

Information Collection Request Supporting Statements: Part A
Incident Reporting for Automated Driving Systems (ADS) and
Level 2 Advanced Driver Assistance Systems (ADAS)
OMB Control No. 2127-0754

Abstract:¹

This information collection request (ICR) is for an extension of a currently approved information collection that requires manufacturers of motor vehicles and equipment and operators of motor vehicles to submit incident reports for certain crashes involving Automated Driving Systems (ADS) and Level 2 Advanced Driver Assistance Systems (ADAS). NHTSA's Standing General Order 2021-01 (General Order) requires vehicle and equipment manufacturers and operators of vehicles equipped with ADS or Level 2 ADAS to report crashes that meet specified criteria to the National Highway Traffic Safety Administration (NHTSA).²

ADS and ADAS are new technologies that fundamentally alter the task of driving a motor vehicle by automating certain driver inputs (e.g., steering, acceleration, and braking) and decision making (e.g., path following and obstacle avoidance) that would otherwise be left to human control. Given the rapid evolution of these technologies and testing of new technologies and features on publicly accessible roads, it is critical for NHTSA to exercise its robust oversight over potential safety defects in vehicles operating with ADS and Level 2 ADAS. Crashes involving these vehicles have already resulted in multiple fatalities and serious injuries, and NHTSA anticipates that the number of these crashes will continue to grow in the near future given the increased number of these vehicles on the road and the increased number of vehicle and equipment manufacturers in the market. The General Order provides the agency with critical and timely safety data, which assists the agency in identifying potential safety issues resulting from the operation of advanced technologies on public roads. Access to this crash data may show whether there are common patterns in vehicle crashes or systematic problems with specific vehicles or systems, any of which may reflect a potential safety defect.

This ICR covers the reporting requirements in the General Order with the modifications discussed in this document. Under the General Order, the reporting entities are required to report crashes where the ADS or Level 2 ADAS was engaged or in use at the time of or immediately (≤ 30 seconds) before the crash. With the future amendment, Request No. 1 of the General Order will require reporting entities to report any crash involving an ADS or Level 2 ADAS that results in any individual being transported to a hospital for medical treatment, a fatality, or that involves

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) if the information collection involves approval by an institutional review board, include a statement to that effect; (8) the purpose of the collection; and (9) if a revision, a description of the revision and the change in burden.

² NHTSA issued an amended General Order on August 5, 2021, which superseded the original General Order, effective August 12, 2021. A copy of the amended General Order is available on NHTSA's website at <https://www.nhtsa.gov/laws-regulations/standing-general-order-crash-reporting-levels-driving-automation-2-5>.

a vulnerable road user within one day of the reporting entity receiving notice of the crash. An updated report is due 10 days after receiving notice.

The 10-day report utilizes the same form and requests the same information as the one-day reports. The 10-day report is a required follow-up to the one-day report because it is anticipated that, for some of these crashes, the reporting entity will have minimal information on the day after it receives notice. The General Order therefore requires both the one-day report, to give the agency prompt notice of a crash that may justify immediate follow-up, and the 10-day report, to give the reporting entity more time to gather information required by the incident report form. No additional or incremental information is required for the 10-day report.

Based on the agency's experience in reviewing these reports, and on the public comments received in response to the notice it published in the Federal Register, NHTSA has decided to amend the General Order. As issued, the General Order also requires reporting entities to report any ADS and Level 2 ADAS crash involving a vehicle tow-away or air bag deployment within one day of the reporting entity receiving notice of the crash. For these crashes, the reporting requirement will be amended to a single incident report that must be submitted no later than 5 calendar days after the reporting entity receives notice.³

Separately, under Request No. 2 of the General Order, the reporting entities also are required to report any crash involving an ADS equipped vehicle that does not meet the previous criteria but nonetheless involves personal injury or property damage on the fifteenth day of the month after the reporting entity receives notice of the crash. Under Request No. 3, a reporting entity that receives new material or materially different information regarding a crash previously reported to NHTSA is required to file an updated report the following month. Finally, under request No. 4, a reporting entity that has no new or updated crash reports under Request No. 2 or Request No. 3 for a given month is required to file a report stating so on the fifteenth day of the following month. The monthly reports and updated reports required under Request No. 2, Request No. 3, and Request No. 4 utilize the same form and request the same information as the one-day reports required under Request No. 1.

NHTSA requested and received emergency review and approval of this information collection. NHTSA submitted the request on June 29, 2021. On June 30, 2021, OMB granted NHTSA a six-month approval for this information collection and assigned this information collection the OMB control number 2127-0754. NHTSA is seeking a three-year extension of this information collection.

When NHTSA submitted its request for emergency review, the agency estimated that the annual burden would be 12,539 hours and \$0. NHTSA now estimates the annual burden to be 31,319 hours and \$0. This is an increase of 19,046 hours and \$0. The changes in burden estimate are a result of information received from reporting entities regarding time spent reporting information under the 6-month emergency clearance, actual reporting volume for five-months, and the change to the General Order to create a new 5-day reporting category (in place of 1-day and 10-day reports in certain circumstances). Adjustments were also made to remove burden time for training and creating accounts (which took place in the first 6 months for current reporting

³ The reporting entity may file this 5-day report early (i.e., before the fifth calendar day) to avoid having to file such a report on a weekend or holiday.

entities). NHTSA also created a new category of burden to account for additional screening time spent by reporting entities to ensure that they are meeting their reporting requirements. The change in burden hours represents a program change resulting in a decrease in burden hours by 8,320 hours and adjustments resulting in an increase of 27,100 hours.

A. Justification

- 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.**

Under the National Traffic and Motor Vehicle Safety Act, as amended (the Safety Act), 49 U.S.C. Chapter 301, NHTSA is charged with authority “to reduce traffic accidents and deaths and injuries resulting from traffic accidents.” 49 U.S.C. § 30101. To carry out this statutory mandate, NHTSA has broad information gathering authority, including authority to obtain information on vehicle crashes, potential defects related to motor vehicle safety, and compliance with legal requirements to timely identify and conduct recalls for safety defects. *See* 49 U.S.C. § 30166(e)-(g); 49 CFR Part 510; *see* 49 U.S.C. §§ 30118-30120.

NHTSA’s statutory mandate includes the exercise of its authority to proactively ensure that motor vehicles and motor vehicle equipment, including those with novel technologies, perform in ways that “protect[] the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident.” 49 U.S.C. § 30102(9).⁴ Both ADS and ADAS are “motor vehicle equipment” subject to the requirements of the Safety Act. *See id.* § 30102(8). Given the rapid evolution of these technologies and testing of new technologies and features on publicly accessible roads, it is critical for NHTSA to exercise its oversight over potential safety defects in vehicles operating with ADS and Level 2 ADAS.⁵ The Safety Act is preventive, and the identification of safety defects does not and should not wait for injuries or deaths to occur. *See, e.g., United States v. Gen. Motors Corp.*, 565 F.2d 754, 759 (D.C. Cir. 1977) (“The purpose of the Safety Act . . . is not to protect individuals from the risks associated with defective vehicles only after serious injuries have already occurred; it is to prevent serious injuries stemming from established defects before they occur.”).

Consistent with this mandate, NHTSA issued a General Order that requires vehicle and equipment manufacturers and operators of ADS and Level 2 ADAS vehicles to report certain crashes to the agency.⁶

⁴ This includes the nonoperational safety of a motor vehicle. 49 U.S.C. § 30102(9).

