

**UNITED STATES DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**
1200 New Jersey Avenue SE
Washington, DC 20590

In re:	)
	)
AQ26002	)
Tesla Cybercab FMVSS Certification	)
	)

SPECIAL ORDER DIRECTED TO TESLA, INC.

VIA CERTIFIED MAIL AND EMAIL

Brian Jazaeri
Sr. Director, Head of Litigation
Tesla, Inc.
[REDACTED]

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[REDACTED]

This Special Order is issued by the Secretary of Transportation pursuant to 49 U.S.C. § 30166(g)(1)(A) and 49 CFR §§ 510.7 and 510.8, and pursuant to a delegation of authority to the Chief Counsel of the National Highway Traffic Safety Administration (NHTSA), an Operating Administration of the United States Department of Transportation, 49 CFR §§ 1.95, 501.8(d).

Tesla, Inc. (Tesla) began offering commercial service in its Cybercab vehicles on September 3, 2026. Based on information available to NHTSA, the Cybercab is a purpose-built vehicle that Tesla certified as compliant with all applicable Federal Motor Vehicle Safety

Standards (FMVSS). Self-certification is a foundational responsibility for vehicle manufacturers under the National Traffic and Motor Vehicle Safety Act of 1966 (Safety Act), as amended and recodified, 49 U.S.C. Chapter 301. In general, “a person may not manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States, any motor vehicle . . . unless the vehicle . . . complies with [all applicable FMVSS] and is covered by a certification issued under section 30115 of this title.” 49 U.S.C. § 30112. “A person may not issue” that self-certification of compliance with the FMVSS “if, in exercising reasonable care, the person has reason to know the certificate is false or misleading in a material respect.” *Id.* § 30115.

On September 3, 2026, NHTSA opened Audit Query (AQ) 26002 to evaluate Tesla’s basis for certifying that its Cybercab vehicle complies with all applicable FMVSS. This Special Order requires information related to the process and technical data on which Tesla relied when certifying the Cybercab and related issues.

Tesla’s response to this Special Order must be provided to NHTSA’s Office of the Chief Counsel by **September 30, 2026**. Tesla’s response must be signed under oath, *i.e.*, accompanied by an affidavit signed by a responsible Tesla officer, stating that he/she has undertaken and directed an inquiry reasonably calculated to assure that the answers and production of documents are complete and correct, that he/she has caused the documents of Tesla to be searched diligently for information and documents responsive to this Special Order and produced them to NHTSA, and that the answers to the inquiries provided to NHTSA respond completely and correctly to this Special Order. 28 U.S.C. § 1746; 49 U.S.C. § 30166(g)(1)(A); 49 CFR § 510.7.

Failure to respond fully or truthfully to this Special Order may result in a referral to the United States Department of Justice for a civil action to compel responses, and may subject Tesla

to civil penalties of up to \$27,874 per day, up to a maximum penalty of \$139,356,994 for a related series of daily violations. 49 U.S.C. §§ 30163(a)(1), 30165(a)(3); 49 CFR § 578.6(a)(3). Falsifying or withholding information in response to this Special Order may also lead to criminal penalties of a fine or imprisonment of up to 15 years, or both. 49 U.S.C. § 30170(a)(1).

REQUESTS

Subject to the Definitions and Instructions appended hereto, respond fully and truthfully to each of the following requests.

1. For each subject vehicle, by make and model, provide the following:
 - a. The SAE Automation Level of the vehicle (see SAE J3016 APR2021);
 - b. A representative photograph of the certification label as affixed to a representative subject vehicle;
 - c. The total number of subject vehicles;
 - d. All locations in which the subject vehicles are commercially operating or where Tesla currently anticipates commercially operating the subject vehicles; and
 - e. A description of any Operational Design Domain applicable to such locations (e.g., maximum speed, road type/geometries, geographical limits, time-of-day restrictions, operating or environmental conditions, etc.).
2. Describe any planned approach for scaling commercial operations to subject vehicles and locations beyond those identified in response to Request 1.
3. List each FMVSS that applies to the subject vehicles and with which Tesla certified the subject vehicles to be compliant.

