

THE FUTURE OF NHTSA: A PERSPECTIVE FROM FORMER ADMINISTRATORS

Alliance for Automotive Innovation convened nine former National Highway Traffic Safety Administration (NHTSA) Administrators¹ to discuss the future of the agency at a time when fatalities and injuries on our nation's roadways remain unacceptably high and the industry is in the midst of a major transformation towards automation. As a new Administrator awaits confirmation, former Administrators offered their perspectives on the challenges and opportunities facing the agency.



Key Takeaways and Recommendations for the Next Administrator:

- 40,000 fatalities per year and more than 2 million injuries are not acceptable.
- Fully realizing the benefits of any new vehicle safety technology takes time because it requires turnover of the vehicle fleet (and the average age of a vehicle is over 12 years). However, changes to driver behavior can have an immediate impact on saving lives.
 - » Stakeholders should focus on driver behavior and support State Highway Safety Offices (SHSOs) and High Visibility Enforcement Campaigns.
 - » Enforcement of current laws can support changes to driver behavior and contribute to decreased fatalities.
- NHTSA's dual roles as the regulator for both safety and fuel economy has led to competing priorities within the agency.
 - » The Administrator should ensure the agency is appropriately resourced to achieve its safety mission.
- Building *trust* between industry and NHTSA is necessary. Data sharing and thinking outside the box to create new frameworks for improving safety and encouraging innovation are increasingly important due to the complexity involved in regulating modern vehicles.

¹ Former Administrators and Acting Administrators who participated were: Ann Carlson, David Friedman, Jackie Glassman, David Kelly, Heidi King, Nicole Nason, James Owens, Mark Rosekind and Sophie Shulman.

Highlights of the Conversation:

Set clear goals and objectives. Think outside the box. Panelists recommended that NHTSA expand on current tools while also thinking more broadly about how to support innovation through regulation and the authority provided by the Motor Vehicle Safety Act (Safety Act).

- **Federal regulations can support or hinder innovation.** Panelists noted that federal regulations can be a barrier to innovation because they take so long to promulgate; this may disincentive industry to innovate as they wait for Federal regulation. On the other hand, a patchwork of laws in 50 states does not meet industry or public needs, either. For a number of reasons, NHTSA can struggle to finalize rules in the current environment. In some cases, rules may seek to be all encompassing. In others, the perfect may be the enemy of the good. In either case, the lack of finalized rules can slow innovation that could advance safety. Alternatively, the regulatory requirements may be misaligned with established standards. Identifying ways to work through these issues earlier in the process could help avoid delays in advancing safety. Panelists also cited the need for a regulatory pathway towards more deployment for vehicles with automated driving systems.
- **Evaluate the Motor Vehicle Safety Act and identify opportunities for improvement.** Panelists expressed mixed opinions about the relevance of and opportunities provided in the Safety Act.² Panelists questioned if the Safety Act remains a good framework for the future since it was enacted in the 1960s based on lessons from the 1930s. They suggested examining what aspects of the Safety Act are still relevant and which are not. For example, they asked: “Is the current self-certification approach suitable for regulating emerging technologies, or is there a need for changes?”³ Another asked: “Are there alternative compliance paths we can take to ensure the safety of current and future technologies?”
- **Ensure the agency is appropriately resourced to achieve its safety mission.** Panelists emphasized the need to maintain the institutional structures that are in place and to focus on major priorities, including safety. Panelists encouraged industry and other stakeholders to advocate for a well-resourced and well-staffed agency.

Focus on driver behavior. Changes in driver behavior can have an immediate impact in terms of lives saved, but the consensus of the panelists was that NHTSA needs to find better ways to impact driver behavior. NHTSA must play a key leadership role in areas such as driver’s education, ensuring efficient use of funding by states and facilitating the use of technologies to address problematic driver behavior.

- **Education.** NHTSA’s safety communications campaigns have been very successful and should be expanded. Driver education, whether for new or experienced motorists, helps to increase driving safety and disseminate information about new technology and its limitations.
- **Funding State Highway Safety Offices.** In the most recent reauthorization for highway programs, the Congress enacted increases in funding for State Highway Safety Grants (23 USC 402). Those funds often flow through State Highway Safety Offices and support enforcement, behavioral safety, and education activities. State funding needs to be sent to the right places, including more financial and political support for law enforcement including High Visibility Enforcement campaigns.
- **Role of Technology.** Panelists suggested that we may need to rethink technology to help combat driver behavior, such as interlocks for unbelted occupants and technologies to address impaired and distracted driving (issues that are responsible for a significant portion of fatalities and injuries), until the potential promise of an automated vehicle future can be fulfilled.

