Additional Questions for the Record

The Honorable Robert E. Latta

1. Can you please give us a brief update on the New Car Assessment Program (NCAP)? We know NHTSA asserts the program has influenced manufacturers to build vehicles that consistently achieve high ratings.

   RESPONSE: Because of the recent increase in the rate of automotive technological change, NHTSA is evaluating how to maintain a program that informs consumers and encourages manufacturers to continue to prioritize safety innovations. In 2015, NHTSA announced plans to significantly upgrade NCAP. NHTSA reviewed public comments on its 2015 plans and is working with the Administration on next steps.

   a. What are the forthcoming actions on NCAP? Is there a timeline for enhancing NCAP and including autonomous vehicles?

   RESPONSE: In 2018, NHTSA plans to engage stakeholders on its next actions for NCAP – the public comments received in response to the 2015 notice demonstrated the need for a dialogue regarding the types of information that would be most helpful to consumers and the types of tests and rating systems would be best suited to achieve program goals. NHTSA plans to give consideration to advanced driver assistance systems that have the potential to further automotive safety.

The Honorable Adam Kinzinger

1. I appreciate you addressing my question regarding my recalled parts provisions in the FAST Act, however your response at the hearing (as well as the subsequent written explanation your staff sent to my staff) regarding the status of my provision actually seems to address a different provision regarding batch look up of VINs. That provision did, indeed, require a study. To clarify, the batch provision that you reference is Section 24103. But that is not the Kinzinger provision that I am inquiring about which is Section 24116.

   Section 24116 requires automakers to provide recalled parts data and does not expressly mention batch data. Section 24116 reads as follows:

   SEC. 24116. INFORMATION REGARDING COMPONENTS INVOLVED IN RECALL. Section 30119 of title 49, United States Code, is amended by adding at the end the following:

   > "(g) INFORMATION REGARDING COMPONENTS INVOLVED IN RECALL.-A manufacturer that is required to furnish a report under section 573.6 of title 49, Code of Federal Regulations (or any successor regulation) for a defect or noncompliance in a motor vehicle or in an item of original or replacement equipment shall, if such defect or noncompliance involves a specific

component or components, include in such report, with respect to such component or components, the following information:

"(1) The name of the component or components.

"(2) A description of the component or components.

"(3) The part number of the component or components, if any."

For NHTSA to adequately address my provision from the FAST Act, it is my belief that it can only be accomplished through comprehensive access to both original equipment part numbers of recalled parts tied to specific VINs and other OE parts identification information. It is important that automotive manufacturers and professional automotive recyclers come together to enhance overall motor vehicle safety, help improve recall remedy rates, and effectively address the federal recall remedy requirements for used equipment enacted 15 years ago in the TREAD Act.

a. Will you commit to having NHTSA host a high-level Recall Safety Summit of stakeholders to more effectively address this outstanding safety issue that has not been addressed in the past 26 months since its passage?

b. Please provide any other updates regarding Section 24116, which is critically needed for the efficient identification of safety recalled parts in the automotive supply chain, especially by automotive recyclers.

RESPONSE: NHTSA agrees that information on component parts can be critical for the efficient identification of safety recalled parts.

Manufacturers have been required to provide this information since section 24116 came into effect. In other words, manufacturers are required to provide component name, description, and part number information in the Part 573 recall reports they file with NHTSA. That requirement became effective with the FAST Act. In early 2017, NHTSA provided guidance to manufacturers on how to submit this information on Part 573 recall reports. As a result, manufacturers are not only aware of the requirement, they also know how NHTSA expects this information to be shared.

Thank you for your suggestion for NHTSA to host another Recall Safety Summit. This suggestion is under serious consideration. In the meanwhile, NHTSA has continued to engage with stakeholders on how to address this recall safety more effectively.

For example, NHTSA staff has met with members of the professional automotive recycler industry to understand what challenges the industry faces in removing recalled parts from circulation. NHTSA has discovered that the professional automotive recycler industry has challenges identifying recalled parts because of the sheer volume of its inventory. Upon further discussions, NHTSA and the automotive recycler industry agree that using a bulk VIN look up tool would allow the professional automotive recycler industry to trace a recalled part to a specific VIN more efficiently.

On March 23, the Alliance of Automobile Manufacturers, Association of Global Automakers, and Carfax announced the launch of a new tool that would allow recyclers, as well as other commercial and governmental entities to conduct bulks searches for open recalls free of charge. The search tool is available at www.freeautorecallsearch.org.

NHTSA will continue to work with all stakeholders to ensure the effectiveness of recalls.

2. In November of last year, the GAO released a report titled: "Automated Vehicles: Comprehensive Plan Could Help DOT Address Challenges." The report indicated that "DOT recently formed a group to lead policy development in the future, but has not announced a detailed timeline or scope of work. Without a comprehensive plan, it is unclear whether DOT's efforts are adequately tackling AV challenges." The report also indicated that "states are ... responsible for registering vehicles, licensing drivers, educating drivers, and regulating auto insurance." My home state of Illinois is home to numerous large, medium, and small auto insurance firms. The SELF DRIVE Act recognizes the long standing regulation of auto insurance at the state level.

   a. Please explain, in as much detail as possible, NHTSA and DOT's outreach (referenced above) to the automobile insurance market participants, state insurance commissioners, state legislators, and consumer groups.

      RESPONSE: NHTSA is committed to frequent and transparent outreach to stakeholders, including insurance market participants, state representatives and consumer groups.

      To that end, the Office of the Secretary, NHTSA, and other DOT modes have convened multiple public meetings, workshops, listening sessions, and webinars over the past six months. These events include a wide spectrum of interest and topics and have been attended by representatives from the insurance and liability sector. Information and summaries regarding these meetings can be found at www.transportation.gov/AV.

   b. Has a timeline, scope of work, or comprehensive plan been established, to date?

      RESPONSE: DOT is working aggressively to develop a plan that responds to the GAO recommendation, as outlined in the Joint Explanatory Statement to the Consolidated Appropriations Act. The plan will include goals, priorities, steps to achieve results, milestones, and performance measures to track progress.

