Public Comment of The Box Commons on Zoox's Application for Temporary Exemption from Various Federal Motor Vehicle Safety Standards

The Box Commons

April 9, 2026

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National Highway Traffic Safety Administration U.S. Department of Transportation 1200 New Jersey Avenue SE Washington, DC 20590

Re: Public Comment on Docket No. NHTSA–2025–0523, *Zoox—Receipt of Application for Temporary Exemption From Various Requirements of the Federal Motor Vehicle Safety Standards for an Automated Driving System-Equipped Vehicle*, 91 Fed. Reg. 12042 (March 11, 2026)

Dear Administrator Morrison and Office of Automation Safety,

1. Introduction

The Box Commons is a Wyoming nonprofit corporation in formation as a Section 501(c)(6) standards body for credentialing and conformance assessment of autonomous and AI-enabled systems. We submit this comment in response to NHTSA's March 11, 2026 notice seeking public comment on Zoox, Inc.'s petition for a temporary exemption from portions of eight Federal Motor Vehicle Safety Standards under 49 U.S.C. § 30113 and 49 CFR Part 555.

The Box Commons does not oppose Zoox's petition, and takes no position on the engineering merits of Zoox's specific compensating measures. We write instead to suggest that NHTSA's authority under 49 U.S.C. § 30113 to grant a temporary exemption "on terms [NHTSA] considers appropriate," 91 Fed. Reg. 12044, presents an opportunity to formalize a third-party conformance attestation pattern that is complementary to NHTSA's existing Federal Motor Vehicle Safety Standards framework. We respectfully offer such a pattern below, along with The Box Commons's standing offer to participate in any pilot NHTSA may consider.

2. The Attribution Question in Temporary FMVSS Exemptions for Automated Driving Systems

The statutory basis on which Zoox seeks exemption — 49 U.S.C. § 30113(b)(3)(B)(iv), implemented at 49 CFR § 555.6(d) — requires the petitioner to demonstrate that compliance with the requested standards "would prevent it from selling a motor vehicle with an overall safety level at least equal

to the overall safety level of nonexempt (i.e., compliant) vehicles." 91 Fed. Reg. 12044. The Federal Register notice records that Zoox's application "discusses how specific aspects of [its] vehicle's design preclude[] compliance certification with certain aspects of specific FMVSS (e.g., the vehicle does not have a service brake pedal required by FMVSS No. 135 ... because the vehicle is designed never to be operated by a human driver)." *Id.*

This single example illustrates a broader pattern that distinguishes Automated Driving System (ADS) exemption petitions from traditional motor vehicle exemptions. In a conventional vehicle, the FMVSS framework presumes a human driver who serves as the locus of attribution for operational safety: a brake pedal exists because a person presses it, mirrors exist because a person looks through them, an airbag warning label exists because a person reads it. When the human driver is removed by design, both the prescriptive standard and its underlying attribution model fall away together. The exemption petition asks NHTSA to accept that the ADS itself, together with the vehicle's overall design, achieves an equivalent safety result.

We respectfully observe that in such cases, the question NHTSA confronts is not whether the petitioner's compensating measures are theoretically sound — that question rests with the petitioner's engineers and with NHTSA's technical reviewers. The further question is whether those compensating measures, once accepted, can be independently verified, monitored, and re-verified throughout the vehicle's operational life by parties other than the petitioner itself. Traditional self-certification under FMVSS rests on the deterministic, physically testable nature of conventional vehicle hardware. Compensating measures for ADS-equipped vehicles, by contrast, are largely behavioral and software-defined: their safety properties are emergent rather than fixed at the time of certification. This distinction does not weaken self-certification as a starting point; it suggests that self-certification may be productively complemented by independent third-party attestation operating under published criteria.

3. A Proposed Conformance Pattern

The Box Commons respectfully proposes that NHTSA, in considering whether and on what terms to grant the Zoox petition, evaluate a four-element conformance pattern that NHTSA could condition any temporary exemption upon, either as part of the initial grant or as a renewal condition. The pattern is intended to map directly onto frameworks NHTSA and other federal agencies already recognize:

(a) Published technical criteria. The petitioner's compensating measures should be assessable against published, version-controlled technical criteria — for example, ISO 21448:2022, *Road vehicles — Safety of the intended functionality (SOTIF)*, which addresses hazards arising from the intended functionality of road vehicles in the absence of system fault, and which complements ISO 26262 functional-safety analysis. Such criteria are not a substitute for FMVSS; they are a supplementary technical vocabulary in which "overall safety level" can be expressed and compared.

