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CONTACT: Pete Daniels / pdaniels@saferoads.org / 301-442-2249 (C)

U.S. Department of Transportation Enables Carmakers to Bypass Safety Rules, Weakens the Public's Ability to Hold Them Accountable

Coalition of auto safety and consumer advocates denounces unilateral change to National Highway Traffic Safety Administration (NHTSA) rules

Despite compelling public interest reasons not to do so, the U.S. Department of Transportation's (DOT) National Highway Traffic Safety Administration (NHTSA) has issued a misguided decision that will short-circuit the public's ability to scrutinize automakers' requests to be exempt from federal safety standards, including when companies are trying to rush unproven self-driving cars to market. Under a change formalized on April 7, 2020, NHTSA will no longer require companies seeking these exemptions to provide timely, complete information on their requests prior to posting them for public comment.

NHTSA, the Nation's auto safety regulator, denied a petition by auto safety and consumer advocates expressing [strong opposition to the Agency's plan](#). This petition, which sat unanswered at NHTSA for more than a year, was submitted in February 2019 by Advocates for Highway and Auto Safety, former NHTSA Administrator Joan Claybrook, the Center for Auto Safety, the Consumer Federation of America, and Consumer Reports.

Federal law allows vehicle manufacturers to apply for exemptions from auto safety standards under certain circumstances. Exemption applications are subject to a period of public comment, a process that can have a significant impact on final regulatory decisions. Previously, NHTSA was required to determine that an application for a safety exemption was complete before releasing it for public comment. Under its new plan, the Agency is now choosing to abandon that requirement, saying it is free to start the public comment process for safety exemption applications even when they do not contain all the information necessary to determine whether the manufacturer's request would actually improve safety.

Claybrook responded to NHTSA's rejection of the consumer and safety groups' petition, "This highly misleading practice will put the public at a distinct disadvantage because it will not be possible for consumer and safety advocates to provide well-informed input if the information associated with a requested regulatory change is incomplete. How can potentially dangerous safety lapses be fully vetted if critical information is absent during the public comment period? This is akin to asking a doctor to make a diagnosis without providing a complete medical history."

"For over 40 years this process has helped protect public safety. With one fell swoop, the U.S. Department of Transportation (DOT) has eliminated it without even so much as a public

comment period,” said Cathy Chase, President of Advocates for Highway and Auto Safety. “More than a year after some of the Nation’s leading and long-time consumer, public health and safety organizations [first filed a petition for reconsideration](#), U.S. DOT has chosen to abandon procedures designed to include those who will ultimately be forced to endure the consequences of its decisions -- all road users. This erosion of public protections will have long-lasting implications on road safety including as autonomous vehicles are deployed.”

“The Center has always worked hard to use the most complete available data in guiding our policy recommendations and advice to the public when it comes to vehicle safety issues. It is both terrifying and sadly predictable that this administration would acknowledge it has rewritten regulations in order to evade public disclosure of information submitted by car companies in support of exemptions from mandatory safety standards put in place to reduce the risk of crash deaths on our roads and in our neighborhoods,” said Jason Levine, Executive Director of the Center for Auto Safety. “The ramifications of the Department of Transportation’s blatant disregard for the purpose of comment periods, scientific data, and the rule of law when it comes to allowing untested and unregulated driverless cars on public streets is quite simply impossible to quantify.”

“This move keeps people in the dark at a time when self-driving car developers and regulators should be transparent about safety,” said William Wallace, manager of safety policy for Consumer Reports. “Anyone who cares about road safety should watch the U.S. Department of Transportation closely. Its next move could be to grant a request by GM to let its self-driving cars be exempt from federal safety rules based on what looks like an incomplete petition. There’s no definitive proof that they’re safer than—or even as safe as—cars on the road today.”

Consumer Federation of America Executive Director Jack Gillis stated, “The responsibility for overseeing the safe introduction of likely the most profound change in our nation’s transportation system is enormous. DOT’s decision to operate in the dark, outside of public oversight, will doom the safe introduction of autonomous vehicles. Sunshine opens doors to success; darkness only serves to cover-up problems and shortcomings. NHTSA was set up to serve the public and oversee the industry; this latest effort is just the opposite and needs to be reversed for the safety of the motoring public.”

Public opinion is decidedly in favor of the federal government maintaining its long-held role and responsibility for ensuring the safety of motor vehicles, especially when it comes to [autonomous vehicles](#). However, as a result of this decision, NHTSA is placing industry interests above public safety. With the agency [moving quickly](#) to exempt driverless cars from current safety standards, the safety and consumer advocates agreed that now is not the time to lower the bar on transparency and accountability.

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