U.S. Department of Transportation
National Highway Traffic Safety Administration

NHTSA

November 5, 2024

Eddie Gates
Director, Field Quality
Tesla, Inc.
45500 Fremont Blvd.
Fremont, CA 94538

Subject: Information Request ID PE24031-01

Dear Mr. Gates,

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE24031) to examine FSD-equipped vehicles manufactured by Tesla, Inc. (Tesla) and FSD's potential failure to perform, including detecting and responding appropriately in specific situations where there is reduced roadway visibility that may limit FSD's ability to safely operate.

This investigation will focus on the adequacy of FSD's ability to perform in reduced visibility conditions stemming from relatively common traffic occurrences such as sun glare, fog, and airborne dust in the wake of four crashes reported under the Standing General Order 2021-01 (SGO), one of which resulted in a fatality. It appears in these instances that the driver may not be aware that he or she is responsible for selection of the operational design domain or fully understand the capabilities and nuances of the system. This investigation will consider the adequacy of feedback or information the system provides to drivers to enable them to make a decision in real time when the capability of the system has been exceeded.

This letter lists the reference numbers corresponding to the four SGO reports and requests certain information from Tesla.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **OEDR:** Object and event detection and response or the subtasks of the dynamic driving task (DDT)[1] that include monitoring the driving environment (detecting, recognizing, and classifying objects and events and preparing to respond as needed) and executing an

[1] "DDT" means the same as and is coterminous with the definition of "Dynamic Driving Task" in SAE J3016, Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles § 3.13 (April 2021).

appropriate response to such objects and events (i.e., as needed to complete the DDT and/or DDT fallback).[2]

- **Subject system:** All versions of Tesla's "Full Self-Driving"-Beta and "Full Self-Driving"-Supervised partial automation system (hardware and software), also referred to as FSD or Autosteer on City Streets, deployed for use in Tesla-manufactured vehicles on public roadways within the United States and its possessions and territories.

- **Subject vehicles:** All Tesla vehicles manufactured for sale or lease that have ever had the subject system activated in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.

- **Crash:** Incidents in which there is a 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. For purposes of this Information Request, 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.

- **Reduced Visibility Conditions:** Circumstances that the vehicle cannot clear[3] such as airborne obscurants or light sources that inhibit the vehicle partial automation system from properly classifying objects or the pathway ahead.

- **Subject Crashes:** Incidents in which subject vehicles are involved in a crash in the United States (including any of its territories) where reduced visibility conditions are present (including those detected by the subject vehicle and/or allegations made by consumers) with the subject system engaged at any time during the period beginning 30 seconds immediately prior to the commencement of the crash through the conclusion of the crash event.

- **Alleged defect:** Failure of the subject system to fully detect or respond appropriately to reduced visibility conditions encountered while in operation.

- **Tesla:** Tesla, Inc., all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Tesla (including all business units and persons previously referred to), who are or were involved in any way

[2] "OEDR" means the same as and is coterminous with the definition of "Object and Event Detection and Response" in SAE J3016, Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles § 3.20 (April 2021).

[3] Some conditions such as general rain and darkness may be cleared by the vehicle with use of windshield wipers and headlights respectively. Light sources into the camera sensor with exposure compensation.

as of or after January 1, 2016, with any of the following related to the alleged defect in the subject vehicles:

a. Design, engineering, analysis, modification or production (e.g., quality control);
b. Testing, assessment or evaluation;
c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management (e.g., complaints, field reports, warranty information, part sales), analysis, claims, lawsuits, mediations, or arbitrations; or
d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.

- **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Tesla, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by Tesla or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 C.F.R. § 579.4.

For my staff to be able to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Tesla has previously provided a document to ODI, Tesla may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Tesla's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of subject vehicles Tesla has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Tesla, state the following:

   a. Vehicle identification number (17-character VIN);
   b. Model;
   c. Model Year;
   d. Date of manufacture (MM/DD/YYYY);
   e. Date warranty coverage commenced (MM/DD/YYYY);
   f. The State in the United States where the vehicle was originally sold or leased, or delivered for sale or lease (postal abbreviation);
   g. Whether the vehicle has an active FSD-Supervised subscription as of October 17, 2024; and
   h. Subject System Hardware version as of October 17, 2024.

   Provide the table in Microsoft Access 2010, or a compatible format, entitled "PRODUCTION DATA".

