

# United States Senate

WASHINGTON, DC 20510

November 7, 2023

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's) ongoing implementation of life-saving traffic safety provisions in the *Infrastructure Investment and Jobs Act (IIJA)*. Last year, nearly 43,000 people died in motor vehicle crashes. While this number represents a slight decrease from 2021 — the deadliest year on the road in sixteen years — bold action is necessary to address this road safety crisis.<sup>1</sup> There is no doubt our nation is at a critical moment for traffic safety, and NHTSA's task of implementing the much needed *IIJA* safety provisions will determine whether we continue our progress and leave traffic fatalities in the rear view mirror. We, therefore, urge NHTSA to continue the work of reversing the frightening trend of motor vehicle fatalities, and swiftly implement key safety provisions in the *IIJA*.

Motor vehicle fatalities result from multiple causes. Speeding, alcohol-impaired driving, and lack of seat belt use are involved in 45 percent of all motor vehicle fatalities.<sup>2</sup> Although the prevalence of these behaviors declined during the latter half of the twentieth century, progress slowed over the last decade.<sup>3</sup> Additionally, distracted driving is increasingly contributing to traffic deaths, driven in part by cell phone use. One recent NHTSA study found that crashes in which at least one driver was identified as distracted resulted in close to 30 percent of fatal crashes.<sup>4</sup> Given the varying causes of traffic fatalities, NHTSA must keep its foot on the gas as it works to implement the *IIJA*'s lifesaving safety measures.

The bipartisan infrastructure law provides a roadmap for a safer world for all travelers. The 1,039-page law includes an expansive list of road safety provisions that tackle alcohol-impaired

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<sup>1</sup> Nat'l Center for Statistics and Analysis, Nat'l Highway Traffic Safety Admin., *Early Estimate of Motor Vehicle Traffic Fatalities in 2022* (Apr. 2023), <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813428>.

<sup>2</sup> Timothy Stewart, *Overview of Motor Vehicle Crashes in 2020*, Nat'l Highway Traffic Safety Admin. (Mar. 2022), <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813266>.

<sup>3</sup> See Letter from Sen. Edward Markey et al. to Sec. Pete Buttigieg, U.S. Dep't of Transp. (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).

<sup>4</sup> Lawrence Blincoe et al., *The Economic and Societal Impact of Motor Vehicle Crashes, 2019*, Nat'l Highway Traffic Safety Admin. (Feb. 2023), <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>.

driving, seatbelt nonuse, and distracted driving.<sup>5</sup> The law also requires NHTSA to modernize standards related to physical vehicle features, such as crash avoidance technologies, automatic engine shutoff, and headlamp systems.<sup>6</sup> Now, as the rubber meets the road, these provisions have the potential to quickly improve road safety for all road users.

We welcome the progress NHTSA has made thus far to implement the *IJJA*'s road safety provisions. Nearly one year ago, we sent NHTSA a letter urging the agency to take swift action on both the provisions in the *IJJA* and other safety regulations under previous infrastructure laws, including the Fixing America's Surface Transportation Act (FAST Act) and the Moving Ahead for Progress in the 21st Century Act (MAP-21 Act).<sup>7</sup> We appreciated NHTSA's response to this letter, and were happy to hear that, at the time of the response last December, NHTSA had completed 70 percent of MAP-21 Act mandates, more than half of FAST Act mandates, and 20 percent of *IJJA* mandates.<sup>8</sup> We are further pleased to see that NHTSA has continued to make progress implementing *IJJA* safety regulations. Specifically, we are heartened by NHTSA's proposed rule to require automatic emergency braking systems in passenger cars and light trucks.<sup>9</sup> Once finalized, NHTSA projects the rule will save at least 360 lives and reduce 24,000 injuries that occur every year.<sup>10</sup> Although this progress is encouraging, NHTSA has yet to issue certain road safety rules mandated by the *IJJA*, even as we approach the November 15, 2023 statutory deadline for the completion of most of these rulemakings.

Finally, in addition to specific regulations prescribed by the *IJJA*, the legislation grants NHTSA broad powers to implement and advance other safety measures where necessary.<sup>11</sup> We encourage NHTSA to view the *IJJA* directives as the floor, rather than the ceiling, for taking aggressive action to reduce motor vehicle fatalities.

Given the urgency of this safety crisis, we request a written update from NHTSA by December 15, 2023 on its progress in implementing the following *IJJA* safety provisions:

1. **Recall Completion** (Sec. 24202), which directs NHTSA to publish an annual list of recall completion rates. NHTSA's December 2022 letter indicated this list would be available by early 2024.
2. **Motor Vehicle Seatback Safety Standards** (Sec. 24204), which directs NHTSA to issue an advanced notice of proposed rulemaking to update Federal Motor Vehicle

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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 Letter from Sen. Edward Markey et al. to Adm. Ann Carlson, U.S. Dep't of Transp., Nat'l Highway Traffic Safety Admin. (Nov. 15, 2022), [https://www.markey.senate.gov/imo/media/doc/letter\\_to\\_nhtsa\\_on\\_ijja\\_implementation\\_-\\_november\\_2022pdf.pdf](https://www.markey.senate.gov/imo/media/doc/letter_to_nhtsa_on_ijja_implementation_-_november_2022pdf.pdf).

