



Owner-Operator Independent Drivers Association

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The Honorable Dr. Steven Cliff
Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Re: Docket # DOT-NHTSA-2020-0106, "Framework for Automated Driving System Safety"

Dear Acting Administrator Cliff:

The Owner-Operator Independent Drivers Association (OOIDA) is the largest trade association representing the views of small-business truckers and professional truck drivers. OOIDA has over 150,000 members located in all fifty states that collectively own and operate more than 240,000 individual heavy-duty trucks. OOIDA's mission is to promote and protect the interests of its members on any issues that might impact their economic well-being, working conditions, and the safe operation of commercial motor vehicles (CMVs) on our nation's highways.

Professional truckers have a keen interest in the development and deployment of autonomous vehicles (AVs) as these technologies have the potential to drastically change the trucking industry, in particular its workforce. The National Highway Traffic Safety Administration's (NHTSA) attempt to develop a framework for Automated Driving System (ADS) safety may provide an opportunity to objectively define, assess, and manage the safety of ADS performance. However, the Department of Transportation's (DOT) prolonged reliance on voluntary safety reporting from AV manufacturers will not effectively build public trust, acceptance, and confidence in the testing and deployment of these vehicles.

OOIDA believes that any process to advance automated technology should be met with mandatory data transparency from manufacturers. This will help educate consumers, the industry, and regulators about the actual reliability of autonomous technology. Data transparency is essential to ensure the safety of the motoring public. Regrettably, recent DOT proposals such as the *AV Comprehensive Plan* and NHTSA's AV TEST Initiative maintain a self-certification approach and voluntary reporting as the way to balance and promote safety and innovation.

Without improving data transparency, DOT will encounter challenges attempting to modernize and amend regulations. OOIDA understands necessary changes must be made to federal regulations and standards. However, many of the proposals discussed within NHTSA's Advance Notice of Proposed

Rulemaking (ANPRM) as well as the Federal Motor Carrier Safety Administration's 2019 ANPRM are hypothetical in nature. In this sense, most of the questions laid out in the ANPRM are based on assumptions, many of which are nothing more than marketing ploys from ADS developers. In reality, it is difficult to fully understand what role ADS will have on transportation industry, especially for trucking. Without more concrete data about how ADS will function, the issues addressed in the ANPRM and any other further rulemaking is generally speculative.

As the agency continues to develop its ADS framework, we recommend prioritizing an approach that ensures safety performance. Given the fact that there have already been a number of crashes involving ADS failures on our nation's roads, NHTSA must employ standards that are based on verified research and testing data. The use of unproven automated technologies on our highways poses a significant threat to small-business truckers, and we urge you to take action to protect all road users with greater transparency and oversight of their development. For example, NHTSA has particularly failed to exercise sufficient oversight of Tesla's Full Self-Driving system. Tesla has only offered vague, incomplete, and misleading information about the reliability of its automated technologies, and this information gives no indication whether they are safe or being used according to their design. Without comprehensive reporting requirements, we will never know how many or what types of accidents, crashes, and injuries this technology causes.

ADS developers and manufacturers should be required to report safety performance and full disclosure should be mandatory. NHTSA should implement penalties and/or fines for ADS developers that are not transparent in their disclosures. OOIDA provides the following responses to the questions presented in the ANPRM. Other industry stakeholders can better address any questions that have been omitted.

Question 3. How would your conception of such a framework ensure that manufacturers assess and assure each core element of safety effectively?

Manufacturers should present documentation of all research and testing being conducted in a scientific and transparent manner before being granted authority to move forward in their development with severe recall penalties if any attempts are made to bypass those requirements.

Question 4. How would your framework assist NHTSA in engaging with ADS development in a manner that helps address safety, but without unnecessarily hampering innovation?

We believe it is possible to implement a framework that features fundamental, responsible, and practical safety standards without "hampering" innovation. If this can be accomplished, the ADS framework will assist innovators in meeting necessary standards and requirements.

Question 6. Do you agree or disagree with the core elements (i.e., "sensing," "perception," "planning" and "control") described in this notice? Please explain why.

While the core elements can provide basis for measuring ADS performance, they do not replace the tremendous actions of an experienced human driver in sensing, perception, planning and control. Obviously, ADS has not yet proven that it can make moral decisions on the road in real-life conditions and/or crash scenarios.

Question 8. At this early point in the development of ADS, how should NHTSA determine whether regulation is actually needed versus theoretically desirable? Can it be done effectively at this early stage and would it yield a safety outcome outweighing the associated risk of delaying or distorting paths of technological development in ways that might result in forgone safety benefits and/or increased costs?

While ADS development and deployment remains in the early stages, there still must be standards in place that proves the technology is safe. Making sure a system is safe does not stifle innovation.

Question 9. If NHTSA were to develop standards before an ADS-equipped vehicle or an ADS that the Agency could test is widely available, how could NHTSA validate the appropriateness of its standards? How would such a standard impact future ADS development and design? How would such standards be consistent with NHTSA's legal obligations?

The agency has a number of ways to validate the standards through testing and research. NHTSA's "legal" obligation should be to assure all road users that any new technologies and ADS can operate safely before endangering the public.

Question 14. What additional research would best support the creation of a safety framework? In what sequence should the additional research be conducted and why?

NHTSA should look at other countries that do not use a voluntary, self-certification approach. In Europe, manufacturers must receive "type approval," which confirms adherence to technical and safety requirements, before new automotive software can be shared with the public.

D. Questions About Statutory Authority

NHTSA's mission statement is to, "Save lives, prevent injuries and reduce economic costs due to road traffic crashes, through education, research, safety standards and enforcement activity. We believe NHTSA certainly has the rulemaking, enforcement, and other authority to implement reliable ADS standards that promote safety without impeding innovation. NHTSA also has the ability to pursue a recall for any ADS technology that causes an unreasonable risk.

NHTSA's ADS framework may provide an opportunity to objectively define, assess, and manage the safety of ADS performance. However, NHTSA must employ standards that ensure safety performance above all else. Given the fact that there have already been a number of crashes involving ADS failures on our nation's roads, NHTSA must develop standards that are based on documented research and testing data. The continued reliance on voluntary safety reporting from ADS manufacturers will not effectively build public trust, acceptance, and confidence in the testing and deployment of these systems.

Thank you,



Todd Spencer
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