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Washington, D.C. 20590

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**Comments of Consumer Reports to the
Department of Transportation
Request for Information; Advancing a Surface Transportation Proposal That Focuses on
America's Most Fundamental Infrastructure Needs;
Docket No. DOT-OST-2025-0468**

Consumer Reports (CR), the independent, nonprofit, and nonpartisan member organization¹ that works side by side with consumers to create a fairer, safer, and more transparent marketplace, welcomes the opportunity to respond to the U.S. Department of Transportation's request for stakeholder input to inform the development of the next surface transportation authorizing legislation.

For almost 90 years, CR has used rigorous research, independent testing, and evidence-based advocacy to advance transportation policies that protect consumers, improve safety, and ensure fairness in the marketplace. We have championed everything from seat belts and crash avoidance technologies to protections for vulnerable road users, as well as initiatives that expand access to clean transportation and improve fuel economy. Strong, enforceable standards and programs in all of these areas deliver lasting benefits² for the public, reduce costs to consumers, and strengthen the transportation system as a whole.

In the following comments, we outline CR's key priorities and recommendations for the next surface transportation reauthorization, including completing overdue safety mandates, closing known safety gaps, addressing the challenges and opportunities of automated and

¹ Founded in 1936, Consumer Reports (CR) is an independent, nonprofit, and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on the challenges and opportunities for today's consumers, and provides ad-free content and tools to more than five million members across the U.S.

² Consumer Reports, "Fuel Economy and Safety Improvements Come Standard." (Feb. 21, 2023) (online at: advocacy.consumerreports.org/wp-content/uploads/2023/02/CR-Vehicle-Price-Trends-Feb-21-2023.pdf)

connected vehicles, expanding equitable access to electric vehicle (EV) charging, enforcing fuel economy standards, and developing fair, sustainable, approaches to funding the nation's transportation infrastructure.

I. Give NHTSA the Tools and Resources to Protect Consumers

At the foundation of all progress in federal motor vehicle safety is a fully resourced and accountable National Highway Traffic Safety Administration (NHTSA). The Bipartisan Infrastructure Law (BIL) ushered in historic investments in vehicle safety and provided NHTSA with long-overdue resources that enabled the agency to make meaningful progress toward advancing its safety initiatives. According to the agency's report to Congress last December on the status of its ongoing rulemakings, it was able to complete 37 final rules and publish 25 proposed rules over the last three years.³

Despite these gains, NHTSA continues to have an extensive regulatory backlog amidst a growing vehicle safety mandate. A 2022 Government Accountability Office (GAO) review found that of the 22 outstanding rulemakings required by the MAP-21 and FAST Acts, enacted in 2012 and 2015 respectively, only six had been completed at the time, many well past their deadlines.⁴ Among other findings, the review identified limited staff capacity as a major contributor to rulemaking delays. Concerningly, NHTSA's already lean workforce is poised to shrink even further, including staff responsible for carrying out important rulemaking, crash investigation, vehicle testing, automated systems evaluation, and impaired driving research.⁵ A diminishing workforce compounds long-standing resource constraints and staffing shortfalls that have limited the agency's ability to complete rulemakings on time and respond proactively to safety risks and technological advances.

The next reauthorization must recognize that sustainable progress depends on consistent funding levels to hire and retain staff and stay on top of its growing safety responsibilities. Statutory deadlines alone do not ensure results, and NHTSA will fall even further behind on congressionally mandated deadlines if the agency does not have the people or resources required to complete its work in a timely manner.

CR recommends that Congress incorporate in its next surface transportation bill:

- Authorization of NHTSA funding at levels sufficient to meet its statutory obligations for rulemaking, enforcement, and testing.
- A requirement that DOT's mandated biannual reporting to Congress on overdue rulemakings also include substantive updates on progress made between formal rulemaking milestones.