3. The November GAO report mentioned in Question 2 also raised questions about data privacy, ownership of data, and access to the data from AVs. The report indicated that "DOT officials indicated that they expect existing data privacy policies and disclosure agreements to apply to AVs." It is likely too early to determine what the insurance and liability landscape will be as AVs proliferate. NHTSA may have an opportunity to play an important role in convening interested parties-be they state insurance commissioners,

auto insurance companies, the OEMs, or others-to facilitate dialogue about the flow of AV data in the future while simultaneously recognizing and respecting the role of states in regulating auto insurance.

a. Do you agree with this assessment?

b. Do you see NHTSA playing a role in the realm of data flows? If so, please describe your vision.

RESPONSE: NHTSA believes that data privacy, ownership of data, and access to data from Automated Driving Systems are important topics. NHTSA will have a primary role as it relates to data associated with vehicle safety, such as data required for crash reconstruction. NHTSA is already working with SAE International to develop the parameters for data that may be necessary to reconstruct a crash involving a vehicle equipped with an Automated Driving System.

NHTSA takes consumer privacy seriously and will diligently assess the privacy impacts on individuals of any safety regulations or guidance it issues, including those related to Automated Driving Systems. NHTSA also will continue to work collaboratively with the Federal Trade Commission (FTC) and rely on its expertise and jurisdiction to address vehicle data and other consumer privacy issues outside of NHTSA's vehicle safety authority.

The Honorable David McKinley

1. According to NHTSA data, we have recently experienced one of the largest percentage increases in vehicle fatalities in nearly 50 years. It is critical that NHTSA continues to update its crash countermeasures to protect consumers and reverse this trend. Can you provide me with the latest information on NHTSA's efforts to update its crash countermeasures and how the agency is taking into account new innovations, such as lightweight materials that did not exist when NHTSA's current countermeasures were created, to improve structural safety guidelines?

   RESPONSE: NHTSA shares your concern about the increase in crash fatalities and that is why we are investing in innovative strategies to improve both the safety of vehicles and the behavior of drivers and other road users.

   To make vehicles safer, the agency is studying new materials used in vehicle structures and evaluating how lightweight materials can reduce weight and improve fuel economy without reducing safety. For example, NHTSA recently completed a study on the application of thermoplastic carbon fiber materials to optimize weight and safety for side-impact crashes. NHTSA is also developing a new generation of crash test dummies for front- and side-impact crash tests that will allow better predictions of injury risk across a wider range of body regions and injury types. The agency is developing a new crash test to evaluate air bag and seat belt performance in offset frontal crashes and refining

computer simulation models so new vehicle designs can improve safety for a wider range of human body types, including obese and elderly occupants. New approaches are also being used to evaluate rollover safety, the safety of rear seat occupants, seat belt requirements, occupant safety in low-speed crashes, and child seat performance.

To make further progress in safe behaviors, NHTSA is responding to emerging problems with new program initiatives. Agency data shows that drug-impaired driving is increasing and in March 2018 the agency convened a Call to Action meeting to hear from stakeholders, identify priorities and launch a coordinated national effort to understand and control the problem. Experts at the event identified several key areas for focus, including improvements to criminal justice systems, data collection and toxicology practices.

State and local traffic safety programs are often the source of innovative behavior change strategies. A series of regional listening sessions will be conducted this year to gather further information on strategies to control drug-impaired driving. NHTSA and the Federal Highway Administration (FHWA) are also supporting a series of Safe System Innovation Grants through the Road to Zero Coalition to encourage new approaches that combine roadway, vehicle and behavior-based methods to improve traffic safety. The National Safety Council, with the support of NHTSA and FHWA, administers these grants – seven grants awarded in 2017 and eleven in 2018, for a total of $2.5 million. NHTSA, FHWA and the Federal Motor Carrier Safety Administration (FMCSA) collaborate in supporting the Road to Zero Coalition which now includes more than 700 organizations.

The Honorable Larry Bucshon

1. Ms. King, NHTSA has indicated it will propose CAFE regulations for 2022-2025 model years by the end of March or early April. EPA has not indicated a timeline for their Revised Final Determination or any subsequent proposed rulemaking. How is NHTSA coordinating with EPA to ensure a coordinated approach and schedule that results in an efficient regulatory framework?

   RESPONSE: We are working closely with our counterparts at EPA to develop coordinated proposals for issuance as soon as possible.

2. As you know, glider kits are brand new commercial trucks absent the engine, transmission, and rear axles. Glider kits originated as a means to replace a badly damaged truck chassis and cab, while reusing the damaged truck's powertrain. Now a new industry has been birthed, where manufacturers are installing older remanufactured engines into these glider kits in growing numbers, producing new glider vehicles which have avoided EPA and NHTSA emission and safety regulations. Glider vehicle manufacturers are clearly manufacturers of new motor vehicles according to NHTSA regulation §571.7(e). Are these manufacturers meeting basic legal requirements to register with NHTSA as manufacturers, to define VIN configurations, and to file safety defect reports? What is

NHTSA doing to ensure that glider manufacturers are complying with all existing heavy duty Federal Motor Vehicle Safety Standards, and to take enforcement actions where appropriate?

RESPONSE: We understand the concerns about the status of these remanufactured vehicles. The question of whether a vehicle built from a glider kit is a new vehicle produced by a "manufacturer" under our statute or a used vehicle that has simply been rebuilt is very fact dependent. Under 49 CFR § 571.7(e), certain vehicles built with a combination of new and used components are not considered to be new vehicles whose rebuilders must design to comply with the National Highway Traffic and Motor Vehicle Safety Act of 1966. This "glider" exception applies when a new cab or body is put on a truck when the engine, transmission, and axles are not new and at least two of those components are from the same vehicle. When a glider is built with engines, transmissions, and axles obtained from disparate sources and no two of the three are from the same vehicle, the vehicle is not a "glider," but is a newly manufactured vehicle and thus must comply with all applicable Federal Motor Vehicle Safety Standards.

3. Ms. King, I introduced HR 3421, which was eventually rolled into the SELF DRIVE Act that directs the Secretary to establish a publicly available and searchable electronic database for motor vehicles that have been granted an exemption. The goal of this bill is to increase transparency between the federal government and the public. How important is communication between NHTSA, the States and the public at large?