⁵ A Level 2 ADAS is a driver support feature on a vehicle that can control both steering and braking/accelerating simultaneously under some circumstances. The human driver must remain fully and continuously engaged in the driving task. *See* SAE J3016 Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles § 5.3 (April 2021).

⁶ The reporting requirements in the General Order applicable to operators are specific to entities (and not individuals) operating ADS equipped vehicles. Likewise, there are no reporting requirements in the General Order applicable to individual owners, drivers, or passengers in Level 2 ADAS equipped vehicles.

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.

Through the General Order, NHTSA intends to evaluate whether specific manufacturers (including manufacturers of prototype vehicles and equipment) are meeting their statutory obligations to ensure that their vehicles and equipment are free of defects that pose an unreasonable risk to motor vehicle safety, or are recalled if such a safety defect is identified. See 49 U.S.C. §§ 30112, 30118-30120.

NHTSA's oversight of potential safety defects in vehicles operating on publicly accessible roads using ADS or Level 2 ADAS requires that NHTSA have timely information on incidents involving those vehicles. In carrying out the Safety Act, NHTSA may "require, by general or special order, any person to file reports or answers to specific questions." *Id.* § 30166(g)(1)(A). Through the General Order, NHTSA is requiring each vehicle and equipment manufacturer and operator of vehicles with ADS and each vehicle or equipment manufacturer of Level 2 ADAS to report specified information about certain safety-related incidents involving vehicles operating on publicly accessible roads using ADS or Level 2 ADAS.

Specifically, the General Order requires manufacturers and operators to report certain crashes involving these vehicles that occur while the ADS or Level 2 ADAS is engaged, or immediately after it is in use, and to provide sufficient information for NHTSA to identify crashes warranting further follow-up. Under the terms of the General Order, crashes that meet specified criteria must be reported within one calendar day after the manufacturer or operator receives notice of the crash, and other ADS crashes must be reported on a monthly basis. Based on the agency's experience in reviewing these reports, and on the public comments received in response to the notice it published in the Federal Register, NHTSA has decided to amend the General Order. As issued, the General Order requires reporting entities to report any crash involving ADS or Level 2 ADAS (engaged at any time in the 30 seconds prior to the crash or during the crash) that results in any individual being transported to a hospital for medical treatment, a fatality, a vehicle tow-away, an air bag deployment, or that involves a vulnerable road user within one day of the reporting entity receiving notice of the crash. NHTSA is amending the General Order to require reporting entities to submit reports for ADS or Level 2 ADAS crashes involving an air bag deployment or tow-away be no later than 5 calendar days after the reporting entity receives notice.⁷ The reporting obligations in the General Order are specific to these crashes, which are a primary source of information regarding potential safety defects in ADS or Level 2 ADAS.

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.

This information collection (including the proposed extension) requires reporting entities to submit information in an electronic format, utilizing a dedicated website portal and a web-

⁷ The reporting entity may file this 5-day report early (i.e., before the fifth calendar day) to avoid having to file such a report on a weekend or holiday.

based form. The General Order includes instructions explaining how to set up an account with NHTSA, if an entity does not already have one, and how to submit the required information.

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.

Prior to issuance of the General Order, NHTSA’s then-existing information collections could not meet the objectives of this information collection due to their scope and submission requirements. NHTSA’s existing early warning regulations (EWR) (49 CFR Part 579, Subpart C) require some vehicle and equipment manufacturers to submit reports on only a limited set of incidents involving deaths or injuries. These reports do not identify those vehicles equipped with ADS or Level 2 ADAS; they are submitted only when there is a claim or allegation of a defect by a third party; and they are submitted only quarterly. Operators of ADS-equipped vehicles are not required to report any information under EWR.

The information provided under the existing EWR regulations does not provide adequate information to identify potential safety defects in ADS and Level 2 ADAS systems. Crashes resulting in deaths need not be reported unless a third party is already making a claim or allegation of defect. Additionally, crashes resulting in injuries are not required to be reported by low-volume manufacturers, and many crashes are not required to be reported at all. Finally, crashes are not reported under EWR soon enough for the agency to identify crashes that merit timely follow up, such as a Special Crash Investigation.

The General Order is specifically focused on the type of information NHTSA needs to identify potential safety defects in ADS and Level 2 ADAS. It requires information specific to the engagement of those systems at the time of the incidents, and it requires this information to be produced in time for the agency to identify those incidents for which follow up is appropriate. This information collection is therefore necessary for the agency to identify incidents, issues, and trends that may reflect a potential safety defect.

Although NHTSA does not believe that the General Order’s current reporting requirements are unnecessarily duplicative, NHTSA has received reports from multiple entities on the same crash. Because the General Order includes vehicle manufacturers, vehicle operators, and Level 2 ADAS or ADS developers (equipment manufacturers), the agency expected that, for certain crashes, multiple entities might be required to submit incident reports. For example, both a third-party operator and an ADS developer are likely to have notice of a crash involving a vehicle from the developer’s test fleet that is being operated by the operator. Likewise, in other circumstances, both an ADS developer and a vehicle manufacturer are likely to receive notice of a crash due to commercial relationships. The agency established these reporting requirements both because there is value in collecting information from different entities with different perspectives relating to a crash and because, under some circumstances, one entity might receive notice of a crash before the other entity.

Multiple commenters, including the Self-Driving Coalition, MEMA, CTA, Auto Innovators, and C_TEC, submitted comments suggesting that these “duplicate” reports are unnecessary and

unduly burdensome. These comments state that there is no incremental value to collecting the same information from multiple sources and that coordinating the filing of these reports among multiple entities is unnecessarily burdensome. These comments further state that this burden could be lessened by permitting multiple entities to designate a “primary” report filer or by permitting one entity to “tag” others in its report to eliminate the need for these other reporting entities to file separate reports.

The agency does not believe, as some of these comments assert, that the General Order’s current reporting requirements are “unnecessarily duplicative of information otherwise reasonably accessible to the agency.” 5 CFR § 1320.9(b). Instead, these reporting requirements reflect the reality that one reporting entity may have different information than another reporting entity or receive notice of that information at a different time than another reporting entity. The fact that some or even all of this information may be the same for multiple entities with respect to a given crash does not make the reporting requirements unnecessarily duplicative.

The agency is concerned that any modification of these reporting requirements that allows one reporting entity to tag others or allows multiple reporting entities to designate a primary reporting entity would, for the reasons explained above, frustrate the objectives of these reporting requirements. Any such modification could also create significant enforcement issues if, for example, the agency learned that crash information about which one reporting entity had notice was not included in the incident report filed by another reporting entity that tagged the others or had been designated by others as primary.

The agency also believes that the burden concerns expressed in the comments on this issue are over-stated and that the proposed modifications would not materially reduce the resulting burden. If, as these comments suggest, multiple reporting entities are coordinating the review, analysis, and reporting of crash information about which they receive notice prior to filing their respective reports, all of this activity would still be necessary even if one of these reporting entities tagged others or was designated as primary by others. Under these circumstances, the only reduction in burden would be that the tagged or non-primary reporting entities would no longer have to complete the administrative task of filling out and submitting the 1-page incident report form. The current reporting structure is likewise appropriate for the reporting entities that are not coordinating their efforts to ensure the agency receives timely and complete information. Nonetheless, the agency will continue to review this issue and consider ways to reduce resulting burdens as appropriate. The agency has the benefit of these comments if it determines that any changes to the existing reporting requirements are appropriate.

