February 26, 2003

U.S. Department of Transportation
Docket Management System
400 Seventh Street, SW, Room PL-401
Washington, DC 20590

Re: Event Data Recorders
Docket No. NHTSA-02-13546

To Whom It May Concern:

On behalf of AAA, the nation's largest organization representing motorists, we are pleased to respond to the agency's request for comments on event data recorders (EDRs).

For more than a century AAA has worked to improve the quality and safety of the nation's roadways and continually improve safety for the traveling public. Automobile crashes claim roughly 42,000 lives annually. They are the leading cause of death for people ages 1-34 and are one of the top 10 causes of death for all ages. Without question, traffic safety is among the most serious public health challenges of the 21st Century.

In our efforts to reduce the number and severity of crashes, we have fallen short in one critical area – the collection and analysis of scientific data to fully understand the dynamics and trends in crash causation. Comprehensive nationwide crash causation data are more than 25 years old.

Crucial pieces of information already exist within the body of the vehicle. Technology has made the cars we drive smarter. More than 80% of the systems in some cars are monitored and controlled by computer. Today's vehicles are highly sophisticated machines that make driving smoother, safer and more adaptable to existing travel conditions.

For some time many of these vehicles have been equipped to capture crash data through EDRs. While the data collected may vary by manufacturer, there is growing recognition that such data have the potential to shed more light on crash causation than existing efforts, which rely primarily on reconstructing evidence after the crash, or eyewitness reports.

AAA is encouraged that NHTSA recognizes this potential by seeking public input on EDRs. A signal from the lead government traffic safety agency may not only spur this technology along, but also the analysis of the data it generates may contribute to a much improved national data

base from which informed decisions can be made. AAA directs our comments to several areas mentioned in the rulemaking.

SAFETY POTENTIAL

Improving safety for the millions of people who travel is the single most important reason to promote the expansion and use of EDR technology. It represents the best opportunity to capture electronically what actually occurred in the vehicle during those last seconds before a crash. These data provide an objective measurement which, when combined with other crash investigation details, can provide a reasonably accurate picture of the actual crash event.

Taking the "crash pulse" should yield important benefits in vehicle design by identifying the types of changes that manufacturers could pursue to build more crash-friendly vehicles. This is an area where EDR technology can yield relatively short-term, high-payoff benefits for motorist safety.

There are additional long-term uses for the technology that should not be overlooked. The safety potential of EDRs reaches beyond road and vehicle design and can be directly applied to vulnerable populations that are at risk in any public health crisis. Of note, children, teenagers and seniors each face special dangers on the road. Senior road fatality rates have climbed while overall fatality rates have remained fairly stable since 1991. Analysis of aggregated, non-identifiable data collected by EDRs and other crash investigation techniques can contribute to a better understanding of the causes of crashes involving these vulnerable populations. Taking EDR technology to this next step requires careful consideration to avoid compromising the rights of any one individual.

The key to enhancing traffic safety is striving to prevent crashes before they occur. Yet, studying crashes can educate experts on preventing future crashes. Details that can be gleaned from data recorded at the accident can provide "at the scene" information that will teach traffic safety professionals and engineers how to prevent future crashes. EDR crash data can be employed to improve dangerous roads, intersections or other trouble spots discovered in regular road safety reviews.

STANDARDS

Standardization of EDR data will provide immeasurable public safety benefits. With non-standardized EDRs critical time can be lost in analyzing each unique set of data elements. Further, different data elements with non-standardized EDRs can create different "pictures" of what occurred before a crash and could potentially lead to bias during the interpretation of events.

AAA supports the development of a national traffic safety database for crash causation because it offers the greatest potential for transportation safety professionals to learn about the factors contributing to crashes and affecting the severity of those crashes. Crash data from all sources are often not uniform across states or even within states. This also leads to difficulty in performing comparisons of state data. Creating a single repository capable of storing universally recognized real-world crash data would be a critical step in enhancing primary crash prevention. Because EDRs continue to emerge in varying levels of sophistication, regular and systematic updates of the types of data elements included should be built into the development of traffic safety databases to ensure the information continues to be timely and useful.

APPLICATION

NHTSA raises an important question in asking whether different vehicle types would benefit from different EDR applications, particularly heavy trucks, which AAA believes should meet a higher standard of public trust.

