heat map showing ADS operation locations superimposed on a map of the U.S., and members of the public will be able to click on testing locations to obtain additional information about the testing activity, such as frequency of testing and duration of testing. Members of the public will also be provided with weblinks, prefaced by short introductory statements, to participating entities' websites.

The website will also provide information from State and local government respondents about their laws, regulations, and recommendations for ADS operations. State and local authorities may provide additional information about their ADS-related activities, such as any public grant programs or smart city initiatives that may be associated with testing programs in their jurisdictions. The information collected from States and local authorities will primarily be weblinks to the respondents' websites with short introductory statements that describe the contents of the referenced webpage. This information will be published on NHTSA's websites and will allow members of the public interested in information on a particular State or local jurisdiction to view the weblinks.

17. OMB approval of the information collection, explain the reasons that display would be inappropriate.

Approval is not sought to not display the expiration date for OMB approval.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions." The required certifications can be found at 5 CFR 1320.9.⁷

No exceptions to the certification statement are made. When respondents submit information to NHTSA, they will be presented with the following statement on the electronic portal:

⁷ Specifically explain how the agency will inform potential respondents of the information required under 5 CFR 1320.8(b)(3): the reasons the information is planned to be and/or has been collected; the way such information is planned to be and/or has been used to further the proper performance of the functions of the agency; an estimate, to the extent practicable, of the average burden of the collection (together with a request that the public direct to the agency any comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden); whether responses to the collection of information are voluntary, required to obtain or retain a benefit (citing authority), or mandatory (citing authority); the nature and extent of confidentiality to be provided, if any (citing authority); and the fact that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Paperwork Reduction Act Statement: A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2127-NEW. This information is being collected to create a centralized educational resource for ADS testing information in the United States, as well improve public visibility, engagement, and awareness of ADS developments and testing activities. As the purpose of this information collection is to provide information to members of public, please do not submit any information that you consider to be confidential using this portal. If you would like to provide confidential information, please consult NHTSA's regulations at 49 CFR Part 512, "Confidential Business Information," Responding to this collection is completely voluntary. We estimate that participation in the AV TEST Initiative will involve approximately [insert 30 hours for State/local authority portal or 48 hours for ADS developer portal] per year. However, your burden is dependent on your level of voluntary participation and how frequently you choose to update information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, National Highway Traffic Safety Administration, 1200 New Jersey Ave, S.E., Room W45-205, Washington, DC, 20590.