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

The entities required to report information under the General Order include both large and small businesses. Given the nature of the reporting requirements, which are specific to crashes involving property damage, personal injury, or death, NHTSA anticipates that the burden on small businesses with smaller fleets of vehicles will be proportionately smaller than the burden on larger businesses with larger fleets of vehicles. NHTSA received public comments suggesting that smaller entities required to report under the General Order require less time to submit individual reports than larger manufacturers, confirming NHTSA’s belief that the smaller

reporting entities would be reporting for crashes involving vehicles operated in closely-monitored fleets. NHTSA also believes that the benefit of enhancing the agency's ability to identify safety-related defects in these emerging vehicle technologies outweighs the burden to these small businesses.

NHTSA has taken steps to minimize the burden imposed by this information gathering by utilizing electronic means for submissions.

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.

If NHTSA did not conduct this information collection, the agency would be limited in its ability to identify safety-related defects in new and developing technologies that are being tested and deployed on publicly accessible roads throughout the United States. This information collection provides NHTSA with information it needs to carry out its statutory mandate to protect the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident.

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.**

This information collection involves special circumstances that require the information to be collected more often than quarterly. The General Order requires that certain crashes be reported within one calendar day or five calendar days after the reporting entity receives notice of the

crash and that other reportable crashes be reported during the month following the month in which the reporting entity receives notice of the crash.

The one-day reports are required for crashes that meet specific criteria that make them of heightened interest in the identification of potential safety defects. For these incidents, the agency needs an initial report within one day to determine whether and, if so, what additional information gathering is appropriate. Absent a report within one day, there is a heightened risk that valuable information could be lost or become otherwise unavailable.

Based on public comments, NHTSA decided to amend the General Order to create a new category for reporting within five calendar days. Multiple commentors submitted comments stating that the requirement in Request No. 1 that an initial report be submitted within one calendar day is unnecessarily burdensome, provides no meaningful benefit to the agency, and increases the likelihood of inaccurate information being submitted to the agency. While the agency understands the burden imposed by the 1-day reporting requirement, the 1-day deadline is necessary to ensure that the agency has timely notice of those crashes and the ability to timely respond to and investigate crashes reportable under Request No. 1. A later deadline could impede the agency's ability to respond or investigate, for example, by deploying a Special Crash Investigation (SCI) team to inspect the accident scene or vehicle, and a later deadline also could result in the loss of valuable information that is not properly preserved.

The agency's experience since it issued the General Order has confirmed the importance of timely notice. The agency also has seen that prompt notice is most valuable for a subset of more serious crashes, specifically those for which the agency is most likely to send a team to investigate. In order to maintain timely notice with respect to these more serious incidents and, at the same time, reduce the resulting burden on respondents, NHTSA has decided to amend the General Order to create a new 5-day reporting category for some of these crashes. The General Order will be amended in a manner that keeps the 1-day and 10-day reporting sequence for any crash that involves a fatality, a hospital treated injury, or a vulnerable road user. For those crashes reportable under Request No. 1 of the General Order that do not involve any of those criteria, but involve an air bag deployment or a vehicle tow-away, the reporting requirement will be amended to a single incident report that must be submitted no later than 5 calendar days after the reporting entity receives notice. If the fifth calendar day falls on a weekend or holiday, the reporting entity may file this 5-day report early (i.e., before the fifth calendar day) to avoid the burden of having to file such a report on a weekend or holiday.

For other reportable crashes, reports are required on a monthly basis. The agency needs these reports on a monthly rather than quarterly basis because of the rapidly evolving nature of these advanced technologies (including over-the-air updates) and the serious consequences of an unidentified safety defect.

- 8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to the comments. Specifically address**

comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views.

NHTSA published a 60-day notice on September 30, 2021, (86 FR 54287) requesting comment on NHTSA's intention to submit this ICR to OMB for approval. NHTSA received X comments. The agency received fourteen comments from business, insurance, and industry associations, safety and consumer advocates, manufacturers and developers, and an interested individual. The agency also docketed four letters regarding the General Order that were received prior to publication of the 60-day notice. NHTSA received comments that both supported NHTSA's intention to seek approval for a three-year extension from OMB and comments that were not supportive of the information collection or expressed concerns about the current requirements. In general, comments from safety and consumer advocate groups were more supportive and comments from the industry and industry groups expressed more criticism of the information collection. Specifically, NHTSA received comments regarding the definitions of "notice" and "crash," the reporting requirements under Request No. 1, the reporting requirements under Request No. 2, the reporting requirements under Request No. 3, the reporting Requirements under Request No. 4, the Incident Report Form, the requirement that each reporting entity with notice of a reportable crash file a separate report, the burden placed by the General Order on "vehicle suppliers," the requirements for submitting confidential business information (CBI), and the hourly burden estimates and associated labor cost estimates.

A summary of the comments and NHTSA's responses is provided in the 30-day notice the agency published on December 29, 2021 (86 FR 74217).

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

This information collection does not involve any payments 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.

This information collection includes instructions for submitting a request for confidentiality under NHTSA's Confidential Business Information (CBI) regulation, 49 CFR Part 512.

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.

No questions of a sensitive nature are involved in this information collection.

12. Provide estimates of the hour burden of the collection of information on the respondents and estimates of the annualized labor cost to respondents associated with that hour burden.

To estimate the burden associated with this information collection, NHTSA separated the requirements of the General Order into thirteen components: (1) incident reports under Request No. 1 involving Level 2 ADAS that must be submitted within one calendar day; (2) updates under Request No. 1 to 1-day incident reports involving Level 2 ADAS that must be submitted within ten calendar days; (3) incident reports under Request No. 1 involving Level 2 ADAS that must be submitted within five calendar days; (4) incident reports under Request No. 1 involving ADS that must be submitted within one calendar day; (5) updates under Request No. 1 to incident 1-day reports involving ADS that must be submitted within ten calendar days; (6) incident reports under Request No. 1 involving ADS that must be submitted within five calendar days; (7) monthly incident reports under Request No. 2 involving ADS that must be submitted on the fifteenth of the following month; (8) monthly supplemental reports under Request No. 3 involving Level 2 ADAS incidents that must be submitted on the fifteenth of the following month; (9) monthly supplemental reports under Request No. 3 involving ADS that must be submitted on the fifteenth of the following month; (10) monthly reports confirming the lack of reportable information under Requests No. 2 and Request No. 3, (11) additional time for screening incoming information; (12) training employees on the requirements; and (13) time to set up an account to submit the reports. The burden associated with categories (12) and (13) are one-time start-up burdens that will be incurred during the proposed extension only to the extent that new reporting entities are added to the General Order during this period. For the 108 reporting entities currently named in the General Order, this burden has already been and was accounted for under the currently approved information collection request.

Estimated Total Annual Number of Respondents: 110

NHTSA estimates that there will be an average of 110 reporting entities during each year of the proposed extension. Currently, there are 108 reporting entities named in the General Order. NHTSA believes that additional reporting entities will be added to the General Order during the proposed extension as new companies enter the market and begin developing and manufacturing ADS and ADAS technology and vehicles equipped with these technologies. NHTSA also believes that some existing reporting entities will be removed from the General Order due to the cessation of operations or market consolidation.

Estimated Total Annual Number of Responses (Reports): 2,631

In the 60-day Notice, the agency made various estimates regarding the number of incidents about which the reporting entities would be required to submit reports on an annual basis. Although those estimates were made based on the best information available to the agency at the time, the agency now has over five months of reporting data and history and is therefore able to substantially refine those estimates.

