



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



January 16, 2025

Eddie Gates
Director, Field Quality
Tesla, Inc.
45500 Fremont Blvd.
Fremont, CA 94538

Subject: Information Request ID PE24033-01

Dear Mr. Gates,

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE24033) to examine the Actually Smart Summon feature available on FSD-equipped vehicles manufactured by Tesla, Inc. (Tesla) or any free trial offers. This investigation will evaluate feature use where a crash occurs during the session, including where the operator does not have enough time to react due to vehicle proximity or line of sight issues.

This investigation will gather further information pertaining to Actually Smart Summon's capabilities, including the system's operation, range, and restrictions on the use and field performance of Actually Smart Summon without an in-vehicle user present. ODI is particularly interested in evaluating safety impacts of remote vehicle control through handheld phone apps, including any delay in user experience or vehicle stopping distance due to app connectivity or the fisheye app view of vehicle surroundings where the user's situational awareness may be impacted due to various distance and line of sight issues. The investigation will assess safety impacts resulting from increased Actually Smart Summon range, including the potential for use cases of the feature in roadway environments or under operating conditions for which the current version of the system may not be intended or designed.

This letter lists the reference numbers corresponding to VOQs and requires certain information from Tesla.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject system:** Actually Smart Summon and Dumb Summon¹ (collectively, “Summon”) features available on all versions of Tesla’s “Full Self-Driving”-Beta and “Full Self-Driving”-Supervised partial automation system (hardware and software), also referred to as FSD or Autosteer on City Streets, deployed for use or free trial offers in Tesla-manufactured vehicles on public roadways within the United States and its possessions and territories.
- **Subject vehicles:** All Tesla vehicles manufactured for sale or lease that have ever had the subject system activated in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.
- **Crash:** Incidents in which there is a physical impact between a vehicle and another vehicle or road user (pedestrian, cyclist, etc.) or property that results or allegedly results in any property damage, injury, or fatality. For purposes of this Information Request, a subject vehicle is involved in a crash if it physically impacts another vehicle or road user or if it contributes or is alleged to contribute (by steering, braking, acceleration, or other operational performance) to another vehicle’s physical impact with another vehicle or road user or property.
- **Subject Crashes:** Incidents in which subject vehicles are involved in a crash in the United States (including any of its territories) including those crashes detected by the subject vehicle and/or allegations made by consumers with the subject system engaged.
- **Alleged defect:** any of following alleged conditions:
 - Failure of the subject system to fully detect or respond appropriately to vehicle surroundings;
 - Insufficient operator situational awareness or reaction time to vehicle navigation decisions; and
 - Any Tesla mobile app malfunctions, delayed or loss of connectivity.
- **Tesla:** Tesla, Inc., all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Tesla (including all business units and persons previously referred to), who are or were involved in any way as of or after January 1, 2016, with any of the following related to the alleged defect in the subject vehicles:
 - a. Design, engineering, analysis, modification or production (e.g., quality control);

¹ According to the Tesla website, “Summon includes [two modes:] Dumb Summon and Actually Smart Summon.” https://www.tesla.com/ownersmanual/modely/en_us/GUID-7D207174-88CD-4795-8265-9162A72AA578.html. “Dumb Summon moves [the Tesla vehicle] straight forward and reverse into, or out of, a parking spot” and “Actually Smart Summon [] is designed to move [the Tesla vehicle] to your location (using your phone’s GPS as a target destination) or to a location of your choice, maneuvering around and stopping for objects as necessary.” *Id.*

- b. Testing, assessment or evaluation;
 - c. Consideration or recognition of potential or actual defects, reporting, record-keeping and information management (e.g., complaints, field reports, warranty information, part sales), analysis, claims, lawsuits, mediations, or arbitrations; or
 - d. Communication to, from, or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to persons who have the capacity to obtain information from dealers.
- **Document:** “Document(s)” is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Tesla, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, “document(s)” also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by Tesla or not. If a document is not in the English language, provide both the original document and an English translation of the document.
 - **Other Terms:** To the extent that they are used in these information requests, the terms “claim,” “consumer complaint,” “dealer field report,” “field report,” “fire,” “fleet,” “good will,” “make,” “model,” “model year,” “notice,” “property damage,” “property damage claim,” “rollover,” “type,” “warranty,” “warranty adjustment,” and “warranty claim,”

whether used in singular or in plural form, have the same meaning as found in 49 C.F.R. § 579.4.