<sup>8</sup> Letter from Adm. Ann Carlson, U.S. Dep't of Transp., Nat'l Highway Traffic Safety Admin. to Sen. Edward Markey (Dec. 7, 2022).

<sup>9</sup> Dep't of Transp., Nat'l Highway Traffic Safety Admin., 49 CFR Parts 571 and 596. Docket No. NHTSA-2023-0021, *Federal Motor Vehicle Safety Standards: Automatic Emergency Braking Systems for Light Vehicles* (May 2023), <https://www.nhtsa.gov/sites/nhtsa.gov/files/2023-05/AEB-NPRM-Web-Version-05-31-2023.pdf>.

<sup>10</sup> Office of Regulatory Analysis and Evaluation, Nat'l Highway Traffic Safety Admin., *Preliminary Regulatory Impact Analysis: Federal Motor Vehicle Safety Standards No. 127; Light Vehicle Automatic Emergency Braking (AEB); AEB Test Devices* (May 2023), <https://www.regulations.gov/search?filter=NHTSA-2023-0021>.

<sup>11</sup> See 49 U.S.C. § 30111(a).

- Safety Standard (FMVSS) 207 regarding seatback safety standards. NHTSA's December 2022 letter indicated NHTSA would complete the rulemaking in an unspecified amount of time that allows for due consideration of public input.
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. NHTSA's December 2022 letter indicated it would issue the proposed rule in 2023.
  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. NHTSA published proposed rules for passenger vehicle and light truck automatic emergency braking systems in June and July 2023.
  5. **Reduction in Driver Distraction** (Sec. 24209), which directs NHTSA to conduct research on driver monitoring systems to reduce driver distraction and driver disengagement. NHTSA's December 2022 letter indicated that it would complete this research in the prescribed three-year time period.
  6. **Headlamps** (Sec. 24212), which directs NHTSA to issue a final rule amending FMVSS 108 regarding performance-based standards for vehicle headlamps. NHTSA's December 2022 letter indicated NHTSA would complete the rulemaking in an unspecified amount of time that allows for due consideration of public input. In February 2022, NHTSA issued a final rule to allow automakers to install adaptive driving beam headlights on new vehicles.
  7. **Hood and Bumper Standards** (Sec. 24214), which directs NHTSA to request comment on potential updates to hood and bumper standards. NHTSA's December 2022 letter indicated NHTSA would request feedback from stakeholders and submit a report to Congress within the prescribed two-year time period.
  8. **Early Warning Reporting** (Sec. 24216), which directs NHTSA to conduct a study on existing requirements for manufacturers to report information and data to the Department of Transportation to help identify potential safety issues. NHTSA's December 2022 letter indicated NHTSA would complete the study in the prescribed 18-month time period.
  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. NHTSA's December 2022 letter indicated the Advance Notice of Proposed Rulemaking (ANPRM) would be published by the end of 2022. NHTSA has since indicated, in a report to Congress in July 2023, that it would publish the ANPRM by the end of 2023.
  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. NHTSA's December 2022 letter indicated NHTSA would publish the proposed in 2023 and complete the rulemaking in an unspecified amount of time that allows for due consideration of public input.

Acting Administrator Carlson

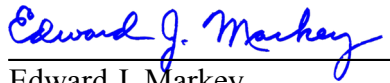
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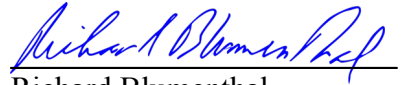
We commend NHTSA for its work to curb the disturbing increase in traffic related deaths that culminated in 2021, but now is not the time to turn on cruise control when it comes to road safety. After the passage of the *IIJA*, regulators have the green light from Congress to implement necessary, life-saving traffic safety provisions.

Thank you for your attention to this important matter.

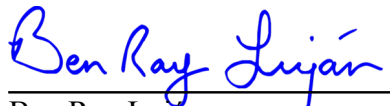
Sincerely,



Edward J. Markey  
United States Senator



Richard Blumenthal  
United States Senator



Ben Ray Lujan  
United States Senator



Jack Reed  
United States Senator



Chris Van Hollen  
United States Senator



Elizabeth Warren  
United States Senator

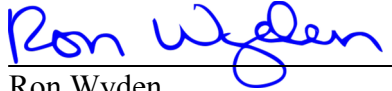


Amy Klobuchar  
United States Senator



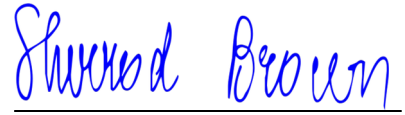
Richard J. Durbin  
United States Senator

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Ron Wyden  
United States Senator  
Chairman, Committee on  
Finance



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Sherrod Brown  
United States Senator