

Congress of the United States
Washington, DC 20515

October 28, 2019

Mr. James C. Owens
Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave. SE
Washington, DC 20590

Dear Acting Administrator Owens:

We write to inquire about how you are addressing the concerning number of incomplete automobile safety rulemakings, reports, and research initiatives mandated by Congress.

With passage of the *Fixing America's Surface Transportation Act* (FAST Act) and the *Moving America Ahead for Progress in the 21st Century Act* (MAP-21), Congress sent strong and bipartisan directives to the National Highway Traffic Safety Administration (NHTSA) to help reduce the high number of automobile fatalities and injuries on our nation's roads. Unfortunately, these safety directives cannot save lives and improve the safety of America's roads if they are not carried out as required by bipartisan acts of Congress. Regrettably, NHTSA has yet to implement nearly 20 congressionally-mandated rulemakings, reports, and research initiatives by their statutory deadlines.

NHTSA's delays in fulfilling congressional directives suggests that NHTSA may face institutional challenges hindering its ability to accomplish its mission. With just over 37,000 motor vehicle deaths and 4.5 million serious injuries every year, it is imperative that NHTSA have the wherewithal to take decisive actions to update its safety standards in a timely manner and fulfill Congressional deadlines.¹ Without sufficient and appropriate capacity, expertise, and resources, NHTSA cannot ensure the deployment of sophisticated motor vehicle and transportation technologies are both safe for the American consumer and follow reasonable regulatory standards. Americans are depending on agencies like NHTSA to help bring emerging automobile technologies, like autonomous vehicles, to the nation's roads and improve U.S. surface transportation.

Congress will continue to seek meaningful reforms to the automobile regulatory framework overseen by NHTSA that ensures a healthy consumer environment by encouraging innovation without jeopardizing safety. Consequently, we respectfully request that you answer the following questions and provide the requested information regarding NHTSA's efforts to complete these Congressional mandates:

1. At a recent hearing before the House Energy and Commerce Committee, Deputy Administrator Heidi King stated that "oftentimes" NHTSA does not meet congressional mandates by their statutory deadlines "because the engineers at NHTSA and the

¹ National Highway Traffic Safety Administration, *Traffic Safety Facts: Research Note*, "2017 Fatal Motor Vehicle Crashes: Overview." October 2018; accessed September 9, 2019.
<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812603>

academic universities are finishing the research that will inform the rulemaking.”² For each of the unfinished rulemakings, reports, and research initiatives in Appendix A, please provide the following information:

- a. An explanation for why each has not been completed by the statutory deadline.
 - b. A list of actions taken to date and a timeline for the completion of remaining and needed actions.
 - c. What research will be required, if any, to complete the mandate? Please provide a detailed description of the research effort.
 - d. What institution is conducting or will be conducting that research? Please explain why that institution or those institutions have been selected to perform the research.
 - e. Has the research commenced as of October 28, 2019? If so, when did the research begin? If not, why not?
 - f. When will the research be completed? Please detail key milestones and expected completion dates.
2. In justifying why NHTSA has not completed several congressional safety mandates, Deputy Administrator Heidi King stated that “vehicles are more complicated than they have ever been before,” suggesting that NHTSA has had issues adapting to more technologically sophisticated vehicles.³
- a. For each of the unfinished rulemakings, reports, and research initiatives in Appendix A, has technological advancement of motor vehicles delayed NHTSA from fulfilling the Congressional mandate by the statutory deadline. Please describe the obstacles, explain why those obstacles have delayed NHTSA, and detail all efforts to overcome those obstacles.
 - b. How is NHTSA ensuring the agency’s knowledge and expertise evolves as vehicles become increasingly complex?
3. In testimony before the House Energy and Commerce Committee regarding NHTSA’s inability to comply with statutorily mandated deadlines, Deputy Administrator Heidi King stated that NHTSA “issue[s] the rulemakings when we are ready.”⁴
- a. Please provide NHTSA’s methodology for prioritizing rulemakings, reports, and research initiatives.
 - b. What actions must be taken before NHTSA is “ready” to issue rulemakings?
 - c. How do statutory deadlines factor into NHTSA’s prioritization?
 - d. Please provide an explanation of the impact, if any, of categorizing rulemaking as economically significant as required by Executive Order 12866 on meeting statutory deadlines or otherwise promulgating rules in an expeditious manner.

² House Committee on Energy and Commerce, *Driving in Reverse: The Administration’s Rollback of Fuel Economy and Clean Car Standards*, 116th Cong. (2019).

