

United States Senate  
WASHINGTON, DC 20510

November 15, 2022

Ann Carlson  
Acting Administrator  
National Highway Traffic Safety Administration  
Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Acting Administrator Carlson:

We write to request an update on the National Highway Traffic Safety Administration's (NHTSA) efforts to implement the *Infrastructure Investment and Jobs Act's* (IIJA) critical safety regulations. Implementation of the bipartisan infrastructure law — which Congress passed exactly one year ago — comes at an alarming moment for road safety in the United States. Nearly 43,000 people died in motor vehicle crashes in 2021, the highest number in sixteen years,<sup>1</sup> and according to preliminary numbers, 2022 has been equally, if not more, deadly.<sup>2</sup> Fortunately, the IIJA required NHTSA to take much-needed action to ensure this road safety crisis comes to a dead end. We, therefore, urge NHTSA to swiftly implement key safety provisions in the law and reverse this frightening trend in motor vehicle fatalities.

The recent increase in motor vehicle fatalities has multiple causes. Notably, 45 percent of fatal crashes involved at least one of three behavioral factors: speeding, alcohol-impaired driving, and seat belt non-use.<sup>3</sup> Despite significant decreases in these behaviors during the latter half of the twentieth century, progress has stalled over the past decade.<sup>4</sup> Moreover, as cell phones have become nearly ubiquitous, distracted driving has increasingly contributed to vehicular danger. We have reached a crossroads on our decades-long journey to eliminate motor vehicle fatalities: Either we advance effective, proven solutions to make our roads safe for all users, or we watch as our life-saving gains become increasingly distant sights in the rearview mirror.

The bipartisan infrastructure law offers reasons for hope. Included in the 1,039-page law are road safety provisions that would address alcohol-impaired driving, seat belt non-use, and

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<sup>1</sup> Nat'l Highway Traffic Safety Administration, *Early Estimates of Motor Vehicle Traffic Fatalities and Fatality Rate by Sub-Categories in 2021* (2022), <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813298>.

<sup>2</sup> Nat'l Highway Traffic Safety Administration, *NHTSA Early Estimates Show Overall Increase in Roadway Deaths in First Half of 2022, Second Quarter 2022 Projects First Decline Since 2020* (Sept. 19, 2022), <https://www.nhtsa.gov/press-releases/early-estimates-traffic-fatalities-first-half-2022>.

<sup>3</sup> Timothy Stewart, Nat'l Highway Traffic Safety Administration, *Overview of Motor Vehicle Crashes in 2020* 10 (Mar. 2022), <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813266>.

<sup>4</sup> See Letter from Sen. Edward Markey et al. to Sec. Pete Buttigieg, U.S. Dep't of Transportation (June 8, 2022), [https://www.markey.senate.gov/imo/media/doc/markey\\_letter\\_to\\_dot\\_on\\_traffic\\_fatalities.pdf](https://www.markey.senate.gov/imo/media/doc/markey_letter_to_dot_on_traffic_fatalities.pdf) (documenting the recent rise in motor vehicle fatalities and fatality rate).

distracted driving.<sup>5</sup> The *IJA* further includes requirements to modernize standards for different vehicle features, including crash avoidance technologies, automatic engine shutoff devices, and headlamp systems.<sup>6</sup> While considerable work remains, the *IJA* has the potential to make our roads safer for drivers, passengers, bicyclists, pedestrians, and all road users.

In addition to implementing the *IJA* directives, NHTSA is also required to implement other safety regulations under previous infrastructure laws, including the *Fixing America's Surface Transportation Act* and the *Moving Ahead for Progress in the 21<sup>st</sup> Century Act*.<sup>7</sup> These rules would help address today's road safety crisis, but NHTSA is years overdue in implementing them. Moreover, the *IJA* directs NHTSA to release a report within six months explaining why the agency failed to meet the statutory deadline for those rules and providing their expected completion dates.<sup>8</sup> Unfortunately, NHTSA has already missed that deadline by six months. We therefore urge the agency to provide that report to Congress as soon as possible. Finally, Congress has also granted NHTSA open-ended powers to implement other safety measures as it deems necessary.<sup>9</sup> NHTSA should therefore view the *IJA* directives as a starting point, and not the finish line, for issuing rules and taking actions to reduce motor vehicle fatalities.

