



Questions for the Record – Responses

U.S. Senate Committee on Commerce, Science, and Transportation  
Nominations Hearing of Dr. Steven Cliff  
December 16, 2021

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**Questions for the Record - Majority**

**Question for the Record from Hon. Maria Cantwell to Dr. Cliff**

**Question:** *Dr. Cliff, if confirmed, will you pledge to work collaboratively with this Committee, provide thorough and timely responses to our requests for information as we put together and address important policy issues, and appear before the Committee when requested?*

**Response:** Yes, if confirmed, I will work collaboratively with the Committee, provide thorough and timely responses to your requests, and appear before the Committee if asked.

**Safe Streets and Roads for All.** *NHTSA estimates that 38,680 people died in motor vehicle traffic crashes in 2020. This would be the highest number of fatalities since 2007, despite the fact that Americans drove less in 2020 due to the pandemic.*

*The Infrastructure Investment and Jobs Act provides \$5 billion for a new Safe Streets and Roads for All Program that will provide funding for local communities and tribes to develop and carry out comprehensive, data-driven safety plans to prevent death and injury on roads and streets. These funds will help cities like Seattle and Bellevue implement existing vision zero plans, and will allow countless other communities to develop comprehensive plans with the goal of eliminating all traffic fatalities.*

**Question 1:** *What kind of work does NHTSA do with vision zero communities to incorporate best practices from its Countermeasures that Work guide?*

**Response:** NHTSA works with Vision Zero communities to provide information about proven countermeasures, both from our Countermeasures that Work guide and from innovative practices, such as those developed in the Road to Zero program. NHTSA also conducts demonstration projects that allow us to evaluate local and State innovative practices and countermeasures. NHTSA shares the results of its demonstration projects publicly. The process helps develop safety countermeasures and provides support for best traffic safety practices. NHTSA's Regional Offices also work directly with States to help tailor their safety plans to address the most pressing traffic safety problems, using a data-oriented process. The work also involves overseeing State programs to ensure that at least 40 percent of their funds benefit the safety programs of local communities throughout the State.



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**Question 2:** *What kind of outreach do you anticipate DOT will do to communities that have little experience with vision zero safety plans?*

**Response:** NHTSA will use an array of techniques to help communities with little experience with Vision Zero safety plans, such as facilitating information exchanges between experienced and less experienced communities, providing information about successful programs and countermeasures, and helping to evaluate best traffic safety practices. NHTSA will also support webinars and use its time at regular conferences, including the annual Lifesavers National Conference on Highway Safety Priorities, to encourage the implementation of a Safe System Approach that addresses the needs of local communities. Finally, NHTSA will work with the State Highway Safety Offices and partner agencies such as the Federal Highway Administration to provide information and technical assistance to support working with Vision Zero communities.

**Electric Vehicles.** *According to a 2020 Consumer Reports survey, 7 out of 10 American drivers are interested in purchasing an electric vehicle. Federal and state governments have taken action to support broader electric vehicle adoption, given the benefits that electric vehicles can provide to our environment, our health, and our economy. For example, the Washington state legislature has set an ambitious target of requiring all new cars sold in 2030 to be zero-emission vehicles.*

*The Bipartisan Infrastructure Law required the Departments of Transportation and Energy to create a working group to coordinate the integration of electric vehicles into our transportation network. Earlier this month, the Biden Administration began implementing this Commerce Committee-directed provision by creating a Joint Office of Energy and Transportation and creating a new Advisory Committee on Electric Vehicles, focused on deploying electric vehicle infrastructure and coordinating Federal electric vehicle efforts.*

**Question 1:** *As we look to accelerate the adoption of electric vehicles across the country, what is NHTSA doing to ensure the safety of electric vehicles?*

**Response:** Battery Electric Vehicles (BEVs) are subject to the same Federal Motor Vehicle Safety Standards as internal combustion vehicles. Due to the small sample size of full BEVs operated on U.S. roadways, there is limited reliable data to compare BEVs to internal combustion engine vehicles. NHTSA continues to monitor its data systems and conducts special crash investigations of electric vehicle fire incidences to better understand the circumstances and consequences of vehicle fires.



