

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

In re:)
)
Second Amended)
Standing General Order 2021-01)
)
Incident Reporting for)
Automated Driving Systems (ADS) and)
Level 2 Advanced Driver)
Assistance Systems (ADAS))
)

TO: Each Manufacturer and Operator on the Attached Service List

This Second Amended Standing General Order 2021-01 (General Order) is issued by the National Highway Traffic Safety Administration (NHTSA or the agency), an Operating Administration of the United States Department of Transportation, pursuant to 49 U.S.C. § 30166(g)(l)(A) and 49 C.F.R. § 510.7.¹ This General Order takes effect on May 15, 2023, and, as of that date, supersedes NHTSA’s August 12, 2021 Standing General Order 2021-01.²

Under the National Traffic and Motor Vehicle Safety Act, as amended (the Safety Act), 49 U.S.C. Chapter 301, NHTSA is charged with authority “to reduce traffic accidents and deaths and injuries resulting from traffic accidents.” 49 U.S.C. § 30101. To carry out this statutory mandate, NHTSA has broad information gathering authority, including authority to obtain information on vehicle crashes, potential defects related to motor vehicle safety, and compliance

¹ See 49 C.F.R. §§ 1.95, 501.8(d)(3) (delegations of authority).

² This action does not affect the enforceability of NHTSA’s June 29, 2021 Standing General Order 2021-01 or August 12, 2021 First Amended Standing General Order 2021-01. NHTSA will continue to evaluate crashes reported pursuant to prior versions of this General Order and may take enforcement actions as appropriate, including to address failures to report timely, fully, or truthfully under prior versions of the General Order.

with legal requirements to timely identify and conduct recalls for safety defects. *See* 49 U.S.C. § 30166(e), (g); 49 C.F.R. Part 510; *see also id.* §§ 30118-30120.

NHTSA’s statutory mandate includes the exercise of its authority to proactively ensure that motor vehicles and motor vehicle equipment, including those with novel technologies, perform in ways that “protect[] the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident.” 49 U.S.C. § 30102(9).³ Both Automated Driving Systems (ADS) and Advanced Driver Assistance Systems (ADAS) are “motor vehicle equipment” subject to the requirements of the Safety Act. *See id.* § 30102(8). Given the rapid evolution of these technologies and testing of new technologies and features on publicly accessible roads, it is critical for NHTSA to exercise its robust oversight over potential safety defects in vehicles operating with ADS and Level 2 ADAS.⁴

The Safety Act is preventive, and the identification of safety defects does not and should not wait for injuries or deaths to occur. *See, e.g., United States v. Gen. Motors Corp.*, 565 F.2d 754, 759 (D.C. Cir. 1977) (“The purpose of the Safety Act ... is not to protect individuals from the risks associated with defective vehicles only after serious injuries have already occurred; it is to prevent serious injuries stemming from established defects before they occur.”)

Consistent with this mandate, NHTSA is requiring vehicle and equipment manufacturers and operators of ADS and Level 2 ADAS vehicles to report crashes to the agency.

³ This includes the nonoperational safety of a motor vehicle. 49 U.S.C. § 30102(9).

⁴ For a description of the Society of Automotive Engineers (SAE) levels of driving automation, see SAE J3016 Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles (April 2021); <https://www.nhtsa.gov/technology-innovation/automated-vehicles-safety#topic-road-self-driving>.

Automated Driving Systems (ADS)

Numerous manufacturers and operators are actively engaged in the development, testing, and limited deployment of vehicles with ADS, including through on-road operation of prototype vehicles or systems. There are two paths for vehicles with ADS to operate on publicly accessible roads under Federal law.⁵ First, manufacturers may equip ADS on vehicles that fully comply with the Federal Motor Vehicle Safety Standards (FMVSS) and are certified as compliant.⁶ Alternatively, manufacturers may utilize a statutory exception⁷ or exemption,⁸ as appropriate, to operate noncompliant vehicles with ADS. *See* 49 U.S.C. §§ 30112(b)(10), 30113-30114. Many vehicles equipped with ADS are being tested in manufacturer- or operator-owned fleets in specific communities for a limited purpose such as taxi or delivery services.

ADS present new and unique risks to motor vehicle safety because they fundamentally alter the nature of motor vehicles and their operation. Potential safety issues with vehicles operated with ADS include the design and performance of sensors and other technology used to determine the vehicle's location and to identify, classify, and position other roadway users and objects. Likewise, potential safety issues may arise from decisions by software algorithms that

⁵ Vehicles, including those with ADS, must also operate in compliance with applicable State and local laws.

⁶ In doing so, a manufacturer or other regulated entity “may not knowingly make inoperative any part of a device or element of design installed on or in a motor vehicle or motor vehicle equipment in compliance with an applicable motor vehicle safety standard.” 49 U.S.C. § 30122(b).

⁷ A manufacturer that meets certain statutory criteria may introduce a noncompliant motor vehicle “in interstate commerce solely for purposes of testing or evaluation by a manufacturer that agrees not to sell or offer for sale the motor vehicle at the conclusion of the testing or evaluation.” 49 U.S.C. § 30112(b)(10). Specifically, the manufacturer must have manufactured and distributed FMVSS-compliant vehicles in the United States prior to enactment of the Fixing America's Surface Transportation (FAST) Act (December 4, 2015), and must have complied with certain regulatory requirements. *Id.*

⁸ Several statutory exemptions are available, including temporary exemptions to “make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of the standard,” to “make the development or field evaluation of a low-emission motor vehicle easier and would not unreasonably lower the safety level of that vehicle,” or where “compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt vehicles.” 49 U.S.C. § 30113; 49 C.F.R. Part 555. Temporary exemptions are also available for, among other things, research and demonstrations. 49 U.S.C. § 30114; 49 C.F.R. Part 591.

analyze data inputs in real time to determine the appropriate vehicle response. Safety issues may also arise from the operational design domain⁹ for the ADS, and the continuing evolution and modification of these systems through software updates (including over-the-air updates).

Level 2 Advanced Driver Assistance Systems (ADAS)

Vehicles with Level 2 ADAS are widely available for consumers to purchase and are commonly in use on public roads. As with all vehicles, vehicles with Level 2 ADAS must comply with all applicable FMVSS and be certified as compliant, unless a statutory exception or exemption applies.

Vehicles operated using Level 2 ADAS present safety risks to occupants of those vehicles and other roadway users, in part due to the unconventional division of responsibility between the vehicle and its human driver. Misuse of an ADAS (including overreliance by a driver) may create a foreseeable risk and potential safety defect. *See, e.g., United States v. Gen. Motors Corp.*, 518 F.2d 420, 427 (D.C. Cir. 1975) (explaining that failures caused by foreseeable misuse of pickup trucks could support finding of a safety defect under the Safety Act). Other potential safety issues with vehicles operating using Level 2 ADAS include the design and performance of sensors, software algorithms, and other technology used to analyze and respond to the vehicle's environment; technology and strategies to ensure appropriate driver engagement; and the evolution of the system over time through software updates.