   RESPONSE: Communication and transparency with the public and States are important to NHTSA and DOT. In 2018, NHTSA plans to propose changes to update the administrative procedures for exemption petitions, including efforts to increase processing efficiencies and public access to documents, data and information.

4. Ms. King, in your testimony you mention that NHTSA is adapting your mission given the rapid pace of change in the current transportation landscape. Can you please talk about what NHTSA is doing to adapt and how NHTSA is leveraging new technology to improve safety?

   RESPONSE: NHTSA is adapting its processes to be more responsive as well as pursuing research and regulatory initiatives that are technology neutral and modernize our regulations to remove unintended barriers to new safety technologies.

   For example, in January of this year, NHTSA published a notice seeking comments to identify any regulatory barriers in the existing Federal Motor Vehicle Safety Standards (FMVSS) to the testing, compliance certification and compliance verification of motor vehicles with Automated Driving Systems (ADSs) and certain unconventional interior designs. These comments will aid the Agency in setting research priorities as well as inform its subsequent actions to lay a path for innovative vehicle designs and technologies that feature ADSs, particularly those systems that promise to enhance safety.

In addition, given the rapid pace of technology and the potential impact that Automated Driving Systems could have to improve safety dramatically on our roadways, NHTSA is also working with industry to ensure safety is a priority. To support the safe testing and deployment of these systems, Secretary Chao issued "A Vision for Safety 2.0," a flexible framework that is adaptable as the technology continues to evolve.

Another area in which NHTSA is adapting to the rapid pace of change is with respect to driver behaviors. Evidence is growing that drug-impaired driving is on the rise in many regions of the U.S. and to address the risks on our roadways NHTSA has launched an Initiative to combat drug-impaired driving as well as alcohol-impaired driving. NHTSA supports research in the identification of impairment, as well as counter-measures and tools such as Driver Alcohol Detection System for Safety ("DADSS") and oral-fluid testing for THC.

5. Ms. King, who is NHTSA partnering with on its newly announced Drugged-Driving Initiative and how can we on this committee support the work you're doing at NHTSA on this very important issue?

   RESPONSE: NHTSA is partnering with a wide range of stakeholders on the new Drug-Impaired Driving Initiative, including the Office of National Drug Control Policy and other Federal agencies, as well as State and local governments, law enforcement organizations, health and medical practitioners, prosecutors, toxicology professionals, advocacy organizations, and others who can help prevent drug-impaired driving.

   NHTSA will convene a stakeholder group on June 15 to coordinate national efforts, followed by a series of regional meetings to gather information on State and local needs and innovative program approaches. NHTSA also plans to convene two expert groups this summer to develop guidance for strengthening State criminal justice systems and toxicology practices. The agency will also develop a National advertising campaign for release by the end of calendar year 2018 to educate motorists about the dangers of drug-impaired driving.

   The additional $5 million provided by Congress in the Consolidated Appropriations Act, 2018 will help NHTSA further its work to address impaired driving.

   We look forward to working with the Committee and its members to address these emerging risks on our roadways. In the near term, we appreciate your support to help raise awareness that drug-impaired driving is dangerous.

The Honorable Jan Schakowsky

1. NHTSA's public planning for self-driving cars has been focused on "eliminating unnecessary regulatory barriers." But self-driving cars use many new technologies, such as a variety of sensors. Those sensors may require new safety standards. What specific

new motor vehicle safety standards are needed to address new technologies? When will NHTSA initiate rulemaking proceedings for those safety standards?

RESPONSE: We share your view that the safety of vehicle components is critically important in vehicle safety. NHTSA is in the process of exploring these issues related to technologies that are not yet deployed or are still developing. The National Highway Traffic and Motor Vehicle Safety Act does not allow NHTSA to set new safety standards in the absence of objective information as to whether potential standards are reasonable, practicable, and appropriate. 49 U.S.C. 30111. Further research is needed before we can consider whether or how new standards may be appropriate. However, manufactures are still required to design motor vehicles and motor vehicle equipment free of unreasonable safety risk and NHTSA maintains its existing enforcement authority.

Last September, Secretary Chao released A Vision for Safety 2.0, our new voluntary guidance to support and encourage the growth of automated vehicles. A Vision for Safety paves the way for the safe testing and deployment of Automated Driving Systems by providing voluntary guidance that encourages best practices and prioritizes safety.

2. At the hearing, you stated that the President's Budget reflects the resources you believe NHTSA needs. How are you planning to reorganize or redistribute staff and resources to address the changing needs of the agency? How will you ensure that staff have the skills and knowledge needed to address new technologies, including automated technologies?

RESPONSE: NHTSA's number one priority is safety, and every action the agency takes is in support of its mission to save lives, prevent injuries, and reduce the economic costs due to crashes. The fiscal year (FY) 2019 President's Budget request does not propose a reorganization or broad redistribution of staff responsibilities to meet the evolving highway safety challenges facing the agency and the American driving public. Rather, it lays the groundwork for NHTSA to respond effectively to the changing technological environment and address new safety challenges proactively. To this end, the FY 2019 request includes funding to support research into complex safety-critical electronic control systems; vehicle cybersecurity; and new and emerging technologies that can help drivers avoid crashes, including a targeted $10 million investment to support the safe development and deployment of Automated Driving Systems. NHTSA recognizes that the rapid pace of technological change may require the agency to adapt, and to that end, we will be looking at existing vacancies and reprioritizing hiring decisions to onboard employees with the appropriate expertise to ensure NHTSA's long term effectiveness.

3. At the hearing, some of my colleagues and I asked you when some specific overdue rulemakings would be finalized. You were unable to provide specific dates at the hearing. And I have a few more overdue rulemakings to ask you about. While I agree that safety should not be rushed, some of these rules are years overdue. For each of the following rulemakings, please provide the specific date on which the rulemaking was initiated, the date on which the NPRM was issued, and when a final rule will be issued. If final rules have been issued on any of the below directed rulemakings, please cite the publication of that rule in the Federal Register.