In 1999, AAA called on Congress to authorize a national study to determine the factors contributing to car-truck crashes. That study is underway and is scheduled to conclude by the end of this year. Previously, our efforts to prevent car-truck crashes have been hampered because we lack scientific data to document where problems exist. The results from this study should help guide our efforts to improve truck safety and reduce fatalities from car-truck crashes.

Use of an EDR specifically designed to operate in a heavy truck would also add important information to our understanding of these crashes. The stark reality is we lack sufficient crash data for all vehicle types, including cars and light trucks. EDRs in heavy trucks have the potential to collect critical data to better understand truck safety factors as an ever-increasing number of cars and trucks vie for space on our nation's highways.

FUTURE SAFETY BENEFITS

One of the clear future benefits of increased EDR use lies in enhancing the ability of engineers to design effective safety systems and improve overall vehicle design. Even small design decisions can be a critical factor in saving lives and preventing injury. One important example was the development and design of airbags. The development and implementation of airbag regulations would have been greatly simplified and expedited, while leading to higher safety benefits, if more data on real-world crash experience had been used. Data, such as that provided by existing EDR systems presently in use, would have proven invaluable. Analysis of collected data parameters could lead to engineering improvements with regard to vehicle rollover, braking, traction control and seat belts.

EDRs, combined with the development of automatic crash notification (ACN) technologies, also offer great potential for reducing response time to crashes, which not only saves lives but also reduces the severity and likelihood of long-term injuries. Technology cannot only enhance the timeliness of emergency responders but can provide personnel with an advanced "picture" of the crash scene and the likely severity of injuries.

Finally, post-crash data gleaned from EDRs could be utilized in safety reviews to gain a greater evaluation of improvements that will enhance primary crash prevention and lead to implementation of performance-based safety management systems.

ADDITIONAL ISSUES

While the safety benefits of EDR data are widely accepted in the traffic safety community, making these data available to commercial interests warrants careful consideration to ensure consumers have adequate protection from intrusion of privacy and a fair degree of control of the use of these data by third parties. These issues reach beyond NHTSA's domain. For example, access to EDR crash data could provide useful information to insurance companies to help determine liability and damages with customer claims, possibly reducing the need for costly and time-consuming litigation. Crash data extracted to verify insurance claims can obviously lead to

more accurate claim adjustments. But, legitimate privacy considerations should not be compromised in the process. The goal, while difficult, is to seek agreement from all parties to strike a reasonable balance between data access and appropriate use of the data once it is captured. If use of the technology is to reach its potential, it is also essential that consumers accept it by becoming better informed as to its existence and being assured of its fair use. Motorists are probably unaware that crash data are already being gathered in many vehicles, and most have not contemplated the consequences – good and bad – of their use in the context of automotive insurance. If those data become a crucial factor in determining liability in a crash, they could be equally unaware.

PRIVACY CONCERNS

AAA acknowledges that privacy and data ownership are very complex issues requiring careful scrutiny to ensure that motorists' and vehicle owner property rights are not compromised. Protecting personal privacy and confidentiality are major considerations that demand careful review. AAA believes that vehicle owners need to be thoroughly aware of all the advanced safety components featured in today's technically sophisticated motor vehicles, including EDRs, and educated as to how the data collected from this technology are used.

NHTSA's request for comment raises an important question as to who owns the data collected by the EDR. AAA strongly believes that the owner of the vehicle owns the data as they have purchased the technology when they bought their vehicle. When consumers drive off the lot with a new car, they own more than just the vehicle; they own the information that their vehicle generates. While the collection of crash data through EDRs presents significant potential for crash prevention, protecting the confidentiality of personally identifiable information is not only an important privacy consideration, as NHTSA correctly points out, it may be key to public acceptance.

While NHTSA states that its role and statutory authority is limited with respect to privacy, the issue remains a critical one if we are to gain the full benefits of EDRs. With any technology that can be used to track or monitor the movements of people in a free society, there is a substantial risk of public concern and possibly rejection. AAA believes the public trust must be fostered throughout the process, whether it is by NHTSA or another agency that is the arbitrator of this confidence.

Sincerely,

Susan G. Pikrallidas
Vice President, Public Affairs