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NHTSA is working on a proposal to add safety requirements in Federal standards for electric vehicle propulsion batteries. The proposal includes requirements to mitigate battery fires during normal vehicle operation, charging, and post-crash. Further, BIL provides increased funding for vehicle safety research, and NHTSA intends to conduct additional research on high-voltage battery safety, including expanded research into battery prognostics and diagnostics systems that can detect issues before fires begin. At the same time, NHTSA is working closely with industry, EMS groups, and other government agencies to enhance battery safety during a crash and develop best practices for emergency responders. NHTSA is closely monitoring reports of potential defects and will not hesitate to pursue recalls where merited.

***Question 2:*** *How will the Joint Office and Advisory Committee support NHTSA's research, oversight, and enforcement activities related to electric vehicles?*

***Response:*** NHTSA is working with our colleagues in the Department on the implementation of the Joint Office and Advisory Committee. As these groups take shape, NHTSA will be working with them to make sure the agency benefits from their activities and that we can leverage what they are doing to support our own research and enforcement activities.

***Modernizing CAFE Standards.*** *Washington State is disproportionately impacted by transportation emissions, which account for over 46 percent of total greenhouse gas emissions in the state. Thankfully, the Biden Administration has proposed updated CAFE standards to increase fuel efficiency and economy, helping to counter the climate crisis, improve public health, and ensuring consumers benefit from billions in fuel savings.*

*Updating the CAFE standards is one important step in the right direction, however more could be done to improve fuel efficiency and reduce fuel costs for American drivers. Right now, CAFE compliance is tested in a lab using procedures developed in 1975 that no longer align with consumers' driving behaviors. The result is a growing difference between a vehicle's actual fuel economy performance on the road and the numbers on the vehicle's window sticker at the dealership.*



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***Question 1:*** How does continued use of test procedures from 1975 to determine compliance with fuel economy standards impact consumers and the technologies employed by manufacturers to improve fuel efficiency?

***Response:*** The current CAFE compliance test procedures established in 1975, consist of two test cycles, referred to as the city and highway cycles and more commonly as “two-cycle” testing. For model year 2008, the Environmental Protection Agency introduced revised test procedures to provide more accurate, real-world fuel economy values to better represent real-world performance. The revised procedures include three additional test cycles, and the five cycle test is proving to be more accurate. For MY 2013, EPA and DOT jointly updated the fuel economy label to accommodate both statutory provisions in Energy Independence and Security Act and the impending introduction of all electric and plug-in hybrid electric vehicles to the marketplace, which required additional, technology-specific procedures related to their all-electric operation.

Generally, the five-cycle test procedure has proven to provide representative real-world fuel economy values for the fuel economy label based on confirmation by independent organizations, and the lack of need for substantive revisions to the procedures since their introduction in 2007.

***Question 2:*** What opportunities could greater use of technologies that provide data on real-world fuel economy offer NHTSA in setting and overseeing compliance with fuel economy standards?

***Response:*** The CAFE program is centered on prescribed test procedures to provide repeatable, verifiable results on new, unsold vehicles prior to their in-use operation. Real-world data provided by third parties can be difficult to reproduce in situations where the agency needs data based on controlled, repeatable environments. This is important as standard setting and compliance can result in significant impacts such as penalty assessments and legal judgments. Nevertheless, real world data may have potential for uses outside of government regulation and may be useful to both consumers and vehicle manufacturers.

***Question 3:*** What changes are needed to improve and modernize the CAFE program to meet the challenge of climate change?



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**Response:** NHTSA is evaluating comments to our recent MY2024-26 CAFE proposal to determine whether statutory changes are necessary. We will also be evaluating post MY2026 regulatory changes following the completion of the MY2024-26 rule.