³ NHTSA, "Report to Congress, Rulemaking Status Report." (Dec. 2024) (online at: www.nhtsa.gov/sites/nhtsa.gov/files/2024-12/report-congress-status-rulemakings-december-2024.pdf)

⁴ GAO, "TRAFFIC SAFETY Implementing Leading Practices Could Improve Management of Mandated Rulemakings and Reports." (April 2022) (online at: www.gao.gov/assets/gao-22-104635.pdf)

⁵ Politico, "7 percent of DOT staff taking early-buyout offers." (July 17, 2025) (online at: www.politico.com/news/2025/07/17/7-percent-of-dot-staff-taking-early-buyout-offers-00460550)

- Sustained funding to support and fully staff NHTSA’s Office of Automation Safety, including technical hires in automated driving systems, artificial intelligence, and human-machine interface design.

II. Complete Ongoing Safety Rulemakings & Research

With major safety initiatives already in motion at NHTSA, the next reauthorization must reaffirm these objectives and press for their timely completion. Some of these initiatives are rulemakings mandated by the BIL, while others respond to well-documented safety gaps. Further delays means lives lost, and the focus now should be on getting strong, enforceable standards across the finish line as quickly as practicable.

CR urges Congress to reaffirm and compel NHTSA to complete all outstanding rulemakings mandated by the BIL, including:

- **Heavy Vehicle Automatic Emergency Braking (AEB):** Large trucks take 20 to 40 percent farther to stop than passenger vehicles,⁶ and when they strike a smaller vehicle or a pedestrian, the results are almost always deadly. An Insurance Institute for Highway Safety (IIHS) study estimated that forward collision warning and automatic emergency braking systems reduce the rate of front-to-rear crashes per mile traveled of large trucks by 44% and 41%.⁷ In our comments on the proposed rule requiring AEB on heavy trucks, CR urged NHTSA to adopt a faster compliance schedule that would get AEB onto new heavy trucks sooner, rather than allowing years of delays for certain classes of vehicles.⁸ We also called for the rule to require the incorporation of technology that detects pedestrians, cyclists, and other vulnerable road users. Congress should direct NHTSA to finalize the strongest possible rule without delay.
- **Lane Departure Warning (LDW) and Lane Keeping Assist (LKA):** LDW and LKA can prevent some of the most serious crash types in head-on and sideswipe collisions. According to an IIHS study, if all U.S. vehicles in 2015 had been equipped with LDW, nearly 85,000 crashes and over 55,000 injuries could have been prevented that year.⁹ But these systems only deliver those benefits when they are consistent, intuitive, and trusted, and our research shows that remains a barrier to widespread public acceptance.¹⁰ The longer a standard is delayed, the longer automakers are free to design systems whose performance can, and does, vary widely. A strong standard can ensure every LDW/LKA

⁶ IIHS, “Fatality Facts 2023, LARGE TRUCKS.” (July 2025) (online at: www.iihs.org/research-areas/fatality-statistics/detail/large-trucks)

⁷ IIHS, “Large Trucks.” (July 2025) (online at: <https://www.google.com/url?q=https://www.iihs.org/research-areas/large-trucks%23crash-avoidance-technologies&sa=D&source=docs&ust=1755025695880325&usg=AOvVaw37hk9evqxVDgLuzawp0jiN>)

⁸ CR, “Comments of Consumer Reports to the National Highway Traffic Safety Administration on the Request for Comments: Heavy Vehicle Automatic Emergency Braking Notice of Proposed Rulemaking Docket No. NHTSA-2023-0023.” (Sept. 5, 2023) (online at: www.advocacy.consumerreports.org/wp-content/uploads/2023/09/CR-Comments-to-NHTSA-on-AEB-on-Heavy-Vehicles-NPRM-9-05-2023.pdf)

⁹ IIHS, “Lane departure warning, blind spot detection help drivers avoid trouble.” (Aug. 23, 2017) (online at: www.iihs.org/news/detail/stay-within-the-lines-lane-departure-warning-blind-spot-detection-help-drivers-avoid-trouble)

¹⁰ Consumer Reports, “Guide to Lane Departure Warning & Lane Keeping Assist.” (May 9, 2022) (online at: www.consumerreports.org/cars/car-safety/lane-departure-warning-lane-keeping-assist-guide-a7087080070/)

system meets clear performance benchmarks. Congress must urge NHTSA to issue a long-overdue proposed rule on LDW.