For my staff to be able to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Tesla has previously provided a document to ODI, Tesla may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Tesla's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of subject vehicles Tesla has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Tesla, state the following:
 - a. Vehicle identification number (17-character VIN);
 - b. Model;
 - c. Model Year;
 - d. Date of manufacture (MM/DD/YYYY);
 - e. Date warranty coverage commenced (MM/DD/YYYY);
 - f. The State in the United States where the vehicle was originally sold or leased, or delivered for sale or lease (postal abbreviation);
 - g. Whether the vehicle has an active FSD-Supervised subscription as of the date of this Information Request;
 - h. Whether the vehicle has an active free trial offer that included the subject system as of the date of this Information Request; and
 - i. Subject System hardware version as of the date of this Information Request.

Provide the table in Microsoft Access 2010, or a compatible format, entitled "PRODUCTION DATA".

2. Provide the cumulative information pertaining to the subject vehicles while the subject system is engaged by week starting on the first day of each month, since September 1, 2024 in the following categories:
 - a. Total number of sessions by Model / Model Year and summon mode (Dumb Summon or Actually Smart Summon);
 - b. Total duration of sessions and total distance covered during sessions, by summon mode;
 - c. Total number of sessions with collision avoidance brake interventions by summon mode; and

A pre-formatted data collection file entitled “Q2 _DATA”, which provides further details regarding this submission, will be provided to you.

3. For all subject crashes about which Tesla has information, provide the following:
 - a. VIN of the subject vehicle(s);
 - b. Incident date and time;
 - c. Location of the crash (city, state, latitude, longitude);
 - d. Crash scene type (e.g., garage, parking lot, private driveway or road class type);
 - e. Operator proximity to the vehicle;
 - f. Summon mode;
 - g. Summon version number of each subject vehicle at the time of the incident;
 - h. Vehicle firmware at the time of incident;
 - i. Tesla mobile app user version number at the time of incident;
 - j. Number and type of operator alerts, if any, related to vehicle or phone app performance in the summon session that included the subject crash, including:
 - i. Visual (e.g., vehicle hazard lights or app banner alert)
 - ii. Visual and audible;
 - k. Time interval between last alert and crash detection;
 - l. Operator app button release timing relative to impact point (-sec);
 - m. Subject vehicle speed at impact; and
 - n. Available documents related to this incident, including but not limited to:
 - i. CAN logs
 - ii. Video/imagery
 - iii. PAR

Provide copies of all documents referenced in response to Request 3, Part k. A pre-formatted data collection file, which provides further details regarding this submission, entitled “Q3_SUBJECT_CRASHES” will be provided to you.

4. State the number of each of the following, received by Tesla, or of which Tesla is otherwise aware, which relates to, or may relate to, the alleged defect in the subject devices or any subject crash:
 - a. Consumer complaints;
 - b. Reports involving an injury or fatality;
 - c. Property damage claims;
 - d. Arbitration or mediation proceedings, both pending and closed, where Tesla is or was a party to the arbitration or mediation; and
 - e. Lawsuits, both pending and closed, in which Tesla is or was a defendant or codefendant.

For subparts “a” through “e,” state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items “c” through “e,” provide a summary description of the alleged problem and causal and contributing factors and Tesla’s assessment of the problem, with a summary of the significant underlying facts and evidence. For items “d” and “e,” identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

5. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 4, state the following information:
 - a. Tesla’s file number or other identifier used;
 - b. The category of the item, as identified in Request No. 4 (i.e., consumer complaint, field report, etc.);
 - c. Alleged defect condition;
 - d. Vehicle owner or fleet name (and fleet contact person), street address, email address and telephone number;
 - e. Vehicle’s VIN;
 - f. Vehicle’s model and model year;
 - g. Vehicle’s mileage at time of incident;
 - h. Subject system mode of operation;
 - i. Summon version number of each subject vehicle at the time of the incident;
 - j. Vehicle firmware at the time of incident;
 - k. Tesla mobile app user version number at the time of incident;
 - l. Incident date, local time, and local time zone;
 - m. Report or claim date;
 - n. Whether a crash is alleged;
 - o. If a crash is alleged, description of the crash including:
 - i. Crash site coordinates (latitude and longitude);
 - ii. Listing of involved vehicles, objects and persons;
 - iii. Speed of the subject vehicle;
 - p. Number and type of operator alerts related to vehicle or phone app performance in the summon session if crash is alleged, including:
 - i. Visual (e.g., vehicle hazard lights or app banner alert)
 - ii. Visual and Audible;
 - q. Time interval between last alert and crash detection, if a crash is alleged;
 - r. Operator app button release timing relative to impact point, if a crash is alleged (-sec);
 - s. Whether property damage is alleged;
 - t. Number of alleged injuries, if any; and
 - u. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2010, or a compatible format, entitled “REQUEST NUMBER FIVE DATA.” A pre-formatted data collection file, which provides further details regarding this submission, will be provided to you.

6. Produce copies of all documents related to each item within the scope of Request No. 5. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Tesla used for organizing the documents. Describe in detail the

search methods and search criteria used by Tesla to identify the items in response to Request No. 5.

7. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, “actions”) that relate to, or may relate to, the alleged defect in the subject vehicles or subject crashes that have been conducted, are being conducted, are planned, or are being planned by, or for, Tesla. For each such action, provide the following information:
 - a. Action title or identifier;
 - b. The actual or planned start date;
 - c. The actual or expected end date;
 - d. Brief summary of the subject and objective of the action;
 - e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
 - f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

8. Describe all modifications, changes, and updates made by, or on behalf of, Tesla in the design, firmware, software, material composition, manufacture, quality control, supply, function, or installation of the subject system that relate to, or may relate to, the alleged defect in the subject vehicles or subject crashes. For each such modification, change, or update, provide the following information:
 - a. Action title or identifier;
 - b. The date or approximate date on which the modification, change, or update was incorporated into vehicle production;
 - c. A detailed description of the modification, change, or update;
 - d. The reason(s) (and their origin) for the modification, change, or update;
 - e. A detailed description of how the modification, change, or update relates to the subject crashes and the alleged defect;
 - f. Tesla’s assessment regarding the safety implications of the modification, change, or update including supporting engineering and safety assessment, evidence and any other information, including:
 - i. A detailed description of Tesla’s assessment regarding any safety implications;
 - ii. The expected crash rate reduction related to the modification, change, or update;
 - iii. The actual crash rate reduction, if any, resulting from the modification, change, or update;
 - g. The hardware, firmware, and software names and numbers of the original version of the subject system;
 - h. The hardware, firmware, and software names and numbers of the modified, changed, or updated version of the subject system;
 - i. Primary distribution method of related firmware and software updates (e.g. over the air or in person service);

- j. When the modified version/update was made available as a service component; and
- k. Whether Tesla intends to file a safety recall pursuant to 49 U.S.C. § 30118 covering each modification, change, and update. If not, please furnish Tesla's technical and/or legal basis for declining to do so.

Also, provide the above information for any modification or change of which Tesla is aware that may be incorporated into vehicle production or pushed to subject vehicles in the field within the next 120 days.

A pre-formatted data collection file, which provides further details regarding this submission, entitled "Q8_CHANGE_LOG" will be provided to you.

Provide copies of all documents related to these modifications, changes, and updates, regardless of whether the documents are in interim, draft, or final form.

- 9. Provide the following information regarding the subject system feature capabilities, designed-in restrictions, and safeguards:
 - a. Linear distance and radius restrictions, system diagnostics checks, vehicle velocity, acceleration and deceleration thresholds, motor torque, latency restrictions including cumulative loss of connectivity;
 - b. Location limitations including mappings, parking lot etiquette, intersections and stop signs, pedestrian and bicycle detection and any service or public roads restrictions;
 - c. A description of mobile app messages for feature activation, obstacle detection, pedestrian detections, and geofencing;
 - d. A synopsis of human factors engineering designed into the Tesla mobile app control, including driver reaction time, feature operator training and any safety studies related to out-of-vehicle remote operator control in partially automated systems; and
 - e. A copy of all Tesla release notes associated with the field deployment of the subject system for FSD equipped vehicles and free trial offers.
- 10. Furnish Tesla's assessment of the alleged defect in the subject vehicles, including:
 - a. The causal or contributory factor(s);
 - b. The failure mechanism(s);
 - c. The failure mode(s);
 - d. Tesla designation of Actually Smart Summon feature in terms of SAE levels of driving automation systems;
 - e. The risk to motor vehicle safety that remote vehicle control poses to the public including Tesla's assessment of Actually Smart Summon delineation from traditional remote assistance tools typically provided to support automated driving systems programs;
 - f. User experience or emerging technology information Tesla provided through the app, website, videos, or interactive public communications showcasing responsible use, potential risks, and feature capabilities; and
 - g. The reports included with this inquiry.

Legal Authority for This Request

This letter is being sent to Tesla pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports. It constitutes a new request for information.

Civil Penalties

Tesla's failure to respond promptly and fully to this letter could subject Tesla to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) The Vehicle Safety Act, 49 U.S.C. § 30165(a)(3), provides for civil penalties of up to \$27,874 per violation per day, with a maximum of \$139,356,994 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 C.F.R. § 578.6(a)(3). These violations include failing to respond completely, accurately, or in a timely manner to ODI information requests.

