October 16, 2026

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 Request for Comment;
New Car Assessment Program (NCAP); Removal of Dynamic Rollover Resistance Test and Side Air Bag Out-of-Position Testing; Updates to NCAP's 10-Year Roadmap
Docket No. NHTSA-2026-1651

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 its request for comments (RFC) regarding the proposed removal of legacy test procedures and updates to the 10-year roadmap for the New Car Assessment Program (NCAP). Founded in 1936, CR works with consumers to create a fair and just marketplace, conducting rigorous product testing and advocating for vehicle safety features that save lives on our nation's roads.

For decades, NCAP served as a vital market-driven tool to push automakers beyond minimum regulatory baselines and provide consumers with clear, comparative information when preparing to purchase a new vehicle. However, the U.S. NCAP has languished for years, resulting in a system today where nearly every vehicle receives four or five stars,[2] depriving car buyers of any meaningful differentiation. While CR recognizes the agency's effort to eliminate redundant or unrepeatable test protocols to free up testing resources, we are concerned by the proposed postponements and removals of certain safety initiatives within the updated roadmap. NHTSA explicitly justifies the test removals by asserting that they will free up agency staff and funding for

[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] "According to the data, over 90% of vehicles have 4-5 stars in overall, front-impact, and side-impact 5-star ratings," referring to NCAP ratings for model year 2011-2020 passenger vehicles that were involved in two-vehicle crashes in Maryland from 2015-2020. The research found that despite identical safety ratings, female drivers faced a higher risk of serious injury than male drivers; while higher star ratings reduced injury risk for most men, they reduced female serious injury risk by only ~5% on average. Wen Fu and Jaeyoung Lee, "Relationship Between Vehicle Safety Ratings and Drivers' Injury Severity in the Context of Gender Disparity," *International Journal of Environmental Research and Public Health* (May 2022) (online at: pmc.ncbi.nlm.nih.gov/articles/PMC9140846).

higher-priority safety initiatives, yet the agency is simultaneously proposing postponements across its 10-year roadmap citing resource constraints. If the agency is reclaiming resources by streamlining legacy protocols, those resources should be immediately directed toward accelerating, rather than delaying, modernized crashworthiness tests and advanced crash avoidance evaluations.

Regarding the proposed removal of the dynamic rollover resistance tests, NHTSA's rationale appears to be logically grounded. As the agency details in the notice, electronic stability control (ESC) systems compliant with Federal Motor Vehicle Safety Standard No. 126 have been standard across the light-vehicle fleet for over a decade, and 100 percent of ESC-equipped vehicles evaluated by NCAP have successfully avoided wheel lift in the fishhook test. Because FMVSS No. 126 already enforces mandatory stability controls, continuing to conduct the fishhook maneuver yields identical results across models.

Nevertheless, CR strongly emphasizes that removing the fishhook maneuver should not diminish the prominence of rollover safety information. According to an analysis of Fatality Analysis Reporting System (FARS) data by the Insurance Institute for Highway Safety (IIHS),[3] rollover crashes remain disproportionately fatal, accounting for 28 percent of all passenger vehicle occupant deaths in 2024 (6,250 fatalities) and nearly half of all occupant deaths in single-vehicle crashes. Furthermore, while the majority of fatal rollovers involved a pre-rollover impact, 22 percent occurred without the vehicle striking anything beforehand. This underscores the importance of NHTSA maintaining strict enforcement of FMVSS No. 126 compliance and rejecting any roadmap delays for crash avoidance technologies that can help prevent vehicle road departure in the first place, such as enhanced lane keeping assistance (LKA). At the same time, because vehicle geometry remains the primary determinant of safety in tripped rollovers, NHTSA must ensure that static stability factor (SSF) ratings remain easily accessible to consumers on both NHTSA.gov and the Monroney window sticker.

Similarly, CR understands the rationale for proposing the discontinuation of side air bag out-of-position (SAB-OOP) testing. When a test protocol lacks objective repeatability and cannot support enforcement or recall actions, dedicating administrative and financial resources to spot checks offers little tangible safety benefit to the public. However, discontinuing this static evaluation makes it all the more essential for NHTSA to focus on updating its actual side-impact crash protection protocols. As the RFC outlines, major updates to side crash testing, including the introduction of modernized test dummies, are being pushed into the 2030s, leaving the agency to rely on interim measurement updates for existing dummies in the mid-term. NHTSA should redirect the staff and funding saved from ending SAB-OOP testing directly toward bringing these delayed side-impact crashworthiness upgrades to consumers much sooner.