2. Provide the cumulative mileage covered by the subject vehicles by month starting on the first day of each month, since January 1, 2016, in the following categories:
   a. Total mileage regardless of mode by Model / Model Year; and
   b. Total mileage by mode and Model.

   A pre-formatted data collection file entitled "Q2_MILEAGE_DATA", which provides further details regarding this submission, will be provided to you.

3. For all subject crashes of which Tesla is aware, including but not limited to crashes previously reported pursuant to the SGO, provide the following:

    a. VIN;
    b. Incident date and time;
    c. Location of the crash (city, state, latitude, longitude);
    d. Road class type;
    e. SGO Number, if any;
    f. FSD version number of each subject vehicle at the time of the incident;
    g. Firmware at the time of incident;
    h. Number of alerts related to degraded visibility in the drive cycle that included the subject crash;
        i. Visual
        ii. Visual + Audible
        iii. Non-Driver Facing
    i. Time interval between last alert related to degraded visibility and crash detection;
    j. Subject vehicle speed at impact; and
    k. List the available documents related to this incident including but not limited to:
        i. EDR
        ii. CAN logs
        iii. Video/imagery
        iv. PAR

    Provide copies of all documents referenced in response to Request 3, Part k. A pre-formatted data collection file, which provides further details regarding this submission, entitled "Q3_SUBJECT_CRASHES" will be provided to you.

4. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Tesla. For each such action, provide the following information:

    a. Action title or identifier;
    b. The actual or planned start date;
    c. The actual or expected end date;
    d. Brief summary of the subject and objective of the action;
    e. Engineering group(s) / supplier(s) responsible for designing and for conducting the action; and
    f. A brief summary of the findings and/or conclusions resulting from the action.

    For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

5. Describe all modifications, changes, and updates made by, or on behalf of, Tesla in the design, firmware, software, material composition, manufacture, quality control, supply, function, or installation of the subject system that relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification, change, or update, provide the following information:

    a. Action title or identifier;
    b. The date or approximate date on which the modification, change, or update was incorporated into vehicle production;
    c. A detailed description of the modification, change, or update;
    d. The reason(s) (and their origin) for the modification, change, or update;
    e. A detailed description of how the modification, change, or update relates to the subject crashes and the alleged defect;
    f. Tesla's assessment regarding the safety implications of the modification, change, or update including supporting engineering and safety assessment, evidence and any other information;
        i. Describe in detail Tesla's assessment regarding any safety implications;
        ii. The expected crash rate reduction related to the modification, change, or update;
        iii. The actual crash rate reduction, if any, resulting from the modification, change, or update;
    g. The hardware, firmware, and software names and numbers of the original version of the subject system;
    h. The hardware, firmware, and software names and numbers of the modified, changed, or updated version of the subject system;
    i. Primary distribution method of related firmware and software updates (e.g. over the air or in person service);
    j. When the modified version / update was made available as a service component; and
    k. State whether Tesla intends to file a safety recall pursuant to 49 U.S.C. § 30118 covering each modification, change, and update. If not, please furnish Tesla's technical and/or legal basis for declining to do so.

    Also, provide the above information for any modification or change that Tesla is aware of which may be incorporated into vehicle production or pushed to subject vehicles in the field within the next 120 days.

    A pre-formatted data collection file, which provides further details regarding this submission, entitled "Q5_CHANGE_LOG" will be provided to you.

    Provide copies of all documents related to these modifications, changes, and updates, regardless of whether the documents are in interim, draft, or final form.

6. Describe all warnings and alerts, both internal to the vehicle and driver-facing, that the subject system may produce to indicate that the subject system is unable to detect and respond to any reduced visibility condition. Provide the following for each warning and alert:

    a. Identifier;
    b. A detailed description of what the warning or alert indicates;

c. A detailed description of the condition(s) necessary to trigger the warning or alert;
d. Describe how the warning or alert manages the conveyed confidence of the system to perform the driving task (Enclosure 3)[4];
e. Whether the warning or alert is driver-facing;
    i. If the warning or alert is driver-facing, describe in detail what is presented to the driver and provide all supporting documents (recordings, images, etc.);
    ii. If the warning or alert is not driver-facing, state whether there is any related indicator to the operator or other persons both inside and outside the vehicle that the alleged defect is occurring;
f. Provide the hardware, firmware, and software names and numbers that began the implementation of the warning or alert; and
g. Provide the hardware, firmware, and software names and numbers that removed the warning or alert.

