February 3, 2017

Mr. Nat Beuse
Associate Administrator
National Highway Traffic Safety Administration (NHTSA)
U.S. Department of Transportation
1200 New Jersey Ave SE
Washington, DC 20003.

Reference: Docket No. NHTSA-2013-0137

Dear Mr. Beuse,

Thank you for the opportunity to provide comments to the December 5, 2016 Visual Manual NHTSA Driver Distraction Guidelines for Portable and Aftermarket Devices. The Intelligent Transportation Society of America (ITS America) believes NHTSA’s guidelines are an important first step in engaging industry and the research community on the problem of driver distraction and commends NHTSA for the effort.

ITS America is an association of public and private organizations that are focused on advanced vehicle technology, smart communities, and new models for mobility. Our members include auto, telecomm, traditional IT and emerging tech, and consumer apps and industrial electronics. We also include public agencies and non-profits, such as road, transit and other transportation infrastructure operators and the research community focused on bringing new technology from the lab to our roads, cars, buses and trucks. Our association’s goal is to identify collaborative, technology-driven opportunities to improve dramatically the mobility, safety, security, privacy, sustainability, and accessibility of our transportation system.

Technological advancements make it possible for drivers to receive information about the driving environment. This information can improve safety by warning drivers of roadway dangers and potential collisions with other vehicles and other road users. Information can improve mobility by advising drivers on their route selection or alternative travel options, provide emergency responders with actionable information when crashes do occur, and improve overall system efficiency by improving traffic management and reducing congestion which creates hazardous driving conditions. It is important to underscore that technology in vehicles is not the problem; rather, how drivers interact with the technology is the concern. ITS America fully supports the investigation of human-machine interfaces (HMIs) that enable transportation safety and improve driver awareness and mobility. Furthermore, we believe the greatest potential for reducing driving fatalities and injuries lies with collision avoidance and driving automation systems that can help drivers prevent crashes before they happen.

It is still the driver’s moral and legal responsibility to operate their vehicle in safe manner and avoid unreasonable risks. Altering the dangerous undercurrent of driver distraction within our driving culture requires greatly increased and intimate public awareness of the deadly consequences of distraction. Public outreach and driver education programs are critical parts of the solution. There are, however, drivers that will engage in distracting activities regardless of legal prohibitions against such behavior. Laws against distracted driving are difficult to enforce and simply banning the installation and use of certain devices while driving, and banning drivers from engaging in potentially distracting activities, is not a comprehensive solution. For these individuals, technology (e.g., well designed HMIs) that greatly incentivizes safe driving behaviors is important. A number of industry members have been designing solutions to integrate portable devices into driver-vehicle interfaces, and many of our academic/research institution members have been assessing the impact of these innovations.

ITS America agrees that the practice of pairing devices will likely go a long way in reducing driver distraction. A
great deal of good work has been done in the last several years on the development of pairing platforms, such as Apple’s CarPlay, Google’s Android Auto, and the Car Connectivity Consortium’s MirrorLink. Efforts to mitigate distraction in devices that cannot be paired to a vehicle (i.e., a situation where a vehicle may not have connectivity or if it does, lacks a suitable interface to accept and control a pair-able device) have also been helpful, but there is significant variation in the architecture and approach across technology providers.

To date, some individual applications have controls to prevent the apps from being operated while at vehicle speeds, but there are several technical limitations to ensuring their accuracy and reliability. Invoking a device-level “driver mode” that can apply controls to multiple applications, in a manner similar to “airplane mode” (airplane mode limits communications functionality across all applications) is unlikely to emerge given the vastly greater complexity adjusting various functions within individual applications, compared to simply disabling cell service. Nonetheless, there have been a number of third-party “car mode” or “drive mode” apps that are somewhere between the app-level and device-level approaches. These overlay a much simplified dashboard-like interface on top of the standard operating system interface, and may implement full or partial lockouts for some apps regardless of whether devices are paired or not. Recently, Google made their Android Auto interface available to use without pairing. Several companies have moved to integrate a hands free (voice command/auditory) overlay that allow access to apps that would otherwise require visual-manual interactions.

ITS America suspects that consistent implementation of an unpaired “Driver Mode” as a voluntary guideline desirable as it might be, may be difficult given the wide variety of approaches. Moreover, a prescriptive guideline such as this may inadvertently constrain innovation in safety-conscious design. Differences in how unpaired devices might be mounted, or how passenger devices might be distinguished from that of the driver, add two additional layers of complexity that NHTSA was correct to acknowledge. Furthermore, without “safe harbor” provisions that can address areas where guideline definitions or technical recommendations might be vague, third party app and portable device platform providers would likely struggle in their attempts to comply, even in a voluntary manner, with the guidance. (A “safe harbor” is a provision of a statute, regulation, or in this case, a guideline that specifies that certain activity will be deemed not to violate a given rule).

We are, however, encouraged, that NHTSA stands ready to accept requests for interpretations where necessary, and development of guidance is a great step forward in creating the right kind of technical dialogue on a number of the practical challenges. Given the continued dramatic innovation in the consumer electronics, ITS America agrees with the Alliance of Automobile Manufacturers that creation of a cooperative research program, or a similar effort, is probably a reasonable next step. Any effort would need to provide a foundation for measuring the effectiveness of different approaches to reducing risk of driver distraction.

The year 2015 was the deadliest driving year in almost a decade. As estimates now show an 8% increase in traffic fatalities from 2014 to 2015, the largest year-over-year percentage increase in 50 years, it is now more important than ever that new safety technology to mitigate driver distraction be deployed. ITS America believes that with collaboration and investment, we as community can achieve safety improvements across the board in our surface transportation system.

ITS America is committed to the deployment of new technology that can preserve and improve our lives. To this goal, ITS America commits itself to promoting best practices and helping our members work with your agency on driver distraction.

Sincerely,

/s/ Steven Bayless

Steven H. Bayless
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Intelligent Transportation Society of America
(ITS America)