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Subject: LETTER TO THE DEPUTY ADMINISTRATOR RE: IDENTIFY BARRIERS TO THE INTRODUCTION OF ADVANCED TECHNOLOGIES INTO NEW MOTO VEHICLES.		
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Sign Office: AA FOR ENFORCEMENT	Signature: AS APPROPRIATE	
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NRM-010	INFORMATION	11/24/2015		11/24/2015

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EXECUTIVE SECRETARIAT
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November 18, 2015

2015 NOV 20 P 12:27

Mr. Blair Anderson, Deputy Administrator
National Highway Traffic Safety Administration
Room W40-300 West Building
1200 New Jersey Ave., SE
Washington, D.C. 20590

Dear Mr. Anderson:

Administrator Rosekind recently invited us to identify any barriers to the introduction of advanced technologies into new motor vehicles so that NHTSA can consider ways to remove the obstacles.

One such barrier is the current anomaly pertaining to the public road testing of prototype (uncertified) vehicles that are imported vs. prototype vehicles that are domestically manufactured. The anomaly unintentionally disadvantages domestic prototypes over imported ones.

While the protocols for importing uncertified prototypes for testing are well established under Part 591 of NHTSA's regulations, those rules pertain solely to imported vehicles. Manufacturers have been undertaking the public road testing of domestically manufactured prototypes for many years with an understanding that NHTSA has informally exercised enforcement discretion to allow this practice. However, Toyota believes that the differences in these policies limits the robust public road testing of domestically manufactured prototypes compared to imported ones. Consistent with the Administrator's goal of encouraging the rapid introduction of advanced technologies, Toyota respectfully submits that there is no reason to treat domestic and imported prototypes differently, and the same treatment of such prototypes would provide greater flexibility, assisting in the broader evaluation of advanced technologies under real world operating conditions in the United States before installing them in customers' vehicles.

The benefits of conducting public road testing of prototype vehicles have been well established by Toyota's testing of imported prototype vehicles. For example, through such testing, Toyota has been able to identify opportunities to improve the ability of its Lane Keep Assist technology to recognize road surface lines under different operating conditions found on public roads in the United States. Another example was the opportunity to collect radar signal returns from the public road driving environment to enhance the performance of the Pre-Collision System that determines whether a crash is imminent and takes a series of actions in an effort to avoid the crash. Public road testing for hundreds of thousands of miles provided valuable information from a much wider variety of driving scenarios than can be replicated in a laboratory or closed track environment. Identifying potential vehicle defects and eliminating them prior to mass production could also be a benefit.

Toyota believes that NHTSA policy should encourage this type of pre-market testing to provide opportunities to evaluate and improve advanced technologies (as well as conventional technologies) on domestically built prototype vehicles in the same way it does for imported ones.

We believe that NHTSA could accomplish this with a simple letter formalizing enforcement discretion to clarify that such public road testing of domestically built prototypes will not be deemed in violation of the prohibition on introducing uncertified vehicles into interstate commerce. Another approach would be to exercise the authority contained in Section 30114 of the National Traffic and Motor Vehicle Safety Act to grant manufacturers special exemptions to permit this testing and evaluation work. Yet another approach would be to undertake rulemaking to create a parallel regulatory structure to the one found in Part 591 for imported vehicles to govern public road testing of uncertified domestic prototype vehicles.

Toyota stands ready to assist in any way that the agency would find useful, including preparing recommended language to carry out any of these approaches. We look forward to working with the agency to find a successful solution to this issue.

Sincerely,

A handwritten signature in cursive script that reads "Tom Stricker".

Tom Stricker, Vice President
Technical & Regulatory Affairs

cc: Frank S. Borris, II

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