RESPONSE: NHTSA appreciates the opportunity to follow-up on your questions regarding overdue rulemakings. Specifically, you asked NHTSA to explain why the agency missed the statutory deadlines for Congressional mandates and requested that NHTSA provide a status update and planned completion of the rulemaking.

NHTSA continues to work on completing all the mandates, including the MAP-21 and FAST Act mandates you reference. The status of the rulemakings and our estimates for completing them are provided below.

a. Section 31501 of MAP-21 required a rule to better protect children in car seats in side impact crashes. This rule is already two years overdue.

   RESPONSE: NHTSA initiated research in 2009 to develop a side impact test procedure for evaluating side impact protection of child restraint systems. An NPRM was issued by the agency on January 28, 2014 towards fulfillment of the provision in Section 31501 of MAP-21. NHTSA plans to publish the final rule in 2018.

b. Section 31502 of MAP-21 required a rule improving child restraint anchorage systems by 2015. NHTSA issued a notice of proposed rulemaking in 2015, but there has been no further action.

   RESPONSE: NHTSA initiated a rulemaking in February 2012 to improve on the usability of child restraint anchorage systems. An NPRM was issued by the agency on January 23, 2015 to address the provision in Section 31502 of MAP-21 to improve the ease-of-use of child restraint anchorage systems in all rear seating positions. The timing of a final rule is undetermined as the agency is currently evaluating comments to determine next steps.

c. Section 31503 of MAP-21 required that NHTSA initiate a rulemaking proceeding to require rear seat belt reminder systems. NHTSA has not taken any public action on that statutory mandate.

   RESPONSE: NHTSA initiated a rulemaking in June 2010 when it published a request for comments notice on rear seat belt reminder systems. The agency is currently drafting the NPRM to address the provision in Section 31503 of MAP-21 and estimates publication in 2018. The timing and content of a final rule will be determined following the public comment process of the NPRM.

d. Section 24104 of the FAST Act required a rule that would ensure consumers are notified of recalls electronically in addition to by mail. The final rule was due in 2016, but NHTSA has only issued an NPRM so far-also in 2016.

   RESPONSE: NHTSA initiated a rulemaking in October 2012 to address the provision in Section 24104 of the FAST Act to allow electronic notification methods for vehicle recalls. An ANPRM was issued by the agency on January 25, 2016, and

was followed with the publication of an NPRM on September 1, 2016. The timing of a final rule is undetermined as the agency is currently evaluating comments to determine next steps.

e. Section 24112 of the FAST Act required a rule regarding corporate responsibility for NHTSA reports. That rule was due by December 2016.

RESPONSE: NHTSA initiated a rulemaking in December 2015 to address the provision in Section 24112 of the FAST Act for corporate responsibility of reporting to NHTSA. The agency is currently drafting the NPRM and estimates publication in 2018. The timing and content of a final rule will be determined following the public comment process of the NPRM.

f. Section 24115 of the FAST Act required a rule to ensure that tire pressure monitoring systems cannot be overridden, reset, or recalibrated in such a way that the system will no longer detect when the inflation pressure has fallen below a significantly underinflated level. NHTSA has yet to take any action on that requirement.

RESPONSE: NHTSA initiated research in February 2018 to address the provision in Section 24115 of the FAST Act to update the tire pressure monitoring system standards to (a) prohibit means to disconnect and (b) not prohibit either direct or indirect systems. The agency will begin the approved public collection of the research information and data in June 2018 and estimates a completed research report in 2019. The agency will finalize a rulemaking plan after the research is completed.

g. Section 24322 of the FAST Act required a rule directing manufacturers to include stickers with crash avoidance information in their vehicles. That rule was due in 2016.

RESPONSE: Before NHTSA can initiate rulemaking to change the Monroney labels (vehicle window stickers), NHTSA sought public comment on what and which crash avoidance information would be appropriate for the New Car Assessment Program (NCAP) and to include on the Monroney labels. In 2015, NHTSA initiated activities to address the provision in Section 24322 of the FAST Act requiring the Agency to add crash avoidance information on the Monroney labels. NHTSA announced plans through a Federal Register Notice to update NCAP. One of the key components of that plan was the inclusion of crash avoidance technologies as part of the proposed ratings system for NCAP. The many public comments received in response to the 2015 notice demonstrated a need for improved dialogue regarding the types of information that would be most helpful to consumers and the types of tests and ratings systems that would best suited to achieve program goals. In addition, in this era of unprecedented technological change in vehicle safety in recent years, NHTSA is evaluating how to maintain a program that not only provides meaningful information to consumers, but also encourages vehicle manufacturers to continually prioritize safety innovations. In 2018, NHTSA plans to engage stakeholders on its next actions for NCAP. NHTSA is considering how best to revise the Monroney

label to include information about those crash avoidance technologies that have the potential to reduce crashes and injuries, while also serving as the foundational technologies of automated vehicles. The timing and plans for a NPRM and final rule to add crash avoidance information on Monroney labels will be determined following the agency's public process for developing an update to NCAP.

h. Section 24403 of the FAST Act required a rule directing manufacturers to retain vehicle safety records. That rule was due over a year ago.

RESPONSE: NHTSA initiated a rulemaking in October 2016 to address the provision in Section 24403 of the FAST Act to amend the requirement for retention of manufacturing records from 5 years to not less than 10 years. The agency is currently drafting the NPRM and estimates publication in 2018. The timing and content of a final rule will be determined following the public comment process of the NPRM.

i. NHTSA issued a notice of proposed rulemaking for vehicle-to-vehicle communications in January of last year, with comments due in April of last year.

RESPONSE: NHTSA initiated a rulemaking in July 2014 for vehicle-to-vehicle (V2V) communications, which uses on-board dedicated short-range radio communication devices to broadcast messages about a vehicle's speed, heading, brake status, and other information to other vehicles and receive the same information. An ANPRM was issued by the agency on August 20, 2014, and was followed with the publication of an NPRM on January 12, 2017. The next action is undetermined as the agency is currently evaluating comments to determine next steps.

j. Six years ago, Congress charged the National 9-1-1 Office with issuing $1 15 million in grants to help deploy Next Generation 9-1-1. Unfortunately, the 9-1-1 Office has yet to even finalize its grant making rules. In addition to providing the rulemaking details, when can we expect that it will award the grants?