³ *Id.*

⁴ *Id.*

4. As of June, there are 10 vacancies in the Rulemaking Office, eight vacancies in the Office of Vehicle Safety Research, and six vacancies in the National Center for Statistics and Analysis.⁵ Have staffing shortages impeded NHTSA's ability to complete congressionally-mandated rulemaking? What specific actions have been taken to fill these vacancies?
5. Have funding limitations affected NHTSA's ability to complete congressional mandates by their statutory deadline? If so, please explain.

We thank you for your attention to this important matter. We respectfully request that you provide written responses no later than December 20, 2019. If you have any questions about our request, please contact Kevin Diamond in Rep. Blunt Rochester's office at (202) 225-4165 or kevin.diamond@mail.house.gov.

Sincerely,



LISA BLUNT ROCHESTER
Member of Congress



BOBBY L. RUSH
Member of Congress



TONY CARDENAS
Member of Congress



JERRY MCNERNEY
Member of Congress



KATHY CASTOR
Member of Congress



NANETTE DIAZ BARRAGÁN
Member of Congress

⁵ Letter from Adam Sullivan, Assistant Secretary, Government Affairs, National Highway Traffic Administration, to Rep. Frank Pallone, Jr., Chairman, House Committee on Energy and Commerce (June 12, 2019).

Appendix 1 - NHTSA Rulemakings⁶

Number	Mandate Description	Statute (Section)	Action	Deadline
1	Vehicle Defect Reporting Requirement	MAP-21 (31306)	Final Rule	10/1/2013
2	Child Restraints Side Impact Test	MAP-21 (31501(a))	Final Rule	10/1/2014
3	Motorcoach Rollover Structural Integrity	MAP-21 (32703(b)(1))	Final Rule	10/1/2014
4	<i>Motorcoach Glazing & Anti-Ejection</i>	<i>MAP-21 (32703(b)(2))</i>	<i>Final Rule</i>	<i>10/1/2014</i>
5	Upgrade LATCH for Child Seats	MAP-21 (31502)	Final Rule	10/1/2015
6	Rear Seat Belt Warning	MAP-21 (31503)	Final Rule	10/1/2015
7	<i>Motorcoach Tire Upgrade</i>	<i>MAP-21 (32703(d))</i>	<i>Final Rule or Report</i>	<i>10/1/2015</i>
8	<i>Motorcoach Fire Prevention/Mitigation</i>	<i>MAP-21 (32704)</i>	<i>Research and Optional Final Rule</i>	<i>10/1/2015</i>
9	Motorcoach Interior Impact, Compartmentalization, Collision Avoidance	MAP-21 (32705)	Research	10/1/2015
10	Motorcoach Interior Impact, Compartmentalization, Collision Avoidance	MAP-21 (32705)	Final Rule	10/1/2017
11	Upgrade Frontal Impact for Children	MAP-21 (31501(b))	Final Rule	10/1/2016
12	<i>In-Vehicle Alcohol Detection Device Research</i>	<i>MAP-21(31103)</i>	<i>Report</i>	<i>No Deadline</i>
15	Electronic Recall Notification	FAST (24104)	Final Rule	8/31/2016
16	Information Gathering	FAST (24112)	Final Rule	12/4/2016
17	Crash Avoidance on Monroney Label	FAST (24322)	Final Rule	12/4/2016
18	Replica Vehicles	FAST (24405)	Final Rule	12/4/2016
19	In-Vehicle Recall Alerts	FAST (24113)	Report	12/4/2016
20	Whistleblower Process	FAST (24352)	Final Rule	12/1/2016
21	Records Retention	FAST (24403, 24106, 24116)	Final Rule	6/4/2017
22	TPMS Standards	FAST (24115)	Final Rule	12/4/2017
23	Tire Fuel Efficiency	FAST (24332)	Final Rule	12/4/2017
24	Tire Wet Traction	FAST (24332)	Final Rule	12/4/2017
25	EDR Minimum Time	FAST (24303)	Final Rule	9/27/2020
26	Recall Completions	FAST (24104)	Report	12/4/2020
27	Rental Car Recalls	FAST (24109)	Request for Comments	No Deadline
28	Tire Registration Independent Dealers	FAST (24333)	Final Rule	No Deadline
29	Recall Vehicle Age	FAST (24402)	Final Rule	No Deadline
30	Tire Recall Database	FAST (24335)	Database	No Deadline

⁶ Italicized rows denote that Congress has given the DOT or NHTSA the option, not a requirement, to implement the safety mandate.