NHTSA's General Order

Through this action, NHTSA will evaluate whether specific manufacturers (including manufacturers of prototype vehicles and equipment) are meeting their statutory obligations to

⁹ Operational design domain refers to operating conditions under which a given ADS or ADS feature is designed to function. This includes, but is not limited to, environmental, geographical, and time-of-day restrictions, and/or the presence or absence of certain traffic or roadway characteristics.

ensure that their vehicles and equipment are free of defects that pose an unreasonable risk to motor vehicle safety or are recalled if such a safety defect is identified. *See* 49 U.S.C. §§ 30112, 30118-30120.

NHTSA's oversight of potential safety defects in vehicles operating on publicly accessible roads using ADS or Level 2 ADAS requires that NHTSA have timely information on incidents involving those vehicles. In carrying out the Safety Act, NHTSA may "require, by general or special order, any person to file reports or answers to specific questions." *Id.* § 30166(g)(1)(A). As set forth below, NHTSA is requiring each vehicle and equipment manufacturer and operator of vehicles with ADS or Level 2 ADAS to report specified information about certain safety-related incidents involving vehicles (including prototype vehicles) operating on publicly accessible roads using ADS or Level 2 ADAS. Each manufacturer and operator will be served with this General Order, which triggers the entity's legal obligations to report crashes as required by the General Order.

Specifically, this General Order requires manufacturers and operators to report certain crashes involving these vehicles that occur while the ADS or Level 2 ADAS is engaged, or immediately after it is in use, and to provide sufficient information for NHTSA to identify crashes warranting further follow-up. Crashes that meet specified criteria must first be reported within one or five calendar days after the manufacturer or operator receives notice of the crash, and other ADS crashes must be reported on a monthly basis. The reporting obligation in this General Order is specific to these crashes, which are a primary source of information regarding potential defects in ADS or Level 2 ADAS. NHTSA's oversight is not limited to the information collected through this General Order, and NHTSA will consider all information relevant to

potential safety defects, including information regarding non-crash incidents, and may open defect investigations as warranted.

DEFINITIONS

For purposes of this General Order, the following terms, whether used in the singular, plural, possessive, or non-possessive forms, capitalized or uncapitalized, have the following definitions.

1. **“ADAS”** means an Advanced Driver Assistance System.
2. **“ADS”** means an Automated Driving System.
3. **“Advanced Driver Assistance System”** means a Level 1 or Level 2 system.
4. **“Automated Driving System”** means a Level 3, Level 4, or a Level 5 system and includes hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain and regardless of the presence of a safety operator. For purposes of this General Order, a prototype of a system that is intended to function as an Automated Driving System in its mature form is an Automated Driving System.
5. **“Crash”** means any physical impact between a vehicle and another road user (vehicle, pedestrian, cyclist, etc.) or property that results or allegedly results in any property damage, injury, or fatality. A subject vehicle is involved in a crash if it physically impacts another 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 road user or property involved in that crash.
6. **“Engaged,”** for the purpose of determining whether the ADS or Level 2 ADAS on the subject vehicle was “engaged,” includes crashes in which an attempt was made to engage

an ADAS or ADS to transfer partial or full control to an ADAS or ADS system, even if the attempt is rejected, aborted, or underway during the 30 seconds immediately prior to the commencement of the crash through the conclusion of the crash.

7. **“Level 1”** means the same as and is coterminous with the definition of “Level or Category 1 - Driver Assistance” in SAE J3016 Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles § 5.2 (April 2021). A Level 1 system is a driver support feature on the vehicle that can assist the human driver with either steering or braking/accelerating, but not both simultaneously. The human driver must remain fully and continuously engaged in the driving task.

8. **“Level 2”** means the same as and is coterminous with the definition of “Level or Category 2 - Partial Driving Automation” in SAE J3016 Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles § 5.3 (April 2021). A Level 2 system is a driver support feature on the vehicle that can control both steering and braking/accelerating simultaneously under some circumstances. The human driver must remain fully and continuously engaged in the driving task.

9. **“Level 3”** means the same as and is coterminous with the definition of “Level or Category 3 - Conditional Driving Automation” in SAE J3016 Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles § 5.4 (April 2021). A Level 3 system is an Automated Driving System (ADS) on the vehicle that can perform all aspects of the driving task under some circumstances. In those circumstances, the human driver must be ready to take back control at any time when the ADS requests the human driver to do so. In all other circumstances, the human driver performs the driving task.

10. **“Level 4”** means the same as and is coterminous with the definition of “Level or Category 4 - High Driving Automation” in SAE J3016 Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles § 5.5 (April 2021). A Level 4 system is an Automated Driving System (ADS) on the vehicle that can perform all driving tasks and monitor the driving environment (essentially, do all the driving) in certain circumstances without the need for a takeover-ready human driver. When operated solely within its limited domains, any human occupants are considered passengers and need not be involved in the driving task.

11. **“Level 5”** means the same as and is coterminous with the definition of “Level or Category 5 - Full Driving Automation” in SAE J3016 Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles § 5.6 (April 2021). A Level 5 system is an Automated Driving System (ADS) on the vehicle that can do all the driving in all circumstances. Any human occupants are just passengers and need never be involved in the driving task.

12. **“Manufacturer”** means a person developing, fabricating, manufacturing, assembling, or importing motor vehicles or motor vehicle equipment (including pre-production and prototype motor vehicles and equipment). A manufacturer may also be an operator.

13. **“Motor Vehicle”** means any pre-production, prototype, or production vehicle driven or drawn by mechanical power and being developed or manufactured primarily for use on public roads.¹⁰

¹⁰ Trailers are “drawn by mechanical power” and are included in this definition of “motor vehicle.”

14. **“Motor Vehicle Equipment”** means and includes any pre-production, prototype, or production ADS or Level 2 ADAS, including software or any other component of such system, that is installed on a motor vehicle, or used to control or operate a motor vehicle.

15. **“Notice”** is defined more broadly than in 49 C.F.R. § 579.4 and means information you have received from any internal or external source and in any form (whether electronic, written, verbal, or otherwise) about an incident that occurred or is alleged to have occurred; including, but not limited to vehicle reports, test reports, crash reports, media reports, consumer or customer reports, claims, demands, and lawsuits. A manufacturer or operator has notice of a crash or a specified reporting criterion (i.e., a resulting hospital-treated injury, fatality, vehicle tow-away, air bag deployment, or the involvement of a vulnerable road user) when it has notice of facts or alleged facts sufficient to meet the definition of a crash or a specified reporting criterion, regardless of whether the manufacturer has verified those facts. “Notice” does not encompass any crash that you learned about solely from another entity’s report pursuant to this General Order if you have no additional information to report. If you have any other source of notice regarding this crash, your duty to report the incident runs from the date the separate notice is received.

16. **“Operator”** means the entity operating a motor vehicle equipped with ADS on a publicly accessible road. An operator may also be a manufacturer.

17. **“Person”** means and includes “corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals.” 1 U.S.C. § 1.

18. **“Reporting Entity”** means any company identified on the attached Service List for this General Order.

19. **“Subject Vehicle”** means and includes: 1) for a motor vehicle manufacturer responding to this General Order, a motor vehicle manufactured, imported, or operated by the manufacturer and equipped with an ADS or Level 2 ADAS; 2) for a motor vehicle equipment manufacturer responding to this General Order, a motor vehicle equipped with an ADS or Level 2 ADAS with any motor vehicle equipment (including software) manufactured or imported by the motor vehicle equipment manufacturer; and 3) for an operator responding to this General Order, a motor vehicle equipped with an ADS being operated by the operator.

