

## CLIENT ALERT

### NHTSA Announces Historic Proposal to Modernize Vehicle Safety Standards

Mar.19.2020

The U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) took its first leap toward removing unintentional regulatory roadblocks for autonomous vehicle (AV) developers. On March 17, NHTSA released a notice of proposed rulemaking (NPRM) to modernize numerous Federal Motor Vehicle Safety Standards (FMVSS), and clarify ambiguities in current occupant protection standards for vehicles equipped with automated driving systems (ADS) that are designed without traditional manual controls.

Specifically, NHTSA's NPRM seeks to restyle eleven FMVSS to avoid unintended impediments to the development of ADS, while retaining all of the features that have been influential in saving lives for decades. The specific FMVSS that the NPRM proposes to revise are occupant protection (201, 208, 214, 216s, 225, 226), side-impact protection (203), steering control placement (204), glazing materials (205), door locks and door retention (206), and seating systems (207). These proposed changes are geared toward accommodating inherent differences between traditional vehicles, and occupant-less vehicles and vehicles lacking traditional manual controls. NHTSA also cautioned that this NPRM does not eliminate the need for manufacturers of ADS-equipped vehicles to seek certain exemptions from FMVSS compliance, though it could reduce the number of standards from which manufacturers must seek exemption.

While NHTSA's NPRM is a major step forward for modernizing regulatory barriers at play for AV developers, NHTSA also notes that in this NPRM it has strategically left certain items unaddressed, and may look to update other items in the future. Here are a few highlights:

- The agency made clear that its proposal does not change existing occupant protection requirements for traditional passenger vehicles with manual controls.
- NHTSA tentatively decided that it will not revise the regulatory definition of "driver" found in 49 CFR §571.3, but will instead clarify this definition as needed to indicate differences between a human driver or an ADS.
- NHTSA intends to issue a separate notice regarding removal of barriers in the FMVSS that pertain to telltales, indicators, alerts, and warnings in ADS-equipped vehicles.
- NHTSA plans to complete research and separately seek public comment on the creation of a new FMVSS category for occupant-less vehicles.

NHTSA seeks public comment on all aspects of this proposal. Comments will be due 60 days from when the NPRM is published in the Federal Register, which is expected to occur in the near-term. This provides industry a good opportunity to help shape policy as NHTSA continues to modernize its regulations and update the FMVSS to accurately reflect new AV technology.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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