

Congress of the United States

Washington, DC 20515

September 9, 2026

The Honorable Sean P. Duffy
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Duffy:

I am writing to urge the Department of Transportation (DOT) and the National Highway Traffic Safety Administration (NHTSA) to take immediate action to address the growing misuse of partially automated driving systems, including Tesla's Autopilot and Full Self-Driving (FSD) features. A recent NBC News investigation identified 43 videos that appear to show individuals asleep in the driver's seat of moving Teslas, including 17 posted this year alone. These incidents are particularly alarming because Autopilot and FSD require active driver supervision and are not autonomous driving systems. As these technologies become increasingly prevalent on American roads, DOT and NHTSA must ensure that manufacturers have adequate safeguards to prevent foreseeable misuse and that drivers are not encouraged to place dangerous levels of reliance on systems that still require their full attention.

These concerns are particularly serious because NHTSA has previously identified shortcomings in Tesla's approach to driver engagement. In its prior Engineering Analysis of Tesla Autopilot, NHTSA concluded that Tesla's driver-engagement system did not sufficiently ensure driver attention and appropriate use of the system.¹ The agency further identified a mismatch between Autopilot's substantial control authority and its mechanisms for ensuring that drivers remained engaged with the task of driving, creating a serious gap between drivers' expectations and the system's actual capabilities.²

Recent incidents have shown that these concerns remain far from theoretical. In August, Tesla owners posted videos appearing to show drivers sleeping at highway speeds, using laptops, watching videos, and otherwise disengaging from the driving task while FSD was operating.³ While sleeping in the driver's seat with FSD isn't supposed to be possible, as the vehicles have in-cabin camera mounted in the rearview mirror to track the driver's head and eye movements. Some have said they have been able to override the camera wearing sunglasses, with one video showing a driver using a folded \$20 bill to obstruct the cabin camera.⁴

Tesla's own documentation acknowledges the need for continuous driver supervision. Its current Model 3 owner's manual states that drivers using FSD must remain attentive to the road, surroundings, and other road users, and explains that the cabin camera is used to monitor driver attentiveness.⁵ These safeguards, however,

¹ Rob Wile and Lora Kolodny, "Tesla Autopilot Linked to Hundreds of Collisions, Has 'Critical Safety Gap': NHTSA," CNBC, April 26, 2024, <https://www.cnbc.com/2024/04/26/tesla-autopilot-linked-to-hundreds-of-collisions-has-critical-safety-gap-nhtsa.html>.

² *id*

³ David Ingram, "Tesla Drivers Sleep at the Wheel While in Full Self-Driving Mode," NBC News, August 25, 2026, <https://www.nbcnews.com/tech/tech-news/tesla-fsd-sleep-wheel-full-self-driving-mode-nap-safe-detect-rcna590941>.

⁴ *id*

⁵ "Full Self-Driving (Supervised) Limitations," Model 3 Owner's Manual, accessed September 9, 2026, https://www.tesla.com/ownersmanual/model3/en_us/GUID-59736DF1-31FA-4F67-8A3F-6111778939D9.html.

raise questions about whether Tesla is doing enough when its own systems detect that a driver is no longer capable of providing the supervision FSD requires.

That concern is heightened by Tesla's own communications with drivers. Beginning with software update 2025.32.3, Tesla vehicles reportedly began displaying messages including "Drowsiness detected. Stay focused with FSD" and "Lane drift detected. Let FSD assist so you can stay focused."⁶ The distinction matters. Advising an alert driver who experiences a momentary lane drift to use a driver-assistance feature is one thing. Encouraging a driver whom the vehicle has detected as drowsy to "stay focused with FSD" presents a fundamentally different safety question. FSD requires continuous human supervision, yet the message appears to encourage use of the system precisely when the vehicle has detected that the driver may be less capable of providing that supervision.

These concerns also arise as NHTSA conducts a significant ongoing investigation into Tesla's FSD technology. On March 18, 2026, NHTSA opened Engineering Analysis EA26002, covering an estimated 3,203,754 Tesla vehicles equipped with FSD. The agency's stated concern is whether FSD's degradation-detection system can identify reduced roadway visibility and provide the driver with an adequate warning and sufficient time to respond.⁷ NHTSA's investigation identifies nine incidents, including one fatality and one injury, and specifically examines modifications Tesla made to its degradation-detection system and the safety implications of those changes.

I respectfully request that the Department and NHTSA respond in writing no later than September 30, 2026, to the following questions:

1. Is NHTSA aware of the growing body of publicly available videos showing Tesla drivers apparently asleep or otherwise disengaged from the driving task while Autopilot or FSD is operating? Has the agency assessed whether these incidents indicate a systemic problem with Tesla's driver-monitoring or driver-engagement systems?
2. Has NHTSA communicated with Tesla regarding videos depicting drivers sleeping, using laptops, watching video, gaming, or otherwise disengaging from the driving task while FSD is operating? If so, what information has Tesla provided regarding the frequency of such behavior and the effectiveness of its safeguards?
3. What data has NHTSA collected or requested from Tesla—through the Standing General Order or other authorities—concerning driver inattention, drowsiness, or apparent driver disengagement in crashes involving Autopilot or FSD? How many such incidents has the agency identified since January 1, 2024?
4. What is NHTSA's current assessment of the effectiveness of Tesla's cabin-camera-based driver-monitoring system? Specifically, has the agency evaluated its performance when the cabin camera is obstructed, visibility is impaired, or drivers use sunglasses, hats, or other means that may interfere with detection?

⁶ Aarian Marshall, "Tesla Is Urging Drowsy Drivers to Use 'Full Self-Driving.' That Could Go Very Wrong," *Wired*, September 27, 2025, <https://www.wired.com/story/story/tesla-urging-drowsy-drivers-to-use-full-self-driving-that-could-go-very-wrong/>.

⁷ National Highway Traffic Safety Administration, "Trump's Transportation Department Announces Tesla Model Y Is the First Vehicle to Pass NHTSA's New 'Advanced Driver Assistance System' Tests," press release, May 7, 2026, <https://www.nhtsa.gov/press-releases/tesla-model-y-first-vehicle-pass-nhtsa-new-advanced-driver-assistance-system-tests>.

5. Potential corrective action: What findings would lead NHTSA to conclude that Tesla's driver-monitoring or driver-engagement systems constitute a safety defect requiring corrective action, including a safety recall?

NHTSA has already identified the dangers that can arise when a highly capable driver-assistance system is paired with inadequate safeguards against driver disengagement. The recent evidence warrants a clear determination of whether those lessons have been fully addressed.

Thank you for your attention to this important matter. I look forward to your timely response.

Sincerely,



Raja Krishnamoorthi
Member of Congress