**Questions for the Record from Senator Richard Blumenthal to Dr. Steven Cliff**

**Mandatory regulation of autonomous vehicles.** *The National Highway Traffic Safety Administration (NHTSA) has long eschewed mandatory regulations in favor of unenforceable guidelines for autonomous vehicles, like the voluntary reporting of information under the AV TEST Initiative. While I appreciate your commitment to making public the crash data reported under this summer’s Standing General Order, the order simply does not go far enough. Moreover, while NHTSA waits to act, companies like Tesla are actively implementing technologies that are not proven to be safe, as evidenced by NHTSA’s investigation into Tesla’s Autopilot feature.*

**Question 1:** *When does NHTSA plan to finalize a rulemaking and implement meaningful, enforceable safety standards for autonomous vehicles?*

**Response:** NHTSA is committed to using all of its means to ensure the safety of autonomous vehicles. In the future, this may mean additional regulations. However, the lack of regulations presently does not mean that oversight is lacking and meaningful enforcement is not underway. As all manufactures are already obliged under the Motor Vehicle Safety Act (Chapter 301 of Title 49, U.S. Code) to achieve safety standards that protect the public from unreasonable risk, NHTSA can fully investigate autonomous vehicles and bring enforcement actions when necessary. The agency has a number of investigations of automated technology underway and will use the full range of its authority to ensure that vehicles on the road do not present an unreasonable risk to safety.

**Question 2:** *When will NHTSA make public the data it received under the Standing General Order? How will it do so?*

**Response:** NHTSA plans to make the public information received under the Standing General Order available on its website in early 2022.

**Question 3:** *What specific steps is NHTSA currently taking to ensure autonomous vehicles are safe for all people on the road?*



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**Response:** Automated Driving Systems (ADS) offer the potential of significant safety enhancement opportunities for all people on the road at their maturity. As these systems are being developed and tested, they are still going through rapid changes, and NHTSA is evaluating the development of these technologies closely. NHTSA has a broad array of tools, including research, rulemaking, investigations, and enforcement, and will use these tools as necessary to ensure safety for occupants and other road users that share the transportation system. For example, NHTSA’s Standing General Order provides timely incident information reporting to support the agency’s safety oversight mission. In addition, the agency is using its investigative and enforcement authority to ensure that ADS and ADAS systems do not pose an unreasonable risk to safety, are not subject to foreseeable misuse and do not violate FMVSS. In addition, NHTSA is proactively researching how safety can be measured and assessed objectively and practically for future mature ADS. NHTSA is also researching occupant protection, crash prevention, including vulnerable road user safety, and crash compatibility aspects of ADS-equipped vehicles.

**Question 4:** *You said that NHTSA’s investigations into Tesla should hopefully be completed “soon” and would guide the next steps in the investigation. Please provide more information about the status of NHTSA’s investigation, including a more precise timeline for future action.*

**Response:** The Tesla investigation involves the gathering of information from both the subject of the investigation and peer manufacturers and testing and evaluating those data. The process requires a thorough evaluation of all the information collected so that next steps can be determined. NHTSA understands the intense interest in the investigation, and it remains a high priority. Every effort will be made to complete the investigation in an efficient manner while doing so in a way that is thorough, fair and accurate.

**Vehicle seat back standards.** *Front seat back failures during crashes can have devastating consequences for rear passengers and are entirely preventable. Senator Markey and I have introduced legislation, S.1413, the Modernizing Seat Back Safety Act, to require NHTSA to update seat back safety standards. The Infrastructure Investment and Jobs Act included language requiring DOT to issue an advanced notice of proposed rulemaking (ANPRM) about vehicle seat back standards within two years, but did not include a requirement for a long-overdue final rule.*

**Question:** *If confirmed, do you commit to expeditiously issuing an ANPRM and subsequently a final rule to update seat back safety standards?*





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**Response:** If confirmed, I am committed to implementing the provisions of the Bipartisan Infrastructure Law (BIL) as expeditiously as possible, including the issuance of an ANPRM to update the seat back safety standard. As directed in BIL, NHTSA will proceed to issue a final rule if such an action is consistent with the considerations of Motor Vehicle Safety Act.