Given the urgency of this safety crisis, we request a written update from NHTSA by December 15, 2022 on its progress in implementing the following *IJA* safety provisions:

1. **Recall Completion** (Sec. 24202), which directs NHTSA to publish an annual list of recall completion rates.
2. **Motor Vehicle Seatback Safety Standards** (Sec. 24204), which directs NHTSA to issue an advanced notice of proposed rulemaking to update Federal Motor Vehicle Safety Standard (FMVSS) 207 regarding seatback safety standards.
3. **Automatic Shutoff** (Sec. 24505), which directs NHTSA to issue a final rule to require manufacturers of vehicles with keyless ignitions to install a device that automatically shuts off the vehicle after it idles for a certain period.
4. **Crash Avoidance Technology** (Sec. 24208), which directs NHTSA to issue minimum performance standards for crash avoidance technologies and to require all cars be equipped with a forward collision warning and automatic emergency braking system as well as a lane departure warning and lane keeping assist system.

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<sup>5</sup> *Infrastructure Investment and Jobs Act*, Pub. L. No. 117-58, 135 Stat. 424 (2021).

<sup>6</sup> *Id.*

<sup>7</sup> See, e.g., U.S. Gov't Accountability Office, GAO-22-104635, *Traffic Safety: Implementing Leading Practices Could Improve Management of Mandated Rulemakings and Reports* (Apr. 2022), <https://www.gao.gov/assets/gao-22-104635.pdf>.

<sup>8</sup> *Infrastructure Investment and Jobs Act*, § 24210.

<sup>9</sup> See 49 U.S.C. § 30111(a).

5. **Reduction in Driver Distraction** (Sec. 24209), which directs NHTSA to conduct research on driver monitoring systems to reduce driver distraction and driver disengagement.
6. **Headlamps** (Sec. 24212), which directs NHTSA to issue a final rule amending FMVSS 108 regarding performance-based standards for vehicle headlamps.
7. **Hood and Bumper Standards** (Sec. 24214), which directs NHTSA to request comment on potential updates to hood and bumper standards.
8. **Early Warning Reporting** (Sec. 24216), which directs NHTSA to conduct a study on existing requirements for manufacturers to report information and data to DOT to help identify potential safety issues.
9. **Advanced Impaired Driver Technology** (Sec. 24220), which directs NHTSA to issue a final rule requiring new vehicles be equipped with impaired driving prevention technology.
10. **Child Safety** (Sec. 24222), which directs NHTSA to issue a final rule requiring new cars be equipped with a system to alert the driver to check rear seats after the engine is turned off.

Although recent motor vehicle statistics are alarming, we are hopeful that NHTSA will regain its rightful place as a global leader in road safety. The agency has already taken important steps forward, including proposing changes to its New Car Assessment Program<sup>10</sup> and releasing crash data for autonomous and partially autonomous vehicles.<sup>11</sup> We commend these steps because, for too long, NHTSA took its foot off the gas. When issuing new safety measures, regulators have too often crawled through yellow lights or stalled at red lights. By passing a historic, bipartisan infrastructure law, Congress gave NHTSA the green light to put its pedal to the metal to reduce motor vehicle fatalities.

Thank you for your attention to this important matter.

Sincerely,



Edward J. Markey  
United States Senator



Richard Blumenthal  
United States Senator

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<sup>10</sup> New Car Assessment Program, 87 Fed. Reg. 13452 (Mar. 9, 2022).

<sup>11</sup> Press Release, Nat'l Highway Traffic Safety Administration, *NHTSA Releases Initial Data on Safety Performance of Advanced Vehicle Technologies* (June 15, 2022), <https://www.nhtsa.gov/press-releases/initial-data-release-advanced-vehicle-technologies>.



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Sherrod Brown  
United States Senator



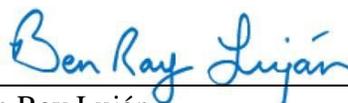
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Richard J. Durbin  
United States Senator



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Amy Klobuchar  
United States Senator



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Ben Ray Lujan  
United States Senator



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Jack Reed  
United States Senator



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Chris Van Hollen  
United States Senator



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Elizabeth Warren  
United States Senator



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Ron Wyden  
United States Senator