Ultimately, while the proposed test removals appear to represent logical administrative housekeeping, **Consumer Reports is deeply concerned by the extensive delays introduced into the updated 10-year roadmap for NCAP.** NHTSA proposes postponing the implementation of the THOR-50M dummy and the frontal oblique crash test by two years to 2029, while pushing the side-impact WorldSID-50M dummy to 2031. At the same time, updates to the crash avoidance rating system have been delayed to 2028, and a revised Monroney label alongside comprehensive crashworthiness and overall safety rating overhauls have been deferred to 2029. **Delaying these**

[3] IIHS, "Fatality Facts 2024: Passenger vehicle occupants" (online at: www.iihs.org/research-areas/fatality-statistics/detail/passenger-vehicle-occupants#rollover).

critical updates perpetuates the exact stagnation that has rendered NCAP an ineffective consumer shopping tool.

Delays to dummy implementation, for instance, have a compounding negative effect on equity in the safety protections provided to occupants. Belted female occupants face a higher risk of severe injury, largely because safety systems have historically been designed and evaluated around average male physical profiles.[4] Currently, NCAP relies on older small female dummies that lack advanced chest, abdominal, and leg injury sensors. With the advanced female test devices THOR-05F and WorldSID-05F not scheduled for NCAP integration until 2031 and 2033, respectively, broader roadmap delays signal a troubling slowdown. Rather than allowing the overall schedule to slip, NHTSA should direct its testing capacity and resources toward accelerating research and NCAP integration for small female dummies, along with their advanced male counterparts.

CR also takes particular issue with NHTSA's decisions regarding advanced crash avoidance features in the roadmap. Safety features like automatic emergency braking, enhanced lane keeping assistance, direct driver monitoring, and intelligent speed assistance represent systems that can help prevent or mitigate collisions before they occur. Yet NHTSA's updated timeline would delay or eliminate some of the planned evaluations for these features.

Postponing enhanced LKA test protocols until 2033 undermines efforts to reduce single-vehicle run-off and head-on collisions, two of the deadliest crash modes on U.S. roadways. Postponing evaluations for curved roads, highway speed, and unpaved or degraded road edges guarantees that NCAP will fall further behind and continue to reward systems that might still fail in everyday driving scenarios.

Additionally, Consumer Reports' research demonstrates that when active safety systems are poorly tuned or struggle with complex situations on the road, they produce frequent false alerts and erratic steering inputs. When drivers then reasonably find such a system to be intrusive or unreliable, lower satisfaction may lead them to turn off the system, thus completely eliminating any potential safety benefit.[5] Further postponing enhanced LKA test protocols, which would help ensure LKA systems meet a minimum level of performance and reliability, perpetuates this cycle. NHTSA should be working to prioritize updates to NCAP protocols so that automakers are incentivized to develop refined LKA systems that drivers can rely on.

The agency's proposal to entirely eliminate distraction-focused driver monitoring systems (DMS) from the roadmap while deferring drowsiness monitoring to 2036 also represents a severe step backward. The agency justifies shelving distraction DMS by citing procedural and testing complexity, a rationale that fails to account for both the reality of the current marketplace and international regulatory progress. Camera-based eye and head-tracking technologies are already widely deployed across consumer vehicles, have been evaluated in Euro NCAP's rating system

---

[4] Consumer Reports, "The Crash Test Bias: How Male-Focused Testing Puts Female Drivers at Risk" (Oct. 23, 2019) (online at: www.consumerreports.org/car-safety/crash-test-bias-how-male-focused-testing-puts-female-drivers-at-risk).

[5] Consumer Reports, "CR's Guide to ADAS Usability" (Dec. 2022) (online at: data.consumerreports.org/reports/crs-guide-to-adas-usability).

since 2023,[6] and became mandatory for all new passenger vehicles in the European Union as of July 2026.[7] NHTSA's proposal also ignores the growing urgency of the situation as indicated by NHTSA's own data. According to the agency, in 2024, there were 3,208 people killed and an estimated additional 315,167 people injured in motor vehicle traffic crashes involving distracted drivers—and, as NHTSA acknowledges, there is significant reason to believe these totals undercount the actual toll on our roads.[8]

Additionally, as Level 2 active driving assistance (L2) systems proliferate, direct driver monitoring is essential to prevent system misuse and driver overreliance. Consumer Reports' evaluations of active driving assistance systems are informed by MIT's Advanced Vehicle Technology research showing that indirect monitoring methods alone, such as steering wheel torque sensors, cannot reliably verify driver engagement.[9] Measuring steering wheel pressure or contact merely detects hand placement, which can be easily bypassed, without verifying whether a driver's eyes are actually directed toward the roadway.