If Tesla cannot respond to any specific request or subpart(s) thereof, please state with sufficient detail in the corresponding narrative the reason why it is unable to do so. Redactions within a document containing responsive information are not permitted in the normal course. If on the basis of attorney-client, attorney work product, or other privilege, Tesla does not submit one or more requested documents or items of information in response to this information request, Tesla must provide a privilege log identifying each document or item withheld and stating the date, subject or title, the name and position of the person(s) from and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Confidential Business Information (CBI)

If Tesla's response contains any information that you claim is confidential business information, Tesla must submit its request for confidential treatment and any files containing CBI to NHTSA's Office of the Chief Counsel via the CBI Portal or a secure electronic file transfer link. Please see Enclosure 1 for additional instructions on submitting a request for confidential treatment that is compliant with 49 C.F.R. Part 512 (specifically, a request for confidential treatment must include the four required parts that are discussed in Enclosure 1).

If you choose not to submit your request and files containing CBI to NHTSA's Office of the Chief Counsel via the CBI Portal, please notify the investigator referenced in this IR to ensure that the secure file transfer link for your request for confidential treatment and any files containing CBI are directed to the Office of the Chief Counsel accordingly.

In addition to submitting a request for confidential treatment and files containing CBI directly to NHTSA's Office of the Chief Counsel, Tesla must also submit its request for confidential treatment, the files containing CBI, and their corresponding redacted versions directly to ODI via the Safety Defect Investigations (SDI) Portal. The requests for confidential treatment and

certification documents are not confidential so these documents should be uploaded as non-confidential files.

Please refer to PE24033-01 in Tesla's response to this letter and in the request for confidential treatment that Tesla may submit.

Due Date

Tesla's response to this letter must be submitted to this office by **February 28, 2025**. If Tesla finds that it is unable to provide all of the information requested within the time allotted, Tesla must request an extension from me at (202) 366-5864 no later than five business days before the response due date. If Tesla is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Tesla then has available, even if an extension has been granted.

If you have any technical questions concerning this matter, please call Kareem Habib of my staff at (202) 366-8703.

Sincerely,

Scott Simmons, Chief
Advanced and Emerging Technologies Division
Office of Defects Investigation

Enclosure 1, Information for Requests for Confidential Treatment.

Enclosure 2, The subject reports referenced in the introduction of this letter may be viewed at the NHTSA.gov website using the following SGO Report Numbers: 11521648, 11526627, 11531001, 11546960, 11579954, 11588595, 11592440, 11598754, 11605031, 11607101, 11609000, 11622824, and 11625668.

Enclosure 3, Excel spreadsheets referenced at the end of the requests above.

ENCLOSURE 1 – INFORMATION FOR REQUESTS FOR CONFIDENTIAL TREATMENT

If you believe that your response contains any material that you claim is confidential business information, submit these materials to NHTSA’s Office of the Chief Counsel in accordance with 49 C.F.R. Part 512. **All requests for confidential treatment must be submitted directly to the Office of the Chief Counsel via the Confidential Business Information (CBI) Portal or a secure file transfer link for your submission addressed to the Office of the Chief Counsel. If you are not currently registered for the CBI Portal, you may send a registration request to cbi-helpdesk@dot.gov. In addition to directly submitting the files to the Office of the Chief Counsel, you will also need to submit your request, the files containing CBI, and their corresponding redacted versions directly to ODI through the Safety Defect Investigations (SDI) Portal.**

Requests for confidential treatment are governed by Part 512. A current version of this regulation is available on the internet at <http://www.ecfr.gov> by selecting Title 49 “Transportation,” selecting “Parts 500 – 599” and then selecting Part 512 “Confidential Business Information.”

How to request confidential treatment:

NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under Part 512. If you claim that any of the information or documents provided in your response constitutes confidential business information within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, you must submit the information or documents directly to the Office of Chief Counsel via the CBI Portal or request a secure file transfer link from the ODI contact listed in your Information Request. You must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with Part 512, to the Office of the Chief Counsel. Do not send a hardcopy of a request for confidential treatment to NHTSA’s headquarters.

Your request must include a request letter that contains supporting information, pursuant to Part 512.8. Your request must also include a certificate, pursuant to Part 512.4(b) and Part 512, Appendix A.

You are required to submit one unredacted “confidential version” of the information for which you are seeking confidential treatment. Pursuant to Part 512.6, the words “ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION” or “CONFIDENTIAL BUSINESS INFORMATION CONTAINED WITHIN BRACKETS” (as applicable) must appear at the top of each page containing information claimed to be confidential. In the latter situation, where not all information on the page is claimed to be confidential, identify each item of information for which confidentiality is requested within brackets: “[].”

You are also required to submit one redacted “public version” of the information for which you are seeking confidential treatment. Pursuant to Part 512.5(a)(2), the redacted “public version” should include redactions of any information for which you are seeking confidential treatment (i.e., the only information that should be unredacted is information for which you are **not** seeking confidential treatment).

For questions about a request for confidential treatment, please contact Dan Rabinovitz in the Office of the Chief Counsel at Daniel.Rabinovitz@dot.gov or (202) 366-8534.