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U.S. Department of Transportation
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

Submitted via *regulations.gov*

**Comments of Consumer Reports to the
National Highway Traffic Safety Administration on the
Notice and Request for Comment; Proposal for a New United Nations Global
Technical Regulation on Automated Driving Systems (ADS)
Docket No. NHTSA-2026-0034**

Consumer Reports (CR), the independent, nonprofit, and nonpartisan member organization,¹ welcomes the opportunity to provide comments to the National Highway Traffic Safety Administration (NHTSA) on the proposed United Nations Global Technical Regulation (GTR) on Automated Driving Systems (ADS) and NHTSA's request for input as it evaluates the regulation's technical merit and relevance to future U.S. policy.

Consistent with NHTSA's request for comment, CR's feedback focuses on (1) the technical merit and safety value of the draft GTR's performance and assessment framework, (2) how its provisions could interact with existing U.S. safety standards and authorities, and (3) the data and reporting elements necessary for credible oversight.

Vehicles that perform the entire dynamic driving task (DDT) present a significant shift in roadway responsibility. When the ADS is engaged, the system assumes the role of the driver. Any regulatory framework should therefore evaluate the ADS as a driver and hold it to demonstrable, enforceable standards. The draft GTR establishes that an ADS must achieve a level of safety equivalent to a "competent and careful human driver." If NHTSA were to rely on this benchmark in any future framework, the agency should clarify how equivalence will be measured in practice. A comparison to a hypothetical human driver is foundational as a general concept, but it is by itself insufficient without objective evaluation criteria that allow manufacturers to certify compliance and enable NHTSA to assess compliance if safety questions arise.

¹ Founded in 1936, Consumer Reports (CR) is an independent, nonprofit, and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on the challenges and opportunities for today's consumers, and provides ad-free content and tools to five million members across the United States.

The draft also establishes that an ADS must be “free from unreasonable safety risks.” In the United States, “unreasonable risk” is the statutory standard embedded in the definition of motor vehicle safety under the Motor Vehicle Safety Act and determinations of unreasonable risk primarily arise through the agency’s defect and noncompliance authorities.

The draft regulation appropriately frames performance and system behavior in terms of real-world roadway behavior, including compliance with traffic rules within the operational design domain (ODD), detection and response to relevant objects and events, appropriate reaction to priority vehicles, avoidance of unreasonable disruption to traffic flow, and prevention of collisions. It also considers performance across nominal, critical, and failure situations and safe management of ODD boundaries, including transition to a minimal risk condition (MRC) where necessary.

These are meaningful safety outcomes and consumer expectations reinforce the need for strong standards in how safety outcomes are evaluated. According to a December 2024 Consumer Reports nationally representative survey, two out of three (68%) U.S. adults think vehicle safety standards should be stricter for AVs than those for traditional passenger vehicles, and just 3% think safety standards for AVs should be less strict than for traditional passenger vehicles. About six in ten (59%) strongly support a “vision test” requirement for AVs that would ensure they can detect and respond to other vehicles, people, and objects on the road as well as a human driver would, with an additional 20% responding that they somewhat support this requirement.²

Similarly, the safety management system (SMS) and safety case elements in the draft GTR would aim to ensure that ADS developers make, and can substantiate, an evidence-based argument that the system would meet safety requirements within its defined ODD. The requirement that manufacturers maintain both an SMS and a feature-specific safety case is significant as well. It reflects an understanding that ADS safety cannot rely on a one-time documentation exercise. As software-driven systems evolve through updates, expanded operating domains, and other changes, structured processes must ensure that safety claims remain valid over time. Requiring both organizational safety governance and a documented justification for system performance before deployment helps prevent safety assurances from becoming outdated as systems change.

Regulator-facing mechanisms are also contemplated to check that those claims are supported, including review of the manufacturer’s SMS documentation, evaluation of the safety case, and the possibility of confirmatory testing. The U.S. framework for meeting the standard for safety, however, relies primarily on manufacturer certification, with NHTSA oversight through enforcement and defect investigation once vehicles are already deployed. If NHTSA incorporates a safety case framework, it should consider within that framework mechanisms to ensure independent assessment of safety claims, whether through agency-directed evaluation, a requirement for independent expert verification and validation of the ADS, or another means

² Consumer Reports, nationally representative American Experiences Survey of 2,130 U.S. adults (Dec. 2024) (online at: article.images.consumerreports.org/image/upload/v1736806650/prod/content/dam/surveys/Consumer_Reports_AES_December_2024.pdf).

sufficient to prevent safety cases from functioning as unreviewed self-attestations. Without meaningful independent evaluation, NHTSA would risk a safety case becoming a documentation exercise—where the determination of whether an ADS is safe enough to deploy on public roads rests solely with the manufacturer—instead of a mechanism for accountability.