² <https://www.govinfo.gov/content/pkg/STATUTE-80/pdf/STATUTE-80-Pg718.pdf>

³ The U.S. does not require pre-approval of vehicles before sale, relying on a self-certification method which some believe facilitates innovation.)

Rebuild trust. For a variety of reasons, the working relationship between industry, the Federal government, the states, and other safety stakeholders has broken down. Panelists were aligned that NHTSA and industry should find ways to better support each other with the goal of rebuilding trust. They were hopeful that with increased collaboration and transparency, NHTSA and industry can identify new approaches for addressing automotive safety together. Some panelists suggested that industry and NHTSA initially focus on achieving smaller “quick wins” to build some of that trust.

- **Rebuilding a foundation for collaboration.** NHTSA must communicate expectations and industry must communicate technical realities. Industry panelists noted it is a necessary part of the solution and should be active in helping to rebuild the loss of trust. There should be “no surprises” between industry and NHTSA. NHTSA can play a convening role. Conversations do not always have to be in the context of rulemaking.
- **Leverage existing NHTSA tools more effectively.** Panelists emphasized that NHTSA needs to use innovation to expand and advance the tools it already has – effectively using the traditional research program, NCAP, and the regulation pipeline, developing industry best practices, entering into voluntary agreements, convening stakeholders, and always taking data-driven actions. The agency should consider how it can truly innovate in all areas internally – such as rulemaking, enforcement, and data collection.

NHTSA can look to history – such as demonstration programs that were devised in the 1980s around desired regulatory changes to FMVSS 208 – to help foster innovation and allow superior technology to propagate. Along with a properly functioning NCAP program, such programs allow auto companies to innovate and accelerate the deployment of leading-edge technology.

- **Data Sharing.** Another way to rebuild trust is through data sharing. Industry and NHTSA may be able to find common ground by working from the same data, with the goal of identifying and developing pragmatic and concrete solutions to key issues and aligning the research and regulatory agendas. If needed, conversations can be convened by a trusted third party. Panelists emphasized that research is everyone’s responsibility – NHTSA, industry, academia, and others. While data is needed to inform safety priorities, there also needs to be a shared understanding of that data.

Assess the balance between the agency’s safety and fuel economy missions. Panelists disagreed about whether the dual roles of regulating both fuel economy and safety are appropriate for the agency. Some of the panelists acknowledged that NHTSA may not be the best fit for the mission of reducing greenhouse gas emissions. Several highlighted the difficulties surrounding the promulgation of GHG rules, noting how complicated, time consuming, and politically charged the issue is. Coordinating a rule across multiple agencies with differing statutes and typically having Executive Branch involvement creates what one panelist deemed a “veritable quagmire.” The increased number of electric vehicles (EVs) in the vehicle fleet has decreased the relevance of the Corporate Average Fuel Economy (CAFE) rule and given the Environmental Protection Agency (EPA) more implicit responsibility for setting the fuel economy rules. However, the panelists disagreed about how these known complexities should be addressed. Suggestions such as delegating the current NHTSA authority to the Office of the Secretary of Transportation, developing a single GHG office at one agency, ceding authority to EPA/or the Department of Energy, and not regulating fuel economy at all were discussed. A panelist challenged industry to communicate explicitly with Congress if industry believes that CAFE takes away from the agency’s safety mission.

Conclusion: At a time when almost 40,000 people per year are dying on our nation’s roadways, NHTSA’s leadership on roadway safety remains essential. Addressing dangerous behavior by drivers – through both education and enforcement - can have immediate effects. In the longer term, a new Administrator must work to rebuild trust amongst industry, across government, and the broader safety community. In some cases, the Congress may need to act to more appropriately allocate roles, responsibilities, frameworks and funding. To make meaningful progress in advancing the agency’s core safety mission, the new Administrator will need to be creative and innovative while also balancing the dual responsibility of setting fuel economy standards and pursuing roadway safety.