- **Impaired driving prevention technology:** NHTSA is well past its statutory deadline to require advanced impaired driving prevention technology in all new passenger vehicles, which research estimates could save over 10,000 lives annually.¹¹ Rather than waiting for perfect technology, NHTSA should take an iterative and phased approach that can deliver near-term safety benefits while driving continued development. Camera-based driver monitoring systems are already deployed across multiple automakers and required in Europe, demonstrating the technology exists today. For alcohol detection, while comprehensive passive systems are still in development, NHTSA could establish performance standards now that incentivize completion of deployment rather than waiting until systems are already ubiquitous in the marketplace. Congress should direct NHTSA to move forward expeditiously with standards that use a "fitness to drive" approach, combining available technologies like driver monitoring with emerging alcohol detection capabilities.
- **Child safety and rear seat occupant alerts:** Each year, dozens of children in the U.S. tragically die in hot cars, often because a caregiver unintentionally leaves a child in the back seat, an outcome not typically the result of neglect but rather of fatigue, distraction, or lapse in memory. NHTSA has delayed its rear-seat reminder rule, saying no effective technology currently exists to support a clear, life-saving performance standard. But detection technologies that would prevent child hot car deaths have existed for years, and CR's view is that NHTSA can and should seize the opportunity now to raise the bar on car safety and require occupant detection as standard, rather than just end-of-trip reminders.¹² Notably, foreign New Car Assessment Programs (NCAP), such as EuroNCAP, already require child presence detection systems. American consumers deserve the same life-saving protections. Manufacturers have already advanced technology development to achieve higher ratings in such programs, demonstrating the feasibility of such a requirement. Congress should reaffirm NHTSA's commitment to this rulemaking and direct the agency to issue a proposed rule requiring occupant detection systems in all new vehicles as soon as possible.

CR also calls on Congress to ensure that NHTSA completes other critical safety rulemakings and research initiatives that are essential to reducing deaths and injuries on U.S. roads, including:

- **THOR 50 and THOR 5F Crash Test Dummies:** Federal crash test dummies have relied on 1970s-era designs that primarily represent the build of an average-size adult male. This leaves critical gaps for women, older adults, and other body types. The THOR 50th percentile male (THOR 50M) and 5th percentile female (THOR 5F) are advanced dummies designed to more accurately represent the human body and measure crash forces more precisely. NHTSA has proposed incorporating THOR 50M into its crash test

¹¹ IIHS, "Alcohol and Drugs." (July 2025) (online at: www.iihs.org/research-areas/alcohol-and-drugs#by-the-numbers)

¹² Consumer Reports, "CR Letter to DOT and NHTSA on Hot Cars and Occupant Detection." (Oct. 5, 2023) (online at: www.advocacy.consumerreports.org/wp-content/uploads/2023/10/CR-letter-to-DOT-NHTSA-on-hot-cars-and-occupant-detection-10.5.23-1-1.pdf)

procedures, with plans for a separate rulemaking on THOR 5F.¹³ The THOR-50M is already being used in EuroNCAP, ANCAP, and C-NCAP regulations, putting the U.S. at risk of falling behind global peers.¹⁴ Congress should direct NHTSA to prioritize the qualification and incorporation of both THOR 50M and THOR 5F into its crashworthiness tests.

- **Seat Belt Assembly and Anchorage Updates:** Seat belts remain the most effective safety feature in vehicles, but their ability to prevent serious injury depends on proper design, geometry, and advanced features. IIHS found that belted rear-seat occupants in newer vehicles face a 46 percent higher fatal injury risk compared to belted front-seat occupants, in part, due to missing advanced restraint technologies like pretensioners and load limiters.¹⁵ NHTSA has not updated its rear seat belt performance requirements in decades, and current standards fail to ensure equal protection in all seating positions. To save lives and prevent injuries, Congress should mandate a rulemaking to modernize seat belt assembly and anchorage standards, and require rear seat restraint systems to match the performance and features of front seats.
- **Pedestrian head protection:** NHTSA's proposed FMVSS No. 228 would align with global standards by setting head-to-hood impact performance criteria to reduce head injury severity when pedestrians are struck, potentially leading automakers to adopt safer front-end configurations. CR strongly supported this proposal, highlighting the elevated risks posed by large pickups and SUVs.¹⁶ A CR nationally representative survey from November 2024 found that 75% of Americans said they would support the rule, even if it meant design changes on new large pickups and SUVs.¹⁷ In coordination with America Walks and the League of American Bicyclists, CR submitted a petition urging swift implementation that has garnered over 27,000 signatures. Congress should make this rule a statutory requirement and set a clear deadline for completion.