Level 2 ADAS 1-Day Incident Reports Under Request No. 1

In its 60-Day Notice, NHTSA estimated that “it will receive responses from 20 respondents reporting Level 2 ADAS crashes each year,” “that each respondent will submit, on average, 170 incident reports per year,” and that it “will receive, on average 3,400 Level 2 ADAS incident reports each year.” NHTSA explained that this was “a high-end estimate” that would later be refined. With the benefit of actual reporting history and data, the agency is now able to substantially revise this estimate downward to 1,000 reports per year under Request No. 1 for Level 2 ADAS incidents.

As explained in more detail above, the agency also has decided to amend the reporting requirements in Request No. 1 to require that a report be filed within 1 calendar day only with respect to those crashes involving a fatality, a hospital-treated injury, or a vulnerable road user. Based on data of reported incidents through December 1, 2021, the agency estimates that only 8% of the reports required under Request No. 1 will meet one of these criteria. Accordingly, NHTSA now estimates it will receive 80 1-day Level 2 ADAS incident reports. Reporting entities will be required to submit the remainder of the reports (estimated to be 92% of the total) within 5 calendar days after notice of the crash.

Level 2 ADAS 10-Day Incident Reports Under Request No. 1

Under the current terms of the General Order, a reporting entity submitting an initial report within 1 calendar day under Request No. 1 is also required to submit an updated report on the tenth calendar day after notice of the crash. In its 60-Day Notice, NHTSA therefore estimated the number of 10-day updated reports to be equal to the number of 1-day reports. As explained above, the agency has decided to amend Request No. 1 of the General Order to limit the 1 day and 10-day reporting sequence to crashes involving a fatality, a hospital treated injury, or a vulnerable road user. The agency estimates that 8% of the reports required under Request No. 1 will meet one of these criteria. No 10-day updated report therefore will be required for the remaining reports required under Request No. 1, an estimated 92% of those reports.

Based on its revised volume estimates and the forthcoming amendment to Request No. 1, the agency revises its estimate of the number of 10-day reports to 80 reports each year.

Level 2 ADAS 5-Day Incident Reports Under Request No. 1

As discussed above, NHTSA is now allowing some of the reports that were previously required to be submitted within one calendar day to instead be submitted within 5 calendar days. NHTSA estimates that 92% of all Level 2 ADAS crashes will be submitted in 5-day incident reports. Accordingly, NHTSA now estimates that of the 1,000 Level 2 ADAS incident reports submitted each year, approximately 920 will be 5-day Level 2 ADAS incident reports.

ADS 1-Day Incident Reports Under Request No. 1

In its 60-day Notice, NHTSA estimated that it would receive 200 incident reports per year involving ADS equipped vehicles. NHTSA further estimated that half of these reports (100) would be filed pursuant to the 1-day and 10-day sequence under Request No. 1 and that the

remaining half of these ADS incident reports (100) would be submitted under Request No. 2 as monthly incident reports. With the benefit of five months of reporting experience and data, the agency is able to refine these estimates. NHTSA estimates that it will receive 150 ADS incident reports annually under Request No. 1. However, as a result of the amendment discussed above, not all of those reports will be required to be submitted within one calendar day. Based on the discussed criteria and the incident reports NHTSA has received thus far, NHTSA estimates that 20% of the reports will be required to be submitted within one calendar day. Accordingly, NHTSA now estimates that it will receive 30 1-day reports each year. Reporting entities would be required to submit the remainder of the reports within five calendar days of receiving notice.

ADS 10-Day Update Reports Under Request No. 1

In its 60-Day Notice, NHTSA estimated that the annual volume of 10-day updated ADS reports would be the same as the volume of 1-day ADS Reports because the General Order requires a 10-day updated report for each 1-day report. Based on the revised estimates and amendment discussed above, NHTSA revises its estimate of annual 10-day reports to 30 (the same number as the estimated annual 1-day ADS incident reports described above).

ADS 5-Day Reports Under Request No. 1

As discussed above, NHTSA estimates that it will receive 150 ADS crash reports under Request No. 1 each year and that 20% of the reports will need to be submitted within one day and 80% will be required to be submitted within five calendar days. Accordingly, NHTSA estimates that it will receive 120 5-day ADS incident reports each year.

ADS Monthly Incident Reports Under Request No. 2

In its 60-Day Notice, NHTSA estimated that it would receive 100 ADS monthly incident reports per year under Request No. 2. Based on five months of reporting, NHTSA revises this estimate to 200 ADS monthly incident reports per year.

Monthly Supplemental Incident Reports Under Request No. 3

A reporting entity is required to file a monthly supplemental report under Request No. 3 only if it receives notice of new material or materially different information regarding a crash for which a report was previously submitted under Request Nos. 1 or 2. In its 60-Day Notice, NHTSA estimated that it would receive 25 ADS and 170 Level 2 ADAS monthly supplemental reports per year. With the benefit of 5 months of reporting experience, the agency revises this estimate to 40 ADS and 75 Level 2 ADAS supplemental reports each month.

Monthly Reports Under Request No. 4

In the absence of any new or supplemental reports due under Request No. 2 and Request No. 3, each reporting entity is required to submit an Incident Report confirming the lack of any reportable information under those requests on the fifteenth (15th) calendar day of each month. In its 60 Day Notice, NHTSA estimated that 80% of the reporting entities each month will

submit a report under Request No. 4. Based on an average of 110 total reporting entities per year, the agency estimates that it will receive 1,056 reports annually under Request No. 4 annually.

The total burden and cost estimates set forth below have been revised consistent with these revised annual volume estimates.

Estimated Total Annual Burden Hours: 31,319 hours.

Burden Category 1: Incident reports involving Level 2 ADAS that must be submitted within one business day.

To estimate the burden associated with submitting Level 2 ADAS crash reports, NHTSA first looked to the category of crashes that must be reported. As explained above, NHTSA has decided to amend the General Order to only require reporting of Level 2 ADAS crashes within one business day when (1) the crash occurred on a publicly accessible road in the United States (including any of its territories); (2) the Level 2 ADAS was engaged at any time during the period from 30 seconds immediately prior to the commencement of the crash through the conclusion of the crash; and (3) the crash resulted in a fatality, a hospital treated injury or a fatality, or involved a VRU. Incidents meeting the criteria in (1) and (2) and involving a vehicle tow-away or an air bag deployment but not a fatality, hospital treated injury, or VRU will be required to be reported within five calendar days.

As discussed above and based on five months of incident reporting under the existing clearance, NHTSA estimates that it will receive approximately 80 1-day Level 2 ADAS incident reports each year. Based on the number of manufacturers that manufacture vehicles equipped with Level 2 ADAS systems, NHTSA estimates that it will receive responses from 20 respondents reporting Level 2 ADAS crashes each year.

In the 60-day Notice, NHTSA estimated that it would take respondents approximately 2 hours to compile and submit each crash report. The agency received comments from Auto Innovators, MEMA, and the Self-Driving Coalition stating that NHTSA had underestimated the burden hours for the reporting requirements. Specifically, Auto Innovators stated that a more accurate estimate would be 8 hours for each 1-day incident report. The Self-Driving Coalition also provided estimates of the burden hours for 1-day reports (between 5 and 12 hours), but since the estimates were provided for ADS 1-day reports, NHTSA is using the estimate provided by Auto Innovators. NHTSA now estimates that 1-day reports takes, on average, 8 hours. Therefore, the agency estimates the total annual burden hours for submitting Level 2 ADAS 1-day crash reports to be 640 hours (8 hours × 80 crash reports) for all manufactures. Therefore, the average burden for the estimated 20 manufacturers submitting 1-day ADAS incident reports is estimated to be 32 hours.

