January 28, 2022

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Dominic Mancini
Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Executive Office of the President
Washington, D.C.

RE: Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Incident Reporting for Automated Driving Systems (ADS) and Level 2 Advanced Driver Assistance Systems (ADAS); OMB Control No. 2127-0754; [86 FR 74217]

Dear Acting Administrator Mancini,

The Alliance for Automotive Innovation ("Auto Innovators") appreciates this opportunity to comment on the information collection requirements imposed by the National Highway Traffic Safety Administration's ("NHTSA") Standing General Order ("SGO") for incident reporting of Level 2 ADAS and ADS involved crashes. Auto Innovators is the singular, authoritative, and respected voice of the automotive industry, representing motor vehicle manufacturers responsible for nearly 99 percent of cars and light trucks sold in the U.S., original equipment suppliers, technology companies, and others within the automotive ecosystem. In this capacity, Auto Innovators is uniquely suited to provide comment to the present information collection activity as approximately one third of the named reporting entities within the SGO are members; therefore, we have a vested interest in seeking to reduce the burdens imposed by this Order.

Burdens Associated with 1- and 10-day Reporting Obligations

By way of background, Auto Innovators provided comment to the 60-day notice in the Federal Register responding to NHTSA's burden estimates[1], which were found to be almost universally underestimated, along with multiple areas of burden incurred by reporting entities without sufficient consideration by NHTSA or, in some cases, without any consideration at all. Specifically, Auto Innovators members estimated, on average, a four-fold increase in the one-day reporting burden, a twenty-fold increase in the ten-day reporting burden, and a ten-fold increase in the monthly reporting burden from NHTSA's original estimates. Similarly, Auto Innovators estimated the cost of labor to be significantly higher than NHTSA's estimates, and noted an undue burden placed on suppliers. In general, Auto Innovators also questioned the utility of many of the areas of burden in assisting NHTSA in accomplishing its stated purpose of the SGO. NHTSA responded to some of these comments. We thank NHTSA

[1] Docket No. NHTSA-2021-0070-0010, https://downloads.regulations.gov/NHTSA-2021-0070-0010/attachment_1.pdf

for its relief of reporting crashes involving airbag deployments or vehicle tow-aways by moving to a single 5-calendar-day reporting period for those two categories. Auto Innovators maintains, however, that the remaining requirement for 1-calendar-day and 10-calendar-day reporting of crashes involving fatalities, certain injuries, and impacts with vulnerable road users (VRU) remains overly burdensome and is unnecessary to fulfill NHTSA's need for timely reporting. Indeed, Auto Innovators questions whether the agency has demonstrated the "practical utility" of a 1-calendar-day reporting requirement within the meaning of the Paperwork Reduction Act implementing regulations.[2] The Supporting Statement Part A submitted by NHTSA to justify retaining the 1-calendar-day reporting requirement for three crash categories states the following:

> *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.*[3]

But the PRA implementing regulations specify that "practical utility" means "the actual, not merely the theoretical or potential, usefulness of information to or for an agency," including considerations of "the agency's ability to process the information it collects."[4] A justification that says only that there is a "heightened risk" that information "could be lost" is a theoretical or potential utility of the information. The Supporting Statement Part A did not provide any examples of how often the agency has, in fact, deployed its resources to gather additional crash information on a Saturday or Sunday that it could not have obtained on the following Monday. Nor does it describe the type of information that it fears will disappear. For decades, NHTSA has relied on partners, such as state and local police, to conduct initial crash investigations, which NHTSA then builds upon for more in-depth investigations. Any crash involving a hospital treated injury or fatality, and most involving vulnerable road users will be attended by local authorities, whose crash investigation expertise has long been respected by NHTSA.

The real-world effect of NHTSA's retention of the 1-calendar-day is to impose a requirement that entities covered by the SGO must arrange staffing seven days a week, 52 weeks a year, including on major holidays, just in case notice of a reportable event arrives at the company. NHTSA's response to this comment is that the newly revised reporting deadlines will move 92% of the SGO reports to the 5-calendar-day clock, and that only 8% of the reports will be subject to the 1-calendar-day clock. But this misses the point of the burden of having to staff seven days a week just to be sure that those 8% are timely reported. In other words, the burden incurred by reporting entities on non-business days such as weekends and holidays cannot be measured by the number of reportable incidents, but rather should be estimated based on the economic and human costs associated with staffing on those non-business days. This further illustrates the lack of "practical utility" of the 1-day information to be collected.

