

United States Senate

November 20, 2024

Sophie Shulman
Deputy Administrator
National Highway Traffic Safety Administration
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Deputy Administrator Shulman,

We write to urge the National Highway Traffic Safety Administration (NHTSA) to accelerate the implementation of life-saving traffic safety provisions included in the *Infrastructure Investment and Jobs Act (IIJA)*. Last year, NHTSA estimated that 40,990 people died in motor vehicle crashes.¹ Although this number fell 3.6 percent from 2022, it remains unacceptably high, with nearly 10,000 more deaths annually than in 2011.² We urge NHTSA to quickly implement the remaining *IIJA* traffic safety provisions and ensure that motor vehicle fatalities continue to move in reverse.

The rise in motor vehicle deaths in the last decade has multiple causes. Nearly half of all motor vehicle fatalities involve speeding, alcohol-impaired driving, and lack of seatbelt use.³ Further, the widespread use of cell phones has contributed to a significant increase in crashes caused by distracted driving. A recent study by NHTSA found that distracted driving played a role in close to 30% of fatal motor vehicle crashes.⁴ Additionally, although technology has helped make occupants *inside* the vehicle safer, pedestrians, cyclists and other vulnerable road users face great danger on our roads from large, fast-moving vehicles. Consequently, pedestrian deaths on our roads have increased by 83% since 2009.⁵ With multiple factors involved in the high number of traffic deaths each year, we need fast and comprehensive action to save lives.

Fortunately, thanks to the traffic safety provisions in the bipartisan infrastructure law and action by NHTSA, deaths have finally begun to decline. The *IIJA* included numerous provisions designed to hit the brakes on the nation's traffic safety crisis by addressing alcohol-impaired

¹ Nat'l Center for Statistics and Analysis, Nat'l Highway Traffic Safety Admin., *Early Estimate of Motor Vehicle Traffic Fatalities in 2023* (Apr. 2024), <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813561>.

² Nat'l Center for Statistics and Analysis, Nat'l Highway Traffic Safety Admin., *FARS Data Tables* (2024), <https://www-fars.nhtsa.dot.gov/Main/index.aspx>.

³ 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>.

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

⁵ Insurance Institute for Highway Safety, *Pedestrians and Bicyclists* (Aug. 2024), <https://www.iihs.org/topics/pedestrians-and-bicyclists#:~:text=There%20were%207%2C522%20pedestrians%20and%20roadways%20in%20the%20United%20States>.

driving, seatbelt nonuse, and distracted driving.⁶ The law also required NHTSA to advance standards related to vehicle design and operation, such as crash avoidance technologies, bumper and hood size, and automatic engine shutoff. As NHTSA has implemented these safety provisions, roadway deaths have fallen by more than 5%.⁷ We are especially heartened that NHTSA finalized its rule to require automatic emergency braking in passenger cars and light trucks, which NHTSA projects will save 360 lives each year.⁸ Further, we are encouraged that NHTSA issued a proposed rule to modernize seatback safety standards, to prevent passengers in the backseat of vehicles — often young children — from being killed by a collapsing front seat during a collision.⁹ Finally, we commend NHTSA for proposing a rule to mitigate the risk of pedestrians hit by the hood of vehicles.¹⁰

Although this progress is encouraging, NHTSA has more work to do. The agency must still finalize some of its proposed rules and has not yet issued rules for many provisions — rules that are already overdue or nearing their statutory deadline. For example, under the *IJIA*, NHTSA must complete its study of distracted driving by November 15, 2024. As of the date of this letter, this research is still incomplete. Similarly, NHTSA has yet to issue a final rule — due in November 2023 — requiring new cars to be equipped with a system to alert the driver to check the rear seats after the engine is turned off. These statutorily required provisions are critical to maintaining our progress in reducing roadway deaths.

On the first and second anniversaries of passage of the *IJIA*, we requested an update on NHTSA's work to implement the critical safety provisions in the law.¹¹ Given the continued urgency of addressing this safety crisis, we again urge NHTSA to promptly issue the remaining *IJIA* safety provisions and request a written update by December 15, 2024, on its progress in implementing the following provisions:

1. **Recall Completion** (Sec. 24202), which directs NHTSA to publish an annual list of recall completion rates. NHTSA's December 2023 letter to us indicated this list would be available by early 2024.

⁶ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 424 (2021).

⁷ Nat'l Center for Statistics and Analysis, *supra* note 1.

