



National Association of
City Transportation Officials

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Markus Price, Office of Crash Avoidance 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 Mr. Price:

On behalf of the National Association of City Transportation Officials (NACTO), we are pleased to provide comments in response to the National Highway Traffic Safety Administration's Notice of Proposed Rulemaking on Automatic Emergency Braking Systems for Light Vehicles [Docket No. NHTSA-2023-0021].

NACTO's 96 member cities and transit agencies are leaders in the road safety movement, utilizing tools like street design changes and speed limit reductions to reduce serious injuries and fatalities on their streets. However, NACTO members rely on our Federal partners to regulate the risks that are out of city control, including safety features like Automatic Emergency Braking, Intelligent Speed Assist, and Direct Vision. USDOT's National Road Safety Strategy is clear: to stem the tide of traffic fatalities on US streets, we need safer people, safer roads, safer speeds, better post-crash care, and safer vehicles. Achieving this is an effort that requires all of us to leverage the tools that we have.

The critically needed standards proposed in this NPRM have the potential to prevent thousands of pedestrian fatalities every year. NACTO applauds NHTSA for proposing this standard, which will save lives and advance our shared goal of eliminating preventable fatalities.

NHTSA could make this proposed standard even stronger by including the following into the rulemaking:

- **Increasing testing speeds for PAEB above 60 km/h (~37 mph) for 'crossing path' scenarios, 55 km/h (~35 mph) for 'stationary along path' scenarios, and 65 km/h (~40 mph) for 'moving along path' scenarios.** People who are walking frequently share space with motor vehicles that are traveling above the maximum testing speeds included in this NPRM. [Nearly two-thirds \(65%\) of crashes resulting in pedestrian fatalities where the speed limit is included in the report are on roads where the legal speed limit is 40 mph or higher, and the most common speed limit for a road where a pedestrian is killed is 45 mph.](#) By ensuring that vehicles' PAEB systems only need to function up to ~40 mph, the FMVSS will fail to definitively mitigate against crashes that happen on higher speed

collector and arterial streets where pedestrians are often forced to interact with vehicles due to a lack of sufficient sidewalks and controlled crossings.

- **Requiring PAEB testing in low-light scenarios on the same timeline as in daytime scenarios.** In 2021, [81% of pedestrian fatalities occurred during dawn \(2%\), dusk \(2%\), or dark \(77%\)](#). During these low-light hours, streets are less congested, motor vehicles can travel faster, and people walking are less visible to drivers. Given the increased risk of walking at night, it is crucial to hold PAEB systems to the same standards during low-light scenarios as during daytime scenarios. While the FMVSS will eventually require the same testing speeds during daylight and low-light scenarios, NHTSA can save hundreds of lives each year by testing PAEB systems in low-light scenarios at speeds of 65+ km/h (40+ mph), rather than at 40 km/h (~25 mph) and 50 km/h (~30 mph), on the same timeline as daytime scenarios.
- **Continuing to explore ways to test lead-vehicle AEB above 100 km/h (~60 mph) for ‘stopped lead vehicle’ and ‘slower-moving lead vehicle’ scenarios, and 80 km/h (~50 mph) for ‘decelerating lead vehicle’ scenarios.** We appreciate the proposal to test lead-vehicle AEB systems at speeds that are common in urban settings. However, given the increased risk of crashes as well as fatalities and serious injuries resulting from crashes as speeds rise, it would also be prudent to test lead-vehicle AEB capability at speeds that are common on limited access highways across the United States.
- **Retaining the no-contact criterion for PAEB testing.** We appreciate that the NPRM’s testing criteria calls for no contact between the subject vehicle and pedestrian when the PAEB system is activated and recommend that it remain so. Although the likelihood of serious injury or death declines as impact speeds drop, without the protection that a motor vehicle provides for its passengers, people walking remain vulnerable in a crash with a motor vehicle at any speed. This is especially true when pedestrians are struck by larger vehicles. [Truck SUVs and passenger pickup trucks make up an increasingly large percentage of the privately owned vehicle market \(61% in 2021\)](#). With the proliferation of electric vehicles, these already-heavy SUVs and trucks are becoming even heavier, and pose an increasing threat to people walking. Retaining the no-contact criterion is important for making sure vehicles of all weights and sizes are equipped with systems designed to save the lives of those outside of the vehicle.
- **Retaining the specification that would prevent drivers from disabling the AEB system at speeds above 10 km/h.** NHTSA is undertaking a large and highly worthwhile effort to require and test the efficacy of AEB systems in light vehicles. If drivers are simply allowed to turn the system off, all of the testing and work that went into requiring this life-saving technology will be for naught.

To continue advancing a Safe System Approach through vehicle design, NHTSA also needs to include other life-saving Advanced Driver Assistance Systems (ADAS) into the FMVSS, including Intelligent Speed Assist. Furthermore, NHTSA must utilize the FMVSS to regulate vehicle size and weight, including by revising the Bumper Standard to allow for softer hoods and putting a maximum on front-end height.

NACTO and our member cities commend NHTSA and the USDOT on your continued efforts to advance the National Roadway Safety Strategy, and urge the agencies to continue regulating those vehicles that pose the greatest risk to people walking and biking on US streets.

Sincerely,

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

Corinne Kisner, NACTO Executive Director