In the present notice, NHTSA states that one-day reporting is necessary for its Special Crash Investigation (SCI) teams to be deployed to the crash site for analysis. We again question the practical utility of this information with specific regard to what information NHTSA hopes to obtain at a crash site, most likely many hours after any involved vehicles or injured parties have long been transported from the scene. Further, we question what information NHTSA hopes to glean from a crash site within a single calendar day that could not reasonably be obtained after five days, as suggested by Auto Innovators.

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[2] 5 C.F.R. §1320.3(l).
[3] Supporting Statement A, https://www.reginfo.gov/public/do/DownloadDocument?objectID=117499700, 8.
[4] 5 C.F.R. §1320.3(l).

If OMB agrees with NHTSA that a 1-day report is necessary, then the requirement should apply only to *business* days when employees who are expected to receive notices will be available to receive notices. This would alleviate the unnecessary burden of having employees working over weekends and holidays *just in case* a reportable notice arrives. NHTSA made no effort to account for the additional costs for overtime or holiday pay that are imposed by a 1-calendar-day reporting requirement.

Auto Innovators respectfully submits that NHTSA has not demonstrated the practical utility of a 1-calendar-day clock for these three categories of crashes.

Rulemaking as the Appropriate Path for Establishing Data Collection and Reporting Requirements

In the present notice, although NHTSA has acknowledged most of the Auto Innovators' positions, it has rejected nearly all of our assertions that the associated burdens were either not accounted for or underestimated. In this context, Auto Innovators questions the use of an enforcement Order, initially developed unilaterally by NHTSA in a vacuum, as the appropriate instrument to require the on-going reporting of information from the field in nearly real time. Normally, agencies (including NHTSA) impose on-going reporting requirements through regulations that are developed thoughtfully through a notice-and-comment rulemaking process in which all the stakeholders can be heard before the final decisions are made. This is true, even for information that is intended to support NHTSA's safety defect mission. See, e.g., the Early Warning Reporting rules at 49 C.F.R. Part 579. The evolution of those rules benefitted significantly from the transparent and participatory rulemaking process. Here, however, the SGO was issued with no advance notice or stakeholder input. If it weren't for the PRA 60-day and 30-day notices, Auto Innovators members would have had no input at all and there would have been no meaningful process for seeking reasonable changes to the requirements.

Yesterday, the Department of Transportation issued the *National Roadway Safety Strategy*, a plan to reduce serious injuries and deaths on streets and highways.[5] In the document, the Department commits that NHTSA will conduct rulemaking to "require manufacturers to provide notification when there is a crash involving ADS and create a public database of information that can inform safer passenger vehicles."[6] The pledge is that the rulemaking will be completed by 2024. This commitment is consistent with Auto Innovators' view that any such reporting requirement should be developed through rulemaking, and not through the use of a Standing General Order. Moreover, as discussed in more detail below, this new information is inconsistent with NHTSA's request for a three-year approval for the SGO, because it plans to have a rule in place within two years from now thus obviating the need for an approval of this duration.

Lack of Clarity of Some Foundational SGO Requirements

Given NHTSA's invocation of its enforcement authority to issue the SGO, Auto Innovators has sought clear and precise guidance on how a reporting entity may fully comply with the Order to avoid inadvertently incurring potentially substantial civil penalties. Auto Innovators sent a letter within a week of the SGO's issuance, seeking clarity on numerous questions presented by the SGO. NHTSA never responded to the letter. Instead, in NHTSA's response to the public comments received to the 60-day PRA notice (including presumably Auto Innovators' July 2021 letter), the agency states, "the agency will consider any appropriate enforcement discretion warranted by the circumstances" (86 FR 74219). Auto Innovators argues that such a vague statement on enforcement does nothing in the way of assisting reporting entities in understanding their reporting obligations. If OMB determines

[5] USDOT National Roadway Safety Strategy | US Department of Transportation Issued January 27, 2022
[6] Id. at 36.

to approve the requested extension of the PRA approval for the SGO, then the compliance pathways and requirements need to be more clearly defined. The PRA implementing regulations require the agency to certify, among other things, that the SGO "reduces to the extent practical and appropriate the burden on persons who shall provide information to or for the agencies" and "is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond."[7] In its Supporting Statement, NHTSA stated that it was not seeking any exceptions to the certifications required by the §1320.9 of the PRA regulations. OMB should require NHTSA to address the ambiguities flagged by Auto Innovators with actual answers and not just with promises of "appropriate enforcement discretion."

