



June 24, 2024

The Honorable Maria Cantwell
Chairwoman
U.S. Senate Committee on Commerce,
Science, and Transportation
Washington, D.C. 20510

The Honorable Cathy McMorris Rodgers
Chair
U.S. House Committee on Energy and
Commerce
Washington, D.C. 20515

The Honorable Ted Cruz
Ranking Member
U.S. Senate Committee on Commerce,
Science, and Transportation
Washington, D.C. 20510

The Honorable Frank Pallone, Jr.
Ranking Member
U.S. House Committee on Energy and
Commerce
Washington, D.C. 20515

Re: Automaker Petition to Reconsider NHTSA Automatic Emergency Braking Rule

Dear Chairwoman Cantwell, Ranking Member Cruz, Chair McMorris Rodgers and Ranking Member Pallone:

I write to notify the Congressional committees with oversight of the National Highway Traffic Safety Administration (NHTSA) that Alliance for Automotive Innovation filed a formal petition for reconsideration of the agency's [final rule](#) requiring automatic emergency braking (AEB) and pedestrian AEB in all passenger cars and light trucks by 2029.

This action by Alliance for Automotive Innovation should not be interpreted as blanket opposition to AEB, a lack of confidence in the technology or reduced support for AEB's widest possible deployment across the U.S. vehicle fleet.

It is none of those.

A copy of the petition and supporting appendix is attached for your information which explains our specific objections to the new standards and the flawed process NHTSA used to write the final rule. It also outlines a series of practical fixes to achieve our shared roadway safety goals.

AEB is a life-saving technology developed by automakers and suppliers. It uses vehicle sensors to detect potential front-end collisions with other vehicles, provide warnings to drivers and, depending on the situation, automatically applies the brakes to help avoid or reduce the severity of a collision. Some AEB systems include capabilities to detect pedestrians and cyclists.

The auto industry has invested more than a billion dollars developing AEB. In 2016, automakers voluntarily agreed to deploy AEB systems on all new vehicles by 2025. As of 2023, most new vehicles in the U.S. come with AEB systems installed, and we're on track to finish the job by 2025 – as scheduled. This voluntary agreement came after substantial research and consultation with NHTSA and the Insurance Institute for Highway Safety.

Why, if automakers developed and still support AEB technology, are we asking the agency to reconsider its final rule?

NHTSA's [new standard](#) "... requires all cars be able to stop and avoid contact with a vehicle in front of them up to 62 miles per hour and that the systems must detect pedestrians in both daylight and darkness." The standard also "...requires that the system apply the brakes automatically up to 90 mph when a collision with a lead vehicle is imminent, and up to 45 mph when a pedestrian is detected."

That's practically impossible with available technology. NHTSA's own data shows only one tested vehicle met the stopping distance requirements in the final rule.

Instead, we recommended NHTSA adopt a standard already in place in Europe that detects a potential forward collision, provides a driver warning and automatically engages the braking system to avoid a collision – or mitigate its severity – through the use of existing crashworthiness systems designed to better protect road users.

In addition:

- At higher driving speeds, NHTSA's stringent requirements will result in AEB-equipped vehicles automatically applying the brakes far in advance of what a typical driver and others on the road would expect. This will likely contribute to an increase in the number of rear-end collisions.
- NHTSA also vastly underestimated the necessary and costly hardware and software changes required for vehicles to comply with the rule (something that will increase the cost of vehicles for consumers).

Admittedly, these are highly technical and engineering related objections. But they are significant.

Beyond the physics and the impracticability of the AEB rule, this episode points to the breakdown of a deliberative rulemaking process at the country's top traffic safety watchdog.

Automakers and suppliers provided NHTSA a series of technical adjustments during the comment period to correct the deficiencies and achieve our shared safety goals. Despite partnering with automakers on AEB in 2016, this time the agency rejected the industry's feedback.

In other words, after a decade of shared and substantive work on AEB and a billion dollars invested, NHTSA inexplicably changed course and issued a rule that automakers indicated was not feasible with widely used braking technologies.

Here's what I (regrettably) conclude will happen: driving AEB equipped vehicles in the U.S. under NHTSA's new standard will become unpredictable, erratic and will frustrate or flummox drivers.

Yes, this rule will make vehicles more expensive, but the real issue isn't cost – it's cost/benefit. NHTSA's action will require more costly systems that won't improve driver or pedestrian safety, which is why we are asking the agency to reopen the proceeding and make these necessary corrections.

If you or your staff have any questions, please contact Sarah Puro, Vice President, Safety and Technology Policy ([REDACTED]) or John Ohly, Head of Congressional Affairs ([REDACTED]).

Sincerely,



John Bozzella
President and CEO
Alliance for Automotive Innovation

Cc: The Honorable Sophie Shulman
Deputy Administrator
National Highway Traffic Safety Administration

Encl: Alliance for Automotive Innovation
Petition for Reconsideration, Final Rule Adopting Requirements for AEB
NHTSA Docket 2023-0021; 89 Fed. Reg. 39686