



## **FACT SHEET: AV POLICY SECTION III: CURRENT REGULATORY TOOLS**

This section summarizes how existing regulatory tools will be used to promote the safe development and deployment of automated vehicles, including interpretations, exemptions, notice-and-comment rulemaking, and defects and enforcement authority. NHTSA (the “Agency”) has streamlined its review process and is committing to expediting simple HAV-related interpretations and exemption requests.

### **Letters of Interpretation**

The Agency can use letters of interpretations to explain how existing law applies to specific motor vehicle equipment. Interpretation letters describe the Agency’s view of the meaning and application of an existing statute or regulation. They can better explain the meaning of a regulation, statute, or overall legal framework and provide clarity for regulated entities and the public.

An interpretation may not make a substantive change to the meaning of a statute or regulation or to their clear provisions and requirements. In particular, an interpretation may not adopt a new position that is irreconcilable with or repudiates existing statutory or regulatory provisions.

Historically, interpretation letters have taken several months to several years for NHTSA to issue, but the Agency has committed to expediting simple interpretation requests regarding HAVs to provide responses in 60 days.

### **Exemptions from Existing Standards**

The Agency has authority to provide limited exemptions from existing standards to accommodate alternate vehicle designs. Manufacturers can apply for exemptions that may allow for the deployment of vehicle test fleets with significantly different vehicle designs that would otherwise not be compliant with standards.

Agency rulings on exemptions have historically taken several months to several years. The Agency has committed to expediting simple exemption requests regarding HAVs to provide responses within six months.

### **Rulemakings**

Notice-and-comment rulemaking is the tool the Agency uses to adopt new standards, modify existing standards, or repeal an existing standard. If a party wishes to avoid compliance with a standard for longer than the allowed time period for exemptions, or for a greater number of vehicles than the allowed number for exemptions, or has a motor vehicle or equipment design substantially different from anything currently on the road that compliance with standards may be very difficult or complicated (or new standards may be needed), a petition for rulemaking may be the best path forward.

### **Enforcement Authority**

NHTSA has broad enforcement authority under existing statutes and regulations to address existing and emerging automotive technologies. Part of the agency’s mission is to protect against unreasonable risks of harm that may occur because of the design, construction, or performance of



a motor vehicle or motor vehicle equipment, and to mitigate risks of harm. As described in the accompanying Enforcement Bulletin, NHTSA's existing authority and responsibility covers defects that create unreasonable risks to safety that may arise in connection with HAVs.