What Constitutes "Notice" Under the SGO

Many of the arguments set forth in the Auto Innovators' previous comment were dismissed outright based on evidence gathered within the five-month reporting period between the initial SGO release and the issuance of the present 30-day notice. Auto Innovators relied on hypothetical scenarios to elucidate areas of potential burden that reporting entities might reasonably expect to encounter throughout the course of the term of the SGO. NHTSA misguidedly relied on the evidence obtained in the first five months of the SGO's emergency approval as canon for what should be expected over the entire course of the SGO's remaining three years (if approved). Auto Innovators argues that the internal processes that reporting entities have put into place as a result of the SGO did not exist prior to its issuance. As a result, these internal processes may not have encountered every hypothetical scenario listed in our previous comments. This does not imply, however, that these scenarios will not be encountered throughout the course of the SGO and therefore should be given appropriate consideration. In addition, as noted above, there were a significant number of ambiguities in the SGO itself regarding the reporting requirements. Auto Innovators relied on hypothetical situations to clearly explain these ambiguities and NHTSA's rejection of these hypotheticals without addressing the underlying issues does not provide the clarity needed for reporting entities to fully comply, nor does it comport with the required agency certifications under §1320.9 of the PRA implementing rules.

One such rejected argument presented in our previous comment regarded the definition of what constitutes "notice" under the SGO. Specifically, Auto Innovators questioned the practical utility of having a broad scope of notice, indicating that *any* employee of a manufacturer subject to the SGO could conceivably receive notice that would be imputed to the company. This could include a production line worker or janitor, who has no connection to any form of corporate reporting responsibility, who reads a media report about a crash involving a Level 2 ADAS in a local newspaper. To illustrate the unreasonable breadth of this requirement, Auto Innovators pointed out that such a broad interpretation would require substantial training and resources of everyone in the company to be fully compliant with the SGO. NHTSA's response indicated that it was their full intention to maintain a broad scope of notice without justification of the utility of having any person within a reporting entity's organization, regardless of job function or responsibility, be within the scope of notice. The agency characterized such situations as "theoretical hypotheticals" rather than based on "actual experience," notwithstanding the fact that NHTSA has never issued such a broad Order upon which a reporting entity can base such experience. The fact that it was indicated "the agency will consider any appropriate enforcement discretion warranted by the circumstances" provides little comfort about "theoretical hypotheticals" that actually could occur and which an entity must somehow consider in attempting to comply with the SGO. Despite NHTSA's refusal to clearly state that "theoretical hypotheticals" need not be considered and to put a more reasonable boundary on the scope of reportable notices, NHTSA did not make any changes to its burden estimates associated with training. As noted above, if every

[7] 5 C.F.R. §1320.9(c) and (d).

employee is within the scope of notice, then every employee must be appropriately trained in order for the reporting entity to maintain full compliance.

There is no practical utility to require such a broad scope of what constitutes a reportable "notice," as NHTSA has failed to identify what information it hopes to learn from a media report read by an employee wholly unrelated to the handling of safety or incident reporting information (e.g., a production line employee or janitor) that wouldn't otherwise be available to the agency.[8] Recognizing the need to respect ordinary business processes for receiving and processing complaints and other information coming in from the field, NHTSA defined "*consumer complaint"* in the Early Warning Reporting (EWR) requirements of 49 CFR Part 579 by reference to the entity within the company that receives consumer complaints.[9] In other words, complaints received by employees not responsible for receiving, logging and processing consumer complaints are not reportable under the rules. If such a distinction was appropriate for EWR, NHTSA should explain why a different approach is needed for the purposes of this SGO.

