

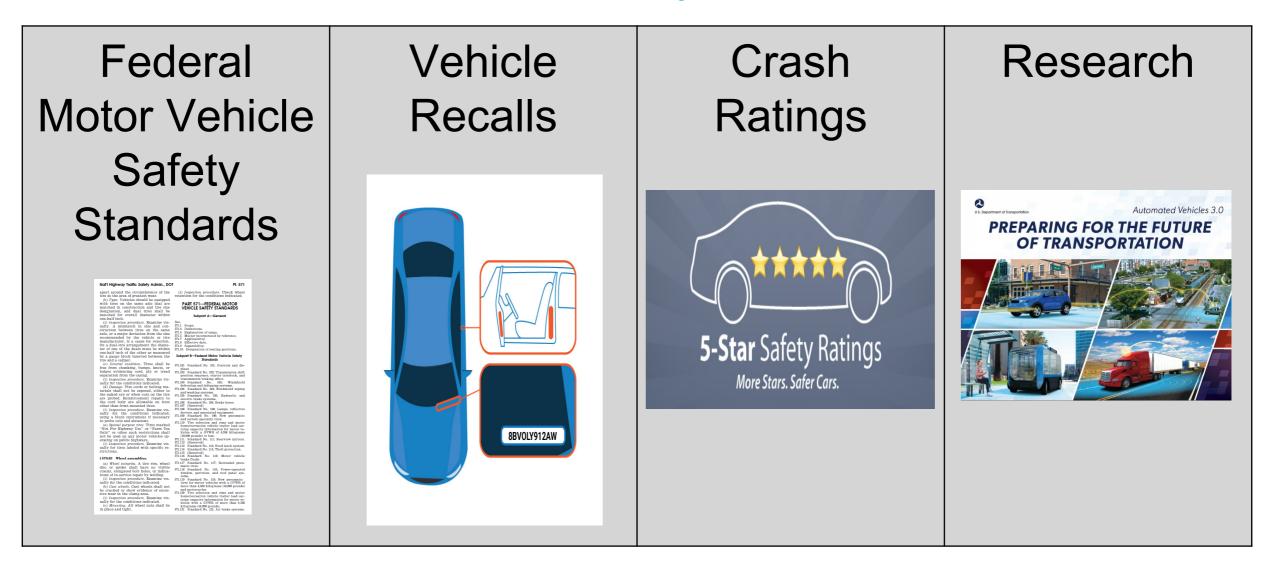
Jonathan Morrison Chief Counsel 12.04.2020



Save lives, prevent injuries, and reduce economic costs due to road traffic crashes, through education, research, safety standards, and enforcement activity.



NHTSA's Vehicle Safety Approach



Vehicle Safety Act - Key Statutory Provisions

Statute

Purpose and Policy:

 Reduce traffic accidents and deaths and injuries resulting from traffic accidents. 49 U.S.C. § 30101

Federal Motor Vehicle Safety Standards:

• NHTSA's authorities demand that the agency prescribe motor vehicle safety standards that are practicable, meet the need for motor vehicle safety, and stated in objective terms. 49 U.S.C. § 30111

Manufacturer obligations:

 Manufacturers are prohibited from manufacturing for sale, selling, offering for sale, introducing or delivering in interstate commerce, or importing vehicles that do not comply with the FMVSS or contain a safety-related defect. 49 U.S.C. § 30112

Motor vehicle safety defined:

 Motor vehicle safety means the performance of a motor vehicle in a way that protects the public against an 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



Federal Motor Vehicle Safety Standards (FMVSS)

- FMVSS are rigorous and robust must be objective, practicable, and meet the need for motor vehicle safety.
- FMVSS prescribe performance requirements for safety systems and components on motor vehicles.
- Data-driven, transparent process to develop regulations for motor vehicle safety.

Self-Certification

- Manufacturers certify that vehicles comply with all FMVSS at the time of production
- Manufacturers must exercise reasonable care when certifying compliance
- Affix permanent placard to all vehicles certifying compliance
- Manufacturers maintain supporting data, available upon request

Compliance Oversight

- Strong compliance oversight through post-market purchasing and testing by NHTSA.
- Encourages robust safety margins for automotive products.
- Diligent enforcement for products found non-compliant, including authority to require recalls of non-complaint vehicles and equipment.

Defect Investigation

- Even absent a regulation, NHTSA can require recalls for products that pose an unreasonable risk to safety.
- Safety-related defects are those relating to design, manufacturing, or performance that pose an unreasonable risk of accidents occurring or death or injury in case of an accident
- The Safety Act treats vehicles with a safety-related defect the same way as it treats non-compliant vehicles, requiring recall and remedy to be carried out by the manufacturer.