RESPONSE: The 9-1-1 Office anticipates making grant awards before the end of calendar year 2018. These funds will assist States, Territories and Tribes in upgrading infrastructure, equipment and training for 911 call centers.

While the Middle Class Tax Relief and Job Creation Act of 2012 authorized the new grants, the Act specified that funds must come from the Federal Communication Commission's Advanced Wireless Services (AWS-3) auction. These funds became available to NHTSA and the National Telecommunications and Information Administration in September of 2016, allowing the agencies to begin the statutorily required joint rulemaking. The agencies published the notice of proposed rulemaking on September 21, 2017 (https://www.federalregister.gov/documents/2017/09/21/2017-19944/911-grant-program). The final grant regulation addressing public comments is currently under review at the Office of Management and Budget.

4. Under the FAST Act, manufacturers were required to include in their Part 573 defect information reports part names, descriptions, and part numbers for all components involved in the defect or noncompliance being reported. It appears that some manufacturers are not complying with that mandate.

   a. A number of these reports failed to include part numbers in their 573 reports, but were accepted by NHTSA. What are you doing to remedy those incomplete reports?

      RESPONSE: NHTSA appreciates the FAST Act's language to make recall notices more informative and transparent. In recent years, the number of recalls for vehicle and equipment defects has approached or exceeded 1,000 annually representing tens of millions of items. Manufacturers are required by statute to report all information on the forms. However, not all items of information are required at initial report and information often changes after a manufacturer submits its first notice to NHTSA. While NHTSA is diligent in following up with manufacturers who have not submitted all required information, the agency is creating and implementing new processes and procedures, in addition to updating its data systems, to facilitate these follow-up actions.

   b. When will NHTSA go through its process, including any notice and comment, to adjust the required form to better accommodate input of specific fields of entry of part numbers and other parts identification information? On what date will NHTSA issue this final rule or form so that more specific part information is included in 573 reports?

      RESPONSE: While NHTSA plans to update its regulations to reflect this provision of the FAST Act, manufacturers are already required to provide this information and have been since section 24116 came into effect. In other words, manufacturers are required to provide component name, description, and part number information in the Part 573 recall reports they file with NHTSA. In early 2017, NHTSA provided guidance to manufacturers on how to submit this information on Part 573 recall reports. As a result, manufacturers are not only aware of the requirement, they also know how NHTSA expects this information to be shared.

      The schedule for completing this rulemaking has not been determined at this time. Although rulemaking has not yet been initiated, NHTSA has been in communications with manufacturers on this requirement. NHTSA has provided guidance to manufacturers that they are required to provide this information on Part 573 recall reports and has explained where on the Part 573 report it should be documented.

5. So far, only Waymo and GM have submitted voluntary safety assessment letters encouraged by NHTSA's Federal Automated Vehicle Policy. I have heard complaints that these submissions are inadequate and that companies are not sharing enough information about the safety of their vehicles with NHTSA or with the public. NHTSA has made it abundantly clear that these assessment letters are voluntary. These assessments may have

little value if they are simply general descriptions of a company's systems and activities. For those companies that do submit safety assessments, is NHTSA requesting additional detailed information to help the agency monitor self-driving cars? If so what information are you requesting?

RESPONSE: NHTSA is aware that several companies are still developing self-assessments. NHTSA is also in routine contact with a number of the companies testing Automated Driving Systems on public roads to understand and discuss their safety methods and approaches to these evolving systems. NHTSA has not established a safety need to request specific information from these entities at this time.

6. In 2015, NHTSA announced plans to update NCAP with valuable new information on vehicles' crash avoidance technologies and their safety in crashes involving pedestrians. But these plans have been stalled for more than two years. On what date will NHTSA issue final revisions to NCAP so that consumers have up-to-date safety information when shopping for cars?

   RESPONSE: In 2015, NHTSA announced plans to update the New Car Assessment Program (NCAP). The many public comments received in response to the 2015 notice demonstrated a need for improved dialogue regarding the types of information that would be most helpful to consumers and the types of tests and rating systems that would be best suited to achieve program goals. The Agency has been diligently conducting research in order to best address the comments and better inform the public about the underlying improvements to the program. Furthermore, in this era of unprecedented technological change in vehicle safety, NHTSA is evaluating how to maintain a program that not only provides meaningful information to consumers, but also encourages vehicle manufacturers to continually prioritize safety innovations. In 2018, NHTSA plans to engage stakeholders on its next actions for NCAP. The Agency is considering how best to revise the Monroney label to include information about those crash avoidance technologies that have the potential to reduce crashes and injuries, while also serving as the foundational technologies of automated vehicles.

7. On January 8, 2018, DOT announced two pilot programs to integrate new sources of big data into the agency's analysis of car crashes, with the goal of providing better insights to improve highway safety. One program would incorporate highway speed data from GPS-enabled devices, and the other would integrate traffic crash data from the crowd-sourced mobile app Waze. I certainly support efforts to decrease traffic fatalities, but I do have questions about what personal data might be contained in these datasets.

   a. What steps are you taking to ensure that the use of these datasets won't infringe on the privacy rights of individual drivers?

      RESPONSE: Thank you for your support of our efforts to decrease traffic fatalities. We share your interest in protecting privacy. To that end, both pilot projects are using de-identified datasets under existing use and privacy agreements between the Department and the data providers.

The National Performance Measurement Research Data Set (NPMRDS) includes speeds on the National Highway System and supports the performance measures mandated in MAP-21. It is being examined for any insights it may provide on speed and rural crashes. The data delivered to the Federal Highway Administration (FHWA) does not include any personal information, only average travel times reported every 5 minutes on the National Highway System through the data provider Inrix. There is no personal information or specific vehicle or probe information in the data set procured by FHWA.

