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U.S. Department of Transportation
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

Submitted via *regulations.gov*

**Comments of Consumer Reports to the
National Highway Traffic Safety Administration on the
Notice and Request for Comments: New Car Assessment Program,
Rear Automatic Braking
Docket No. NHTSA-2026-1156**

Consumer Reports (CR), the independent, nonprofit, and nonpartisan member organization,¹ welcomes the opportunity to provide comments to the National Highway Traffic Safety Administration (NHTSA) on the proposed update to the New Car Assessment Program (NCAP) to incorporate rear automatic braking (RAB) systems with pedestrian avoidance capability into the program's recommended advanced driver assistance systems (ADAS) technologies. CR strongly supports expanding the program to include vehicle features designed to prevent backing crashes, as backover incidents remain a preventable hazard.

This proposal also aligns with the stated mid-term goals of the 10-year roadmap published by the agency alongside critical updates to NCAP at the end of 2024.² This included new testing criteria for technologies like pedestrian automatic emergency braking, lane keeping assist, and blind spot systems. CR applauded those updates and recognized them as the most significant step forward for the five-star safety ratings program since its creation.³ Moving forward with the phase-in of backing safety features is a necessary continuation of this progress, particularly given that modern vehicle design trends for large SUVs and pickups can create

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 five million members across the United States.

² NHTSA, "New Car Assessment Program Final Decision Notice – Advanced Driver Assistance Systems and Roadmap" (Nov. 18, 2024) (online at: www.nhtsa.gov/sites/nhtsa.gov/files/2024-11/NCAP-Final-Decision-Notice-Advanced-Driver-Assistance-Systems-Roadmap-11182024-web.pdf).

³ Consumer Reports, "Consumer Reports Applauds Major, Long-Awaited Updates to Five-Star Safety Ratings for New Cars" (Nov. 18, 2024) (online at: advocacy.consumerreports.org/press_release/consumer-reports-applauds-major-long-awaited-updates-to-five-star-safety-ratings-for-new-cars).

visual blind spots that make it difficult for drivers to spot and avoid pedestrians and other road users. Pedestrian fatalities have, historically speaking, been on the rise in the U.S. According to the Insurance Institute for Highway Safety (IIHS), pedestrian deaths increased 72% between 2009 and 2024; in 2024, over 7,000 people were killed making it one of the deadliest years on record for pedestrians.⁴

Research in 2018 from IIHS and the Highway Loss Data Institute (HLDI) also found—upon examining real-world crash data—that vehicles equipped with a combination of a rearview camera, parking sensors, and rear automatic braking experienced a 78 percent reduction in police-reported backing crash rates compared to vehicles with none of those systems, and that the addition of rear automatic braking reduced backing crash rates by 62 percent beyond the effect of cameras and sensors alone.⁵ CR ultimately believes that RAB should be mandated in all new passenger vehicles, but adding it to the NCAP protocol is a constructive first step toward that goal.

The following comments address the agency’s specific questions about its proposal to implement RAB into NCAP protocol, and focus on ensuring the program provides useful information to consumers.

CR believes the proposed performance criteria establish an appropriate baseline to effectively evaluate RAB systems. With regards to warning modalities, we recommend that NHTSA research which modalities are most effective at re-engaging drivers without causing the dissatisfaction that leads to system deactivation. For the remaining criteria, total crash avoidance must remain the clear objective, making the no-contact requirement the only acceptable standard for a successful intervention. Additionally, keeping the brakes engaged until the path is completely clear or the driver takes deliberate action is a critical safeguard to prevent the vehicle from moving prematurely after an emergency stop. Furthermore, mandating that the system default to “ON” after each ignition cycle is vital. Active crash-avoidance features must be operational at vehicle startup to ensure continuous protection and to prevent systems from being inadvertently disabled. CR also urges the agency to define the specific parameters of a permitted deliberate override action. Leaving this open-ended could create a risk wherein the automatic braking could be deactivated unintentionally while a pedestrian remains directly behind the reversing vehicle. The agency should define a permitted override as an unambiguous, positive action that clearly signals driver intent. This definition should also require a distinct action, such as shifting the vehicle out of reverse, to override the RAB system.