⁸ Nat'l Highway Traffic Safety Admin., *NHTSA Finalizes Key Safety Rule to Reduce Crashes and Save Lives* (Apr. 29, 2024), <https://www.nhtsa.gov/press-releases/nhtsa-fmvss-127-automatic-emergency-braking-reduce-crashes#:~:text=Today%2C%20the%20U.S.%20Department%20of,light%20trucks%20by%20September%202029>.

⁹ Federal Motor Vehicle Safety Standards; Seating Systems, 89 Fed. Reg. 57988 (proposed July 16, 2024) (to be codified at 49 C.F.R. pt. 571), <https://www.govinfo.gov/content/pkg/FR-2024-07-16/pdf/2024-15390.pdf>.

¹⁰ Federal Motor Vehicle Safety Standards; Pedestrian Head Protection, Global Technical Regulation No. 9; Incorporation by Reference, 89 Fed. Reg. 76922 (proposed Sept. 19, 2024) (to be codified at 49 C.F.R. pt. 571), <https://www.govinfo.gov/content/pkg/FR-2024-09-19/pdf/2024-20653.pdf>.

¹¹ Senator Ed Markey, *On Anniversary of Bipartisan Infrastructure Law, Senators Markey, Blumenthal Lead Colleagues in Calling on NHTSA to Implement Critical Safety Provisions* (Nov. 15, 2022), <https://www.markey.senate.gov/news/press-releases/on-anniversary-ofbipartisan-infrastructure-law-senators-markey-blumenthal-lead-colleagues-in-calling-on-nhtsa-to-implement-critical-safety-provisions>.

Senator Ed Markey, *Ahead of Bipartisan Infrastructure Law Two-Year Anniversary, Senators Markey, Blumenthal Call on NHTSA Implementation Of Critical Provisions to Bring Road Safety Crisis to a Screeching Stop* (Nov. 7, 2023), <https://www.markey.senate.gov/news/press-releases/ahead-of-bipartisan-infrastructure-law-two-year-anniversary-senators-markey-blumenthal-call-on-nhtsa-implementation-of-critical-provisions-to-bring-road-safety-crisis-to-a-screaching-stop>.

2. **Motor Vehicle Seatback Safety Standards** (Sec. 24204), which directs NHTSA to issue an Advanced Notice of Proposed Rulemaking (ANPRM) and final rule if determined appropriate to update Federal Motor Vehicle Safety Standard (FMVSS) 207 regarding seatback safety standards. In July 2024, NHTSA published an Advanced Notice of Proposed Rulemaking on car seatback safety.
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 2023 letter indicated it would issue the proposed rule in 2024.
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 finalized a proposed rule on this issue in September 2024.
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 2023 letter indicated that it would complete this research within 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 2023 letter indicated NHTSA would complete the rulemaking in 2024.
7. **Hood and Bumper Standards** (Sec. 24214), which directs NHTSA to request comment on potential updates to hood and bumper standards. NHTSA's December 2023 letter indicated NHTSA would request feedback from stakeholders and submit the 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. In May 2023, NHTSA submitted the report to Congress.
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 issued an ANPRM in December 2023 and in its December 2023 letter indicated it intended to finalize the rule in an unspecified amount of time.
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 2023 letter indicated NHTSA would publish the Notice of Proposed Rulemaking in 2024, but the Spring 2024 Unified Agenda shows this rule is delayed until at least April 2025.

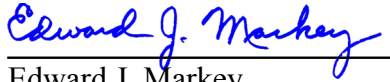
Deputy Administrator Shulman

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We commend NHTSA for its work to slow the disturbing increase in traffic related deaths that culminated in 2021. Now more than ever, NHTSA must move quickly to save lives.

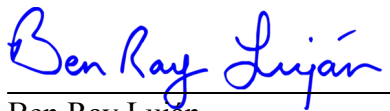
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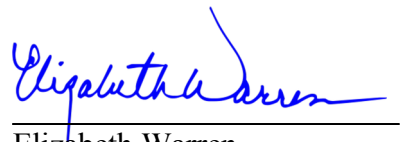
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United States Senator



Richard Blumenthal
United States Senator



Ben Ray Lujan
United States Senator



Elizabeth Warren
United States Senator



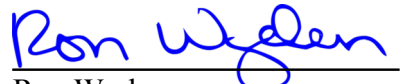
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