In a separate project, Waze incident data is being analyzed for its relationship to State crash data. The Department is using this data under the Waze Connected Citizens Program (CCP) abides by the Waze Privacy Policy (https://www.waze.com/legal/privacy). Waze shares publicly available road closure and incident information submitted via the app by Waze users. Waze does not share individual driving history, nor does Waze share non-public user information. The data Waze shares is not linkable to identifiable information. Under the terms and conditions of the Waze CCP, the Department restricts access to data to only those personnel who are authorized to access it and the Department takes steps to ensure that users are bound by the terms and conditions of the Waze CCP (see: https://sites.google.com/site/wazeccpattributionguidelines/membership-criteria). The Department does not permit Waze data to be copied or shared with users that are not authorized to access it.

b. Have you consulted privacy advocates and the Federal Trade Commission for guidance on this matter? If so, when and how are you taking their input into consideration?

RESPONSE: Both projects are internal pilots, and in this preliminary stage we have been in contact with DOT internal privacy officers.

8. In September, the National Transportation Safety Board released its findings related to a fatal 2016 crash of a Tesla Model S in Florida. In addition to driver errors, the NTSB determined that the vehicle allowed the driver to disengage from driving for long periods of time. In its report on the 2016 Florida crash, the NTSB made several recommendations to DOT and NHTSA.

a. The NTSB recommended that NHTSA "[d]evelop a method to verify that manufacturers of vehicles equipped with Level 2 vehicle automation systems incorporate system safeguards that limit the use of automated vehicle control systems to those conditions for which they were designed." How and when will NHTSA address this recommendation?

RESPONSE: Manufactures continue to innovate and deploy various approaches that limit the use of Level 2 systems to those conditions for which they were designed. NHTSA recently completed research associated with drivers and their interactions

with these types of systems and expects to release a report on its findings in the coming months. Because the technology is still evolving, NHTSA has not identified a regulatory need at this time but we are actively conducting research in this area. The recently completed research could further inform vehicle designers on some of the potential safety issues that NTSB noted in their examination of the issue.

b. The NTSB also recommended that DOT "[d]efine the data parameters needed to understand the automated vehicle control systems involved in a crash" including "the vehicle's control status and the frequency and duration of control actions to adequately characterize driver and vehicle performance before and during a crash." The NTSB urged NHTSA to use these parameters "as a benchmark for new vehicles equipped with automated vehicle control systems" so that they capture important data and ensure it is readily available to NTSB investigators and NHTSA, at a minimum. What is NHTSA's plan and timeline for implementation of this recommendation?

RESPONSE: NHTSA has urged SAE International (SAE) to prioritize developing the parameters that may be necessary to reconstruct a crash involving a vehicle equipped with an Automated Driving System. SAE has an active working group on data loggers for automated driving, and NHTSA is engaged as a liaison to the SAE committee on this activity.

c. The NTSB also recommended NHTSA to "define a standard format for reporting automated vehicle control systems data, and require manufacturers of vehicles equipped with automated vehicle control systems to report incidents, crashes, and vehicle miles operated with such systems enabled." What is NTHSA's plan and timeline for implementation of this recommendation?

RESPONSE: At NHTSA's request, SAE International (SAE) has agreed to take the lead in developing an industry best practice for data that would be necessary to reconstruct crashes involving Automated Driving Systems. Towards this end, SAE established a committee and the work is well underway. NHTSA recently urged this committee to accelerate its work. NHTSA is also serving as a liaison to the SAE committee on this activity.

9. In December, your Office of Defects Investigation opened a new case to look into the extraordinarily high failure rate for a Goodyear tire that has been used on motorhomes since 1996. The "G159" tire can overheat at highway speeds, causing tread separation and blowout. The tire has reportedly failed on as many as 1 in 10 motorhomes, resulting in 98 injuries and deaths over the past two decades. And yet NHTSA seems to have been unaware of the problem until very recently.

a. Goodyear reported only one death and 13 injuries to NHTSA. Is NHTSA investigating whether Goodyear improperly concealed any critical safety data from the agency? If Goodyear did fail to report required tire failure incidents, what sanctions can and will NHTSA impose on the company?

RESPONSE: Our concerns about the data Goodyear submitted to NHTSA is one of the reasons why we opened our investigation. Goodyear was required to report some of the death and injury incidents under the TREAD Act early warning regulations. The agency also sent Goodyear an information request seeking data during an investigation into Toyo tires failing on Country Coach motorhomes. If our investigation reveals Goodyear failed to report information required by law, NHTSA may demand that Goodyear pay a civil penalty of $21,000 per violation up to a maximum of $105,000,000 for a related series of violations.

b. The ODI Resume indicates that information about the Goodyear G 159 tire failure had been "sealed under protective order and confidential agreements, precluding claimants from submitting it to NHTSA." NHTSA received that information only when a private attorney obtained a court order authorizing release. Even if the claimants in lawsuits against Goodyear were prohibited from reporting the tire failure information to NHTSA, wasn't Goodyear required to do report such information to NHTSA?

RESPONSE: Yes, these are the type of incidents that are required for reporting to NHTSA. One issue present in the case of the G159, however, is that many death and injury claims accrued well before implementation of the TREAD Act early warning requirements. Production of the Goodyear G159 tire at issue began in 1996 and continued through 2003. Goodyear's obligation to report death and injury claims related to the G159 tire under the "Early Warning" requirements of 49 CFR Part 579 began in the second quarter of 2003 and only covered a small portion of the G159 claims. Of course, from the time the first tire was introduced into interstate commerce to the present, Goodyear remained under a continuing obligation to report the existence of a safety-related defect in its product to NHTSA.

c. The ODI Resume also states that "many of the incidents were not required to be reported under 49 CFR Part 579." Identify each specific provision of that regulation that NHTSA believes exempted Goodyear from reporting any G 159 failure incident and explain why each provision applies. Do you support amending the regulation to close these loopholes in the reporting requirements and, if not, why not?

RESPONSE: At present, NHTSA does not see any loopholes in reporting requirements. Rather, the reason some incidents were not required to be reported under part 579 is because they preceded the part 579 reporting requirements. The Goodyear G159 tire at issue was produced from 1996 through 2003. The final rule establishing the Part 579 "Early Warning" requirements was issued in July 2002. Section 579.26 of Part 579 requires tire manufacturers to report death or personal injury claims in a tire manufactured during the same year the report is due and the four prior production years.