20. **“Vulnerable Road User”** means and includes any person who is not an occupant of a motor vehicle with more than three wheels. This definition includes, but is not limited to, pedestrians, persons traveling in wheelchairs, bicyclists, motorcyclists, and riders or occupants of other transport vehicles that are not motor vehicles, such as all-terrain vehicles and tractors.

21. **“You” or “your”** means each individual manufacturer or operator to whom this General Order is directed.

INSTRUCTIONS

The following instructions apply to each Reporting Entity:

1. This General Order requires you to submit reports to NHTSA on a prospective basis. It requires reports of incidents of which you receive notice ten (10) calendar days or more after first being served with Standing General Order 2021-01. **This is a standing reporting obligation, which shall continue for three (3) years after issuance of this Second Amended Standing General Order 2021-01.**

2. You are required to respond to every request listed in this General Order, including each subpart. If you cannot substantively respond to any specific request or subpart, you must state the reason why you are unable to do so. Examples include, but are not limited to, situations where you do not possess the information requested at the time the report is due or where you are required to redact the information because it is protected from disclosure under law. If you do not possess the information necessary to fully complete a report required by this General Order by its due date, you must provide as much information as you have available at the time the report is due and subsequently update that information, as appropriate, consistent with the requirements of Request No. 3.

3. You must provide each report required by this General Order to NHTSA in an electronic format, pursuant to the instructions set forth in Appendix A, and with the information required and in the form set forth in Appendix C. Each updated Incident Report must independently provide all information required by the form set forth in Appendix C and must not refer to or attempt to incorporate by reference any information included in a previously submitted Incident Report. You should immediately review the instructions set forth in

Appendix A to determine whether you need to establish an account and have it authorized for the submission of reports under the terms of this General Order. You must also separately submit any report that you claim contains confidential business information (CBI) to NHTSA's Office of the Chief Counsel pursuant to the instructions set forth in Appendix B.

4. A Reporting Entity that is a manufacturer of a vehicle or equipment of a vehicle involved in a crash must report any incident covered by the requests in this General Order involving your vehicles, or vehicles equipped with your Level 2 ADAS or ADS, even if it is not directly or indirectly responsible for operation of the vehicle. You must also report any incident covered by the requests in this General Order, even if the incident in question has already been reported by another Reporting Entity. To the extent a Reporting Entity is aware of another existing report involving the same crash, NHTSA encourages Reporting Entities to list the Report ID for the other entry in the new report's narrative in order to help the Agency correlate the two reports. The reporting form includes a field for the Reporting Entity to identify any other Reporting Entity or entities they are aware of that has or should be expected to submit a report for the same crash.

5. Under this General Order, all Reporting Entities must submit at least one report every month, regardless of the automation level of their vehicles. Whether that required report is a "Monthly" report (under Request No. 2 or 3) or a "No New or Updated Incident Report" (under Request No. 4), as titled in Appendix A of this General Order, depends on whether the entity has any new reportable crashes or updates to prior reportable crashes during the applicable reporting period.¹¹

¹¹ The "No New or Updated Incident Report" was previously referred to as the "Monthly—No Incidents" report.

6. If a Reporting Entity submits a report that it learns contains an error, the Reporting Entity should contact NHTSA at sgo202101-info@dot.gov as soon as possible to identify the issue. The Reporting Entity should also identify the correction in its next report about the incident, whether that is a ten-day report or a subsequent update. If appropriate, the Reporting Entity should also contact the Help Desk by phone at 202-366-3348 or by email at MC.Helpdesk@dot.gov to request replacement of the erroneous report. All communications about the error should include the relevant Report ID.

7. NHTSA has determined that the information required by the Incident Report form set forth in Appendix C, with three exceptions, does not include any potential CBI exempt from public disclosure under either the Safety Act (49 U.S.C. § 30167(a)) or the Freedom of Information Act (5 U.S.C. § 552(b)(4)). Except for these three exceptions described below, the nature of the crash-related information required by the Incident Report form is widely available to the public from law enforcement agencies and through motor vehicle crash databases maintained by NHTSA.¹² NHTSA, therefore, will not keep this information confidential, intends to make it publicly available, and is providing no assurance to you to the contrary. *See Food Marketing Inst. v. Argus Leader Media*, 139 S. Ct. 2356, 2363 (2019).

8. There are three exceptions, for which NHTSA will permit you to claim, when appropriate and appropriately supported, that information submitted in an Incident Report constitutes CBI. These three exceptions are: (1) the hardware and software versions of the ADAS/ADS with which a vehicle is equipped; (2) whether the vehicle was within its operational design domain (ODD) at the time of the incident; and (3) the narrative. The instructions

¹² See <https://www.nhtsa.gov/data/crash-data-systems>.

provided in Appendix B explain how you can make such a claim of confidentiality. Making a request for confidential treatment does not ensure that the information claimed to be confidential will be determined to be confidential. *See* 49 C.F.R. Part 512, Subparts D-E. NHTSA emphasizes that CBI requests should be narrowly tailored to the specific information protectable by the applicable standards.

9. If the deadline for submission of any report required by this General Order (other than those reports required within one calendar day or five calendar days under Request No. 1) falls on a weekend or Federal holiday, the deadline is extended to the next business day that is not a Federal holiday. The deadline extension described in this paragraph does not apply to reports required within one calendar day or five calendar days under Request No. 1.

10. Any questions about the information or format required for the reports required by this General Order should be directed to Michael Kuppersmith, Office of the Chief Counsel, via email at michael.kuppersmith@dot.gov or telephone at 202-360-5259 or, for technical questions, an email should be sent to sgo202101-info@dot.gov. The deadlines for filing reports required by this General Order are not tolled or otherwise held in abeyance by the submission of a question.

11. With respect to words and terms used in this General Order: the singular includes the plural; “and” as well as “or” shall be construed either disjunctively or conjunctively to bring within the scope of this General Order all information, incidents, and 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”; and 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 requests all information, incidents, and responses that might otherwise be construed to be outside its scope.

12. The reporting requirements established by this General Order, issued pursuant to 49 U.S.C. § 30166(g), are in addition to any reporting obligations applicable to you under the National Traffic and Motor Vehicle Safety Act, as amended (the Safety Act), 49 U.S.C. Chapter 301, and regulations thereunder, but not limited to, early warning reporting requirements, 49 C.F.R. Part 579, Subpart C.

13. Failure to respond timely, fully, or truthfully to this General Order may result in a referral to the United States Department of Justice for a civil action to compel responses and may also subject you to civil penalties, currently up to \$26,315 per violation per day, up to a maximum penalty of \$131,564,183 for a related series of violations. *See* 49 U.S.C. § 30165(a)(3); 49 C.F.R. § 578.6(a)(3).