Burden Category 2: ADAS 10-Day Reports Under Request No. 1.

As discussed above, in addition to submitting information on certain Level 2 ADAS crashes within one day, reporting entities must also submit updated information within ten days. NHTSA has decided to only require 10-day update reports for incidents required to be reported

within one calendar day. In the 60-day notice, NHTSA estimated that providing updated crash reports would take approximately 1 hour per report. However, both Auto Innovators and the Self-Driving Coalition submitted comments stating that NHTSA underestimated the burden for submitting the reports. Auto Innovators stated that a reasonable mid-point in the burden estimates from members would be 20 hours to submit these updates and the Self-Driving Coalition stated that it would take between 3 and 24 hours, depending on the complexity of the incident. Since the Self-Driving Coalition's comments were specific to ADS reporting, NHTSA is revising its estimate based on the Auto Innovators' comment and now estimating that providing an updated 10-day report will take 20 hours. Therefore, the agency estimates that the total burden for submitting 10-day update reports for Level 2 ADAS incidents will take 1,600 hours (20 hours × 80 reports), for an average of 80 hours for each of the 20 reporting entities expected to submit reports each year.

Burden Category 3: ADAS 5-Day Reports Under Request No. 1.

To estimate the burden associated with submitting Level 2 ADAS 5-day crash reports, NHTSA first looked to the category of crashes that must be reported. As explained above, the agency has decided to amend the General Order to require 5-day reporting of Level 2 ADAS crashes when (1) the crash occurred on a publicly accessible road in the United States (including any of its territories); (2) the Level 2 ADAS was engaged at any time during the period from 30 seconds immediately prior to the commencement of the crash through the conclusion of the crash; and (3) and the crash involves a vehicle tow-away or an air bag deployment, but not a fatality, hospital treated injury, or vulnerable road user. As discussed above and based on five months of incident reporting under the existing clearance, the agency estimates that it will receive approximately 920 5-day Level 2 ADAS incident reports each year. Based on the number of reporting entities that manufacture Level 2 ADAS or vehicles equipped with Level 2 ADAS systems, the agency estimates that it will receive responses from 20 respondents reporting Level 2 ADAS crashes each year.

In the 60-day notice, NHTSA estimated that it would take respondents approximately 2 hours to compile and submit each 1-day crash report. The agency received comments from Auto Innovators, MEMA, and the Self-Driving Coalition stating that NHTSA had underestimated the burden hours for the reporting requirements. Specifically, Auto Innovators stated that the average submission would take 8 hours for each 1-day incident report. The Self-Driving Coalition also provided estimates of the burden for 1-day incident reports (between 5 and 12 hours) for ADS 1-day reports. NHTSA also received comments from Auto Innovators and the Self-Driving Coalition that stated that updated reports may take longer to submit than initial reports.

Because reporting entities will not be required to submit 10-day update reports for incidents required to be submitted to NHTSA within five business days, and because after five days more information may be available for review, the agency is basing its estimate of burden for 5-day reports off the burden estimates provided by commenters for the 10-day update report. Auto Innovators stated that a reasonable mid-point in the burden estimates from members would be 20 hours to submit updates and the Self-Driving Coalition stated that it would take between 3 and 24 hours, depending on the complexity of the incident. Because the Self-Driving Coalition's

comments regarding burden were specifically for ADS crash reporting, NHTSA believes it is appropriate to use different burden estimates for Level 2 ADAS reporting and ADS reporting. Based on the comments, it appears that larger manufacturers reporting on Level 2 ADAS reports will require more time to submit 5-day reports than smaller entities submitting 5-day reports for ADS crashes. Therefore, NHTSA has decided to change its estimate based on the mid-point estimate provided by Auto Innovators. Accordingly, the agency estimates that 5-day reports take, on average, 20 hours. Therefore, the agency estimates the total annual burden hours for submitting Level 2 ADAS 5-day crash reports to be 18,400 hours (20 hours × 920 crash reports) for all reporting entities for an average of 920 hours for each of the estimated 20 reporting entities submitting 5-day incident reports.

Burden Category 4: ADS 1-Day Reports Under Request No. 1.

As discussed above, NHTSA now estimates that it will receive 30 ADS 1-day incident reports each year. In the 60-day notice, NHTSA estimated that it would take respondents approximately 2 hours to compile and submit each crash report. The agency received comments from Auto Innovators, MEMA, and the Self-Driving Coalition stating that the agency had underestimated the burden hours for the reporting requirements. Specifically, Auto Innovators stated that a more accurate estimate would be 8 hours for each 1-day incident report and the Self-Driving Coalition stated that 1-day reports take between 5 and 12 hours. Based on these comments, the agency now estimates that 1-day reports take, on average, 8 hours. Therefore, the agency estimates the total annual burden hours for submitting ADS 1-day crash reports to be 240 hours (8 hours × 30 crash reports) for all manufacturers. Based on the five months of reporting experience, the agency believes that some respondents with ADS 1-day reports will file multiple reports. At this time, the agency estimates that the 30 1-day reports will be submitted by 20 manufacturers, for an average of 12 hours per respondent.

Burden Category 5: ADS 5-Day Reports under Request No. 1.

As discussed above, NHTSA now estimates that it will receive 120 ADS 1-day incident reports each year. In the 60-day notice, NHTSA estimated that it would take respondents approximately 2 hours to compile and submit each 1-day crash report. The agency received comments from Auto Innovators, MEMA, and the Self-Driving Coalition stating that NHTSA had underestimated the burden hours for the reporting requirements. Specifically, Auto Innovators stated that a more accurate estimate would be 8 hours for each 1-day incident report and the Self-Driving Coalition stated that 1-day reports take between 5 and 12 hours. The agency also received comments from Auto Innovators and the Self-Driving Coalition stating that updated reports may take longer to submit than initial reports. Because reporting entities will not be required to submit 10-day update reports for incidents required to be submitted to the agency within five business days, and because after five days more information may be available for review, the agency is basing its estimate of burden for 5-day reports off the burden estimates provided by commenters for the 10-day update report. Auto Innovators stated that it would take 20 hours to submit updates and the Self-Driving Coalition stated that it would take between 3 and 24 hours, depending on the complexity of the incident. Because the agency estimates that information will be more readily accessible to reporting entities for incidents involving ADS, NHTSA estimates that 5-day reports take, on average, 14 hours (based on the mid-point between

3 and 24 hours). Therefore, the agency estimates the total annual burden hours for submitting ADS 5-day crash reports to be 1,680 hours (14 hours × 120 crash reports) for all reporting entities. Based on the number of respondents that have submitted ADS reports under the General Order thus far, the agency estimates that it will receive ADS 5-day reports from an average of 40 entities each year. Therefore, the average annual burden per reporting entity is estimated to be 42 hours.

Burden Category 6: ADS 10-Day Reports under Request No. 1.

As discussed above, in addition to submitting information on certain ADS crashes within one day, reporting entities must also submit updated information within ten days. NHTSA has decided to only require 10-day update reports for incidents required to be reported within one calendar day. In the 60-day notice, NHTSA estimated that providing updated crash reports would take approximately 1 hour per report. However, both Auto Innovators and the Self-Driving Coalition submitted comments stating that the agency underestimated the burden for submitting the reports. Auto Innovators stated that it would take 20 hours to submit updates and the Self-Driving Coalition stated that it would take between 3 and 24 hours, depending on the complexity of the incident. Because the agency estimates that information will be more readily accessible to reporting entities for incidents involving ADS, NHTSA estimates that 5-day reports take, on average, 14 hours (based on the mid-point between 3 and 24 hours). Therefore, the agency estimates that the total burden for submitting 10-day update reports for ADS incidents to be 420 hours for all ADS manufacturers and operators (14 hours × 30 crash reports). As discussed above, the agency estimates that it will receive one-day ADS incident reports from 20 respondents each year. Therefore, the agency estimates that the annual burden is, on average, 21 hours per respondent.

