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Jennifer N. Dang, Division Chief, NCAP, Office of Crashworthiness Standards  
National Highway Traffic Safety Administration  
US Department of Transportation  
1200 New Jersey Avenue S.E.  
Washington, D.C. 20590

Dear Acting Administrator Carlson and Division Chief Dang,

On behalf of our 96 member cities and transit agencies, the National Association of City Transportation Officials (NACTO) is pleased to offer the following comments in response to the National Highway Traffic Safety Administration's Request for Comments on proposed updates to the New Car Assessment Program (NCAP) [Docket No. NHTSA- 2023-0020].

U.S. streets are the most dangerous they have been in decades. [Pedestrian deaths are at a forty year high](#), and the vast [majority of the increase in deaths over the past ten years have been people outside cars](#). Traffic deaths for people outside of vehicles—including people walking, biking, and rolling—have skyrocketed by more than 50% since 2009. Despite having a vehicle safety rating system in place that ["provides consumers with information about the crash protection...of new vehicles,"](#) that system has failed to acknowledge and therefore protect those outside of vehicles, resulting in thousands of preventable deaths each year.

NACTO member cities and transit agencies are leaders in the national vehicle safety dialogue, developing local standards and regulations on vehicle size, safety features, and operations.

We are glad to see that NHTSA is proposing the inclusion of an optional pedestrian crash worthiness test within NCAP to provide consumers with better information about how their vehicles impact pedestrian safety. However, while a step in the right direction, NHTSA's optional pedestrian crashworthiness test is unlikely to make a meaningful impact on pedestrian safety. To strengthen this proposal and NCAP more broadly, NACTO recommends the following:

**1. Provide consumers with transparent information about how well a vehicle performs on the pedestrian crashworthiness test.**

- **Any vehicle that receives a failing grade for pedestrian crashworthiness should be ineligible for an overall 5-star vehicle safety rating.**

The current proposal states that "in order to accelerate the adoption of pedestrian protection features in new vehicles, NHTSA is not proposing changes to the 5-star rating system at this time". In our [June 2022 comments on NHTSA's proposed updates to NCAP](#), NACTO and our member cities called on NHTSA to ensure that no vehicle receive a 5-star rating without scoring highly on pedestrian protection and crashworthiness. Our ask was [echoed by many in the field](#),

including the Advocates for Highway and Auto Safety, the Consumer Federation of America, Families for Safe Streets, Salud America, Together for Safer Roads, the Vision Zero Network, America Walks, the National Safety Council and former NHTSA Administrator Joan Claybrook. Unfortunately, by declining to propose changes to the 5-star rating system in response to pedestrian crashworthiness, NHTSA removes the incentive for a manufacturer to improve the vehicle's pedestrian crashworthiness and fails to incorporate pedestrian safety as a direct measure of whether a vehicle is considered safe.

- **Adopt a 5-star scoring system for pedestrian crashworthiness, rather than a pass/fail system.**

The current proposal states that "NHTSA proposes using a pass/fail scoring system" for the pedestrian crashworthiness test. A pass/fail test is not in line with the three other safety tests (frontal crash, side barrier crash, and rollover) currently in use, which score vehicles on a scale of one-to-five based on likelihood of serious injury. Consumers can see how many stars (one-to-five) a vehicle has received on each test, as well as the vehicle's overall star rating, which is based on those tests. In comparison, a pass/fail test introduces ambiguity for consumers.

- **Compare vehicles across weights and classes to reflect the disproportionate risk that height and weight pose in crashes with people outside of the vehicle.**

Currently, a vehicle's Overall Vehicle score is based only on its performance in comparison with other vehicles in the same class and whose weight is within 250 pounds of the vehicle being rated. NHTSA itself has acknowledged that heavier vehicles like [pickup trucks and SUVs are more likely to cause a fatal or serious injury crash with a pedestrian than a comparatively smaller passenger vehicle](#) (e.g., a sedan). By failing to compare vehicles across classes (e.g., a sedan compared to an SUV), NHTSA is concealing known information from consumers about the relative crash impacts of larger vehicles.

- **Maintain crash test consistency by having NHTSA conduct the crashworthiness test, rather than allowing manufacturers to conduct the test and self-report results.**

To provide high-quality and consistent information to consumers, NHTSA runs its own testing for the three tests currently incorporated into NCAP's five-star rating system. By allowing manufacturers to run pedestrian crashworthiness tests on their own vehicles and self-report the results, NHTSA risks publishing incorrect results from weakly-run tests that are not up to the agency's more rigorous standards.