While roadway gaze alone does not establish that a driver is cognitively processing relevant information, visual attention is necessary to perceive and respond to safety-critical events. As outlined in our testing methodology for L2 systems, an adequate camera-based DMS active at all times is required to confirm visual attention, while systems relying solely on indirect steering-torque or capacitive-touch monitoring are penalized.[10] Abandoning distraction DMS in NCAP also diverges from Section 24209 of the 2021 Infrastructure Investment and Jobs Act , under which Congress directed NHTSA to research driver monitoring technologies to combat distracted driving and launch a rulemaking if necessary to ensure safety. Rather than eliminating and postponing these evaluations, NHTSA should finalize workable protocols and use NCAP to accelerate market adoption of direct driver monitoring systems that operate on a closed loop to help protect consumer privacy and data security.

Automatic emergency braking (AEB) represents one of the most significant vehicle safety advances of the past two decades, and NHTSA's final FMVSS No. 127 requiring AEB with pedestrian detection in all new passenger vehicles was a crucial regulatory milestone that we applauded. In our 2023 comments to NHTSA on the then-proposed AEB rule, we explicitly urged the agency to expand performance standards to cover bicyclists and motorcyclists, calling attention to rising fatality rates and the already proven technical capability of multi-modal detection systems.[11] Years later, regardless of the disappointing *Alliance for Automotive Innovation v. Department of Transportation* lawsuit filed in the interim, it is indefensible that NHTSA's proposed

---

[6] Euro NCAP, "Safe Driving Driver Engagement" (July 2026) (online at: cdn.euroncap.com/cars/assets/Euro_NCAP_Protocol_Safe_Driving_Driver_Engagement_v1_2_ebce03a443.pdf).

[7] European Commission, "Safer cars, safer roads: New rules take effect" (July 8, 2026) (online at: commission.europa.eu/news-and-media/news/safer-cars-safer-roads-new-rules-take-effect-2026-07-08_en).

[8] National Highway Traffic Safety Administration, "Distracted Driving in 2024" (April 2026) (online at: crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813790).

[9] Alexandra S. Mueller, et al., "Finding windows of opportunity: How drivers adapt to partial automation safeguards over time," *Transportation Research* (May 2025) (online at: www.sciencedirect.com/science/article/abs/pii/S136984782500066X?via%3Dihub).

[10] Consumer Reports, "CR's Guide to Active Driving Assistance Ratings" (Mar. 5, 2026) (online at: data.consumerreports.org/test-protocols/crs-guide-to-active-driving-assistance-ratings).

[11] Consumer Reports, "CR Comments to NHTSA on AEB" (Aug. 14, 2023) (online at: advocacy.consumerreports.org/wp-content/uploads/2023/08/CR-Comments-to-NHTSA-on-AEB-8-14-23.pdf).

NCAP roadmap looks to postpone the implementation of key advanced AEB testing scenarios, including bicyclist and motorcyclist detection. While NHTSA plans further delays, global peers have moved ahead. Euro NCAP has included AEB with pedestrian and cyclist detection in its protocols for years, and added motorcyclist detection in 2023,[12] while AEB with pedestrian and cyclist detection is also now required on all new passenger vehicles in the EU.[13] Beyond its omission of motorcyclist and cyclist protection, NCAP currently fails to challenge AEB systems against more complex real-world conditions such as curved travel paths, turning or skewed lead vehicle orientations, suddenly revealed lead vehicles, and medium-speed nighttime pedestrian scenarios. Deferring or diluting testing upgrades for a proven lifesaving technology sharply limits NCAP's value to consumers and guarantees the program will only fall further behind.

CR also is concerned by NHTSA delaying the inclusion of intelligent speed assistance (ISA) testing in NCAP to 2035. This appears to represent NHTSA deprioritizing efforts within NCAP to mitigate speeding, the single biggest factor in fatal crashes. Many modern vehicles already come equipped with some form of ISA today, from simple speed-limit displays and over-speed warnings to adaptive systems that adjust vehicle speed to posted limits. As with AEB for vulnerable road users and DMS, full ISA is mandatory on all new passenger cars sold in the EU,[14] so various automakers already mass-produce and deploy these systems across their global fleets.