The first reports under the regulation were due in the second quarter of 2003. Tire manufacturers did not have to provide reports on tires manufactured in or before the first quarter of 1999 and are not required to report death or injury claims for tires

more than five years old. NHTSA's current investigation into the G159 tire is examining whether there were any violations of these or other reporting obligations.

d. Court records reveal that Goodyear has been concealing the tire defect from the public for many years. In July 2017, Goodyear submitted a request to NHTSA for confidential treatment of the information turned over pursuant to court order. The public has a strong safety interest in finally being given access to that information. How have you responded to Goodyear's request for confidential treatment? How have you responded to the January 4, 2018, FOIA request that the Center for Auto Safety filed in this matter?

RESPONSE: We agree that the public has a strong interest in having access to safety information. We denied Goodyear's initial request for confidential treatment for the G159 data by a letter dated February 26, 2018. Goodyear filed an administrative appeal of that decision on April 3, 2018 and that appeal is under review. Because the information sought by the Center for Auto Safety is the information at issue in that appeal, the FOIA request will be processed once a final determination is made on the request for confidential treatment.

10. Last year, the House passed H.R. 3388, the SELF-DRIVE Act, which among other things expands the number and types of exemptions available to automakers. Under section 6 of the bill, a feature of a highly automated vehicle (HAV) for which the automaker is seeking an exemption would have to provide a safety level at least equal to the safety level of the standard for which exemption is sought or would have to provide an overall safety level at least equal to the overall safety of nonexempt vehicles.

a. Please detail how NHTSA intends to evaluate the level of safety of a feature of an HAV or of the HAV overall and how NHTSA intends to compare that to the safety level of a current standard or of a nonexempt vehicle.

RESPONSE: The data submitted in association with the exemption request, the specific method or approach NHTSA uses to evaluate the overall safety of the motor vehicle could vary. The agency will seek, evaluate and consider data from test and simulation results and an applicant's approach to system and functional safety, as well as other information that may be relevant.

b. Does NHTSA currently have procedures or protocols for evaluating exemption requests under 49 USC 30113 as it is today? Please provide copies of such procedures or protocols.

RESPONSE: 49 CFR Part 555 contains NHTSA's procedural regulation for exemption petitions. NHTSA evaluates exemption requests based on based on the information submitted by requesters under that regulation. NHTSA is also evaluating its exemption process in light of advanced technologies and plans to issue a NPRM in 2018.

11. Consumers are concerned about privacy and cybersecurity vulnerabilities that will inevitably come with the increased data collection and connectivity of automated driving systems. And many are concerned about NHTSA's preparedness for these issues. While we have heard about some companies' initiatives, please detail what actions NHTSA is taking to be prepared to address these issues. Is NHTSA hiring or planning to hire privacy or cybersecurity experts? If so, when and how many?

    RESPONSE: NHTSA is building its knowledge, internal response mechanisms, and testing capabilities to better evaluate safety issues resulting from cyber incidents. While we are also conducting research in several key areas, we will decide this year on whether to finalize the set of best practices for vehicles. NHTSA has no immediate plans to increase its number of cyber experts.

    NHTSA has engaged in an active dialogue with the Federal Trade Commission (FTC), manufacturers, privacy advocates, and other stakeholders about the scope and mitigation of potential data privacy impacts on consumers that could stem from Automated Driving Systems. A recent highlight of this ongoing dialogue was NHTSA's sponsorship with the FTC of the June 2017 workshop examining consumer privacy and security issues posed by automated and connected motor vehicles. Because of its relationship with the FTC, NHTSA does not have current plans to hire additional privacy experts.

12. The Department of Transportation under the Obama Administration established a federal advisory committee called the Advisory Committee on Automation in Transportation (ACAT). The advisory committee was intended to assess the Department's current research, policy, and regulatory support to advance the safe and effective use of autonomous vehicles. It appears that first and only meeting of the ACAT occurred on January 16, 2017. Has there been any other action taken by the ACAT since that meeting on January 16, 2017? Please explain NHTSA's involvement with the ACAT? Please detail the current status of the advisory committee and any other advisory committees involved in the issue of automated technologies. When have they met, when will they be meeting in the next year, and what are their agendas?

    RESPONSE: This committee has not met since January 16, 2017. No meetings are currently scheduled. The DOT is currently assessing the charters of this and several other discretionary advisory committees, and if or how they could be best restructured.

13. Last December, NHTSA indicated that it would address industry's petition for changes in how credits toward Corporate Average Fuel Economy standards are earned, banked, and transferred as part of the proposed rulemaking to finalize the 2022-2025 CAFE standards.

    a. Please describe what, if any, changes to CAFE credits are included within the current draft of the notice of proposed rulemaking scheduled for release on March 30, 2018.

        RESPONSE: NHTSA is working to complete and issue a NPRM on Corporate Average Fuel Economy standards and all supporting documentation, including information on the credits soon.

b. We have heard that NHTSA may not meet its timeline of March 30, 2018, for the release of the proposed rulemaking and that it has yet to be sent to the Office of Management and Budget for review. What date will the proposed rule go to OMB and what date will the proposed rule be released to the pubic?

RESPONSE: NHTSA is working to complete and issue a NPRM on Corporate Average Fuel Economy standards and all supporting documentation, including information on the credits soon.

c. We have heard that NHTSA is changing, revising or amending the model it is using to draft the proposed rule. Please share that new or revised model. Will you commit to ensuring the new or revised model is made public prior to the release of the proposed rule to the public? When can we expect the new or revised model to be made public?

RESPONSE: NHTSA is working to complete and issue a NPRM on Corporate Average Fuel Economy standards and all supporting documentation, including information on the credits soon.

14. The penalty for noncompliance with CAFE standards has not changed since 1975, when it was set at $5.50 per one/tenth mile per gallon for each vehicle sold. NHTSA had announced an increase to $14 effective in 2019, but last July the agency put that increase on hold. A simple adjustment for inflation since 1975 would put that penalty at $25. On what date will NHTSA issue a final rule on the adjusted penalty, and what will be the effective date? Will NHTSA commit to a penalty of at least $14 and, if not, what is the basis for a lower penalty?