III. Modernize Vehicle Safety Standards

Federal motor vehicle safety regulations must keep pace with the realities of today's roads and available technologies. Many current standards are still based on outdated assumptions

¹³ NHTSA, "Anthropomorphic Test Devices; THOR 50th Percentile Adult Male Test Dummy; Incorporation by Reference (Notice of Proposed Rulemaking). (Sept. 7, 2023) (online at: www.federalregister.gov/documents/2023/09/07/2023-19008/anthropomorphic-test-devices-thor-50th-percentile-adult-male-test-dummy-incorporation-by-reference)

¹⁴ Humanetics, "The U.S. Spring 2024 Regulatory Agenda Confirms THOR-50M Final Rule to be Issued in 2024." (Jul. 16, 2024) (online at: www.humaneticsgroup.com/perspectives/us-spring-2024-regulatory-agenda-confirms-thor-50m-final-rule-be-issued-2024)

¹⁵ IIHS, "New crash test spotlights lagging protection for rear passengers." (Dec. 13, 2022) (online at: www.iihs.org/news/detail/new-crash-test-spotlights-lagging-protection-for-rear-passengers)

¹⁶ Consumer reports, "With Pedestrian Deaths at Crisis Levels, Consumer Reports Supports Lifesaving Proposed Safety Standard for the Front of Vehicles." (Dec. 18, 2024) (online at: www.advocacy.consumerreports.org/press-release/with-pedestrian-deaths-at-crisis-levels-consumer-reports-supports-lifesaving-proposed-safety-standard-for-the-front-of-vehicles/)

¹⁷ Consumer Reports, nationally representative American Experiences Survey of 2,108 U.S. Adults (Nov. 2024) (online at: www.article.images.consumerreports.org/image/upload/v1734120809/prod/content/dam/surveys/Consumer_Reports_AES_November_2024.pdf)

about vehicle design and the technology drivers rely on to operate safely. Meanwhile, vehicles have become significantly larger and heavier, introducing new hazards, particularly for people outside the vehicle. Pedestrians, cyclists, and motorcyclists now make up a growing share of traffic fatalities. Pedestrian deaths in the U.S. rose by more than 50% from 2010 to 2023, with over 7,300 killed last year alone¹⁸.

Congress should build on the momentum created by the BIL to modernize safety standards in order to account for the safety risks posed by modern vehicles, in order to better protect all road users. Consumer Reports recommends the following for consideration:

- **Expand AEB to cover cyclists and motorcyclists:** CR welcomed NHTSA’s final FMVSS No.127 requiring all new cars and light-duty trucks to be equipped with automatic emergency braking (AEB) that includes pedestrian detection technology. CR considers AEB to be one of the most significant auto safety advances of the past two decades. However, the rule does not require detection of cyclists or motorcyclists, which CR urged NHTSA to include in the final standard.¹⁹ The *Magnus White Cyclist Safety Act of 2025* (H.R. 3649)²⁰ would close this gap by directing NHTSA to issue a follow-up rulemaking to ensure new AEB systems can detect and respond to both bicycles and motorcycles. Congress should consider incorporating this legislation into the upcoming reauthorization.
- **Create a standard for blind-spot warning and forward-visibility:** The shift to taller, higher-hood vehicles has magnified driver blind zones, raising the risk of impact for people outside the vehicle. CR testing has found front blind zones extend up to 15 feet ahead of the vehicle for full-size pickups,²¹ and that blind-spot warning (BSW) is rarely standard on top-selling large SUVs and pickups, and is instead often bundled in higher-priced packages as a premium feature.²² Congress should require a new FMVSS mandating BSW systems with minimum detection and performance standards. Congress should also require NHTSA to issue a new standard requiring vehicles to be equipped with technology that enable drivers to detect the presence of people and objects in front

