



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

Stephen C. Brich, P.E.  
Commissioner

1221 East Broad Street  
Richmond, Virginia 23219

(804) 482-5818

April 13, 2026

Docket Management Facility  
U.S. Department of Transportation  
West Building  
Room W12-140  
1200 New Jersey Avenue SE  
Washington, DC 20590-0001  
Submitted electronically at: [www.regulations.gov](http://www.regulations.gov)

Subject: National Highway Traffic Safety Administration; Agency Information Collection Activities: Notice and Request for Comment; Incident Reporting for Automated Driving Systems (ADS) and Level 2 Advanced Driver Assistance Systems (ADAS) [Docket No.: FHWA-2026-0529]

To Whom It May Concern:

On March 4, 2026, the National Highway Traffic Safety Administration (NHTSA) published a Notice and Request for Comment in the Federal Register entitled "Incident Reporting for Automated Driving Systems (ADS) and Level 2 Advanced Driver Assistance Systems (ADAS)." The following represents comments from the Virginia Department of Transportation (VDOT) in response to NHTSA's Request for Comment.

NHTSA asked for comments on five aspects:

- a) whether the proposed collection of information is necessary for the proper performance of the Department's functions and will have practical utility;
- b) the accuracy of the Department's burden estimate;
- c) ways to enhance the quality, utility, and clarity of the information to be collected;
- d) ways to minimize respondent burden, including through automated collection techniques or other information technology; and
- e) ways to further streamline the information collection while ensuring that crash reporting enables NHTSA to identify potential defects with ADS and ADAS in a timely manner.

Regarding (a), VDOT supports NHTSA's data collection efforts. VDOT also supports the allocation of sufficient resources at NHTSA in order to properly collect, analyze, investigate, and

enforce the safe development of ADS and ADAS which is critical to the value of the collected data. Additionally, from a state Department of Transportation (state DOT) perspective, the practical utility of the collected information could be significantly enhanced if the data were made directly accessible to state DOTs.

Regarding (b), VDOT has no opinion as to the accuracy of the Department's estimates.

Regarding (c), VDOT recommends that NHTSA expand data collection requirements to include exposure data for ADS, such as vehicle miles traveled (VMT) and key operational characteristics not currently required to be collected. While exposure data collection may be challenging for privately-owned consumer vehicles with ADAS where manufacturers have limited visibility into individual vehicle operations after sale, it is straightforward for commercial ADS operators, who own and actively monitor their fleets and already track mileage and operating hours through on-board telematics as part of routine fleet management. Accordingly, VDOT's recommendation is limited to commercial ADS operators and does not extend to privately-owned consumer vehicles equipped with ADAS. VMT data are already required by California for ADS operators and are voluntarily published at the national level by Waymo and Tesla. Exposure data, specifically VMT and hours of operation, would allow states and NHTSA to compute meaningful crash rates rather than relying on raw incident counts alone. Raw counts are difficult to interpret without knowing how often these systems are being used. For example, a technology with ten reported crashes may be safer or more dangerous than one with two, depending on exposure. Exposure data reported monthly at the state or jurisdiction level, and further disaggregated by road functional classification or operating domain where feasible, would allow state and local officials to assess whether ADS deployments are performing safely relative to human-driven baselines, and would support NHTSA's ability to identify emerging defect trends before they result in serious injuries. A requirement to report this data to NHTSA monthly, disaggregated by ADS-engaged versus not engaged, should impose minimal additional burdens on operators. Additionally, VDOT recommends that crash reports include key infrastructure and operational characteristics at the time of the crash, such as traffic control type and real-time traffic conditions (e.g., congestion), to support more comprehensive safety analysis.

Regarding (c), the Standing General Order (SGO) no longer requires the reporting of 2-or-more-vehicle crashes where property damage is under \$1000 and the ADS was struck (as opposed to striking). Under these rules, minor crashes where a vehicle with an ADS was struck from behind would no longer be reported. Yet one study has demonstrated that vehicles with ADS are struck from behind at five times the national average<sup>1</sup>, while instances of "phantom braking" by ADAS vehicles have been investigated by NHTSA<sup>2</sup>. Low-impact rear-end-struck collisions are important leading indicators of precisely these known safety issues and should be included in the data reporting requirements.

Regarding (d), California has already established its own ADS reporting requirements, requiring operators to submit incident reports and vehicle miles traveled data directly to state regulators.

---

<sup>1</sup> Goodall, N. J. (2021). Comparison of automated vehicle struck-from-behind crash rates with national rates using naturalistic data. *Accident Analysis & Prevention*, 154, 106056. <https://doi.org/10.1016/j.aap.2021.106056>

<sup>2</sup> <https://www.nytimes.com/2022/02/17/automobiles/tesla-phantom-braking.html>

Were the reporting requirements proposed in the *Federal Register* to be reduced, additional states may implement their own reporting programs, potentially requiring duplicative submissions in non-uniform formats and significantly increasing the burden on manufacturers and operators. Robust federal data collection, consistently applied, is the most efficient way to meet the information needs of both federal and state regulators while minimizing that burden.

Regarding (e), VDOT requests that NHTSA design the reporting process such that state governments receive copies of unredacted incident reports occurring within their jurisdiction. VDOT recognizes that unredacted reports may contain personally identifiable information and recommends that NHTSA establish data use restrictions for state recipients analogous to those governing Virginia Department of Motor Vehicles records and crash report access under §§ 46.2-208 and 46.2-379 of the *Code of Virginia*. In practice, redacted reports frequently omit the automation software version number, precise crash location including geographic coordinates or intersection, the exact date of the incident (with only the month and time of day provided), whether the vehicle was operating within its operational design domain (ODD), and the incident narrative. The omission of exact incident date and location data prevents state DOTs from cross-referencing these reports against state and local police crash records, undermining the ability to verify reporting accuracy and identify underreporting. The omission of location data is particularly consequential for state DOTs, as geographic coordinates would enable identification of roadway type, intersection configuration, and other infrastructure characteristics critical for safety analysis. The narrative presents a compounding problem as other data fields frequently defer to it with entries such as “other (see narrative),” meaning that redaction of the narrative effectively voids multiple fields simultaneously. Access to unredacted reports would allow state DOTs to identify infrastructure contributing factors, track incident patterns associated with specific platforms or operators, and make informed decisions about ADS deployment on state-maintained roadways.

Thank you for providing VDOT with the opportunity to submit comments on this matter. If you have any questions concerning VDOT's comments, please do not hesitate to contact Mark Cole, State Traffic Operations Engineer, at (804) 786-4196.

Regards,

Signed by:  
  
952FE3AED5674C1...

Stephen C. Brich, P.E.  
Commissioner of Highways