4. Describe in detail how Tesla determined which FMVSS (or parts thereof) were applicable to the subject vehicles.
5. Confirm whether the subject vehicles are capable of being driven by a human driver using temporarily attached human driver controls.
6. State whether temporarily installed human driver controls or other equipment for use by a human driver were a part of Tesla's basis for certifying compliance with any FMVSS. If so, describe the human driver controls and list the FMVSS for which the human driver controls were used as a part of Tesla's basis for certifying compliance.
7. Explain how Tesla's removal of any temporarily installed human driver controls or other equipment for use by a human driver from a subject vehicle comports with the Safety Act's make inoperative prohibition in 49 U.S.C. § 30122(b).
8. For each FMVSS listed in response to Request 3, explain specifically how Tesla determined that the subject vehicles complied with each standard. To the extent that a FMVSS allows for certification under more than one method or subpart, specifically identify the subpart to which the subject vehicle was certified. Specifically state whether Tesla performed engineering analyses, physical tests, simulations, or other means to determine compliance.
9. Provide any information or documentation indicating the subject vehicles do not comply with an applicable FMVSS, regardless of whether a test, analysis, or other means to evaluate compliance with an applicable FMVSS was considered a non-test, a failure, or otherwise invalid.
10. List any FMVSS or aspect of an FMVSS that 49 CFR Part 571 states applies to passenger cars that Tesla contends does not apply to the subject vehicles (including but not limited to on the claimed basis that such FMVSS or aspect embodies standards developed for

vehicles operated by human drivers and did not when promulgated contemplate vehicles designed to perform the entire dynamic driving task without any human driver intervention); describe fully the entire basis of each of your contentions of inapplicability; and explain whether, for each such FMVSS or aspect, Tesla's certification is based upon its claim of inapplicability, or whether Tesla's certification is based upon other facts or circumstances, and if so specify them.

11. State whether and, if so, how the subject vehicles are equipped with controls, telltales, and indicators meeting the requirements in FMVSS No. 101 (49 CFR § 571.101) S5.1.1, S5.1.2, and S5.2.6. If your answer differs depending on whether any human driver control or other equipment for use by a human driver is temporarily installed in the vehicle, describe in detail how it differs.

12. State whether and, if so, how the subject vehicles display the vehicle's shift position under the requirements in FMVSS No. 102 (49 CFR 571.102). If your answer differs depending on whether any human driver control or other equipment for use by a human driver is temporarily installed in the vehicle, describe in detail how it differs.

13. State whether the subject vehicles have a turn signal operative unit that is self-canceling by steering wheel rotation. Also state whether the subject vehicles have a manually operated control of a turn signal operating unit. If the answer to any of the previous statements is no, provide in detail how Tesla determined that the subject vehicles complied with FMVSS No. 108 (49 CFR § 571.108) S9.1.1. If your answer differs depending on whether any human driver control or other equipment for use by a human driver is temporarily installed in the vehicle, describe in detail how it differs.

14. State whether Tesla determined any or all parts of FMVSS No. 111 (49 CFR § 571.111) S5 do not apply to the subject vehicles and provide the justification for such a

determination. If your answer differs depending on whether any human driver control or other equipment for use by a human driver is temporarily installed in the vehicle, describe in detail how it differs.

15. State whether the subject vehicles have an inside rearview mirror of unit magnification. If yes, please describe it in detail and provide a drawing demonstrating its location in the subject vehicle. If your answer differs depending on whether any human driver control or other equipment for use by a human driver is temporarily installed in the vehicle, describe in detail how it differs.

16. State whether the subject vehicles have an outside mirror(s) of unit magnification. If yes, please describe in detail and provide a drawing demonstrating its location(s) on the subject vehicle. If your answer differs depending on whether any human driver control or other equipment for use by a human driver is temporarily installed in the vehicle, describe in detail how it differs.

17. State whether the subject vehicles have a rearview image meeting the requirements of FMVSS No. 111 S5.5.1 through S5.5.7. If yes, please describe it in detail and provide a drawing demonstrating its location in the subject vehicle. If your answer differs depending on whether any human driver control or other equipment for use by a human driver is temporarily installed in the vehicle, describe in detail how it differs.