REQUESTS

IT IS THEREFORE ORDERED THAT:

In accordance with the instructions set forth above, each Reporting Entity shall submit an Incident Report, with the information required and in the form prescribed by Appendix C, as follows:

1. For each incident that meets the criteria in subparts A, B, C, and E of this Request No. 1, submit an Incident Report not later than one (1) calendar day after receipt of notice of such incident and an updated Incident Report on the tenth (10th) calendar day after receipt of notice of such incident; and for each incident that meets the criteria in subparts A, B, D, and E of this Request No. 1, submit an Incident Report not later than five (5) calendar days after receipt of notice of such incident:

- A. a subject vehicle (whether equipped with ADS or Level 2 ADAS) is involved in a crash on a publicly accessible road in the United States (including any of its territories);
- B. the ADS or Level 2 ADAS on the subject vehicle was engaged at any time during the period from 30 seconds immediately prior to the commencement of the crash through the conclusion of the crash;
- C. the crash results in a fatality or any individual being transported to a hospital for medical treatment, or involves a vulnerable road user;
- D. the crash results in a vehicle tow-away or an air bag deployment but does not result in a fatality or any individual being transported to a hospital for medical treatment and does not involve a vulnerable road user;

- E. notice of the crash is received ten (10) calendar days or more after being first served with Standing General Order 2021-01.

The third criterion (Request No. 1.C.) is met when either 1) the crash results in a fatality or any person being transported to a hospital for medical treatment of an injury, regardless of whether the person killed or injured was an occupant of the subject vehicle, or 2) a vulnerable road user is injured as a result of the crash, is struck by any vehicle involved in the crash, is an occupant of any vehicle that is damaged as a result of the crash, or is alleged to have caused or contributed to the crash by influencing any part of the driving task for any vehicle involved in the crash. The fourth criterion (Request No. 1.D) is met when the crash results in a tow-away or air bag deployment on any vehicle involved in the crash, regardless of whether the tow-away or air bag deployment involved the subject vehicle, but the crash does not result in a fatality, any individual being transported to a hospital for medical treatment and does not involve a vulnerable road user.

2. For each incident that meets the following criteria and is not reportable under Request No. 1, submit an Incident Report by the fifteenth (15th) calendar day of the month following the calendar month in which notice of the incident was received:

- A. a subject vehicle equipped with ADS is involved in a crash on a publicly accessible road in the United States (including any of its territories);
- B. the ADS on the subject vehicle was engaged at any time during the period 30 seconds immediately prior to the commencement of the crash through the conclusion of the crash; and
- C. notice of the crash is received ten (10) calendar days or more after first being served with Standing General Order 2021-01.

3. For any incident previously reported under Request No. 1 or Request No. 2, submit an updated Incident Report by the fifteenth (15th) calendar day of the month following any calendar month in which notice of any material new or materially different information about the incident is received.

4. In the absence of any new or updated Incident Reports due under Request No. 2 and Request No. 3, submit an Incident Report by the fifteenth (15th) calendar day of each month, confirming the lack of any reportable information under Request No. 2 and Request No. 3 during the previous calendar month, beginning the calendar month after you were first served with the Standing General Order 2021-01.

NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION,
U.S. DEPARTMENT OF TRANSPORTATION

Dated: April 5, 2023

By:



Ann Carlson
Chief Counsel

Attachments:

Service List

Appendix A—Incident Report Submission Instructions

Appendix B—Confidential Business Information (CBI) Instructions

Appendix C—Incident Report

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

In re:)
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Standing General Order 2021-01)
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Incident Reporting for)
Automated Driving Systems (ADS) and)
Level 2 Advanced Driver)
Assistance Systems (ADAS))
)

SERVICE LIST

The following manufacturers and operators shall be served with and are then, upon service, subject to the requirements of this Second Amended Standing General Order 2021-01:

Lajos Nemeth
Chief Operating Officer
Almotive, Inc.
1907 Colony Street
Mountain View, CA 94043

Feng-Ming Wan
Chief Executive Officer
Ambarella Corp.
3101 Jay Street
Santa Clara, CA 95054

Catherine McEvelly
Senior Vice President & General Counsel
(Honda North America)
American Honda Motor Co.
1919 Torrance Boulevard
Torrance, CA 90501-2746

Jan Becker
President and Chief Executive Officer
Apex.ai, Inc.
843 E Charleston Road
Palo Alto, CA 94303

Helen K. Pan
General Manager
Apollo Autonomous Driving USA
1195 Bordeaux Drive
Sunnyvale, CA 94089

Katherine Adams
Senior Vice President & General Counsel
Apple
One Apple Park Way
Cupertino, CA 95014

Katherine Ramundo
Senior Vice President & Chief Legal Officer
Aptiv
5724 Innovation Drive
Troy, MI 48098

Youngwoo Seo
Chief Executive Officer
Atlas Robotics, Inc.
2259 Delucchi Drive
Pleasanton, CA 94588

Brad Stertz
Director, Audi Government Affairs
Audi
601 Pennsylvania Avenue, NW, Suite 740
Washington, DC 20004

Rene Sueltzner
Head of After Sales/Recalls
Automobili Lamborghini America LLC
2200 Ferdinand Porsche Drive
Herndon, VA 20171

Robin Li
Chief Executive Officer
Baidu USA LLC
1195 Bordeaux Drive
Sunnyvale, CA 94089

Michael Hawthorne
President and Chief Executive Officer
Bendix Commercial Motor Vehicle Systems
35500 Chester Road
Avon, OH 44011

Black Sesame Technologies
2290 N. First Street, Suite 100
San Jose, CA 95131

Adam McNeill
Vice President of Engineering
BMW of North America, LLC
P.O. Box 1227
Westwood, NJ 07675-1227

Mark Godwin
President
Box Bot
201 2nd Street
Oakland, CA 94607

Nathaniel Beuse
Vice President of Safety
Aurora
280 N. Bernardo Avenue
Mountain View, CA 94043

Jianxiong Xiao
Chief Executive Officer
AutoX Technologies Inc
441 West Trimble Road
San Jose, CA 95131

Joe Moyer
Chief Executive Officer
Beep
13485 Veterans Way, Suite 110
Orlando, FL 32827

Stephen Worrall
Director, Aftersales
Bentley Motors, Inc.
2200 Ferdinand Porsche Drive
Herndon, VA 20171

Joel Pazhayampallil
Chief Executive Officer
Bluespace.ai
3587 Lupine Avenue
Palo Alto, CA 94303

Erik Dyhrkopp
General Counsel
Bosch – Robert Bosch LLC
38000 Hills Tech Drive
Farmington Hills, MI 48331

Meelis Anton
Chief Operating Officer
Cleveron
9916 Bordeaux Avenue
Frisco, TX 75035

George Hotz
Chief Executive Officer President
comma.ai, Inc.
1441 State Street
San Diego, CA 92101

Jeff Bleich
Chief Legal Officer
Cruise
333 Brannan Street
San Francisco, CA 94107

Sean Waters
Vice President, Product Compliance
Daimler Trucks NA
4747 N. Channel Avenue
Portland, OR 97217-3849

Seiji Maeda
Chief Executive Officer
Denso International America, Inc.
24777 Denso Drive
Southfield, MI 48033

Gilbert Gagnaire
Chief Executive Officer
EasyMile
3300 Walnut Street, Suite 124
Denver, CO 80205

David M. Wertheim
Vice President & General Counsel
Ferrari North America, Inc.
250 Sylvan Avenue
Englewood Cliffs, NJ 07632-2500