Burden Variances Year-Over-Year

Another shortcoming in NHTSA's 30-day notice is the agency's estimate of the training burden, as noted above. NHTSA states that, "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" (86 FR 74229). First, it is inappropriate for NHTSA to ignore the training burdens that companies needed to incur to support compliance with this order when it operated under emergency PRA authorization. No public comments were sought to support NHTSA's assertions when seeking the emergency authorization. Without considering these burdens at this stage undercounts the overall costs associated with NHTSA's decision to implement this policy through this mechanism. Second, this argument ignores the realities of a reporting entity's business needs, including the need to train new employees who have been hired subsequent to the SGO, to train existing employees who have changed roles within their organizations, to conduct refresher trainings to maintain a strong compliance culture, and to train all employees on new vehicle models and/or technologies that would bring in new reporting responsibilities that did not previously exist. The training burden is greatly underestimated when one takes into account the overly broad or vague terms in the SGO which may lead to the need to train every employee within an organization (some of which have hundreds of thousands of employees, globally).

In a similar vein, the burden incurred by reporting entities as a function of time has been largely ignored by NHTSA. NHTSA has relied on the number of incident reports received in the first five months of the emergency SGO, when the number of incidents on average is expected to be the lowest, to develop their estimates. But, by NHTSA's own assessment, the number of vehicles equipped with Level 2 ADAS and/or ADS is expected to grow over the course of the SGO. NHTSA states:

> *Crashes involving vehicles equipped with these technologies have 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.*
> 86 FR 74218.

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[8] NHTSA's Office of Defects Investigation monitors media sources, so it is not likely that there is practical utility for a production line worker or a janitor to also be trained to report on such matters. See footnote 12, *infra*.

[9] 49 C.F.R. §579.4 (definition of "consumer complaint")

Logically, an increase in the number of relevant crashes under the SGO would imply a corresponding increase in the associated reporting burden; however, NHTSA has relied on only the first five months of reporting to estimate the burden expected over the entirety of the SGO. Auto Innovators recommended in its comments to the 60-day notice that NHTSA separate the estimated burdens out by year in order to capture this increase over time. This recommendation was ignored.

To reiterate and expand on the time-growth of the SGO burdens, NHTSA should project their estimated growth rates of Level 2 ADAS and ADS over the next three years and adjust their burden estimates over time accordingly. NHTSA should also account for the fact that Level 2 ADAS is expected to grow over the next three years to catch up on production delayed by the global COVID pandemic and microchip shortage. Level 2 ADAS is also expected to make substantive leaps in production as a response to indicated NHTSA actions, such as updates to the New Car Assessment Program (NCAP)[10] and rulemaking to require Automatic Emergency Braking (AEB) and Pedestrian-AEB.[11] Instead of projecting the expected growth of Level 2 ADAS or ADS, Auto Innovators argues that even the revised estimates presented in the 30-day notice still do not accurately reflect the true burden manufacturers expect to incur in compliance over the next three years.

Burdens Associated with Request Nos. 3 & 4

With regard to the burden associated with Requests 3 and 4 of the SGO (i.e., monthly reporting and reports of no new information), NHTSA failed to accurately capture the burden of actions expected of manufacturers, even by NHTSA's own assessment. Auto Innovators commented to the 60-day notice that burden is incurred by manufacturers in reviewing crash information, including for those crashes that do not meet the reporting threshold and are not submitted in an incident report. NHTSA has added a category of *additional screening* to capture this burden; however, the agency also notes that, "[t]his time does not account for screening of incidents that reporting entities conducted as part of its standard business practices prior to the General Order" (86 FR 74229). But "standard business practices" prior to the SGO did not involve on-call staffing 7 days a week or setting up systems to ensure that employees otherwise uninvolved in the safety screening process are trained in how to forward potentially reportable notices for screening by those whose job it is to do so, all within 1-calendar-day.

For reporting under Request No. 4, NHTSA states in the present notice, "If the reporting entity has determined that it need not submit a report under Request No. 2 or Request No. 3, then the reporting entity need only fill in the month and the year for which the report is submitted under Request No. 4, which the agency estimates should not take more than 15 minutes per month. The agency therefore declines to amend the reporting requirements set forth in Request No. 4" (86 FR 74222). Auto Innovators noted in its comment to the 60-day notice that, according to the language of the SGO, each previously reported incident must be reviewed for any material new or materially different information. The result of this burden was estimated by Auto Innovators to be approximately 20 person-hours per respondent. Auto Innovators assert that there is a distinct difference between the additional screening time associated with the review of *new* crash information that results in a determination not to file an incident report (i.e., under Requests No. 1 & 2) and the review of previously submitted incident

[10] Dr. Steven Cliff noted in his confirmation hearing to the Senate Committee on Commerce, Science, and Transportation on December 16, 2021, that he expects NHTSA to issue an update to NCAP in early 2022. Indeed, we note that the *New Car Assessment Program (NCAP) Request for Comment* has been posted to OMB's site as "Pending Review" as of January 21, 2022: https://www.reginfo.gov/public/do/eoDetails?rrid=220416.