Burden Category 7: Monthly ADS Incident Reports Under Request No. 2.

As stated above, NHTSA now estimates that there will be 200 ADS crash reports required to be submitted on the fifteenth of the month following the month in which notice of the crash was received. In the 60-day notice, NHTSA estimated that preparing and submitting monthly reports that contain crash reports takes, on average, 2 hours to prepare and submit. However, the agency received a comment from the Self-Driving Coalition stating that the actual burden for this can be between 2 and 24 hours. Based on this comment, NHTSA now estimates that the burden associated with preparing and submitting initial ADS crash report information that will be submitted in monthly reports to be 14 hours per report, for a total of 2,800 hours (14 hours × 200 reports). Based on the number of respondents that have submitted ADS crash report information, the agency estimates that it will receive reports from approximately 50 entities each year, for an average of 56 hours per entity.

Burden Category 8: ADAS Supplemental Reports Under Request No. 3.

In addition to submitting information about new ADS crashes in monthly reports, respondents also are required to submit updated information in the following month if any new material or materially different information about any Level 2 ADAS incident is received. In its 60-day

notice, NHTSA estimated that it would receive 170 ADAS monthly supplemental reports per year. With the benefit of 5 months of reporting experience, the agency revises this estimate to 75 supplemental ADAS reports each year. In the 60-day notice, NHTSA estimated that providing updated information within a monthly report would take 1 hour. The agency received comments indicating that it had underestimated burden, but it did not receive specific comments on the time spent submitting a supplemental report on the fifteenth of the month following the month in which it received any material new or materially different information. The agency believes that submitting a supplemental report should take less time than submitting an initial report or a ten-day update report. However, the agency concedes that reporting entities may require more time for internal review than 1 hour. Accordingly, the agency now estimates that preparing and submitting supplemental reports takes, on average, 5 hours. Therefore, the agency estimates the burden for monthly reports with updated information to be 375 hours (75 monthly reports \times 5 hours). The agency estimates that it will receive, on average, supplemental Level 2 ADAS monthly reports from 20 respondents each year, for an average of 18.75 hours per respondent.

Burden Category 9: ADS Supplemental Reports Under Request No. 3.

In addition to submitting information about new ADS crashes in monthly reports, respondents also are required to submit updated information in the following month if any new material or materially different information about any ADS incident is received. In its 60-day notice, NHTSA estimated that it would receive 25 ADS monthly supplemental reports per year. With the benefit of 5 months of reporting experience, the agency revises this estimate to 40 supplemental ADS reports each year. In the 60-day notice, NHTSA estimated that providing updated information within a monthly report would take 1 hour. The agency received comments indicating that it had underestimated burden, but it did not receive specific comments on the time spent submitting a supplemental report on the fifteenth of the month following the month in which it received any material new or materially different information. The agency believes that submitting a supplemental report should take less time than submitting an initial report or a ten-day update report. However, the agency concedes that reporting entities may require more time for internal review than 1 hour. Accordingly, the agency now estimates that preparing and submitting supplemental reports takes, on average, 5 hours. Therefore, the agency estimates the burden for monthly reports with updated information to be 200 hours (40 monthly reports \times 5 hours). The agency estimates that it will receive, on average, monthly reports from 25 respondents each year, for an average of 8 hours per respondent.

Burden Category 10: Monthly Reports under Request No. 4.

A reporting entity that determines it has no information reportable under Request Nos. 2 and 3 is required to submit a report confirming the lack of any such reportable information. The hourly burden associated with submitting a monthly report under Request No. 4 is minimal. The reporting entity need only select the proper type of report, identify the date and month for which the report is being submitted, and then submit the report.

In the 60-day notice, NHTSA estimated that the burden for ADS manufacturers and operators associated with preparing and submitting any monthly reports to be 15 minutes. The agency received one comment from the Self-Driving Coalition that confirmed that 15 minutes was accurate for its members. The agency estimated that burden for ADAS manufacturers associated

with preparing and submitting any monthly reports would be 2 hours. The agency received a comment from Auto Innovators stating that monthly reports under Request No. 4 take respondents 20 hours to prepare and submit.

NHTSA does not agree that submitting a report under Request No. 4 (confirming the lack of information reportable under Request Nos. 2 and 3) will take 20 hours. The agency believes that reporting entities should not have any additional burden associated with confirming that they do not have reportable information. Instead, NHTSA believes that respondents have screening processes to ensure they are meeting their requirements to submit reports under Requests Nos. 1, 2, and 3 under the General Order. NHTSA believes that adequate screening processes should ensure that there is no additional burden associated with monthly reports under Request 4. However, as mentioned by some of the commenters, the agency did not estimate any ongoing burden for enhanced screening processes. In response, NHTSA is creating a new category of burden to account for any screening that is incurred in response to the General Order and is not part of reporting entities' standard operating practices.

In its 60-day Notice, NHTSA estimated that 80% of the reporting entities each month will submit a report under Request No. 4. Based on five months of reporting under the General Order, NHTSA continues to estimate that 80% of reporting entities will submit a report under Request No. 4 each month. Based on an average of 110 total reporting entities per year, the agency estimates that it will receive 1,056 reports annually under Request No. 4.

Accordingly, NHTSA estimates that preparing and submitting a monthly report under Request No. 4 will take 15 minutes for the estimated 90 ADS reporting entities and the estimated 20 manufacturers of Level 2 ADAS vehicles each year (including manufacturers that produce both Level 2 ADAS vehicles and ADS vehicles). Therefore, the agency estimates that annually respondents will spend 264 hours preparing and submitting monthly reports under Request No. 4, not including burden associated with providing new or updated reportable information (110 respondents \times .8 \times 12 monthly reports \times 0.25 hours).

Burden Category 11: Additional Screening.

As discussed above, and in response to comments, NHTSA is adding a new category for screening. NHTSA received comments from both the Self-Driving Coalition and Auto Innovators regarding uncounted burden. Specifically, Auto Innovators stated that NHTSA had not counted burden for monitoring for new crashes and the Self-Driving Coalition stated that NHTSA had not included time spent reviewing incidents that occur but are not reportable. In response to these comments, NHTSA is adding a new burden category for additional time spent screening incoming information. The additional time allotted for screening accounts for any additional processes reporting entities have needed to put in place to ensure that they are meeting their reporting requirements under the General Order. This time does not account for screening of incidents that reporting entities conducted as part of its standard business practices prior to the General Order. Although NHTSA did not receive comments about the amount of additional burden respondents will incur, NHTSA believes that the Auto Innovator's comment regarding burden for "no reportable information" monthly reports provides an indication of the additional time some entities spend each month ensuring that they are meeting their reporting obligations.

Specifically, Auto Innovators provided a monthly average estimate of 20 burden hours. Since manufacturers and operators of ADS-equipped vehicles and equipment already had robust processes for identifying and analyzing crashes that might occur with these vehicles, NHTSA estimates that the additional screening burden will only be incurred by entities reporting on Level 2 ADAS crashes, as those reports largely involve crashes in the consumer fleet. Accordingly, the agency estimates that the estimated 20 entities reporting on Level 2 ADAS incidents have, on average, 20 hours of additional screening time per month, for a total of 4,800 hours a year (20 hours × 12 months × 20 respondents), or 240 hours per reporting entity.