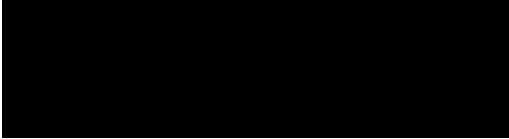
18. State whether the subject vehicles are equipped with electronic stability control (ESC) telltales under the requirements in FMVSS No. 126 (49 CFR § 571.104) S5.3 and S5.5. If your answer differs depending on whether any human driver control or other equipment for use by a human driver is temporarily installed in the vehicle, describe in detail how it differs.

19. Given the Agency's public statements¹ that manufacturers are not permitted to certify vehicles as compliant if they do not meet all applicable performance standards (including any particular section of a performance standard or subcomponent thereof) and that a manufacturer of a vehicle without a service brake activated by means of a foot control could not certify to FMVSS No. 135 (49 CFR § 571.135) S5.3.1, provide in detail how Tesla determined that the subject vehicles comply with the requirement in the first sentence of FMVSS No. 135 S5.3.1 ("The service brakes shall be activated by means of a foot control.").

20. State whether the subject vehicles provide any controls in the vehicle touchscreen by which a vehicle occupant can move the vehicle. If they do, describe the controls, the circumstances under which they are available to vehicle occupants, and any limitations or restrictions placed on the vehicle's movement under such controls.

21. In light of the Agency's stated position in *Final Rule, Occupant Protection for Vehicles with Automated Driving Systems*, 87 Fed. Reg. 18560, 18567 n.29 (Mar. 30, 2022) that other regulatory changes to the FMVSS not impacted by the rulemaking (e.g., with regard to the 100-Series FMVSSs) would likely be necessary to permit a vehicle solely operated by an ADS to be manufactured for sale (absent an exemption to the FMVSS under 49 CFR Part 555), and in light of the Agency's publicly-announced plans to modernize the FMVSS,² provide a detailed explanation of how the subject vehicles comply without any exemption under 49 CFR Part 555.

Dated: September 10, 2026



Peter Simshauser
Chief Counsel

DEFINITIONS

Unless otherwise stated in the text, the following definitions apply to the information request set forth below:

1. **“Affiliates”** means a corporation that is related to another corporation (such as a subsidiary, parent, or sibling corporation) by shareholdings or other means of control.
2. **“Agent”** means an individual, such as a representative, who is authorized to act for or in place of another.
3. **“Document(s)”** is used in the broadest sense of the word under Rule 34 of the Federal Rules of Civil Procedure, and includes 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, electronic communications (existing in hard copy and/or in electronic storage), invoices, contracts, agreements, manuals, publications, photographs of all types, and all mechanical, magnetic, and electronic records or recordings of any kind. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified or not. If a document is not in the English language, provide both the original document and an English translation of the document.
4. **“Employee”** means a person who works in the service of another person (the employer) under an express or implied contract of hire, under which the employer has the right to control the details of work performance.
5. **“Identify,” “identity,” or “identification,”** with respect to a document, means the date (or time period covered if not dated), nature of document, author, and recipient(s). With respect to a business, means to provide the corporate address, name of its principals, telephone

number, and name and address of the agent for service. With respect to a website, means the url of the site, the name and address of the owner of the site and the name and address of administrator of the website.

6. **“Officer”** means a person who holds an office of trust, authority, or command, such as a person elected or appointed by the board of directors to manage the daily operations of a corporation, such as a CEO, president, secretary, or treasurer.

7. **“Subject vehicles”** means all vehicles lacking permanently attached, conventional manual controls or other equipment for use by a human driver (such as a brake pedal, accelerator pedal, steering wheel, mirrors, and telltales) that Tesla certified as complying with all applicable Federal Motor Vehicle Safety Standards, including Tesla’s Cybercab vehicle.

8. **“Tesla”** means Tesla, Inc., all of its past and present officers and employees, whether assigned to their principal offices or any of their field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of its 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).

9. **“You” or “Your”** means Tesla or Tesla’s.

INSTRUCTIONS

Please follow the instructions below when providing responses to the numbered information requests in the next section.