Emily Frascaroli
Global Automotive Safety Office Director
Ford Motor Company
330 Town Center, Suite 500
Dearborn, MI 48126-2738

Ibro Muharemovic
Director
Continental Automotive Systems, Inc.
1 Continental Drive
Auburn Hills, MI 48326

Lior Tal
Chief Executive Officer
CYNGN Inc
1015 O'Brien Drive
Menlo Park, CA 94025

Qi Zhuang
Chief Executive Officer
Deeproute AI
46535 Fremont Boulevard
Fremont, CA 94538

Boqing Shi
Vice President, Head of Autonomous Driving
US
DiDi Research America LLC
450 National Avenue
Mountain View, CA 94043

Robert Falck
Chief Executive Officer
Einride AB
Nordic Innovation House
470 Ramona Street
Palo Alto, CA 94301

Nicholas Promponas
Senior Vice President, Transit Management
Services
First Transit, Inc.
P.O. Box 725
Fox Island, WA 98333

Arjun Narang
Co-Founder and CTO
Gatik AI, Inc.
3530 W Bayshore Road
Palo Alto, CA 94303-4228

Regina Carto
Vice President - Global Product Safety &
Systems
General Motors LLC
29427 Louis Chevrolet Road
Mail Code 480-210-2V
Warren, MI 48093

Guident
901 N.W. 35th Street, Suite 101E
Boca Raton, FL 33431

Gregory Crandell
General Manager USA
Holon
2650 N Opdyke Road, Suite B
Auburn Hills, MI 48326

Adham Ghazali
Chief Executive Officer
Imagry Inc.
2730 S. Hardy Drive, Suite 1
Tempe, AZ 85282

Allon Stabinsky
Chief Deputy General Counsel
Intel/Mobileye
2200 Mission College Boulevard
Santa Clara, CA 95054-1549

Chris Marchand
VP, Government and Industry Relations,
Americas
Jaguar-Land Rover
100 Jaguar Land Rover Way
Mahwah, NJ 07495

Jackie Glassman
General Counsel
Ghost Autonomy
900 Villa Street
Mountain View, CA 94041

Vladislav Voroninski
Chief Executive Officer
Helm AI
3723 Haven Avenue, #125
Menlo Park, CA 94025

Brian Latouf
Chief Safety Officer, Hyundai Motor North
America
Hyundai Motor America
10550 Talbert Avenue
Fountain Valley, CA 92708

Dr. Chen Tian
Vice President, Head of R&D Center in
Silicon Valley
Inceptio Technology
47221 Fremont Boulevard
Fremont, CA 94538-6502

Shaun Skinner
President and CEO at Isuzu Commercial
Truck of America, Inc.
Isuzu Technical Center of America, Inc.
46401 Commerce Center Drive
Plymouth, MI 48170-2473

J.S. (Jurassic) Park
Vice President, Product Litigation and
Regulatory Compliance
Kia Motors America
111 Peters Canyon Road
Irvine, CA 92606-1790

Jordan Coleman
General Counsel
Kodiak Robotics
1049 Terra Bella Avenue
Mountain View, CA 94043

Yong Huang
Manager
Leonis Technologies North America LLC
48660 Kato Road
Fremont, CA 94538

Jonathan Butler
Vice President, General Counsel
Lucid Motors USA Inc.
7373 Gateway Boulevard
Newark, CA 94560

Cheol Woo Kim
Chief Executive Officer
Mando America Corp.
4201 Northpark Dr.
Opelika, AL 36801

Edwin Olson
Chief Executive Officer
May Mobility
650 Avis Drive, Suite 100
Ann Arbor, MI 48108

Tim Murnane
Legal Director
McLaren Automotive Incorporated
1405 S. Beltline Road, Suite 100
Coppell, TX 75019

Katherine Knight
Vice President, General Counsel
Mitsubishi Motors North America, Inc.
4031 Aspen Grove Drive, Suite 650
Franklin, TN 37067

Sammy Omari
Chief Executive Officer
Latitude AI
2545 Railroad Street, Suite 400
Pittsburgh, PA 15222

Çetin Meriçli, Ph.D.
Chief Executive Officer
Locomotion
113 47th Street
Pittsburgh, PA 15201

Gregory McLean
Senior Legal Counsel
Magna International of America, Inc.
337 Magna Drive
750 Tower Drive, Mail Code 7000
Troy, MI 48098

Kas Rigas
Head of Communications
Maserati North America, Inc.
One Chrysler Drive
Auburn Hills, MI 48326

Jennifer Morrison
Manager, Vehicle Safety Compliance
Mazda North American Operations
1025 Connecticut Avenue, NW, Suite 910
Washington, DC 20036

Matthew Everitt
Vice President and General Counsel
Mercedes-Benz North America
13470 International Parkway
Jacksonville, FL 32218

Peter Simshauser
General Counsel
Motional AD, Inc.
100 Northern Avenue, 2nd Floor
Boston, MA 02210

Ted Navitskas
General Counsel
MV Transportation, Inc.
Corporate Headquarters
2711 N. Haskell Avenue, Suite 1500 LB-2
Dallas, TX 75204

Jeremy Layman
Key Account Manager
NAVYA Inc.
1406 East Michigan Avenue
Saline, MI 48176

David Estrada
Chief Legal & Policy Officer
Nuro
1300 Terra Bella Avenue #200
Mountain View, CA 94043

Jenny Larios Berlin
Chief Operating Officer
Optimus Ride Inc.
88 Black Falcon Avenue, Suite 188
Boston, MA 02210

Mike Walton
Vice President and General Counsel
PACCAR
777 106th Avenue N.E.
Bellevue, WA 98004

John Mottola
Vice President of Operations
Perrone Robotics, Inc.
5625 The Square
Crozet, VA 22932

David Liu
Chief Executive Officer
Plus AI
20401 Stevens Creek Boulevard
Cupertino, CA 95014

Curt A. Kramer
General Counsel
Navistar, Inc.
2701 Navistar Drive
Lisle, IL 60532

Selim Hammoud
Director, Product Safety
Nissan North America, Inc.
P. O. BOX 685001
Franklin, TN 37068-5009

Gary Hicok
Senior Vice President, Automotive Hardware
& Systems
NVIDIA
2788 San Tomas Expressway
Santa Clara, CA 95050

Ryan Smith
Vice President of Technology Solutions
Oxbotica
61 Wildwood Lane
Durango, CO 81301

Pegasus Technology Holdings
2870 Zanker Road, Suite 210
San Jose, CA 95134

Hyunggi Cho
Chief Executive Officer
Phantom.ai, Inc.
197 Airport Boulevard
Burlingame, CA 94010

Lucy Clark Dougherty
General Counsel
Polaris
2100 Highway 55
Medina, MN 55340

Gregor Hembrough
President
Polestar Automotive USA Inc.
70077 McArthur Boulevard
Mahwah, NJ 07430

George Feygin
General Counsel
Porsche Cars North America, Inc.
One Porsche Drive
Atlanta, GA 30354

Qian Yu
Chief Executive Officer
Qcraft.ai
3350 Scott Boulevard, Suite 3902
Santa Clara, CA 95054