¹⁸ IIHS, “Fatality Facts 2023, Pedestrians.” (July 2025) (online at: <https://www.iihs.org/research-areas/fatality-statistics/detail/pedestrians>)

¹⁹ Consumer Reports, “Consumer Reports Submits Comments on Proposed NHTSA Automatic Emergency Braking Systems Rule.” (Aug. 15, 2023) (online at: <https://advocacy.consumerreports.org/research/consumer-reports-submits-comments-on-proposed-nhtsa-automatic-emergency-braking-systems-rule/>)

²⁰ Congressman Joe Neguse, “VIDEO: Congressman Neguse Joins Jill and Michael White in Renewing Call for Passage of the Magnus White Cyclist Safety Act.” (June 18, 2025) (online at: <https://neguse.house.gov/media/press-releases/video-congressman-neguse-joins-jill-and-michael-white-renewing-call-passage>)

²¹ CBS News, “Blind zones in front of SUVs and trucks can lead to deadly crashes. The victims are often children, experts say.” (Oct. 31, 2022) (online at: <https://www.cbsnews.com/news/suv-blind-zone-deaths-consumer-reports-safety/>)

²² Consumer Reports, “A Blind Spot in Safety: An analysis of blind spot warning in popular heavy vehicles in the U.S.” (Aug. 24, 2023) (online at: <https://advocacy.consumerreports.org/wp-content/uploads/2023/08/CR-Blind-Spot-Warning-Analysis-August-2023.pdf>)

of their vehicle, as proposed by the *Standards to Prevent (STOP) Frontovers Act*, which was introduced last Congress and endorsed by CR.²³

- **Require effective driver monitoring for Level 2 (L2) systems:** As L2 driving systems - the combination of lane centering and adaptive cruise control systems that permit drivers to operate a motor vehicle hands- and foot-free for periods of time - become more ubiquitous, keeping drivers attentive is more essential than ever. CR's ratings award points to vehicles that pair active driving assistance with effective, camera-based direct driver monitoring systems (DDMS). Our testing has revealed that some systems allow drivers to use automated features with the cabin camera covered, while others fail to provide sufficient warnings when drivers' eyes are off the road.²⁴ NHTSA has explored adding effective DDMS to the NCAP criteria,²⁵ and the NTSB has recommended a driver monitoring performance standard to address misuse and attention lapses.²⁶ Congress should direct NHTSA to establish performance requirements for L2 systems, including reliable detection of driver inattention, escalating warnings when drivers fail to respond, and automatic safe-stop capabilities when drivers remain unresponsive.
- **Automatic Crash Notification (ACN) as standard:** ACN, a technology that automatically alerts emergency responders after a crash, has the potential to save more than 700 lives annually, according to NHTSA research.²⁷ Yet, most automakers require a paid subscription to keep ACN active, with many charging over \$100 per year and disabling the feature if unpaid.²⁸ A March 2023 CR survey found that 51% of Americans consider it extremely or very important that their next vehicle can automatically contact emergency services when airbags deploy.²⁹ Congress should require ACN as standard, non-subscription based equipment in all new passenger vehicles.
- **Ensure manual overrides for electronic door latches:** As the adoption of electronic door latches (e-latches) spreads, loss of power in a crash, fire, or battery failure can

²³ Richard Blumenthal U.S. Senator for Connecticut, "Blumenthal Introduces Legislation to Prevent Frontover Child Deaths." (Dec. 16, 2024) (online at: <https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-introduces-legislation-to-prevent-frontover-child-deaths>)

²⁴ Consumer Reports, "Driver Monitoring Systems Can Help You Be Safer on the Road." (Jan. 20, 2022). (online at: <https://www.consumerreports.org/cars/car-safety/driver-monitoring-systems-ford-gm-earn-points-in-cr-tests-a6530426322/>)

²⁵ NHTSA, "New Car Assessment Program (Request for Comment)." (March 9, 2022) (online at: <https://www.federalregister.gov/documents/2022/03/09/2022-04894/new-car-assessment-program>)

²⁶ NTSB, "Safety Recommendation H-20-003." (March 19, 2022) (online at: <https://data.nts.gov/carol-main-public/sr-details/H-20-003>)