1. Your response to the Special Order shall be sent to Allison Hendrickson (Allison.Hendrickson@dot.gov) in NHTSA's Office of the Chief Counsel and to Otto Matheke (Otto.Matheke@dot.gov), Director of NHTSA's Office of Vehicle Safety Compliance.
2. Please repeat the applicable request verbatim above your response. After your response to each request, identify the source of the information and indicate the last date the information was gathered.
3. 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 also be reminded that where a document responsive to a request is not in the English language, both the original document and an English translation of the document must be produced.
4. You are required to respond to every request listed in this Special Order. If you cannot respond to any specific request or subpart(s) thereof, please state the reason why you are unable to do so. If you are unable to respond because you do not have all or any of the precise information needed to respond, provide an estimate. If, on the basis of attorney-client, attorney work product, or other privilege, you do not submit one or more requested documents or items of information in response to this Special Order, you must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, 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.

5. After your response to each request, state whether you previously had any responsive documents that are no longer within your possession, custody, or control, including but not limited to because the documents were lost or destroyed. If such documents ever existed: describe the documents; identify the reason that the documents are no longer in your possession, custody, or control; identify the date that you last had the documents; and identify who may have copies of such documents.

6. If you claim that any of the information or documents provided in response to this Special Order constitutes confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or is protected from disclosure pursuant to 18 U.S.C. § 1905, you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512. All requests for confidential treatment should be submitted directly to the Office of the Chief Counsel via NHTSA's Confidential Business Information (CBI) Portal. If you do not currently have a user account in the CBI Portal, you may send a registration request to the CBI Portal's Help Desk at cbi-helpdesk@dot.gov. 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. After you submit your request for confidential treatment and certificate in NHTSA's CBI Portal, the CBI Portal will assign a package identification number for your future reference and all "confidential version" and "public version" files submitted as part of the CBI request will be accessible by both NHTSA's Office of the Chief Counsel and NHTSA's Office of Vehicle Safety Compliance. Please refer to AQ26002 in your response to this letter and in any request for

confidential treatment that you may submit in response to this letter. Please see enclosure 1 for additional instructions on submitting a request for confidential treatment that is compliant with 49 CFR Part 512 (specifically, a request for confidential treatment must include the required parts that are discussed in enclosure 1).

7. All documents shall be produced electronically, as described below, in a common format (e.g., Word or PDF).

- a. Hard copy documents shall be imaged in PDF format. They shall be provided as multi-page PDFs with document level optical character recognition (OCR).
- b. Electronically Stored Information (ESI) shall be converted to multi-page PDFs and produced along with document level OCR/extracted text.
- c. You shall produce an index that lists the title of each document produced and the request to which it corresponds.

8. The singular includes the plural; the plural includes the singular. The masculine gender includes the feminine and neuter genders; and the neuter gender includes the masculine and feminine genders. “And” as well as “or” shall be construed either disjunctively or conjunctively, to bring within the scope of this Special Order all responses that might otherwise be construed to be outside its scope. “Each” shall be construed to include “every” and “every” shall be construed to include “each.” “Any” shall be construed to include “all” and “all” shall be construed to include “any.” The use of a verb in any tense shall be construed as the use of the verb in a past or present tense, whenever necessary to bring within the scope of the document requests all responses which might otherwise be construed to be outside its scope.

9. Tesla’s response to this Special Order must be under oath, i.e., accompanied by an affidavit, signed by a responsible officer of Tesla, stating that he/she has undertaken and directed

an inquiry reasonably calculated to assure that the answers and production of documents are complete and correct, that he/she has caused the documents of Tesla to be searched diligently for information and documents responsive to this Special Order and produced them to NHTSA, and that the answers to the inquiries provided to NHTSA respond completely and correctly to this Special Order.

10. The requests in this Special Order are deemed to be continuing in nature so as to require additional or amended responses from you should you obtain or become aware of any new, additional, or differing responsive information or documents.

11. When a request calls for a detailed, narrative response, do not identify business records or other documents in lieu of providing a written narrative. A response to a request for a written narrative that solely directs NHTSA to documents will be considered non-responsive, and may result in civil penalties. 49 U.S.C. §§ 30163(a)(1), 30165(a)(3); 49 CFR § 578.6(a)(3). A response to a request for a detailed, narrative response that includes references to specific Bates Number(s) in addition to a written narrative will not be considered a violation of this Instruction.

12. The requests in this Special Order are deemed to be continuing in nature so as to require additional or amended responses from you should you obtain or become aware of any new, additional, or differing responsive information or documents.