A pre-formatted data collection file, which provides further details regarding this submission, entitled "Q6_WARNINGS_ALERTS" will be provided to you.

7. Furnish Tesla's assessment of the alleged defect in the subject vehicles, including:

    a. The causal or contributory factor(s);
    b. The failure mechanism(s);
    c. The failure mode(s);
    d. The risk to motor vehicle safety that it poses; and
    e. The reports included with this inquiry.

Legal Authority for This Request

This letter is being sent to Tesla pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports. It constitutes a new request for information.

Civil Penalties

Tesla's failure to respond promptly and fully to this letter could subject Tesla to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) The Vehicle Safety Act, 49 U.S.C. § 30165(a)(3), provides for civil penalties of up to $27,168 per violation per day, with a maximum of $135,828,178 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 C.F.R. § 578.6(a)(3). These violations include failing to respond completely, accurately, or in a timely manner to ODI information requests.

If Tesla cannot respond to any specific request or subpart(s) thereof, please state with sufficient detail in the corresponding narrative the reason why it is unable to do so. Redactions within a document containing responsive information are not permitted in the normal course. If on the

[4] *See, e.g.*, https://x.com/Tesla/status/1838964747820998763, https://x.com/Tesla/status/1830640752185282821.

basis of attorney-client, attorney work product, or other privilege, Tesla does not submit one or more requested documents or items of information in response to this information request, Tesla must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Confidential Business Information (CBI)

If Tesla's response contains any information that you claim is confidential business information, Tesla must submit its request for confidential treatment and any files containing CBI to NHTSA's Office of the Chief Counsel via the CBI Portal or a secure electronic file transfer link. Please see Enclosure 1 for additional instructions on submitting a request for confidential treatment that is compliant with 49 C.F.R. Part 512 (specifically, a request for confidential treatment must include the four required parts that are discussed in Enclosure 1).

If you choose not to submit your request and files containing CBI to NHTSA's Office of the Chief Counsel via the CBI Portal, please notify the investigator referenced in this IR to ensure that the secure file transfer link for your request for confidential treatment and any files containing CBI are directed to the Office of the Chief Counsel accordingly.

In addition to submitting a request for confidential treatment and files containing CBI directly to NHTSA's Office of the Chief Counsel, Tesla must also submit its request for confidential treatment, the files containing CBI, and their corresponding redacted versions directly to ODI via the Safety Defect Investigations (SDI) Portal. The requests for confidential treatment and certification documents are not confidential so these documents should be uploaded as non-confidential files.

Please refer to PE24031-01 in Tesla's response to this letter and in the request for confidential treatment that Tesla may submit.

Due Date

Tesla's response to this letter must be submitted to this office by **December 18, 2024**. If Tesla finds that it is unable to provide all of the information requested within the time allotted, Tesla must request an extension from me at (202) 366-5226 no later than five business days before the response due date. If Tesla is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Tesla then has available, even if an extension has been granted.

If you have any technical questions concerning this matter, please call Dylan Copestick of my staff at (202) 366-7621.

Sincerely,

Gregory Magno

Gregory Magno, Chief
Vehicle Defects Division D
Office of Defects Investigation

Enclosure 1, Information for Requests for Confidential Treatment.

Enclosure 2, The subject reports referenced in the introduction of this letter may be viewed at the NHTSA.gov website using the following SGO Report Numbers: 13781-8004, 13781-7181, 13781-7381, 13781-7767.

Enclosure 3, May 14, 2024, NHTSA E-mail to Tesla: Tesla's messaging concerning driver engagement with FSD-Supervised

ENCLOSURE 1 – INFORMATION FOR REQUESTS FOR CONFIDENTIAL TREATMENT

If you believe that your response contains any material that you claim is confidential business information, submit these materials to NHTSA's Office of the Chief Counsel in accordance with 49 C.F.R. Part 512. **All requests for confidential treatment must be submitted directly to the Office of the Chief Counsel via the Confidential Business Information (CBI) Portal or a secure file transfer link for your submission addressed to the Office of the Chief Counsel. If you are not currently registered for the CBI Portal, you may send a registration request to cbi-helpdesk@dot.gov. In addition to directly submitting the files to the Office of the Chief Counsel, you will also need to submit your request, the files containing CBI, and their corresponding redacted versions directly to ODI through the Safety Defect Investigations (SDI) Portal.**

Requests for confidential treatment are governed by Part 512. A current version of this regulation is available on the internet at http://www.ecfr.gov by selecting Title 49 "Transportation," selecting "Parts 500 – 599" and then selecting Part 512 "Confidential Business Information."