²⁷ NHTSA, "Advanced Automatic Collision Notification Research Report." (May 2019) (online at: rosap.nhtl.bts.gov/view/dot/40997)

²⁸ Consumer Reports, "Cars That Come With Free Automatic Crash Notification—and Those That Don't." (Aug. 9, 2024) (online at: www.consumerreports.org/cars/car-safety/automakers-charging-extra-for-automatic-crash-notification-a6462204495/)

²⁹ Consumer Reports, nationally representative American Experiences Survey of 2,001 U.S. Adults (March 2023) (online at: www.article.images.consumerreports.org/image/upload/v1680193572/prod/content/dam/surveys/Consumer_Reports_AES_March_2023.pdf)

hinder egress and first-responder access.³⁰ FMVSS No. 206, Door Locks and Door Retention Components, was written to address mechanical door systems, and has not yet been updated to account for e-latches. Congress should direct NHTSA to promulgate a revised standard to cover e-latch systems and require clearly marked, intuitive, easily accessible, power-independent manual releases for every occupied side door, with labeling and owner-information requirements so occupants and rescuers can locate and use them quickly.

- **Revise FMVSS 302 to eliminate the use of toxic flame retardants:** , FMVSS No. 302, NHTSA's nearly 54-year-old Flammability of Interior Materials, standard, specifies burn resistance requirements for materials used in the occupant compartment of motor vehicles. The standard, which does not have a proven fire-safety benefit, has led to the widespread use of toxic flame retardant chemicals in vehicles. A 2024 study found that all of the 101 vehicles tested contained harmful flame retardants, including chemicals linked to cancer, neurological harm, and reproductive issues.³¹ In June 2024, CR, the Green Science Policy Institute, and the International Association of Fire Fighters delivered more than 32,00 petition signatures to NHTSA calling on the agency to update FMVSS 302.³² Congress should mandate a comprehensive review of the standard and evaluate moving from an open-flame method to a smolder-based approach that can be met without additive flame retardants, consistent with California's TB117-2013 model for upholstered furniture.

IV. Improve Five-Star Safety Ratings Program

Currently, NCAP's 5-Star Safety Ratings program for vehicles provides limited value to new car buyers, as a high percentage of new vehicles achieve four- or five-star ratings, offering little differentiation between models. This trend reflects crash tests that fail to challenge current model vehicles or address today's crash risks. Recommended technologies within the program also fail to incorporate the latest safety advancements and include features that are already standard on most new vehicles, further diminishing its value.

The addition of newer technologies like pedestrian automatic emergency braking, lane keeping assist, and blind spot systems in changes made last November to NCAP was long overdue and marked an important step toward restoring the program's value as a trusted consumer resource, but it failed to address updates in crash and dynamic testing scenarios, leaving substantial room for further improvement. Global counterparts, like Euro NCAP, show that frequent, forward-looking updates can drive manufacturer innovation and give consumers the most meaningful information at the point of sale. NCAP must shift from occasional,

³⁰ Consumer Reports, "How to Escape Your Car If the Electronic Door Handle Fails." (Jan. 16, 2025) (online at: www.consumerreports.org/cars/car-safety/how-to-escape-your-car-if-the-electronic-door-release-fails-a8152892189/)

³¹ Environmental Science and Technology, "Flame Retardant Exposure in Vehicles Is Influenced by Use in Seat Foam and Temperature." (May 2024) (online at: www.pubs.acs.org/doi/pdf/10.1021/acs.est.3c10440?ref=article_open_PDF)

³² Consumer Reports, "NHTSA Urged to Get Toxic Flame Retardant Chemicals Out of Cars" (June 18, 2024) (online at: advocacy.consumerreports.org/press_release/nhtsa-urged-to-get-toxic-flame-retardant-chemicals-out-of-cars/)

incremental changes to a predictable update cycle that keeps pace with real-world risks. This means clear timelines for adding emerging safety technologies, protections for vulnerable road users, and new test scenarios that reflect the crashes people face every day.