Refraction.ai
200 Academy Drive, Suite 175
Austin, TX 78704

Aarjav Trivedi
Chief Executive Officer
Ridecell, Inc.
514 Bryant Street
San Francisco, CA 94107

Alberto Lacaze
President
Robotic Research
22601 Gateway Center Drive
Clarksburg, MD 20871

Mark Chernoby
Global Technical Safety and Regulatory
Compliance Officer
Stellantis
800 Chrysler Drive
Auburn Hills, MI 48326-2757

Max Harris
Government Affairs
Pony.ai
3501 Gateway Boulevard
Freemont, CA 94538

Robbie Miller
Chief Executive Officer and Chief Safety
Officer
Pronto AI
1186 Folsom Street
San Francisco, CA 94103

Paul Guckian
Vice President Engineering
Qualcomm Technologies, Inc.
5775 Morehouse Drive
San Diego, CA 92121

Jason Stinson
Chief Technology Officer
Renovo Motors Inc.
1624 Dell Avenue, Suite B
Campbell, CA 95008

Bell, Nancy
General Counsel
Rivian Automotive, LLC
13250 North Haggerty Road
Plymouth, MI 48170

Dr. Anuja Sonalker
Chief Executive Officer
Steer Tech
10840 Guilford Road
Annapolis Junction, MD 20701

Sheila Gallucci-Davis
General Counsel
Subaru of America
One Subaru Drive
Camden, NJ 08103

Steve Debenham
Vice President & General Counsel
Telenav, Inc.
4655 Great America Parkway, Suite 300
Santa Clara, CA 95054

Michael Fleming
Chief Executive Officer
TORC Robotics, Inc.
405 Partnership Drive SE
Blacksburg, VA 24060

Derrick Breun
Vice President Operations
Transdev Services, Inc.
3540 E. Baseline Road, Suite 100
Phoenix, AZ 85042

Daniel J. Laury
Chief Executive Officer
Udelv, Inc.
1826 Rollins Road
Burlingame, CA 94010

Julie A. Manzari
Innovation Strategist
VEPC (Dominon Energy)
707 East Main Street, 20th Floor
Richmond, VA 23219

Vingroup USA
333 W. San Carlos Street, Suite 600
San Jose, CA 95110

Christopher Dauerer
Vice President Quality - Americas
Volvo Car USA, LLC
270 Three Point Drive
Ridgeville, SC 29472

Lars Moravy
Vice President Vehicle Engineering
Tesla, Inc.
1 Tesla Road
Austin, TX 78725

Gary Ross
Vice President
Toyota Motor North America
6565 Headquarters Drive
Plano, TX 75024

Jim Mullen
Chief Administrative and Legal Officer
TuSimple
9191 Towne Centre Drive, Suite 600
San Diego, CA 92122

Eric Antoine Fredette
General Counsel
Valeo
150 Stephenson Highway
Troy, MI 48083

Jimmy Pang
Engineering and Development Supervisor
Verizon
One Verizon Way
Basking Ridge, NJ 07920

Chris Sandvig
Director of Group Customer Protection
Volkswagen Group of America, Inc.
2200 Ferdinand Porsche Drive
Herndon, VA 20171

Jonathan Miller
Senior Vice President, Public Affairs
Volvo Trucks (Volvo Group North America)
7900 National Service Road
Greensboro, NC 27409

Vueron Technology USA
2665 N. 1st Street, Suite 110
San Jose, CA 95134

Kelly Freeman
Senior Legal Counsel
Wabco Vehicle Control Systems
2135 West Maple Road
Troy, MI 48084

Zhong Hua
Senior Vice President of Engineering
WeRide Corp
North American R&D Center
2630 Orchard Parkway
San Jose, CA 95131

Xinzhou Wu
Chief Executive Officer
Xmotors.ai, Inc.
850 N. Shoreline Boulevard
Mountain View, CA 94043

Dr. Martin Fischer
Passive and Active Safety Systems,
Electronics, and ADAS
ZF North America, Inc.
12001 Tech Center Drive
Livonia, MI 48150

Sam Loesche
Head of Public Policy & Federal Affairs
Waabi
1407 Indiana Street
San Francisco, CA 94107

Kevin Vosen
General Counsel
Waymo
1600 Amphitheatre Parkway
Mountain View, CA 94043

James Kuffner
Chief Executive Officer
Woven Planet North America, Inc.
4440 El Camino Real
Los Altos, CA 94022

Dmitry Polishchuk
Chief Executive Officer
Yandex Self Driving Group Inc.
10 State Street
Newburyport, MA 01950

Christopher Nalevanko
General Counsel
Zoox, Inc.
1149 Chess Drive
Foster City, CA 94404

Appendix A to Standing General Order 2021-01
Incident Report Submission Instructions

Each report required by this Standing General Order (General Order) must be provided to NHTSA in electronic format, via the NHTSA Incident Report – SGO 2021-01 Portal (the Portal). The Portal has been available since August 12, 2021, the effective date of the First Amended General Order. These instructions explain how to establish a Portal account and how to submit a report required under this General Order via the Portal. Any report that contains confidential business information (CBI) must also separately be submitted to NHTSA’s Office of the Chief Counsel pursuant to the instructions set forth in Appendix B.

Establishing a Portal Account

If you do not have a Portal account, you must establish an account before you can file any report required by this General Order. You should establish a Portal account as soon as possible to ensure that you can timely file all required reports and to become familiar with the Portal and the procedure for filing a report.

If you have a preexisting Incident Report PDF upload account, you already are preregistered for submitting reports under this General Order, and you should already have received a Portal account invitation email to establish an account password. If you do not have a preexisting account or if you have not received a Portal account invitation email, you must contact the Help Desk at 202-366-3348 or by email at MC.Helpdesk@dot.gov to provide company and individual contact information so that NHTSA can set up a Portal account for filing reports under this General Order. You then will receive a Portal account invitation email to establish an account password and activate the account. Each separate user (including multiple users from the same Reporting Entity) must establish and activate a separate account.

Submitting a Report to NHTSA via the Portal

To submit a report to NHTSA under this General Order via the Portal, you must access the Portal at <https://mcp.nhtsa.gov/acr/signin> and follow the steps below. All data elements in the report form are required to be completed. Some data elements have restrictions based on entries made for other data elements.

1. Log in to your Portal account using your email address and password.
2. **To create a new report**, select the “Create a New Submission” button on the displayed dashboard page.
3. In the report form that is now shown, select the REPORT TYPE to display the fields that are needed for that selection. The options for REPORT TYPE are 1) “1-Day,” 2) “5-Day,” 3) “Monthly,” and 4) “No New or Updated Incident Report.”
4. If the REPORT TYPE is “1-Day,” enter the required data in the fields that are shown. After entering data, select the “Save As Draft” button to save the report as a draft for later editing or submission, or select the “Submit” button to submit the report to NHTSA immediately. Select the “Cancel” button to return to the dashboard.
5. If the REPORT TYPE is “5-Day,” enter the required data in the fields that are shown. After entering data, select the “Save As Draft” button to save the report as a draft for later editing or submission, or select the “Submit” button to submit the report to NHTSA immediately. Select the “Cancel” button to return to the dashboard.
6. If the REPORT TYPE is “Monthly,” enter the required data in the fields that are shown. After entering data, select the “Save As Draft” button to save the report as a draft for later editing or submission, or select the “Submit” button to submit the report to NHTSA immediately. Select the “Cancel” button to return to the dashboard.