How to request confidential treatment:

NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under Part 512. If you claim that any of the information or documents provided in your response constitutes confidential business information within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, you must submit the information or documents directly to the Office of Chief Counsel via the CBI Portal or request a secure file transfer link from the ODI contact listed in your Information Request. You must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with Part 512, to the Office of the Chief Counsel. Do not send a hardcopy of a request for confidential treatment to NHTSA's headquarters.

Your request must include a request letter that contains supporting information, pursuant to Part 512.8. Your request must also include a certificate, pursuant to Part 512.4(b) and Part 512, Appendix A.

You are required to submit one unredacted "confidential version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.6, the words "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONFIDENTIAL BUSINESS INFORMATION CONTAINED WITHIN BRACKETS" (as applicable) must appear at the top of each page containing information claimed to be confidential. In the latter situation, where not all information on the page is claimed to be confidential, identify each item of information for which confidentiality is requested within brackets: "[ ]."

You are also required to submit one redacted "public version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.5(a)(2), the redacted "public version" should 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).

For questions about a request for confidential treatment, please contact Dan Rabinovitz in the Office of the Chief Counsel at Daniel.Rabinovitz@dot.gov or (202) 366-8534.

From:	Magno, Gregory (NHTSA)
To:	Eddie Gates; Eric Williams (erwilliams@tesla.com); Casey Blaine
Cc:	Topka, Tanya (NHTSA); Copestick, Dylan (NHTSA); Ardron, Lexi (NHTSA); Simmons, Scott (NHTSA); Dold, Neil (NHTSA); Healy, Thomas (NHTSA)
Subject:	Tesla's messaging concerning driver engagement with FSD-Supervised
Date:	Tuesday, May 14, 2024 5:56:00 PM
Attachments:	image001.png image002.png image003.png image004.png

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Tesla Team-

This follows discussions we have had concerning Tesla's social media messaging concerning FSD-Supervised, including the one convened on May 9, 2024.

On April 5, 2024, ODI requested a briefing from Tesla to our technical staff concerning its FSD Beta / Supervised free trial and renaming of FSD from -Beta to -Supervised.

On April 15, 2024 Tesla obliged and briefed ODI, emphasizing its owner's manual, User Interface, and YouTube (212.5k views) messaging to drivers that the vehicle is not autonomous, that they must remain vigilant, and that they, the driver remain in full control. We note that the driver in Tesla's YouTube video has their hands very closely positioned on the steering wheel while driving in a manner that indicates a readiness to intervene.

In the meantime, Tesla's X (Twitter) account has re-posted or endorsed postings that exhibit disengaged driver behavior. Similar to our remarks in the April 15, 2024 meeting about the April 10, 2024 "Heart Attack" post from @MAXPAULFRANKLIN, we believe that Tesla's postings conflict with its stated messaging that the driver is to maintain continued control over the dynamic driving task. We similarly observe that these postings may encourage viewers to see FSD-Supervised as a Chauffer or "Robotaxi" rather than a partial automation / driver assist system that requires persistent attention and intermittent intervention by the driver. Example postings are listed below for your information.

On April 11, 2024, Tesla reposted an April 10, 2024 story detailing an individual (@MAXPAULFRANKLIN) who opted to use the "Full Self-Driving capability" to drive him 13 miles from his home to the emergency room during a heart attack shortly after the April 1 free trial became available. Tesla's posting (1.6M views) stated: "FSD V12 helped owner get to the hospital when he needed immediate medical attention"
https://twitter.com/Tesla/status/1778503173646303570

On May 6, 2024, Tesla reposted a May 5, 2024 video depicting a 50 minute drive in FSD from a parking garage after a sporting event. Third party comments on the initial post stated that they "can foresee more drinkers getting home safely" (44k views) and that "FSD will save lives & enable people" (39.9k views) suggest advantages to using FSD while inebriated. Tesla's posting (4.8M views) stated "$99 / month"
https://twitter.com/Tesla/status/1787516171970830479