Congress should require NHTSA to make these updates through a transparent process, with regular program reviews and performance-based testing that measures how well a vehicle protects its occupants, vulnerable road users, and how safety systems actually work. Congress must also provide the funding and resources NHTSA needs to expand its vehicle testing capacity. Without these kinds of reforms, NCAP will fall further behind its global counterparts, and leave consumers with outdated, meaningless information.

V. Establish a Federal Safety Framework for Autonomous Vehicles

Automated driving systems (ADS), including vehicles that operate without human drivers, continue to be deployed on public roads despite the absence of any federal statutory framework addressing their unique risks. NHTSA currently relies on limited tools, including exemption authority, to oversee this rapidly evolving technology.

To the extent Congress chooses to address automated vehicles in the upcoming reauthorization, priorities should:

- **Require mandatory safety standards:** Any federal AV framework should require compliance with rigorous safety standards, including adapted FMVSS requirements. Reliance on exemptions as a tool for deployment lacks transparency, circumvents the public rulemaking process, and puts Americans at risk. While some AV-specific updates may be warranted, FMVSS primarily sets performance-based benchmarks, not design mandates, giving developers flexibility to innovate while meeting safety requirements. Exemptions should be narrowly tailored and granted only upon demonstrating equivalent safety performance. According to a December 2024 Consumer Reports nationally representative survey, two out of three Americans think vehicle safety standards should be stricter for AVs than those for traditional passenger vehicles³³.
- **Strengthen crash reporting requirements:** NHTSA's Standing General Order requires AV and Level 2+ systems to report certain crashes, but underreporting has been a persistent issue and recent changes to the program do nothing to improve the accuracy or completeness of data manufacturers are required to submit. Congress should codify reporting requirements and expand them to include disengagements and near-misses, which could help identify safety issues before crashes occur.
- **Establish performance standards:** Congress should authorize DOT to require safety performance standards for AVs, including detection of vulnerable road users, fallback performance, and human-machine interaction protocols, areas of risk not fully covered by existing FMVSS.
- **Preserve state and local authority:** Any federal framework must maintain state and local authority over operational aspects (including permitting, routing, traffic

³³ Consumer Reports, nationally representative American Experiences Survey of 2,130 U.S. adults (Dec. 2024) (online at: article.images.consumerreports.org/image/upload/v1736806650/prod/content/dam/surveys/Consumer_Reports_AES_December_2024.pdf).

enforcement) while establishing federal leadership on vehicle design and manufacturing standards. A framework that preempts state laws without robust federal safety standards would create dangerous regulatory gaps.

VI. Expand Access to charging infrastructure for all Americans

In order for an electric vehicle to be a viable option for consumers, they must have convenient and reliable access to chargers. CR supports continued federal funding for electric vehicle charging that targets gaps left by the private sector. While the market for EV charging is evolving and improving rapidly, the private sector has primarily focused on high traffic routes and areas that already have high levels of EV adoption, leaving many consumers behind. Two primary gaps being left by the private sector are people living in rural areas, and people who live in apartments or who otherwise are not able to install a charger at their home.

The U.S. has a long history of programs geared towards filling infrastructure gaps, especially in rural areas where the private sector is often slow or unwilling to invest based on market forces alone. The U.S. currently has numerous programs to support rural infrastructure for electricity, water, transportation, telecommunications, and broadband. The existing National Electric Vehicle Infrastructure (NEVI) formula program and Charging Fueling Infrastructure (CFI) discretionary grant program are well positioned to be tweaked to more acutely focus on filling similar infrastructure gaps for EV charging. Simply put, consumers without access to charging infrastructure are left without a choice.

VII. Enforce Fuel Economy Standards

Consumer Reports supports reasonable, achievable and enforceable corporate average fuel economy (CAFE) standards. Recent congressional actions have undermined this important, popular,³⁴ and effective³⁵ program by eliminating the primary enforcement mechanism³⁶ of the program. The current CAFE standards are estimated, based on internal CR analysis, to improve fleet average fuel economy from 28 mpg in 2024 to around 35 mpg in 2031 if enforced. This level of fuel efficiency improvement, which is more than achievable with today's highly cost effective hybrid technology, would reduce the vehicle lifetime fuel cost of the average new vehicle by over \$4,000.³⁷

³⁴ Consumer Reports, "Consumer Reports Survey Finds Majority of Americans Want Better Fuel Economy and Support Standards That Deliver Thousands in Fuel Savings." (Jan. 14, 2025) (online at: advocacy.consumerreports.org/press_release/consumer-reports-survey-finds-majority-of-americans-want-better-fuel-economy-and-support-standards-that-deliver-thousands-in-fuel-savings/#:~:text=Key%20findings%20from%20the%20survey,very%20important%20or%20extremely%20important.)

