

CLIENT ALERT

NHTSA Punts Again On Requiring Rearview Cameras

July 23, 2013

On June 24, 2013, the National Highway Traffic Safety Administration (NHTSA) announced a further delay in finalizing a rule requiring that all new vehicles be equipped with a rearview camera designed to avoid "backover" crashes. Though federal law required NHTSA to promulgate regulations to mitigate the risk of backover crashes by February 2011, NHTSA's rulemaking has been delayed multiple times under authority allowing the Secretary of Transportation to modify this timeline if he determines that the statutory deadline cannot be met. In the letter to Congress announcing this most recent delay, the Secretary said that the rearview camera rule likely will not be finalized until January 2015, meaning that compliance would not be required until model year 2017.

While delaying promulgation of a rearview camera rule, NHTSA simultaneously reported on the importance of the rule's requirements. On June 26, the agency issued a proposed rule announcing its plan to begin including backup camera ratings as part of the New Car Assessment Program (NCAP), to encourage manufacturers to install rearview cameras voluntarily. Under the proposal, rearview video systems will be listed as a "safety feature" for each vehicle model that is equipped with such a system. If NHTSA is able to verify that a vehicle model's rearview video system satisfies certain criteria, the website will additionally recognize the vehicle model as possessing a "Recommended Advanced Technology Feature." To receive the agency's recommendation, a rearview camera system must satisfy the following criteria:

- (1) Show a visual image of a minimum area of a 20-foot by 10-foot zone directly behind the vehicle;
- (2) Show the test objects in the image within a visual angle of at least 5 minutes of arc; and
- (3) Show this area within 2.0 seconds after the vehicle transmission is shifted into reverse.

These criteria are the same as those NHTSA proposed in the delayed rule that requires rearview cameras in all vehicles.

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If the changes to NCAP are finalized, the agency expects to have its recommendations available online beginning in June 2014. This proposed addition to NCAP is separate from the other changes to the program currently under consideration involving, for example, automatic collision notification systems, automatic braking systems, and improved test dummies.

In addition to the delay in finalizing a rearview camera rule, NHTSA is also behind schedule on publishing a number of other final rules, including those regarding the sound levels of hybrid and electric vehicles and electronic data recorders. But with a newly confirmed Secretary of Transportation, former Charlotte, North Carolina mayor Anthony Foxx, it remains to be seen whether NHTSA's priorities will shift in the

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