- **Incorporate the results of the pedestrian crashworthiness test on the Monroney Label.**

In 2007, NHTSA took the important step of including a vehicle's safety rating on the Monroney Label, thereby providing consumers with this important information at the point of sale. Given the convenience of the Monroney Label, it is unlikely that a consumer will take additional steps to search for information about a vehicle's pedestrian crashworthiness test results on the manufacturer's website, NHTSA's website, or elsewhere. To make sure that consumers are aware of the pedestrian crashworthiness results, NHTSA should include these at the point of sale.

**2. Adopt additional components into the pedestrian crash worthiness test to account for a broader range of road users and likely crash scenarios.**

- **Consider evaluating pedestrian crashworthiness at speeds higher than 25 mph in addition to speeds at or below 25 mph.** While Euro NCAP uses a 40 kph (~25 mph) crash speed to evaluate pedestrian crashworthiness, a test at that speed does not accurately account for the majority of pedestrian-involved traffic crashes in a U.S. context. A recent study found that among the 60 most dangerous corridors for pedestrians in the U.S., [97% are multilane roadways, 70% have five or more lanes, and more three-quarters have speed limits of 30 mph or higher](#), all features associated with motor vehicle speeds exceeding 25 mph.
- **Incorporate people on bikes into the pedestrian crashworthiness test.** Bicyclists were included in the original mandate for this RFC from BIL (Section 24213(b)), but have not been included in the proposal. NHTSA notes that this lack of inclusion is because there are no “widely accepted” objective test procedures for crashworthiness bicyclist protection evaluation of vehicles. However, none of the other existing tests have required “widely accepted” objective test procedures, and with bicyclist deaths at a 45-year high, now is not the time to create new barriers to the incorporation of lifesaving tests. NHTSA cannot accomplish its [vision](#) of being “the global leader in motor vehicle and highway safety” if it must also wait for tests to be “widely accepted” before adoption.

**3. Incorporate information about other vehicle safety features—like ADAS and direct vision—that are proven to protect people outside of vehicles into the rating system, and ensure no vehicle receives a 5-star rating if it doesn't include those features.**

- **Evaluate Advanced Driver Assistance Systems (ADAS) features based on their ability to sense and protect people outside of vehicles.** These features should include Pedestrian Automated Emergency Braking, Intelligent Speed Assist, Advanced Lane Detection, and Adaptive Driving Beam headlights. Vehicles that lack these important ADAS features should be ineligible for a 5-star rating.
- **Evaluate a vehicle's Direct Visibility from the driver's seat (also known as “direct vision”).** Large vehicles, including SUVs and light trucks, have large blind spots and visibility problems, which are directly connected to [decreased safety and increases in fatalities](#). These risks can be attributed to the design and placement of a vehicle's A-pillar as well as its size and hood height. While cameras, mirrors, sensors, and other ADAS features can mitigate some risk, they cannot replace the need for direct vision from the driver's seat. NHTSA should provide a visibility score for each rated vehicle using USDOT's own [Blind Zone Calculator](#), and make vehicles that receive a low score ineligible for a 5-star rating.

USDOT's National Road Safety Strategy commits to institutionalizing the Safe System Approach as its guiding principle in reducing serious injuries and fatalities on US roadways. This Approach calls not only for safer people and safer roads, but also explicitly for **Safer Vehicles** with [“systems and features that help to prevent crashes and minimize the impact of crashes on both occupants and non-occupants.”](#)

Assessment programs in other regions—including Euro NCAP, the Australasian NCAP (ANCAP), Japan NCAP (JNCAP), and Korean NCAP (KNCAP)—have for years evaluated vehicles' pedestrian crashworthiness. NHTSA acknowledges that regarding the steep incline in U.S. pedestrian fatalities

compared to what we see in other peer nations, stating: "one difference...is that other countries have adopted crashworthiness pedestrian protection vehicle safety consumer information programs and pedestrian protection regulations, while the U.S. has not yet adopted either."

While NHTSA's proposed updates to NCAP signal that the Administration has heard calls to evaluate vehicles based on how well they perform in a crash with a pedestrian, it fails to create any change in how vehicles are rated, thereby continuing to leave consumers in the dark about the vehicles they are purchasing. Furthermore, NHTSA continues to welcome increasingly unsafe vehicles on our roads by declining to incorporate into its NCAP ratings life-saving vehicular features like ADAS and Direct Vision standards to prevent bicyclist and pedestrian-involved crashes altogether.

NACTO greatly appreciates NHTSA's consideration of these comments. Along with our members, we welcome further opportunities to guide the continued development of the NCAP program.

Sincerely,

A handwritten signature in black ink, appearing to read "Corinne", with a long horizontal flourish extending to the right.

Corinne Kisner  
Executive Director, NACTO