Burden Category 12: Training employees on the reporting requirements.

In addition to the burden associated with preparing and submitting reports, any new reporting entities added to the General Order are also expected to incur burden associated with training employees on the reporting requirements. As explained above, the existing 108 reporting entities named in the General Order will not incur this burden during the requested extension because they have already trained their employees. NHTSA estimates that there will be an average of seven new reporting entities added to the General Order each year during the proposed extension, that an average of five of these new reporting entities will be ADS manufacturers or operators and that an average of two of these new reporting entities will be Level 2 ADAS manufacturers.

The agency expects that ADS manufacturers and operators normally monitor all crashes and, therefore, will not need to train personnel on how to respond to this new information collection. NHTSA does expect, however, that some Level 2 ADAS manufacturers may need to spend time training personnel on the requirements. Although the amount of time may vary by manufacturer, NHTSA estimates that, on average, the two Level 2 ADAS manufacturers will spend 40 hours on training. Therefore, NHTSA estimates the total annual burden for training to be 80 hours (2 manufacturers × 40 hours).

Burden Category 13: Time to set up an account to submit the reports.

NHTSA also estimates that new responding entities added to the General Order during the proposed extension period will need to set up a new account with the agency to allow them to submit reports. NHTSA estimates that each of the estimated average of 10 responding entities added to the General Order annually need to set up new accounts with the agency. NHTSA estimates that setting up an account will take 2 hours. Therefore, the agency estimates the total annual burden to be 20 hours.

Total Burden.

NHTSA estimates the total annual burden hours for the thirteen components of this ICR to be 31,319 hours (640 hours for initial one-day Level 2 ADAS reports, 1,600 hours for updated one-day Level 2 ADAS reports, 18,400 hours for five-day Level 2 ADAS reports, 240 hours for initial one-day ADS reports, 420 hours for updated ADS reports, 1,680 hours of five-day ADS reports, 2,600 hours for monthly initial ADS reports, 375 hours for monthly supplemental Level 2 ADAS reports, 200 hours for monthly supplemental ADS reports, 264 hours for “no reportable information” monthly reports, 4,800 for additional screening, 80

hours for training, and 20 hours for setting up accounts). This revised estimate reflects five months of crash reporting experience under the existing clearance, which allows the agency to refine and better estimate the annual volumes of different types of reports it will receive. This revised estimate also reflects the agency’s adoption of commenters’ estimates of the hours required for individual burden tasks. Although the agency believes that the commenters’ estimates may represent the high end of the range of burden hours for respondents, and not the average, the commenters’ estimates are the best data currently available to the agency. Table 1 provides a summary of the estimated burden hours.

Table 1: Burden Estimates

Description of Burden Category (This ICR is for one IC)	Number of Responses	Number of Respondents	Estimated Burden Per Response	Burden Per Respondent	Total Burden Hours
Level 2 ADAS one-day reports, initial Request No. 1	80	20	8 hours	32 hours	640 hours
Level 2 ADAS one-day reports, update Request No. 1	80	20	20 hours	80 hours	1,600 hours
Level 2 ADAS five-day reports Request No. 1	920	20	20 hours	920 hours	18,400 hours
ADS one-day reports, initial Request No. 1	30	20	8 hours	12 hours	240 hours
ADS one-day reports, update Request No. 1	30	20	14 hours	21 hours	420 hours
ADS five-day reports Request No. 1	120	40	14 hours	42 hours	1,680 hours
Monthly Report-Initial ADS Request No. 2	200	50	13 hours	52 hours	2,600 hours

Monthly Report-Level 2 ADAS Supplemental Request No. 3	75	20	5 hours	18.75 hours	375 hours
Monthly Report-ADS Supplemental Request No. 3	40	25	5 hours	8 hours	200
Monthly Reports-No reportable Information Request No. 4	1,056	110	15 minutes	3 hours	264 hours
Additional Screening	0	20	240 hours	240 hours	4,800 hours
Training	0	2	40 hours	40 hours	80
Setting Up Account	0	10	2 hours	2 hours	20
Total for ICR: Level 2 ADAS/ADS Incident Reporting	2,631	110	11.90 hours	284.72	31,319 hours

In the 60-day notice, NHTSA calculated the burden associated with the labor hours using the average wage for architectural and engineering managers in the motor vehicle manufacturing industry (Standard Occupational Classification # 11-9041). NHTSA received one comment, from Innovators, stating that the labor cost estimate was too low, and that a labor cost of at least \$120 per hour was more realistic. In response to this comment, NHTSA has reexamined its estimate and has made adjustments recognizing that there are multiple wage categories involved with the labor hours. Specifically, NHTSA is now allocating the burden hours across four labor categories: architectural and engineering managers in the motor vehicle manufacturing industry (Standard Occupational Classification # 11-9041); engineers (Standard Occupational Classification # 17-2000); Computer and Information Systems Managers (Standard Occupational Classification # 11-3021); and Lawyers (Standard Occupational Classification # 23-1000).

To calculate the labor cost associated with preparing and submitting crash reports and monthly reports, training, and setting up new accounts, NHTSA looked at wage estimates for the type of personnel involved with these activities. NHTSA estimates the total labor costs associated with these burden hours by looking at the seventy-fifth percentile wage for architectural and engineering managers, computer and information systems managers, and engineers in the motor vehicle manufacturing industry and the seventy-fifth percentile wage

for lawyers.⁸ The Bureau of Labor Statistics estimates that private industry workers' wages represent 70.4% of total labor compensation costs.⁹ Therefore, NHTSA has weighted the wages accordingly. Table 2 provides an hourly labor cost estimate for each labor category.

Table 2: Hourly Labor Costs

Labor Category	Wage	Hourly Labor Cost
Computer and Information System Managers (11-13021) in the Motor Vehicle Manufacturing Industry (75 th percentile)	\$89.94	\$127.76
Architectural and Engineering Managers (11-9041) in the Motor Vehicle Manufacturing Industry (75 th percentile)	\$77.37	\$109.90
Engineers (17-2000) in the Motor Vehicle Manufacturing Industry (75 th percentile)	\$54.32	\$77.16
Lawyers (23-1011) (75 th percentile)	\$91.11	\$129.42

Using the hourly labor cost estimates above, NHTSA estimates that the total labor costs associated with the 31,319 hours is \$3,290,351.24.

Table 3 provides a summary of the estimated labor costs.

Table 3: Labor Cost Estimates

Description of Information Collection Component	Total Hours and Labor Cost Per Response for Computer and Information System Managers (11-13021)	Total Hours and Labor Cost Per Response for Architectural and Engineering Managers (11-9041)	Total Hours and Labor Cost Per Response for Engineers (17-2000)	Total Hours and Labor Cost Per Response for Lawyers (23-1011)	Total Labor Cost per Response	Total Labor Cost
Level 2 ADAS one-day reports, initial	1 hour \$127.76	2 hours \$219.80	3 hours \$231.48	2 hours \$258.84	\$837.88	\$67,030.40
Level 2 ADAS one-day reports, update	1 hour \$127.76	6 hours \$659.40	7 hours \$540.12	6 hours \$776.52	\$2,103.80	\$168,304.00
Level 2 ADAS five-day reports	1 hour \$127.76	6 hours \$659.40	7 hours \$540.12	6 hours \$776.52	\$2,103.80	\$1,935,496.00
ADS one-day reports, initial	1 hour \$127.76	2 hours \$219.80	3 hours \$231.48	2 hours \$258.84	\$837.88	\$25,136.40
ADS one-day reports, update	1 hour \$127.76	4 hours \$439.60	5 hours \$385.80	4 hours \$517.68	\$1,470.84	\$44,125.20

⁸ See May 2020 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 December 17, 2021) and May 2020 National Occupational Employment and Wage Estimates, available at https://www.bls.gov/oes/current/oes_nat.htm (accessed December 17, 2021).

