

THE JOURNAL OF FEDERAL AGENCY ACTION

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National Highway Traffic Safety Administration Announces First Actions Under Trump Administration's New Framework for Removing Regulatory Barriers for Automated Vehicles

Rebecca Baden Chaney and Rachael Padgett*

In this article, the authors discuss the new framework for the regulation of automated vehicles announced recently by the National Highway Traffic Safety Administration.

The Department of Transportation (DOT) has announced¹ the Trump administration's new framework for the regulation of automated vehicles (AVs). According to the release, the AV framework of the National Highway Traffic Safety Administration (NHTSA) has three principles:

- Prioritize the safety of ongoing AV operations on public roads,
- Unleash innovation by removing unnecessary regulatory barriers, and
- Enable commercial deployment of AVs to enhance safety and mobility for the American public.

The DOT further announced that NHTSA has initiated its first two major actions under this framework: (1) amending² its current standing general order³ for vehicles with automated driving systems, and (2) establishing a streamlined pathway for domestic exemptions⁴ from the Federal Motor Vehicle Safety Standards for AVs.

Amended Standing General Order

NHTSA's current standing general order (SGO)⁵ requires motor vehicle and equipment manufacturers and operators of Automated Driving Systems (ADS) and Level 2 Advanced Driver Assistance Systems (ADAS) vehicles to report certain crashes to the agency. DOT says that the amended SGO,⁶ which took effect on June 16, 2025, will "streamline the reporting to sharpen the focus on critical safety information while removing unnecessary and duplicative requirements," and will make the following key changes to existing requirements:

- *Removes Requirement for Multiple Reports.* The current SGO requires all reporting entities to report a crash even if the incident has already been reported by another reporting entity. The new SGO will remove this requirement by only requiring one of the reporting entities to report, "unless they have notice of materially different information."
- *Streamlines Incident-Based Reporting Triggers.* The current SGO requires two levels of incident-based reporting. First, if a crash involves a fatality, a hospital-treated injury, or a vulnerable road user, reporting entities must report within one day after receiving notice of the crash and submit an updated report ten days after the initial report. Second, reporting entities must report within five days after receiving notice of a crash that does not involve a fatality, hospital-treated injury, or vulnerable road user but which does involve a tow away or an air bag deployment. The new SGO will merge these requirements and will only require reporting within five days of receipt of notice of a reportable crash involving a fatality, hospital-treated injury, strike of a vulnerable road user, air bag deployment, or tow away. There will no longer be a requirement to submit an updated report.
- *Narrows Reportability of Crashes Related to Vulnerable Road Users.* The current SGO requires incident-based reporting whenever a vulnerable road user "is injured as a result of the crash, is struck by any vehicle involved in the crash, is an occupant of any vehicle that is damaged as a result of the crash, or is alleged to have caused or contributed to the crash by influencing any part of the driving task for

any vehicle involved in the crash.” The new SGO will narrow the scope of reportable crashes involving vulnerable road users by only requiring reporting where a vulnerable road user “is struck by any vehicle involved in the crash.”

- *Narrows Monthly Reporting Requirements.* The current SGO requires manufacturers to submit monthly reports by the fifteenth day of each month of all crashes that do not meet the incident-based reporting criteria but that involve a vehicle equipped with ADS/ADAS that was engaged within 30 seconds of the crash. The current SGO also requires reporting entities to submit these monthly reports even if they do not have any crashes to report. The new SGO narrows the incidents that must be included in the monthly reports to incidents involving property damage which is either (1) reasonably expected to exceed \$1,000, or (2) not reasonably expected to exceed \$1,000 but the subject vehicle was the only vehicle involved in the crash and/or the subject vehicle struck another vehicle or object. The new SGO will also remove the requirement that entities confirm lack of reportable information each month.
- *Clarifies When Updated Reports Should Be Submitted.* The current SGO requires reporting entities to submit updated reports as part of its monthly reporting obligations when it receives notice about any materially new or different information about an incident. The new SGO is more specific about what new information should be reported by asking reporting entities to update information only related to the following fields in an incident report: “VIN, engagement status, source, highest severity alleged, subject vehicle damage, subject vehicle pre-crash movement, air bags deployment status for any vehicle involved, data availability, and narrative.”
- *Provides Detailed Online Submission Instructions.* The new SGO adds an Appendix A, which provides detailed instructions on creating an online submission portal account and submitting incident-based and monthly reports.

The new SGO makes various other revisions that largely streamline and condense the prior SGO and includes an updated appendix of reporting entities.

Domestic Exemptions

In an open letter to AV developers,⁷ NHTSA announced that it is expanding its pathway to exemption from federal motor vehicle safety standards (FMVSS) for imported AVs, set forth in 49 C.F.R. part 591, to also permit exemptions for domestically produced vehicles.

Specifically, “NHTSA will now begin to accept and process requests for vehicles built in the United States to receive FMVSS exemptions for non-commercial purposes” and interested entities should contact the Automation Exemptions Division of NHTSA’s Office of Automation Safety at AVExemptions@dot.gov for more information. The letter further encourages manufacturers of ADS-equipped vehicles to continue applying for general exemptions pursuant to 49 U.S.C. § 30113 and 49 C.F.R. part 555. The letter does not state an effective date for these changes but indicates that NHTSA intends to publish a notice in the Federal Register regarding the expansion of this exemption pathway.

It is unclear how this development will impact NHTSA’s January 15, 2025, Notice of Proposed Rulemaking (NPRM)⁸ detailing its proposal for the ADS-Equipped Vehicle Safety, Transparency, and Evaluation Program (AV Step program), which is in part designed to create other pathways to FMVSS exemptions for ADS-equipped vehicles. The AV Step program contemplates the pathway to exemption set forth in the April 24 letter, but would also establish another pathway to exemption to 49 U.S.C. 30122(c) (the prohibition against “making inoperative” any mandated safety features) by permitting the installation of ADS features that would otherwise take a vehicle out of compliance with the FMVSS. Comments on this proposed rule were due on March 17.

In announcing these initiatives, NHTSA Chief Counsel Peter Simshauser said:

By streamlining the SGO for Crash Reporting and expanding an existing exemption program to domestic vehicles, we are enabling AV manufacturers to develop faster and spend less time on unnecessary process, while still advancing safety ... These are the first steps toward making America a more welcoming environment for the next generation of automotive technology.

Notes

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1. <https://www.transportation.gov/briefing-room/trumps-transportation-secretary-sean-p-duffy-unveils-new-automated-vehicle-framework>.

2. https://www.nhtsa.gov/sites/nhtsa.gov/files/2025-04/third-amended-SGO-2021-01_2025.pdf.

3. <https://www.nhtsa.gov/laws-regulations/standing-general-order-crash-reporting>.

4. <https://www.nhtsa.gov/document/automated-vehicle-exemption-program-domestic-exemptions>.

5. <https://www.nhtsa.gov/laws-regulations/standing-general-order-crash-reporting>.

6. https://www.nhtsa.gov/sites/nhtsa.gov/files/2025-04/third-amended-SGO-2021-01_2025.pdf.

7. <https://www.nhtsa.gov/sites/nhtsa.gov/files/2025-04/automated-vehicle-exemption-program-domestic-exemptions-2025.pdf>.

8. <https://www.regulations.gov/document/NHTSA-2024-0100-0001>.