**Timeline for knee bolster air bag rulemaking.** *In order to accommodate installation of hand controls for individuals with disabilities in automobiles, rental car companies often need to disable knee bolster air bags. Currently, only dealers and repair businesses are granted exemptions that allow for disabling air bags or other safety features. NHTSA's rulemaking to extend this exemption to rental car companies is still pending. In the meantime, the percentage of rental car stock that is – or could be – made available to individuals with disabilities is shrinking, limiting mobility options.*

**Question:** *When does NHTSA plan to issue a final rule?*

**Response:** This is a top priority for NHTSA and we are planning to finalize this important rulemaking before March 2022, consistent with our planned projections in the 2021 Fall Unified Agenda.

**Questions for the Record from Senator Edward J. Markey to Dr. Steven Cliff**

**Autonomous Vehicle Technology.** *Autonomous vehicles (AVs) have the potential to reduce roadway crash fatalities and injuries, help lessen traffic congestion and vehicle emissions, and promote greater accessibility. However, the benefits of this technology can only be achieved if AVs are deployed correctly. Specifically, AVs must be subject to comprehensive and strong federal standards that will ensure the technology is safe and saves lives.*

**Question:** *If confirmed, what will you do to ensure the safety of AV technology for both car occupants and those sharing the road with self-driving vehicles?*

**Response:** If confirmed, I am eager to work with you and your colleagues in Congress to ensure that the Federal government is leading the way on safe autonomous vehicle operations nationwide. NHTSA will continue to make use of its full range of tools to effectively administer our safety oversight role. Among the activities, NHTSA will gather timely information from roadway incidents, use the full range of our investigatory and enforcement powers to support safety, use scientific findings from



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targeted research activities, and leverage our collaboration partners' collective knowledge to prioritize safety for the occupants and other road users that share the transportation system around an AV, including when they are being tested and developed on public roads, and when they are deployed.

***Crash Avoidance Technologies.*** *Collision avoidance systems for motor vehicles include automatic emergency braking (AEB), lane departure warning (LDW), blind spot detection, rear AEB, and rear cross-traffic alerts. These technologies can help prevent and lessen the severity of crashes, as well as help to reduce our nation's unacceptable motor vehicle crash death and injury toll. That is why Section 24208 of the Infrastructure Investment and Jobs Act requires the Department of Transportation to issue rules requiring Forward Collision Warning (FCW), AEB, LDW, and Lane Keeping Assistance (LKA) for all cars.*

***Question:*** *If confirmed, will you commit to promptly issuing these rules and ensuring these technologies can properly detect and respond to vulnerable road users such as pedestrians and bicyclists?*

***Response:*** *If confirmed, I am committed to expeditiously implementing the provisions in the Bipartisan Infrastructure Law, including rules requiring Forward Collision Warning (FCW), AEB, LDW, and Lane Keeping Assistance (LKA) for passenger vehicles.*

**Questions for the Record from Senator Peters to Dr. Cliff**

***Autonomous Vehicles.*** *The Fall 2021 Unified Agenda of Regulatory and Deregulatory Actions stated that NHTSA may incorporate a pilot program regarding autonomous vehicle testing into a rulemaking titled "Expansion of Temporary Exemption Program to Domestic Manufacturers for Research, Demonstrations, and Other Purposes." The pilot program was the subject of a separate regulatory proposal aimed at obtaining real-world data that could inform regulatory and legislative efforts to foster the safe development and deployment of autonomous vehicles, but which NHTSA has announced is being withdrawn.*

***Question:*** *How might NHTSA advance the pilot program or its goals through the rulemaking identified above? What is the timeline for implementing these actions?*

***Response:*** *NHTSA is planning to publish a notice of proposed rulemaking by April 2022, consistent with our planned projections in the 2021 Fall Unified*



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Agenda. The rulemaking would propose to expand a temporary exemption program to allow domestic manufacturers to research, test, and evaluate vehicles on public roads. If adopted, the rulemaking could help domestic manufacturers to test vehicles equipped with Automated Driving Systems and provide the agency with additional information about the safety of automated vehicles.