7. If the REPORT TYPE is “No New or Updated Incident Report” select and enter the REPORT MONTH & YEAR. After entering the month and year, select the “Save As Draft” button to save the report for later editing or submission or select the “Submit” button to submit the report to NHTSA immediately. Select the “Cancel” button to return to the dashboard.

8. **To edit a report saved as a draft**, select its Report ID on the “Draft Incident Reports” table on the dashboard to perform edits or to submit the report to NHTSA. You can also delete a saved draft report by selecting the “Delete” button on the report page.

9. Following completion of any edits on a draft report, you can submit the report by selecting the “Submit” button. The report will now be shown on the “Submitted Incident Reports” table on the dashboard. If the report previously had been saved as a draft, it will no longer be found on the “Draft Incident Reports” table following submission.

10. **To view a report following submission**, select the Report ID of the report on the “Submitted Incident Reports” table on the dashboard. The submitted report can no longer be edited.

11. **To create an updated report (10-day or monthly)**, select the report from the “Submitted Incident Reports” table and then select the “Create Updated Report” button at the bottom of the report form. A draft copy of the report will be created and can be edited and submitted as a new version of the original form. The “Create Updated Report” function is used for both 10-day updated reports and monthly update reports. To see the submitted report from which an update report was created, look at the label immediately under the Report ID field. Only the latest version of a submitted report can be used to create an update and only one draft update version can exist for that report. An updated report must independently include all required information and must not attempt to incorporate information from prior reports by

reference. If the updated report includes confidential business information, you must submit a new CBI request pursuant to the instructions set forth in Appendix B.

12. **To view a list of prior activity**, select the “Audit Trail” button from the dashboard or from the report pages.

13. **To print reports for a CBI submission**, select the report from the “Submitted Incident Reports” table, open the report, and select the Print button at the top to print confidential and public versions of the report. A pop-up window will be displayed giving you the option to print either a public version that does not show the confidential version of the CBI fields or a confidential version that contains unredacted CBI fields and includes a “CONFIDENTIAL BUSINESS INFORMATION” designation at the top of the page. All CBI submissions must be made pursuant to the instructions set forth in Appendix B.

14. **To log out of your Portal account**, use the Logout link near the top of the page.

Technical Assistance

For technical assistance setting up a Portal account or submitting a report to NHTSA via the Portal, please contact the MC Help Desk at 202-366-3348 or by email at MC.Helpdesk@dot.gov. For technical assistance regarding the content required in a report, please send an email to sgo202101-info@dot.gov.

Appendix B to Standing General Order 2021-01
Confidential Business Information (CBI) Instructions

If you claim that information in an Incident Report you submit contains confidential business information (CBI), you must comply with 49 C.F.R. Part 512 and these instructions. These instructions provide information intended to help you comply with that regulation in the context of submitting required Incident Reports under this General Order. A current version of the regulation is available at <http://www.ecfr.gov> by selecting Title 49 “Transportation,” selecting “Parts 500 – 599” and then selecting Part 512 “Confidential Business Information.”

1. NHTSA has determined that only three of the categories on the Incident Report form (Appendix C) request information that potentially could be CBI. Those three categories are: (1) “ADAS/ADS HARDWARE VERSION” and “ADAS/ADS SOFTWARE VERSION”; (2) “WAS VEHICLE WITHIN ITS ODD AT THE TIME OF THE INCIDENT?”; and (3) “NARRATIVE.” The form includes a box labeled “CBI” next to each of these three fields.

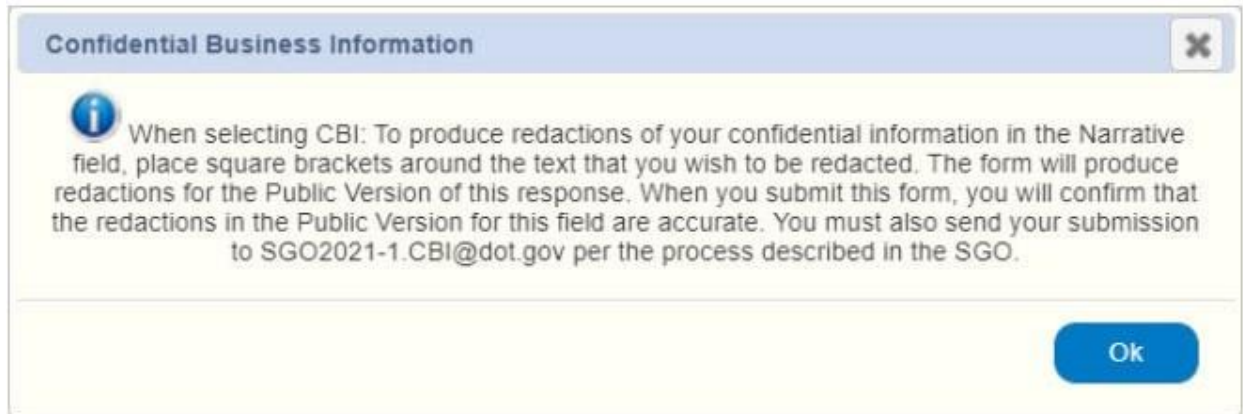
2. To claim that your response to any of these three categories constitutes CBI, you must first check the CBI box next to each field you are claiming constitutes CBI. You must separately check each CBI box to claim that the information submitted in that field constitutes CBI. NHTSA emphasizes that CBI requests should be narrowly tailored to the specific information protectable by the applicable standards.

3. If any one of the CBI boxes is checked, the report will display the statement “CONFIDENTIAL BUSINESS INFORMATION” at the top of the report, consistent with the requirements of 49 C.F.R. § 512.6(c)(2). The following message also will appear as a reminder:



4. If you check the CBI box for “ADAS/ADS HARDWARE VERSION,” “ADAS/ADS SOFTWARE VERSION,” and/or “WAS VEHICLE WITHIN ITS ODD AT THE TIME OF THE INCIDENT,” brackets will automatically be placed around the response for which the CBI box is checked to designate the information that is claimed to be confidential, consistent with the requirements of 49 C.F.R. § 512.6(c)(2). A read-only field showing the public versions of these fields will be displayed below the confidential version of the field. The public versions of these fields will state “[REDACTED CONFIDENTIAL BUSINESS INFORMATION]”

5. If you check the CBI box for “NARRATIVE,” you must manually insert brackets in the text of your response around the specific information you are claiming is confidential. These brackets will not be inserted automatically because you must identify the specific information within the “NARRATIVE” response you are claiming is confidential, consistent with the requirements of 49 C.F.R. § 512.6(c)(2). When you check the CBI box for “NARRATIVE,” the following message will appear as a reminder:



A read-only field showing the public version of the NARRATIVE field will be displayed below the confidential version of the field. Any part of the narrative you have designated as confidential by placing it within brackets will be replaced with “[REDACTED CONFIDENTIAL BUSINESS INFORMATION]” in the public version of the field. If you do not insert brackets around the specific information you are claiming is confidential, you have not made a valid CBI claim for any information in your response to “NARRATIVE.”