Defect Investigation

- NHTSA checks for defects through active monitoring of on-road safety via multiple channels:
- Consumer complaints
- OEM notices and bulletins
- Warranty claim
- Foreign recalls
- Fatalities and crash data
- Effective identification and investigation of safety problems early in the process is important

Enforcement

- There are consequences for putting unsafe or non-compliant vehicles or equipment on the road.
- In addition to vehicle or equipment recalls, manufactures may be subject to penalties for failure to certify, fraudulent certification, failure to report a defect, or failure to report in a timely manner.
- Penalties are assessed up to \$22,329 per violation, with a maximum penalty for a related series of violations of \$111,642,265.



Automated Driving Systems

Image by: Tabercil; available at https://commons.wikimedia.org/wiki/File:KITT Interior at Toront

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Automated Driving Systems

Principles guiding the Department's work:

- 1. Prioritize safety
- 2. Remain technology neutral
- 3. Modernize regulations to be more performance-based
- 4. Encourage regulatory consistency with States
- Facilitate the safe integration of vehicles with automated driving systems
- 6. Promote choice in mobility

Guidance Documents

- Automated Driving Systems (ADS) 2.0:
 A Vision for Safety
 - Focuses on SAE International Levels of Automation 3-5;
 - Encouraged developers to ensure appropriate treatment of critical safety elements in specific areas of design, and make public these efforts;
 - Clarifies that entities do not need to wait to test or deploy their ADS;
 - Aligns Federal Guidance with developments and industry terminology; and
 - Clarifies Federal and State roles.
- AV 3.0 and 4.0

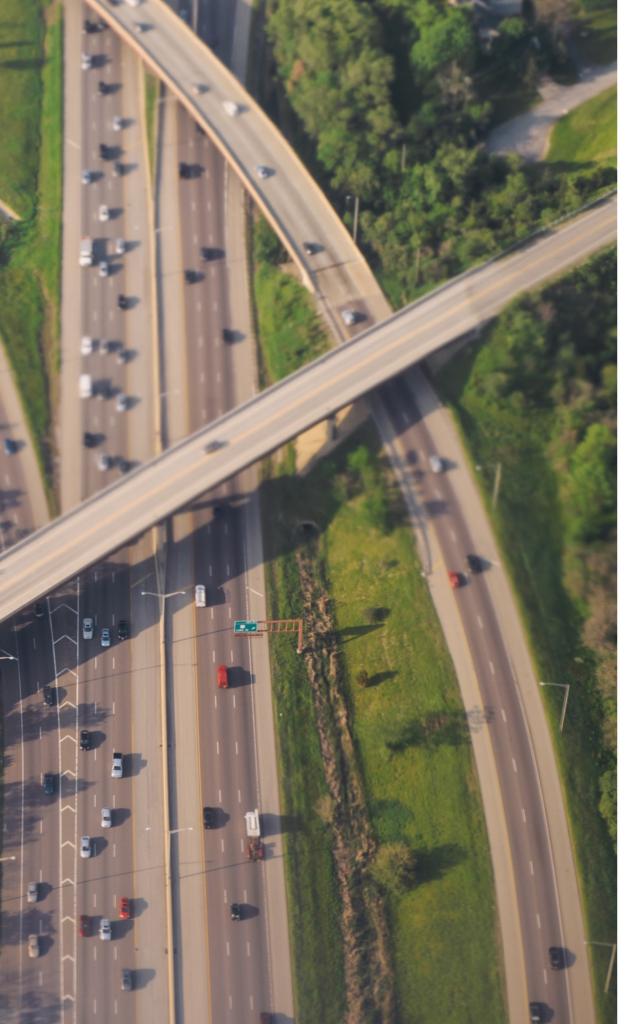


Risk-Managed Exemptions

- NHTSA's Statutory Authorities provide the ability to provide limited exemptions to allow operations of non-compliant vehicles on public roads:
 - Research and Demonstration
 - Deployment Exemptions (2,500/year)
- These authorities provide the agency with discretion to impose appropriate terms on potential exemptions.







Ongoing Regulatory Efforts

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Nine ADS-Related Rulemakings in Progress, including priority rulemakings for 2020:

- Removing Unintended and Unnecessary Regulatory Barriers in the Federal Motor Vehicle Safety Standards
- Safety Principles for Automated Driving Systems