



## POLICY & ACTION FROM CONSUMER REPORTS

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Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue S.E.  
West Building Ground Floor, Room W12-140  
Washington, D.C. 20590

Submitted via [www.regulations.gov](http://www.regulations.gov)

**Comments of Consumers Union to the  
National Highway Traffic Safety Administration on the Request for Comment on the  
Traffic Records Program Assessment Advisory  
Docket No. NHTSA-2017-0081**

Consumers Union, the policy and mobilization division of Consumer Reports,<sup>1</sup> welcomes the opportunity to comment on the Traffic Records Program Assessment Advisory (hereinafter “Advisory”) published by the National Highway Traffic Safety Administration (NHTSA). We appreciate NHTSA reviewing the Advisory to help ensure that states have the timely, accurate, complete, and uniform traffic records they need to identify and prioritize traffic safety issues, as well as to choose appropriate safety countermeasures and evaluate their effectiveness.

As it explores how to update the Advisory, we urge NHTSA to include assessment questions about to the following subjects:

- **Driver-Assist Features and Automated Driving Systems:** While fully self-driving cars have enormous potential to reduce crashes due to driver error, there are demonstrated safety hazards associated with the foreseeable misuse of the systems that lead to higher levels of driving automation. The National Transportation Safety Board (NTSB) recently documented some of these hazards in its findings that Tesla’s “Autopilot” driver-assist system played a major role in the May 2016 fatal crash of a Model S in Florida.<sup>2</sup> As vehicles come to be equipped with increasingly prevalent driver-assist features (falling into the Level 1 and Level 2 categories for driving automation established by SAE

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<sup>1</sup> Consumer Reports is an independent, nonprofit organization that works side by side with consumers to create a fairer, safer, and healthier world. As the world’s largest independent product-testing organization, Consumer Reports uses its more than 50 labs, auto test center, and survey research center to rate thousands of products and services annually. Founded in 1936, Consumer Reports has over 7 million subscribers to its magazine, website, and other publications.

<sup>2</sup> NTSB, Abstract: Collision between a Car Operating with Automated Vehicle Control Systems and a Tractor Semitrailer Truck; Williston, FL; May 7, 2016 (Sept. 12, 2017) (online at [www.nts.gov/news/events/Documents/2017-HWY16FH018-BMG-abstract.pdf](http://www.nts.gov/news/events/Documents/2017-HWY16FH018-BMG-abstract.pdf)).

International<sup>3</sup>) and, eventually, automated driving systems (especially those in the SAE Level 3 category that are expected to be for sale soon), one important role of NHTSA is to ensure that these systems are designed and operate in a way that they actually improve safety; another role is to give appropriate guidance to the states about the influence of driving automation on highway safety matters. Accordingly, the Advisory should include assessment questions regarding how states collect records of both advanced driver-assist features and automated driving systems on vehicles involved in crashes. There are several ways this data might be able to help states in their highway safety activities, including by helping them identify road designs or conditions that pose particular issues for driving automation systems or by aiding enforcement efforts related to driver attention or distraction.

- **Flood-Damaged Vehicles:** As of 2014, there were more than 300,000 flood-damaged cars on the market, and Hurricanes Harvey and Irma damaged up to one million additional cars this year alone.<sup>4</sup> Flooding can damage cars in ways that are highly dangerous—and not immediately obvious—such as by shorting computer systems and airbag controls.<sup>5</sup> While the current Advisory includes questions about states’ use of the National Motor Vehicle Title Information System (NMVTIS) and their adherence to the American Association of Motor Vehicle Administrators guidance for issuing vehicle titles, there are no assessment questions that directly address the risk of flood-damaged vehicles. In order to help ensure that state traffic safety data systems account for the hazards associated with flood-damaged cars—and especially given the likelihood that certain states have many more flood-damaged cars than others—the Advisory should include an assessment question regarding how states identify flood-damaged vehicles in the absence of a specific “flood” title, which is not required by all states.<sup>6</sup>

Additionally, we urge NHTSA to start thinking about what questions might be appropriate for a future version of the Advisory. With auto safety technology advancing at a rapid pace, we encourage NHTSA to consider the extent to which states’ traffic safety data systems would be more robust if they accounted for certain future technologies. Among others, a future version of the Advisory could include questions about vehicles considered to have Level 4 and 5 driving automation, cars with vehicle-to-vehicle (V2V) or vehicle-to-infrastructure (V2I) communications capability, and any special capacity or designs of highways intended to accommodate these features. Further, we encourage NHTSA to include questions that more

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<sup>3</sup> SAE International, “U.S. Department of Transportation’s New Policy on Automated Vehicles Adopts SAE International’s Levels of Automation for Defining Driving Automation in On-Road Motor Vehicles” (Sept. 22, 2016) (online at: [www.sae.org/news/3544](http://www.sae.org/news/3544)).

<sup>4</sup> National Salvage Vehicle Reporting Program (NSVRP), “Buyer Beware: Flood-Damaged Vehicles from Colorado Entering the Salvage and Used Car Marketplace” (Apr. 8, 2014) (online at: [nw3c.org/News/article/Fulltext/2014/04/08/buyer-beware-flood-damaged-vehicles-from-colorado-entering-the-salvage-and-used-car-marketplace](http://nw3c.org/News/article/Fulltext/2014/04/08/buyer-beware-flood-damaged-vehicles-from-colorado-entering-the-salvage-and-used-car-marketplace)); Fortune, “Hurricane Irma and Harvey Damaged 1 Million Cars. What Happens Now?” (Sep. 20, 2017) (online at: [fortune.com/2017/09/20/hurricane-irma-harvey-damaged-cars](http://fortune.com/2017/09/20/hurricane-irma-harvey-damaged-cars)).

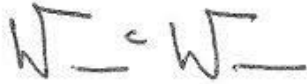
<sup>5</sup> ABC News, “How to avoid buying a hurricane-damaged car” (Sep. 12, 2017) (online at: [abcnews.go.com/US/experts-warn-potential-increase-flood-damaged-cars-hitting/story?id=49782649](http://abcnews.go.com/US/experts-warn-potential-increase-flood-damaged-cars-hitting/story?id=49782649)).

<sup>6</sup> National Motor Vehicle Title Information System, “Information for Consumers” (online at: [www.vehiclehistory.gov/nmvtis\\_consumers.html](http://www.vehiclehistory.gov/nmvtis_consumers.html)).

specifically address the degree to which states do use, or would use, data from today's cars beyond that available through event data recorders (EDRs). This could include information regarding what the driver and vehicle systems were doing in the moments leading up to a crash, which may be stored remotely or locally as part of advanced safety features, infotainment systems, or telematics.

Thank you for your consideration of our comments. Consumers Union stands ready to continue working with NHTSA and the states to improve highway safety for the sake of all consumers on our roads.

Respectfully submitted,

Handwritten signature of William Wallace in black ink, consisting of stylized letters.

William Wallace  
Policy Analyst  
Consumers Union

Handwritten signature of Jack Barnett in black ink, written in a cursive style.

Jack Barnett  
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