6. To make a valid CBI claim, you must also, in addition to following the procedures described in Paragraphs 2-5, separately submit a confidentiality request to NHTSA in support of your CBI claim. You must submit a separate confidentiality request for each Incident Report on which you are claiming CBI. You need to submit one confidentiality request for each Incident Report, regardless of how many of the three CBI boxes you checked. To submit a confidentiality request, you will need the Report ID that was generated and assigned to the report.

7. You must email your confidentiality request to NHTSA’s Office of the Chief Counsel at SGO2021-1.CBI@dot.gov. Your email must include in the subject line: the name of the Reporting Entity and the Report ID. NHTSA is treating electronic submission as an

acceptable method for submitting confidentiality requests to the agency under 49 C.F.R. Part 512. See <https://www.nhtsa.gov/coronavirus/submission-confidential-business-information>. Do not send a duplicate hardcopy of your confidentiality request to NHTSA.

8. The confidentiality request you email to NHTSA must include the following:
 - a. A request letter that contains supporting information, pursuant to 49 C.F.R. § 512.8. See *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019). The request letter must reference the unique filename assigned to the report.
 - b. A certificate, pursuant to 49 C.F.R. § 512.4(b) and 49 C.F.R. Part 512, Appendix A. The certificate must reference the Report ID assigned to the report.
 - c. An unredacted, “confidential version” of the report for which you are requesting confidential treatment. The report you submitted electronically, with checked CBI boxes, brackets around the information claimed to be confidential, and the label “CONFIDENTIAL BUSINESS INFORMATION” at the top of the page meets the requirements of 49 C.F.R. § 512.6 for this purpose. To print a confidential version of the report for a CBI submission, select the report from the “Submitted Incident Reports” table, open the report, and select the Print button at the top. A pop-up window will be displayed giving you the option to print a confidential version that includes unredacted CBI fields and includes the designation “Confidential Business Information” at the top of the page.
 - d. A redacted, “public version” of the report for which you are requesting confidential treatment. Pursuant to 49 C.F.R. § 512.5(a)(2), the redacted “public version” must 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). To print a redacted, public version of the report for a CBI submission, select the report from the “Submitted Incident Reports” table, open the report, and select the Print button at the top. A pop-up window will be displayed giving you the option to print a public version that does not show the confidential version of the CBI fields.

Appendix C to Standing General Order 2021-01
Incident Report Form

The Incident Report Form is an interactive web form that can be accessed via the Portal (see instructions in Appendix A for accessing the Portal). A static image of the form is shown on the following page.

[Return to Dashboard](#)

Reporting Entity

OMB No. 2127-0754. Expires: 3/31/2026.

UNITED STATES DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Standing General Order 2021-01
Appendix C - Incident Report

REPORT TYPE: REPORT MONTH & YEAR:

NHTSA-PROVIDED REPORT ID:

Subject Vehicle Information

VIN and/or S/N (N/A-Not applicable) UNK

VIN:

S/N:

OTHER ENTITIES THAT MAY BE AWARE OF THIS INCIDENT?

 Reporting Entity One
 Reporting Entity Two
 Reporting Entity Three

MAKE: MODEL: UNK MODEL YEAR: UNK MILEAGE: UNK

DRIVER / OPERATOR TYPE: ADS EQUIPPED?:

OPERATING ENTITY: UNK AUTOMATION SYSTEM ENGAGED AT THE TIME OF THE INCIDENT:

FEDERAL STATUTORY OR REGULATORY EXEMPTION?: ADAS / ADS SYSTEM VERSION: UNK CBI

STATE OR LOCAL PERMIT?: ADAS / ADS HARDWARE VERSION: UNK CBI

ADAS / ADS SOFTWARE VERSION: UNK CBI

Incident Information

SOURCE: Compliant / Claim Law Enforcement Other:
 Telematics Testing Media
 Field Report

INCIDENT DATE: UNK INCIDENT TIME (24-hour format): UNK

NOTICE RECEIVED DATE:

Incident Scene

LATITUDE (decimal): UNK LONGITUDE (decimal): UNK LOCATION ADDRESS / DESCRIPTION: CITY: STATE: ZIP CODE: UNK

ROADWAY TYPE: SURFACE CONDITION:

ROADWAY DESCRIPTION: SPEED LIMIT (mph): UNK

LIGHTING:

WEATHER: Clear Snow Unknown
 Cloudy Fog / Smoke Other:
 Rain Severe Wind

Crash Description

CRASH WITH: HIGHEST INJURY SEVERITY ALLEGED: PROPERTY DAMAGE?:

SUBJECT VEHICLE		CRASH WITH: <input type="text" value="--- Select ---"/>	
GENERAL DAMAGE / CONTACT AREA:	PRE-CRASH MOVEMENT: <input type="text" value="--- Select ---"/>	PRE-CRASH MOVEMENT: <input type="text" value="--- Select ---"/>	GENERAL DAMAGE / CONTACT AREA:
<input type="checkbox"/> UNK	ANY AIR BAGS DEPLOYED?: <input type="text" value="--- Select ---"/>	ANY AIR BAGS DEPLOYED?: <input type="text" value="--- Select ---"/>	<input type="checkbox"/> UNK
PRE-CRASH SPEED (mph): <input type="text"/> <input type="checkbox"/> UNK	WAS VEHICLE TOWED?: <input type="text" value="--- Select ---"/>	WAS VEHICLE TOWED?: <input type="text" value="--- Select ---"/>	
	WERE ALL PASSENGERS BELTED?: <input type="text" value="--- Select ---"/>		

Post-Crash Information

DATA AVAILABILITY: EDR Complaints Other
 Telematics No Data Police Report Unknown

LAW ENFORCEMENT INVESTIGATING?: INVESTIGATING AGENCY: UNK

REPORTING ENTITY OR MANUFACTURER INVESTIGATING?:

INVESTIGATOR NAME: UNK INVESTIGATOR PHONE: UNK INVESTIGATOR EMAIL: UNK

WAS VEHICLE WITHIN ITS ODD AT THE TIME OF THE INCIDENT?: CBI

Narrative

Provide a written description of the pre-crash, crash, and post-crash details, including the direction(s) of travel, if known. Provide explanations for any responses indicating see Narrative. List all ADAS or ADS features engaged prior to the incident, describe any ADAS or ADS feature disengagements leading up to the incident, and provide reasons for the disengagements, if known. Indicate if this is an update to a previously submitted report and, if so, provide the previous report's REPORT ID. If you selected Media as a source in the incident information section, provide the URL, or reference. Provide any other available information.

NARRATIVE:

3500 characters remaining

PAPERWORK REDUCTION ACT STATEMENT: A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. NHTSA estimates that completing and submitting this form will take between 15 minutes and 2 hours. The OMB Control Number for this information collection is 2127-0754. Expires: 3/31/2026. This information collection and Standing General Order 2021-01 requires manufacturers and operators of vehicles equipped with ADS or Level 2 ADS to report certain crashes to NHTSA. The data will help the agency understand the extent to which incidents are potentially a result of safety defects, including whether manufacturers have failed to appropriately design their systems based on their foreseeable misuse.

[Save As Draft](#) [Submit](#) [Cancel](#)