[11] The Fall 2021 Regulatory Agenda lists a proposed rule titled, "Light Vehicle Automatic Emergency Braking (AEB) with Pedestrian AEB" expected to be published in April 2022. https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202110&RIN=2127-AM37

reports for materially new information (i.e., under Requests No. 3 & 4). The latter represents a significant source of burden not included by NHTSA, which needs to be accounted for, even if not under Request No. 4.

NHTSA has also asserted in its 30-day notice that reports of a lack of information under Request No. 4 are necessary to ensure compliance with the other three requests of the SGO. Specifically, the agency notes, "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 Request Nos. 1, 2, and 3 under the General Order" (86 FR 74228). In other contexts, requiring reporting (e.g., reporting of safety defects and noncompliances under Part 573 of NHTSA's regulations), "null" reports are not considered essential for enforcement. The enforcement of compliance with the SGO through requiring a report denoting no new information is not only unnecessary due to NHTSA's ability to already enforce Request Nos. 1, 2, and 3 outright, but also creates burden on reporting entities that—by definition— provides no useful information to the agency. This seems to be the exact type of paperwork that the Paperwork Reduction Act was designed to prevent. Auto Innovators recommends again that the reporting requirements under Request No. 4 be altogether eliminated.

Related to NHTSA's SGO requests involving monthly updates, the agency has not explained the practical utility behind requiring reporting entities to indefinitely check for updates to all previously reported incidents. In response to our recommendation to allow entities to mark incident reports as "final," NHTSA rejected the Auto Innovators' assertion that there would be any need for a review of previously submitted reports. Instead, NHTSA assumed that any new information pertaining to a previously submitted report would be affirmatively sent to the reporting entity and would require no additional review. This thinking is inconsistent with the nature of the SGO and its associated civil penalties for noncompliance. Auto Innovators recommends that a provision should allow reporting entities to mark a single report as "final." As stated above, this request by NHTSA for reporting entities to confirm that there is *no* new information each month seems to be precisely the type of paperwork burden that the Paperwork Reduction Act was intended to reduce. At a minimum, NHTSA should be required to account for the increasing burden of confirming *no* new information for all cumulative cases each month, which is expected to grow month over month.

Burdens Associated with the Submission of Confidential Information

Another critical source of burden to reporting entities that has been unaddressed by NHTSA is that of the confidential treatment of submissions. The agency's reporting template recognizes three items that it would consider confidential, and there is a process when filing out the template in the reporting portal for indicating whether the reporting entity will so designate those items. In the Auto Innovators comment to the 60-day notice, it was assumed that a majority of reports would be submitted confidentially, at least for these three items of information, and that each report would necessitate its own request for confidential treatment under 49 CFR Part 512. Auto Innovators went on to recommend that the agency establish a class determination for incident reporting under the SGO to alleviate the substantial burden of individual requests.[12] In its response, NHTSA rejected the recommendation of a class determination. However, the agency still failed to acknowledge the burden associated with preparing and submitting separate and repetitive requests for confidential treatment. Auto Innovators

[12] We note that Part 512, itself, requires substantial paperwork in support of each request. Specifically, each submission requires public and confidential copies of the materials, a certificate where an appropriate company officer makes certain representations about the materials under penalty of perjury, and a letter containing the required supporting information to explain the justifications for the confidentiality protection sought. *See* 49 CFR Part 512.4-8.

estimates two hours of burden per response to prepare and submit such a request. Because a separate request is required under Part 512 for each discrete incident report, a separate request must accompany each incident also reported in each monthly report. In other words, a monthly report under Request No. 3 that contains five incident report updates may require five separate requests. NHTSA has estimated a total of 1,260 reports under Request No. 1 alone with an additional 1,371 reports across all monthly reports. Thus, even assuming a low percentage of reports accompanied by a request for confidentiality will result in tremendous burdens to each reporting entity.