RESPONSE: NHTSA will issue a final rule regarding the CAFE penalty rate following its review of comments on its proposal to retain the $5.50 rate. NHTSA's notice of proposed rulemaking (NPRM) proposing to retain the $5.50 CAFE civil penalty rate is available here: https://www.regulations.gov/contentStreamer?documentId=NHTSA-2018-0017-0001&contentType=pdf. The comment period closed on May 2, 2018.

NHTSA has not yet finalized a decision regarding the penalty rate. The civil penalty for CAFE noncompliance was originally set by statute in 1975, and since 1997, has included a rate of $5.50 per each tenth of a mile per gallon that a manufacturer's fleet average CAFE level falls short of its compliance obligation. As described in the NPRM, NHTSA proposed retaining the $5.50 CAFE civil penalty rate. The agency proposed a finding that increasing the rate will result in negative economic impact.

15. DOT had been issuing monthly report on significant rules. See https://cms.dot.gov/regulations/significant-rulemaking-report-archive. In 2017, those reports were not issued monthly. Can you commit that any major rulemakings out of NHTSA will be reported on a monthly basis?

RESPONSE: NHTSA works closely with the Department of Transportation's Office of the Secretary to update the DOT monthly internet report. NHTSA is committed with DOT to the transparency, accuracy and timeliness of its information, including the regulatory portfolio.

The Honorable Debbie Dingell

1. The delays in responding and in providing certainty in the regulatory landscape have significant real-world costs to industry, and ultimately to consumers.

   It is my understanding that NHTSA receives more than 75,000 consumer complaints each year, and that NHTSA publishes the complaints that arrive in the form of Vehicle Owner Questionnaires (VOQs) on its website with partial Vehicle Identification Numbers (VIN) to protect the privacy of the consumer who complained. However, I understand that NHTSA policy for many years has been to share the full VIN with the manufacturer of that customer's vehicle only after NHTSA opens a defect investigation into the issue that is the subject of the complaint. The manufacturers have said that the VOQ data is significantly less valuable to them without the full VIN, and that they could conduct more robust analyses of the VOQ data earlier if they could have access to the full VIN of the VOQs that involve their own vehicles as soon as those VOQs are made available. This would aid manufacturers in identifying potential safety defects earlier, which in turn would aid NHTSA's mission.

   Your budget request states that a goal for FY 2018 is to "enable the Office of Defects Investigation to improve its effectiveness and meet growing challenges to identify safety defects quickly, ensure remedies are implemented promptly, and effectively inform the public of critical information." (NHTSA FY 2018 Budget Request at page 29). In light of this goal, why isn't NHTSA moving forward to make the full VINs available from VOQs to the relevant manufacturers to enable them to help you identify safety defects quickly? What other considerations has NHTSA taken into account on this issue?

   RESPONSE: Vehicle owner questionnaires (VOQs) contain personal information about the submitter that is protected under the Privacy Act. Because the full vehicle identification numbers (VINs) is linkable to an individual, NHTSA is under an obligation to apply Privacy Act protections in disseminating VOQs. NHTSA is currently evaluating whether sharing a consumer's full VIN with a manufacturer prior to the opening of a defect investigation is consistent with Federal privacy principles.

The Honorable Doris Matsui

1. Ms. King, you stated that you were unsure whether an auto manufacturer could meet its CAFE fleet-wide target if it sold solely SUVs, despite the fact that you confirmed these targets take into account vehicle footprint. In fact, NHTSA's CAFE rule says that

"[m]anufacturers are not compelled to build vehicles of any particular size or type (nor do the rules create an incentive to do so)."

My staff had a follow-up conversation with your agency during which NHTSA staff indicated that the situation I described is in fact possible because automakers that build vehicles with larger footprints - like SUVS - have proportionately higher CAFE fleet-wide targets. Do you agree with this characterization from your staff? Given that the mix of trucks, SUVs, and smaller cars actually sold is already factored into the fleet-wide target, adjustment to the standards for sales trends is not necessary, correct?

RESPONSE: The standards inherently adjust to changes in sales trends. Establishing footprint-based average standards for each manufacturer's fleet of vehicles result in each manufacturer's getting an individualized compliance obligation based on the size of the footprints of its vehicles and on the distribution of its vehicles among those footprints. If the manufacturer's fleet has a relatively large percentage of larger footprint vehicles, the manufacturer has a lower miles per gallon (mpg) compliance obligation; conversely, if the manufacturer's fleet has a relatively large number of smaller footprint vehicles, its fleet will have a higher mpg obligation. If, during the model year, sales move toward larger or smaller vehicles, the compliance obligations of each manufacturer will shift in response. Thus, the question of whether a manufacturer can *meet* its compliance obligation has more to do with the fuel economy performance of those vehicles relative to their footprint mpg "target." The issue is really whether consumers have been choosing to buy vehicles that fall "below" their target more often than not. When gas prices are low, this is more likely. If most of the vehicles a manufacturer sells fall short of their targets, especially if that trend is unexpected, the manufacturer will have trouble meeting their compliance obligation. This is part of why we are considering all of these issues afresh in developing the current proposal.

2. I'm a strong supporter of innovative transportation solutions. But I'm concerned that some people conflate autonomous vehicle and connected vehicle technologies. Does NHTSA believe that the deployment of AVs is dependent on the development of vehicle-to-vehicle technology? Do you believe we should be leveraging self-driving technology as soon as it can be deployed safely at a commercial scale in order to improve overall vehicle safety?

RESPONSE: Automated Driving Systems include a variety of sensors, such as cameras and radars, but may not include connected vehicle technologies. NHTSA believes that currently available driver assist systems, such automatic emergency braking, and Automated Driving Systems, when they become available to the public, hold great promise to improve safety on our roadways. We do recognize that vehicle connectivity may be useful in the future to fully realize the anticipated safety and efficiency benefits of the transportation system. DOT fully supports the use of the currently dedicated spectrum for lifesaving technologies in the transportation sector.