U.S. Department of Transportation
National Highway Traffic Safety Administration

OFFICE OF DEFECTS INVESTIGATION

ODI RESUME

Investigation: AQ22001
Prompted By: Incident Review
Date Opened: 03/24/2022 **Date Closed:** 01/16/2025
Investigator: Joseph Oxenham **Reviewer:** Sharon Yukevich
Approver: Tanya Topka
Subject: NHTSA SGO 2021-01 Reporting Requirements

MANUFACTURER & PRODUCT INFORMATION

Manufacturer: Pony.ai
Products: PONY.AI Automated Driving System
Population: 1

Problem Description: Compliance with the crash reporting requirements of NHTSA's Standing General Order 2021-01

ACTION/SUMMARY INFORMATION

Action: This (AQ) Audit Query is closed

Summary:

On October 28, 2021, a vehicle equipped with an automated driving system (ADS) manufactured and operated by Pony.ai crashed in Fremont, California (subject crash). After learning of the crash, NHTSA engaged with Pony.ai regarding the company's recall and reporting responsibilities under the Motor Vehicle Safety Act (Safety Act). This engagement led Pony.ai to submit three reports under NHTSA's Standing General Order 2021-01 (SGO), which requires reporting of certain crashes involving ADS or Level 2 Advanced Driver Assistance Systems equipped vehicles. Pony.ai filed the first such report for the subject crash on November 17, 2021, and it filed updates to this report on November 29, 2021, and December 15, 2021. After further engagement with NHTSA regarding the company's software changes following the crash, Pony.ai filed a Part 573 Safety Recall Report on March 3, 2022 (Recall No. 22E-016).

NHTSA subsequently opened two investigations to assess Pony.ai's response to the crash, including the timeliness of the company's crash reporting and the sufficiency of the recall. Specifically, Audit Query AQ22001 was opened on March 24, 2022, to consider whether Pony.ai complied with the crash reporting requirements of the SGO when reporting the subject crash. Recall Query RQ22001 was opened on April 10, 2022, to evaluate the scope of the population affected by Recall No. 22E-016 and the remedy described in the recall. NHTSA issued a detailed Special Order to Pony.ai under RQ22001, requesting more information about the subject crash and Pony.ai's response to it. Pony.ai's response to the Special Order was voluminous, spanning a series of rolling productions. After assessing this material, NHTSA closed RQ22001 on October 30, 2023, explaining that ODI believes that the company's recall properly identified both the ADS software error that precipitated the crash and the vehicles affected by the defect.

Based on the available information, Pony.ai has implemented process and procedural changes that are designed to prevent the recurrence of the specific problems that arose with the ADS in the subject crash, as well as the company's response and reporting for such incidents. NHTSA has engaged extensively with Pony.ai regarding the company's responsibilities under the Safety Act, including its reporting responsibilities under the SGO. The company has continued to submit reports under the SGO since the subject crash, mostly consisting of monthly reports that no new crashes or updates to prior crashes exist. NHTSA has not identified any other concerns regarding Pony.ai's SGO reporting since the subject crash.

The available information does not warrant further action at this time. The closing of this investigation does not constitute a finding by NHTSA regarding Pony.ai's compliance with the Safety Act. NHTSA will continue to monitor Pony.ai's reporting and reserves the right to take additional action as warranted by future circumstances.