Given the vast burden hours that have been disregarded related to seeking confidential treatment, Auto Innovators reiterates its recommendation to NHTSA to adopt a regulation amending its Part 512 rules to incorporate a class determination that protects sensitive crash information submitted under the SGO without the need to make additional specific requests for each incident. Alternatively, NHTSA could consider a "batch" request structure that allows multiple incident reports to have a single request for confidential treatment. These changes have the potential to significantly reduce the overall burden to reporting entities.

Burdens Associated with Duplicative Reporting

Another area in which the Auto Innovators believe there may be additional burden that can be easily addressed is that of duplicative reporting. In its 30-day notice, NHTSA responded to recommendations that the agency eliminate the need for multiple entities reporting on the same crash, particularly if the information being submitted is the same from each entity (or that shares a common source of the original crash information, such as a news article). NHTSA has indicated a preference for having duplicative reports submitted in lieu of having a single reporting entity provide an incident report that may affect multiple reporting entities. The stated justification notes:

> *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.*
> 86 FR 74223.

Auto Innovators maintain that duplicative reporting plainly violates the intent of the Paperwork Reduction Act because NHTSA is imposing unnecessary burden on the industry for no appreciable gain in information across multiple reports and no practical utility for the redundant reports. Given NHTSA's stated need for timeliness, it is improbable that initial incident reports will have much detailed information at the time of submission, therefore it is likely that most reports will contain the same information from the same source and unlikely that additional reports will provide any practical utility to NHTSA beyond what was already captured. Further, under NHTSA's broad definition of "notice" and a conservative reading of the SGO, there is an implication that a reporting entity who reads another reporting entity's previously submitted report on NHTSA's website will then be considered to have been provided notice and must submit their own report using the existing report as a basis for information. This example is the type of overreach that should be curtailed through the elimination of duplicate reporting.

Related to the excessive burden imposed by duplicative reporting and the lack of practical utility associated therewith, Auto Innovators also highlights NHTSA's existing program of robust monitoring of media sources, including news and social media. NHTSA's Office of Defects Investigation has repeatedly touted its web searching

capabilities in isolating crash reports;[13] therefore, Auto Innovators questions the need to impose additional burden on reporting entities to report back to NHTSA information from these sources that the agency likely has already seen and evaluated, perhaps even earlier than the reporting entity.

As a means to address NHTSA's concern that multiple entities may have difficulty coordinating their responses, Auto Innovators suggest that NHTSA should focus the requirements on the reporting entity that last had control/possession of the vehicle. This entity would likely have the best access to the information as it would be the entity that most likely has the closest relationship to the end user/customer involved in the crash and likely has the best understanding of the final status of the ADS/ADAS systems on the vehicle. If this information is insufficient to the agency, NHTSA should explain what practical utility is provided by requiring an additional reporting entity to make 1-day, 5-day, or 10-day reports and why that justifies automatically requiring all the reporting entities to continue submitting reports on the same crashes.

Duration of Approval

NHTSA has requested OMB to approve the information collection requirements of the SGO for three years. However, it is now clear that NHTSA intends to undertake rulemaking to establish reporting requirements that will be redundant of the SGO by 2024. See discussion above about the National Roadway Safety Strategy that was released yesterday by the Department of Transportation. In light of this new information, OMB should not approve this Information Collection Request for the full three years. Rather, it should approve it for no more than two years. If the rulemaking is not completed by February 2024, NHTSA can request an extension and OMB can evaluate the status of this promised rulemaking before deciding whether to extend it again.

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Auto Innovators appreciates the opportunity to provide comment to this notice and should you have any questions, please contact Mike Hernandez of my staff at (202) 326-5561.

Sincerely,

Scott Schmidt
Vice President, Safety Policy
Alliance for Automotive Innovation

CC Steven Cliff
Ann Carlson

[13] For example, see DOT Report HS 812 984 in which NHTSA states, "Although ODI obtains most of its information directly from consumers and manufacturers, valuable information may also be found in other locations and obtained from other sources. For example, local government entities, first responders, and the news media provide important information relating to crashes or other incidents" (Page 6).