⁹ See Table 1. Employer Costs for Employee Compensation by ownership (Mar. 2021), available at <https://www.bls.gov/news.release/ecec.t01.htm> (accessed December 17, 2021).

ADS five-day reports	1 hour \$127.76	4 hours \$439.60	5 hours \$385.80	4 hours \$517.68	\$1,470.84	\$176,500.80
Monthly Report-Initial ADS	1 hour \$127.76	3 hours \$329.70	6 hours \$540.12	3 hours \$388.26	\$1,385.84	\$277,168.00
Monthly Report-Level 2 ADAS Supplemental	1 hour \$127.76	1 hour \$109.90	2 hours \$154.32	1 hour \$129.42	\$521.40	\$39,105.00
Monthly Report-ADS Supplemental	1 hour \$127.76	1 hour \$109.90	2 hours \$154.32	1 hour \$129.42	\$521.40	\$20,856.00
Monthly Reports-No Reportable Information	0 hours \$0	0 hours \$0	15 minutes \$19.29	0 hours \$0	\$19.29	\$20,370.24
Additional Screening	12 hours \$1,533.12	72 hours \$7,912.80	84 hours 6,481.44	72 hours \$9,318.24	\$25,245.60	\$504,912.00
Training	0 hours \$0	40 hours \$4,396	0 hours \$0	0 hours \$0	\$4,396	\$8,792
Setting Up Account	2 hours \$255.52	0 hours \$0	0 hours \$0	0 hours \$0	\$255.52	\$2,555.20
Total						\$3,290,351.24

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. Do not include the cost of any hour burden already reflected in the response provided in question 12.

NHTSA sought comment on whether manufacturers will incur any additional costs associated with complying with the new reporting requirements, such as investing in new IT infrastructure. In response, NHTSA received one comment from the Alliance for Automotive Innovation (Auto Innovators), which stated that “in addition to the cost of labor associated with the handling of the crash information, there are also fiscal burdens associated with the hardware and software infrastructure to monitor and manage crash reporting.” They further stated that reporting entities have already invested significant resources into setting up internal processes for the handling of crash information, which often include IT systems that come at a financial cost. The comment, however, did not provide sufficient information for NHTSA to estimate the annual costs to reporting entities. Until NHTSA has more information on additional costs, NHTSA will continue to estimate that annual costs to respondents is \$0.

14. Provide estimates of annualized costs to the Federal government. Provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The annualized costs to the Federal government involve costs associated with reviewing the ADS and Level 2 ADAS crash reports. This burden includes the time NHTSA personnel spend reviewing ADS and Level 2 ADAS crash reports to determine which incidents warrant further

investigations. Burden beyond the initial time for screening is not included as costs associated with this information collection.

NHTSA estimates the cost of reviewing reports based on review time spent by a NHTSA analyst at a GS-13 salary. The hourly wage of a GS-13-5 employee is \$56.31.¹⁰ To estimate total compensation costs, NHTSA used the Bureau of Labor Statistics' estimate that wages and salary only represent 61.9 % of total employee compensation cost for State and local employees,¹¹ which brings the total hourly cost for this employee's time to \$90.97. Review time varies significantly, with most incident reviews taking about 15 minutes. Other incidents, significantly more time to review. NHTSA estimates that 75% of all Level 2 ADAS reports will require 15 minutes to review. For the remaining 25% of incident reports, NHTSA estimates that the review will take, on average, 2 hours to review. Additionally, NHTSA estimates that review of "no reportable information" monthly reports will take 1 minute. Assuming that NHTSA receives a combined 2,631 (1,155 Level 2 ADAS reports, 420 ADS reports, and 1,056 "no reportable information" monthly reports), the agency estimates the associated time required for review to be 1,101 hours $((1,155 \text{ crash reports} \times .75 \times .25 \text{ hours}) + (1,155 \text{ crash reports} \times .25 \times 2 \text{ hours}) + (420 \text{ crash reports} \times .75 \times .25 \text{ hours}) + (420 \text{ crash reports} \times .25 \times 2 \text{ hours}) + ((1,056 \text{ "no reportable information" monthly reports} \times 1 \text{ minute}) \div 60)$, with an associated labor cost of \$100,158 $(1,101 \text{ hours} \times \$90.97 \text{ per hour} = \$100,157.97)$.

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. If this is a renewal or reinstatement, the change is the difference between the new burden estimates and the burden estimates from the last OMB approval.

OMB recently provided emergency approval for this information collection. In support of its request for emergency approval, NHTSA estimated the burden as a result of this program change to be 12,539 hours and \$0. NHTSA now estimates the annual burden to be 31,319 hours and \$0. The changes in burden estimate are a result of receiving information from reporting entities of time spent reporting information under the 6-month emergency clearance, actual reporting volume for five-months, and the change to the General Order to create a new 5-day reporting category (in place of 1-day and 10-day reports). The annual burden associated with training employees on these reporting requirements and setting up an account for reporting with NHTSA has been modified to reflect the fact that existing reporting entities will not incur these burden hours during the proposed extension because they are one-time, start-up burdens. The burden estimates for these tasks have therefore been limited to the average ten new reporting entities that NHTSA estimates will be added during each year of the proposed extension. NHTSA also created a new category of burden to account for additional screening time spent by reporting entities to ensure that they are meeting their reporting requirements. The change in burden hours represents a program change resulting in a decrease in burden hours by 8,320 hours and adjustments resulting in an increase of 27,100 hours, for a net increase of 19,046 hours.

¹⁰ 2020 General Schedule hourly rate with Washington DC locality pay: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB_h.pdf. Accessed 06/17/2021.

¹¹ Employer Costs for Employee Compensation, <https://www.bls.gov/news.release/ecec.t01.htm>. Accessed 06/17/2021.

Additionally, in its emergency request, NHTSA requested approval for seven information collections. However, it should have only requested approval for one information collection. To calculate the burden associated with the information collection, NHTSA separated it into seven components (NHTSA now separates burden into 13 categories to facilitate calculation), but those components are part of a single information collection collecting information on one form.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions as applicable.

NHTSA intends to make summary crash information it receives under the General Order publicly available. NHTSA will process the information it receives under the General Order, and then will begin making information publicly available on NHTSA.gov. NHTSA is not permitted under existing law to publicly disclose certain information, including personally identifiable information (PII) (such as the identity of individuals involved in crashes) and confidential business information.

17. If seeking approval to not display the expiration date for 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 1320.9.¹²

There are no exceptions.

The following Paperwork Reduction Act statement will appear on the electronic form:

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. NHTSA

¹² Specifically explain how the agency display the OMB control number and expiration date and 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.

estimates that completing and submitting this form will take between 15 minutes and 2 hours. The OMB Control Number for this information collection is 2127-0754. Expires: DATE. This information collection and Standing General Order 2021-01 requires manufacturers and operators of vehicles equipped with ADS or Level 2 ADAS to report certain crashes to NHTSA. The data will help the agency understand the extent to which incidents are potentially a result of safety defects, including whether manufacturers have failed to appropriately design their systems based on their foreseeable misuse.