On May 7, 2024, Tesla reposted a February 20, 2024 ~1 minute video by the driver with hands away from the wheel except to actuate the thumbwheel in response to the visual hands on wheel warning on the user interface. The driver's posting stated that "it is truly special to sit back and let the car drive you and you don't get driver fatigue". Tesla's posting (50.3M views) stated "Driving with FSD Supervised can help reduce fatigue since you won't have to frequently make micro-adjustments as compared to driving without it"
https://twitter.com/Tesla/status/1787984202828251408

On April 18, 2024, Tesla reposted an April 13, 2024 story in which the poster indicated from firsthand experience that FSD-Supervised could help ageing drivers with diminishing confidence continue driving. Tesla's posting (830k views) stated "The goal of FSD is to eventually enable anyone to go anywhere, no matter their personal circumstances".
https://twitter.com/Tesla/status/1781082701132652633

On April 26, 2024, Tesla reposted an April 15, 2024 video of a driver admittedly inattentive to their surroundings "I wondered why FSD wasn't going on green, then he zoomed by. . . ". Tesla's posting (16M views) stated "When FSD Supervised is engaged, multiple cameras & a neural network are looking around your Tesla at all times, never getting distracted or tired".
https://twitter.com/Tesla/status/1783874430084452449

On April 4, 2024, Tesla reposted an April 2, 2024 video where a driver uses FSD without hands on the wheel and states "that is robotaxi renavigation" in reaction to the vehicle conducting a U-turn at a dead-end while accounting for pedestrians. While the driver recants the robtoaxi term afterwards, he seems clearly confident in the vehicle's ability to observe and detect everything around it. Tesla's posting (76.6k views) states "V12 completes u-turn after reaching dead end & waits for pedestrians & dogs before proceeding on its way"
https://x.com/Tesla/status/1776021181075767386

On April 1, 2024, Tesla reposted a video where a driver without hands on the wheel allowed the vehicle to navigate a parking lot with several pedestrians. Tesla's posting (87.3k views) stated "Navigating a parking lot & avoiding obstacles".
https://twitter.com/Tesla/status/1776021104332562684

Social media platforms furnish a valuable means of timely communication with the public- certainly to a greater extent than owner's manuals- and, while Tesla has the discretion to communicate with the public as it sees fit, we note that these posts show lost opportunities to temper enthusiasm for a new product with cautions on its proper use with the points that Tesla has made to us.

In addition to the aforementioned social media posts, the official Tesla website provides conflicting messaging on the capabilities of FSD-Supervised. On the Tesla store page, the option "Full Self-Driving Capability" is available with feature descriptions including "Automatic Lane Change", "Automatic Driving", and the ability for the vehicle to "drive itself almost anywhere". Tesla does provide a disclaimer on this page that the "features require active driver supervision and do not make the vehicle autonomous.".
https://www.tesla.com/model3/design#overview

Elsewhere on the official Tesla website however, additional claims are made with no such clarifying statement. If used to gather information on "FSD", the chat feature 'Tesla Assist' will provide a statement that Full Self-Driving "is designed to be able to conduct short and long distance trips with no action required by the person in the driver's seat".

There is similar language on Tesla's dedicated page for the Autopilot suite of features under the section titled "Full Self-Driving Capability". An additional statement is made that "use of these features without supervision is dependent on achieving reliability" and "regulatory approval, which may take longer in some jurisdictions".
https://www.tesla.com/autopilot
This statement is accompanied by a video embedded on the same webpage, first showing a statement that "The person in the driver's seat is only there for legal reasons. He is not doing anything. The car is driving itself.". Followed by footage of the vehicle operating on local roads with the driver's hands resting on their knees.
https://vimeo.com/192179726

Similar to the social media posts, we note that these feature descriptions and representations show an inconsistency with the points that Tesla has made to us on the capabilities of and cautions related to proper use of their systems, namely that they are driver assist / support systems that require a vigilant, responsible driver to supervise their operation carefully and maintain constant readiness to intervene in the driving task.

We request that Tesla revisit its communications to assure that its messaging is consistent with the statements made in its user instructions and appropriate to the level of capability deployed to the public roads.

Thanks

Greg

Gregory E. Magno
Division Chief, Vehicle Defects Division D
Office of Defects Investigation
Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-5226 • [redacted]

Please note: I sent this at a time convenient for me without expectation for review, action, or a response outside of business hours. If you receive this email outside of your normal working hours, please know that I do not expect review, action, or a response until you return to duty during your normal hours.

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