³⁵ Consumer Reports, "Blog: Strong Efficiency and Emissions Standards Deliver Thousands in Fuel Savings for Consumers." (Jan. 14, 2025) (online at: advocacy.consumerreports.org/research/blog-strong-efficiency-and-emissions-standards-deliver-thousands-in-fuel-savings-for-consumers/)

³⁶ Consumer Reports, "Senate tries to quietly gut popular fuel economy program without consumers noticing." (June 6, 2025) (online at: advocacy.consumerreports.org/press_release/senate-tries-to-quietly-gut-popular-fuel-economy-program-without-consumers-noticing/)

³⁷ Consumer Reports, "HYBRID VEHICLES ARE COST EFFECTIVE FOR CONSUMERS." (Oct. 2023) (online at: advocacy.consumerreports.org/wp-content/uploads/2023/10/CR-Fact-Sheet-Hybrid-Cost-Savings.pdf)

The fuel savings delivered to consumers by the CAFE program are especially important to middle class Americans who tend to buy used cars. Fuel costs also make up a larger portion of their transportation budget compared to higher income new car buyers. Since used car buyers have no direct influence on which vehicles are produced in the new car market, strong CAFE standards help ensure that all vehicles continue to become more efficient over time, even if wealthier new car buyers do not prioritize fuel efficiency in their purchase decisions.

CR urges Congress to give the Department of Transportation the tools and resources necessary to enforce existing CAFE standards, and for the DOT to use those tools to enforce the standards already on the books. Doing so will help deliver important savings, especially for consumers who need them the most, but have no direct power to influence the market.

VIII. Develop Fair and Sustainable Transportation Funding

America's transportation infrastructure plays a foundational role in expanding commerce and mobility opportunities for consumers across the country. However, a combination of rising construction costs, increased vehicle fuel efficiency, and policymakers' failure to raise the gas tax or develop new revenue sources has eroded the gas tax's ability to sustain the Highway Trust Fund. To avoid perpetual shortfalls, policymakers should consider alternatives that move beyond traditional funding models.

When Congress considers alternative funding mechanisms for sustainable, long-term road funding, CR recommends:

- Future-proof revenue streams that remain stable as vehicle fleets and fuel types change, with automatic adjustments tied to rising construction and materials costs
- That any new taxes or fees be simple for consumers to pay without creating privacy risks or unnecessary administrative burdens.
- Any new user fees should reflect the actual impact a user or vehicle has on the system. This includes contributions to wear and tear, congestion, pollution, and crash risk. Users who drive more, operate heavier or more polluting vehicles, or contribute disproportionately to congestion or safety risk should pay more.

Designing funding mechanisms that meet all of these criteria is a complicated task. But Congress must avoid simplistic, one-size-fits-all approaches that risk placing an unfair burden on older adults, low-income households, rural residents, and other users who have fewer transportation options or less ability to absorb new costs.

IX. Conclusion

Consumer Reports appreciates the Department's efforts to gather stakeholder input to inform the development of the next surface transportation reauthorization. The recommendations outlined in our comments reflect years of independent research and policy advocacy demonstrating that strong federal safety standards save lives, prevent injuries, and deliver long-term benefits for consumers and the transportation system as a whole.

The next reauthorization is an opportunity to rebuild NHTSA's capacity to respond proactively to safety risks and gaps, bring vehicle safety rules in step with today's technologies and crash risks, expand clean transportation options to underserved communities, and prioritize

approaches to highway funding that are fair to all users. We urge the Department to consider these proposals as it evaluates public input for the reauthorization process, and we look forward to working with both the Department and Congress to advance meaningful safety improvements for all road users.

Sincerely,

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