

Public Comment of The Box Commons on NHTSA SGO 2021-01 Extension

The Box Commons

April 22, 2026

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National Highway Traffic Safety Administration U.S. Department of Transportation 1200 New Jersey Avenue SE Washington, DC 20590

Re: Public Comment on Docket No. NHTSA-2026-0529, *Agency Information Collection Activities; Notice and Request for Comments — Standing General Order 2021-01*, 91 Fed. Reg. 10682 (March 4, 2026)

Dear Administrator Morrison and Office of Automation Safety,

1. Introduction

The Box Commons is a Wyoming nonprofit corporation organized as a Section 501(c)(6) standards body for credentialing and conformance assessment of autonomous and AI-enabled systems. We submit this comment in response to NHTSA’s March 4, 2026 notice seeking comment on the proposed three-year extension with modifications of the information collection associated with Standing General Order 2021-01, which requires manufacturers and operators of vehicles equipped with Automated Driving Systems (ADS) and Level 2 Advanced Driver Assistance Systems (ADAS) to report certain crash and incident data.

The Box Commons previously filed a comment in Docket No. NHTSA-2025-0523 concerning Zoox, Inc.’s petition for temporary exemption from Federal Motor Vehicle Safety Standards, in which we proposed a four-element conformance pattern for independent third-party assessment of ADS-equipped vehicles (April 9, 2026). The present comment is consistent with and extends that earlier submission.

2. Support for Extension with Modifications

The Box Commons supports the proposed three-year extension of the SGO 2021-01 information collection. Incident reporting for ADS and ADAS-equipped vehicles is essential to building the evidence base that regulators, insurers, standards bodies, and the public require to evaluate the safety performance of autonomous systems in real-world operation. We offer no objection to the proposed modifications, which we understand are intended to reduce reporting burden while sharpening the focus on safety-critical information.

3. The Self-Reporting Limitation

While supporting the extension, we respectfully observe that the current SGO framework relies entirely on self-reporting by manufacturers and operators. This is not a criticism of the SGO’s design — incident reporting necessarily begins with the entity that possesses the data. However, a framework in which the regulated entity is the sole source of its own safety data creates an inherent verification gap that grows as ADS deployment scales.

Professor Philip Koopman of Carnegie Mellon University has articulated this limitation with precision. In *How Safe Is Safe Enough? Measuring and Predicting Autonomous Vehicle Safety* (2022), Koopman demonstrates that autonomous vehicle safety claims depend on assumptions about operational design domains, edge-case coverage, and software update effects that are difficult to validate through manufacturer self-reporting alone. Koopman’s contribution to the development of UL 4600, the first published safety standard for autonomous products, further establishes that independent assessment against published criteria is both technically feasible and practically necessary for autonomous systems — a conclusion that applies with equal force to the incident data that flows from those systems.

The verification gap in self-reported incident data takes several forms:

(a) Definitional discretion. The SGO defines reportable incidents using criteria such as “tow-away” for ADS crashes and “hospital transport” for ADAS crashes. These definitions necessarily leave the reporting entity to determine in the first instance whether a given event meets the threshold. Without independent verification, underreporting — whether inadvertent or strategic — is difficult to detect.

(b) Root-cause attribution. When an incident occurs, the reporting entity determines whether the ADS or ADAS was engaged and to what extent the system contributed to the event. This attribution decision is made by the entity with the strongest interest in the outcome of that determination.

(c) Software version opacity. ADS-equipped vehicles receive over-the-air updates that can change the system’s operational behavior between incidents. The SGO requires monthly updates to initial reports, but does not independently verify whether the software version reported at the time of an incident matches the version actually deployed. In a domain where a single software update can alter braking behavior, perception algorithms, or operational design domain boundaries, version verification is a safety-critical data-quality question.

4. Independent Verification as a Complement to Self-Reporting

We do not propose that NHTSA replace self-reporting with third-party reporting — manufacturers and operators are necessarily the first possessors of incident data, and the SGO’s reporting timeline (five business days for threshold crashes, monthly for sub-threshold incidents) is appropriately calibrated to the information flow.

We do propose that NHTSA consider incorporating an independent verification layer as a condition of the information collection’s renewal. Specifically:

(a) Third-party audit of reported data. NHTSA could require or incentivize periodic audits of reported incident data by independent conformity assessment bodies operating under ISO/IEC 17020:2012 (inspection bodies) or ISO/IEC 17065:2012 (product certification bodies). Such audits

would verify that the reporting entity’s internal incident classification processes align with the SGO’s definitions and that reported data is complete relative to the entity’s internal incident records.

(b) Software version attestation. At the time of each incident report, the reporting entity could be required to include a cryptographically signed attestation of the software version deployed on the vehicle at the time of the incident, verifiable against a version registry maintained by the manufacturer and accessible to NHTSA. This is not a novel engineering requirement — software bill of materials (SBOM) attestation is already required in federal cybersecurity contexts under Executive Order 14028 and CISA’s SBOM guidance.

(c) Cross-referencing with published safety cases. Where the reporting entity has published a safety case or safety argument for its ADS (as contemplated by UL 4600 and by NHTSA’s own AV STEP framework, RIN 2127-AM60), incident data could be systematically cross-referenced against the assumptions and claimed safety properties in that safety case. An incident that falls outside the operational design domain claimed in the safety case is categorically different from one that falls within it — a distinction that self-reported data alone may not systematically capture.

5. Burden Considerations

The PRA requires NHTSA to consider the burden imposed on reporting entities. We note that the verification measures described above would impose modest incremental burden:

- Third-party audit is a periodic activity (annual or semi-annual), not a per-incident requirement, and the cost is borne by the reporting entity as a condition of deploying vehicles on public roads — a cost that is de minimis relative to the engineering and insurance costs of ADS deployment.
- Software version attestation requires cryptographic signing infrastructure that most ADS developers already maintain for over-the-air update authentication.
- Safety case cross-referencing requires only that the reporting entity maintain the safety case it has already developed — the analytical burden falls on NHTSA or its designee, not on the reporting entity.

6. The Box Commons’s Standing Offer

Consistent with our April 9, 2026 submission in Docket No. NHTSA-2025-0523, The Box Commons respectfully renews its offer to participate, at no cost to NHTSA, in any pilot or research effort the agency may undertake to evaluate independent verification of ADS incident reporting data. We have ongoing engagement with NIST on AI agent identity and authorization, with CEN/CENELEC JTC 21 on European AI conformity assessment standards, and with state-level autonomous entity registry processes. We welcome the opportunity to contribute verification specifications drawing on this work.

7. Conclusion

The SGO 2021-01 information collection is a necessary foundation for evidence-based regulation of autonomous vehicles. The proposed extension and modifications are sound. We respectfully suggest that the foundation will be strongest if it is complemented by independent verification — not to replace the manufacturer’s role as first reporter, but to ensure that the data NHTSA receives is as reliable as the safety decisions the agency must make on the basis of that data.

Respectfully submitted,

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