(b) Independent assessment by an accredited body. The petitioner's compliance with those criteria should be assessed by a body operating under established conformity-assessment standards — for example, ISO/IEC 17065:2012, *Conformity assessment — Requirements for bodies certifying products, processes and services*, governed in turn by accreditation under ISO/IEC 17011:2017, *Conformity assessment — Requirements for accreditation bodies accrediting conformity assessment bodies*. This is the same architecture that underlies the American National Standards Institute's (ANSI) accreditation framework and that is used in adjacent federal contexts including FedRAMP, FIPS 140-3 cryptographic module validation, and Common Criteria evaluations.

(c) Machine-readable attestation. The result of independent assessment should be expressed as a machine-readable attestation — a cryptographically verifiable record that a specified vehicle configuration, as of a specified date, meets specified criteria as confirmed by a specified accredited assessor. Machine-readable attestations can be produced and verified at scale, can travel with vehicles across jurisdictions, and can be revoked or superseded when compensating measures are updated.

(d) Continuous reporting under published terms. Because the safety properties of ADS-equipped vehicles can drift as software, sensors, and operational design domains evolve, the conformance pattern should include continuous reporting of operational data (for example, disengagement counts, near-miss telemetry, and over-the-air update events) against the same published criteria. The reporting protocol itself — what is reported, in what format, to whom, and on what schedule — should be published in advance and should not be redefined per petitioner.

This four-element pattern is not a regulatory request. It does not propose new FMVSS, does not propose to bind Zoox or any other petitioner to a particular standards body, and does not propose to condition any exemption on payment to The Box Commons or any other organization. It is a description of an existing conformance architecture, well-attested in adjacent federal contexts, that we believe could be productively adapted to the ADS exemption setting.

4. The Box Commons's Role and Offering

The Box Commons is being formed expressly to operate as a neutral, multi-tenant standards body in this domain. Our governance structure is designed to satisfy the independence and impartiality requirements that ANSI accreditation principles impose on conformity assessment bodies. We are not a vehicle manufacturer, supplier, or insurer; we hold no commercial stake in any specific ADS architecture; and our incorporating documents commit us to technology-agnostic operation.

We respectfully offer to participate, at no cost to NHTSA, in any pilot or research effort the agency may undertake to evaluate third-party conformance attestation for ADS exemption petitions. In particular, we would welcome the opportunity to develop draft published criteria, an example machine-readable attestation schema, and a sample continuous-reporting protocol against the four-element pattern described above, for NHTSA's review and comment.

5. Prior Engagement on Related Matters

For NHTSA's information, the principals of The Box Commons have engaged substantively with related federal AI standards processes during 2026. Specifically, comments have been filed on the National Institute of Standards and Technology's NCCoE AI Agent Identity & Authorization concept paper (March 14, 2026, in response to the April 2 deadline), on the NIST AI 800-2 ipd publication, *Practices for Automated Benchmark Evaluations of Language Models* (March 18, 2026), and on the NIST Center for AI Standards and Innovation's Request for Information on barriers to AI adoption (March 6, 2026, RFI tracking number mmf-286f-aneg). Each of these submissions has addressed conformance assessment, identity, and attestation for AI-enabled systems. We mention them here to indicate that the proposal in this comment is consistent with a broader engagement, not an isolated suggestion to NHTSA.

6. Conclusion

The Box Commons takes no position on Zoox's specific compensating measures or on whether NHTSA should grant the petition. We respectfully suggest that NHTSA's existing authority under 49 U.S.C. § 30113(b)(1) to set terms on any temporary exemption is a sufficient basis to test, on a voluntary and non-binding pilot basis, the four-element conformance pattern described above. We offer The Box Commons's participation in any such pilot, on royalty-free terms, as an initial public-good contribution from a standards body whose mission is precisely to support agencies and industry in this domain. We thank the agency for its consideration.

Respectfully submitted,

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