Of course, the effectiveness of ISA technology hinges on accurate speed limit recognition. Through CR's own informal evaluations, traffic sign detection often is inaccurate, which underscores the importance of NHTSA establishing rigorous NCAP benchmarks so that these systems can be pushed to a higher standard of reliability. Yet, the updated roadmap claims the agency needs until 2031 to study "speed limit information functions" and "enabling technologies" before even proposing a test protocol. It should not take eleven years—from beginning research in 2024 to a now-proposed implementation into NCAP in 2035—for NHTSA to evaluate these features.

Finally, deferring the point system that integrates crash avoidance into overall vehicle star ratings until 2028 and pushing the integrated overall vehicle safety ratings and corresponding Monroney window sticker updates to 2029, further keeps car buyers in the dark at the point of sale. Advanced safety technologies should have been folded into the five-star ratings at the outset, and Congress actually explicitly mandated that crash avoidance information be placed on window stickers over a decade ago in the 2015 FAST Act. Pushing Monroney label updates to 2029 means consumers will have waited 14 years for a window sticker that gives a more complete picture of a car's overall safety. The current setup also provides no real way to differentiate between vehicles. Already, almost every new car earns 4 or 5 stars based almost entirely on legacy crashworthiness tests, while crash avoidance features are relegated to "recommended technologies," designated only by a standalone pass/fail checkmark. Under NCAP's binary, all-or-nothing credit framework, a

---

[12] Euro NCAP, "European New Car Assessment Programme Test Protocol – AEB/LSS VRU systems" (Feb. 2024) (online at: cdn.euroncap.com/cars/assets/euro_ncap_aeb_lss_vru_test_protocol_v451_cb0d5dfd0a.pdf).

[13] European Commission, "Safer cars, safer roads: New rules take effect," (July 8, 2026) (online at: commission.europa.eu/news-and-media/news/safer-cars-safer-roads-new-rules-take-effect-2026-07-08_en).

[14] European Commission, "Intelligent speed assistance (ISA) set to become mandatory across Europe" (Nov. 18, 2021) (online at: road-safety-charter.ec.europa.eu/resources-knowledge/media-and-press/intelligent-speed-assistance-isa-set-become-mandatory-across).

vehicle that successfully avoids a pedestrian in 19 out of 20 test scenarios gets zero credit and is lumped together on paper with a car that fails every single test.

At the same time, while CR remains critical of these broader roadmap postponements, we recognize that NHTSA has moved adaptive driving beam (ADB), semi-automatic beam switching (SABS), the advanced pedestrian legform impactor (aPLI), and blind spot warning/intervention (BSW/BSI) for bicyclists and motorcyclists into the mid-term component, given that the necessary research has been completed. These initiatives target critical safety risks facing pedestrians, cyclists, and motorcyclists. With the agency's research phase finished for these items, NHTSA should maintain these targets and proceed with its planned 2027 RFC on schedule.

We also support NHTSA's addition of an updated child restraint system (CRS) ease-of-use rating program to the mid-term roadmap for implementation in Q4 of 2028. Proper installation and intuitive usability are essential to ensuring child safety seats function effectively in a crash. Modernizing the ease-of-use framework to improve assessment objectivity and reflect current child seat designs will provide practical value to consumers, and NHTSA should ensure this remains on schedule.

In summary, CR understands and supports NHTSA's need to ensure all requisite research is complete and that test protocols are objective and repeatable. Nevertheless, the default posture of NHTSA with respect to NCAP cannot be one of perpetual delay. NCAP was established specifically as a dynamic, market-driven tool to push automakers to build vehicles that exceed minimum regulatory baselines. When NHTSA finalized the first major upgrades to NCAP in over a decade in late 2024, it signaled a long-overdue turn toward modernizing the program. Backtracking on those timelines just two years later undermines the program's core mission. If adding new test protocols routinely requires a decade or more of research and administrative deferrals, NCAP then becomes a program that merely measures technologies the market has already adopted. Also, as we have commented, streamlining redundant or unrepeatable legacy tests is a reasonable and necessary action to take as vehicle technology continues to advance—but only if NHTSA uses those resources to accelerate new and updated protocols.

CR appreciates the opportunity to comment, and looks forward to working with NHTSA to restore NCAP as a strong and dynamic driver of vehicle safety.

Respectfully submitted,

William Wallace
Director
Safety Advocacy

Emily A. Thomas, Ph.D.
Associate Director
Auto Safety

Cooper Lohr
Senior Policy Analyst
Transportation and Safety

Maddie McCarty
Senior Human Factors Engineer
CR Auto Test Center

Hamzah Raza
Human Factors Engineer
CR Auto Test Center