***International Standards.** The promotion of U.S. auto standards can be a critical tool in strengthening safety around the world, while also helping the U.S. auto industry and American autoworkers grow domestic vehicle manufacturing and exports to developing markets overseas. NHTSA can play a crucial role in this effort, which will be increasingly important to supporting the nation's technological leadership with respect to autonomous vehicles.*

***Question:** If confirmed, would you work to advance and prioritize NHTSA's international work, most notably the work conducted through global auto safety regulatory forums?*

***Response:** Yes. If confirmed, I will work to ensure that NHTSA continues to promote Federal Motor Vehicle Safety Standards (FMVSS) and U.S. traffic safety policies internationally. Such approaches continue to be critical to strengthening safety around the world. NHTSA will also remain an active participant in various international safety fora, including the United Nations Economic Commission for Europe and the Asia-Pacific Economic Cooperation Auto Dialogue.*

***Crash Tests.** I authored legislation, the FAIR Crash Tests Act (S. 2007), which was cosponsored by Senator Fischer and became law as part of the bipartisan infrastructure bill. The legislation directs GAO to evaluate how NHTSA's deployment of crash test dummies in the New Car Assessment Program, such as a failure to conduct tests with dummies representative of women in the driver's seat, may contribute to women being disproportionately more likely to be killed or injured in car crashes.*

***Question:** Will you ensure that NHTSA cooperates with GAO's efforts to complete this study? What other actions will you consider taking to address the concerns underlying the FAIR Crash Tests Act?*

***Response:** Yes, NHTSA will fully cooperate with GAO's efforts. NHTSA has developed comprehensive research plans to address equity in crashworthiness safety that include advances in crash test dummies and human body modeling. For example, NHTSA has a series of programs specially focused on female crash safety and efforts are underway generally to consider occupants and vulnerable road users of all ages, shapes, and sizes.*



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**Questions for the Record from Senator Rosen to Dr. Steven Cliff**

***Topic. Marijuana Impaired Driving Prevention***

***Question:*** Nevada is one of the growing number of states that have legalized marijuana for both medicinal and recreational purposes. If you are confirmed, what new efforts will the National Highway Traffic Safety Administration (NHTSA) take to support programs in such states to prevent marijuana-impaired driving?

***Response:*** NHTSA is accelerating research with academia and other federal partners on the effects of drugs on impaired driving, including the development of drug-impaired screening and detection devices to provide a powerful tool for identifying drug-impaired drivers. NHTSA's research focus continues to be on understanding the complex role drugs play in impairment. The Bipartisan Infrastructure Law provides additional resources to State Highway Safety Offices to address drug-impaired driving at the State and local levels.

NHTSA is also increasing its outreach and technical assistance to help States and local agencies use our new Drug-Impaired Driving Criminal Justice Evaluation Tool designed to allow agencies to assess and strengthen their drug-impaired driving programs. Supplemental funding in the Bipartisan Infrastructure Law will enhance NHTSA's work to provide training, education, best practices and effective countermeasures on drug-impaired driving for law enforcement, prosecutors, judges, toxicologists and probation officers.

***Topic. Differing Traffic Safety Needs for Each State***

***Question:*** Every state faces different traffic safety challenges and cultures. How will you work effectively with states like Nevada to address the unique needs of states, municipalities, and tribes?

***Response:*** NHTSA provides grants and technical assistance to States and the Bureau of Indian Affairs, on behalf of Indian Tribes, to ensure each State and interested Tribe can and does address its own unique set of highway safety problems. NHTSA assists States in analyzing their data, setting annual performance targets, and planning programs designed to address specific highway safety problems a particular State is experiencing. NHTSA is encouraging States to broaden their program bases to ensure



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they are meeting the safety needs of high-risk and under-served populations, as well as vulnerable road users, and that they follow a Safe Systems Approach that allows them to optimize program reach and effectiveness.

***Topic. Nevada Rural Road Safety***

***Question:*** Nevada is home to many vibrant, rural communities, stretching across hundreds of miles of deserts, mountains, and valleys. A significant proportion of traffic deaths in our state occur on rural roads crossing this terrain. If confirmed, what initiatives will you undertake to address rural road safety?