The draft GTR also appropriately recognizes that oversight cannot end at the time of initial deployment. Its post-deployment safety framework requires timely notification of critical occurrences, short-term reporting for significant and critical events, and periodic reporting of broader trends observed during operation.

In the United States, NHTSA’s Standing General Order 2021-01 (SGO), requiring reporting of certain crashes involving ADS and Level 2 systems, marked an important step toward structured, real-world monitoring of safety. Consumer Reports has supported the SGO as a foundation for greater transparency, while urging NHTSA to ensure that reporting is timely, standardized, and sufficiently detailed to support meaningful accountability. The draft GTR’s post-deployment reporting structure generally reinforces that direction. Consumer expectations are also clear on this. In a January 2026 nationally representative Consumer Reports survey, 89% of Americans said AV companies should be required to report to regulators when their self-driving vehicles are involved in collisions or other incidents that jeopardize safety.³

If NHTSA develops a broader ADS framework informed by the draft GTR, it should build upon and strengthen existing SGO elements. Reporting should not be limited to the occurrence of a crash, but also should provide sufficient operational context to support meaningful safety evaluation. At a minimum, reporting should indicate whether the ADS operated outside its defined ODD, whether a dynamic driving task performance-relevant system failure occurred, whether the system issued a request to intervene or initiated a minimal risk condition, and whether remote assistance or remote operation was used. Reporting should also include meaningful exposure data, such as miles traveled with the ADS engaged. Without denominator data, crash counts alone cannot support an informed evaluation of the safety of the ADS.

Additionally, any federal reporting requirements for ADS should preserve the ability of state and local authorities to collect and access safety-relevant operational data necessary to oversee deployment within their jurisdictions. Federal standards should establish a floor for transparency, not a ceiling that limits state oversight or restricts access to information needed to protect road users.

Relatedly, because ADS operation in the U.S. naturally intersects with state and local authorities over the regulation of drivers and vehicles, CR strongly believes that any federal action informed by this GTR should not undermine the role of state and local officials in protecting road users. State and local officials already play a vital role regulating AV operations in their communities in places where AVs have been deployed. These officials truly are on the front lines of road safety, overseeing AVs’ interactions with first responders, school zones, and

³ Consumer Reports, nationally representative American Experiences Survey of 2,228 U.S. adults (Jan. 2026) (online at: article.images.consumerreports.org/image/upload/v1771361148/prod/content/dam/surveys/Consumer_Reports_AES_January_2026.pdf).

human-driven vehicles. They must retain the authority to protect their residents and manage their streets, and consumers agree. According to the same December 2024 Consumer Reports nationally representative survey referenced above, 52% of U.S. adults think their local government should keep the power to decide whether and how autonomous vehicles (AVs) are allowed on roads in their communities, compared to just 21% who say their local government should not keep this power.⁴

Finally, any U.S. framework informed by the GTR must preserve the baseline expectation that vehicles meet applicable federal motor vehicle safety standards (FMVSS). Simply fulfilling the requirement to submit a safety case should not absolve ADS manufacturers from adhering to current or future safety standards. Exemptions from FMVSS should also be limited, evidence-based, and subject to transparent processes. Relying on broad determinations of “overall safety” in lieu of compliance with enforceable standards risks reducing transparency and public accountability.

The draft UN ADS GTR represents a significant international effort to harmonize performance requirements for automated driving systems as the technology continues to evolve. If NHTSA were to draw from this GTR in the development of its own framework for the safe deployment of ADS, CR urges the agency to ensure that it would prioritize the completion of enforceable safety standards, independent verification and validation of safety cases, submission of comprehensive and accessible safety data, and the preservation of states and localities’ authority to regulate AV operations in their communities. Innovation and safety must advance together. A clear, enforceable federal framework can reduce uncertainty and promote responsible innovation by providing predictable safety expectations.

Respectfully submitted,

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⁴ Consumer Reports, nationally representative American Experiences Survey of 2,130 U.S. adults (Dec. 2024) (online at: article.images.consumerreports.org/image/upload/v1736806650/prod/content/dam/surveys/Consumer_Reports_AES_December_2024.pdf).