Regarding mannequin selection, CR supports the decision to use a static two-year-old child mannequin alongside the adult articulated mannequin. NHTSA’s own data demonstrates that children under the age of five account for nearly one-third of all backover fatalities, and approximately four out of five of those young victims are toddlers between one and two years old. Utilizing a static two-year-old child mannequin matches these demographics and provides a

⁴ Insurance Institute for Highway Safety (IIHS), “Fatality Facts 2024 (Pedestrians)” (June 2026) (online at: www.iihs.org/research-areas/fatality-statistics/detail/pedestrians#trends).

⁵ IIHS-HLDI, “Park assist helps drivers avoid backing crashes” (Feb. 22, 2018) (online at: www.iihs.org/news/detail/park-assist-helps-drivers-avoid-backing-crashes).

reasonable physical profile to verify whether a vehicle's sensor suite can properly identify a small child hidden within a rear blind zone.

Verifying that a system can detect an accurate representation of a target is essential, but the evaluation is most effective if the test scenarios themselves place that target in the specific orientations where sensor visibility failures could occur in everyday driving. For the moving pedestrian scenarios, CR recommends that the agency include the 25 percent near-side overlap condition in the final protocol. The agency's research here demonstrates that current vehicle platforms experience difficulty with moving obstructions entering from the near side, avoiding contact as little as 6 percent of the time on certain tested vehicle models. Evaluating a broader spectrum of impact points prevents a test procedure from being too narrow and would encourage manufacturers to design for safety in a wider scope.

Using this same principle, and because backing maneuvers can and do occur in unlit residential driveways and parking environments at dawn, dusk, or night, NHTSA should integrate low-light and darkness testing into the final protocol rather than deferring it. CR believes that all safety technologies evaluated under NCAP should be tested under less-than-ideal environmental conditions, especially in low light and darkness, to ensure they deliver the safety benefits drivers expect in everyday driving conditions.

The proposed approaches regarding single-trial testing, immediate termination upon failure, and the all-or-nothing credit framework, however, raise some concerns. Relying on a single trial per configuration means a fluke or slight change on the track could completely skew the results. To ensure evaluations reflect repeatable capabilities, the protocol could benefit from incorporating multiple trials per condition where the car would have to pass most of those runs to validate performance. Additionally, truncating the test sequence if the vehicle fails to meet all the performance criteria during a test trial could deprive researchers and manufacturers of important data. Even if a vehicle does not clear an early test condition, completing the remaining scenarios is necessary to map out the system's broader strengths and weaknesses.

While the standards for earning top honors in NCAP must be high, an all-or-nothing credit framework for individual active safety features can mislead car buyers and obscure meaningful differences between vehicles. A binary pass/fail approach makes it difficult for consumers to distinguish between a highly capable safety system and one that is genuinely deficient. A system, for example, that completely avoids a pedestrian in 19 out of 20 setups but experiences a failure in the final run would receive the exact same credit as a vehicle that fails all 20 conditions. Lumping these two vehicles together on paper denies consumers the ability to make comparisons when shopping for a vehicle. This issue reflects a general concern of ours with how crash-avoidance technologies are presented in NCAP. Treating these systems as checkmarks separate from the core star ratings reduces the program's utility to consumers. CR urges the agency to fold crash-avoidance performance directly into the five-star safety ratings instead of presenting these features as separate checkmarks.

Consumer Reports supports NHTSA's ongoing steps to update NCAP so that it reflects available safety technologies. Beyond RAB, the agency should work toward adding other safety features still missing from the program, including cyclist and motorcyclist detection for AEB,

rear cross-traffic warning, and technologies designed to prevent or mitigate driver distraction. Additionally, working toward improving NCAP means addressing the fact that the program's star ratings have largely lost their ability to differentiate vehicle safety for consumers. Because the core crashworthiness tests have not been significantly updated in years, nearly every new vehicle now earns a four or five star rating. This strips the program of its market incentive, while depriving consumers of the nuance they need when shopping for a car. To make the star ratings meaningful again, NHTSA must raise the bar for its tests so that a five-star rating once again represents exceptional safety, and incorporate advanced safety features into those ratings. CR appreciates the opportunity to comment and we look forward to continuing to engage with the agency as it works to modernize the program.

Respectfully submitted,

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