***Response:*** If confirmed, NHTSA will continue to work closely with States with significant rural areas to specifically address rural safety issues, facilitate the sharing of best practices among rural States, and continue to identify effective countermeasures that are relevant and can be implemented in rural areas. NHTSA also plans to continue a focus on demonstration programs that target rural communities. This includes programs like “high five” that focuses on educating drivers in five counties within a State with the lowest seat belt rates. The success of the original program in Iowa that saw increased seat belt use and decreased fatalities is now being replicated in Arkansas and Kentucky. The supplemental funding contained in the Bipartisan Infrastructure Law will provide significant additional resources Nevada can use to address rural safety through these kinds of programs.

NHTSA also works closely with EMS and 911 communities to assess service and training needs for rural providers and to work toward an improved system of coordinated response and emergency medical care integral to reducing injury and mortality on rural roads. NHTSA publishes rural/urban fact sheets, compilations of rural crash data, geospatial summaries of crash fatalities, and research reports to inform program and funding decisions at the state and local levels.

**Questions for the Record from Senator Sinema to Dr. Cliff**

***Infrastructure Investment and Jobs Act Implementation.*** The bipartisan Infrastructure Investment and Jobs Act (IIJA) included updated safety requirements for new vehicles. The National Highway Traffic Safety Administration (NHTSA) will develop at least eleven new rules to implement these requirements. These rules will detail the types of crash avoidance and drunk



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*driving prevention technology that must be installed in new vehicles. Importantly for Arizona and other states with warm climates, the IIJA includes a directive that new vehicles have an alert system to remind drivers to check their back seats to ensure children and pets are not accidentally left in hot cars.*

**Question:** *How will you work to ensure NHTSA will implement these rules effectively and efficiently?*

**Response:** The Bipartisan Infrastructure Law (BIL) provides an increase in NHTSA funding that is the largest investment in motor vehicle and highway safety since the agency was created fifty years ago. If confirmed, I will remain committed to using this significant increase in resources to move forward expeditiously on a wide variety of safety initiatives, including rulemaking efforts that are important to protect the traveling public. One of the most tragic events imaginable is the death of a child inadvertently left in a hot car—an important concern you note for Arizona. I am especially committed to addressing this, so that no family endures the pain of losing a child in this manner in the future.

**Multiple Substance Impaired Driving Act.** *The IIJA included bipartisan legislation I cosponsored, the Multiple Substance Impaired Driving Act, which authorizes NHTSA's National Priority Safety Program to use program funding for drug toxicology tests and on impaired driver training for local law enforcement agencies.*

**Question:** *How will this change provide greater flexibility to local police and sheriff departments who receive funding from the National Priority Safety Program? Do you anticipate any issues in carrying out these new requirements?*

**Response:** The added authorities will provide States with greater flexibilities to address the problems of drug-impaired driving, broadening the available uses of Federal funding. The additional flexibilities will allow States and local jurisdictions to increase drug testing and ensure that local law enforcement has the needed training to identify drug-impaired drivers. NHTSA has already begun the process of discussing the changes in the Bipartisan Infrastructure Law with States and their national organizations to make sure they are aware of these added flexibilities, and we do not anticipate any issues in carrying out these new requirements.

**Autonomous Vehicles.** *Arizonans have become accustomed to seeing autonomous vehicles (AV) on highways and neighborhood streets since several AV companies began testing their vehicles in the state in the mid-2010s. Though AVs have the potential to vastly improve vehicle safety, it is*





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*important for current operators of AVs to remain aware of their surroundings, since no vehicles currently on the road are completely self-driving. As AV technology continues to improve, some prefer that Congress act to establish clear rules of the road, while others prefer that NHTSA undertake a rulemaking process to establish clear AV standards.*

**Question 1:** *What are your thoughts on this issue?*

**Response:** NHTSA’s current authorities equip it with a variety of tools to ensure safety. Whether we engage in specific rulemaking related to AVs, investigate individual incidents, or provide continued guidance, NHTSA will work aggressively to ensure the safe performance of AVs on the road and use its enforcement authority under the Motor Vehicle Safety Act as necessary. NHTSA is continuing to evaluate and monitor the development of these technologies and will carry out research into their performance. To ensure safety in the AV arena, NHTSA will make use of all of its tools, and that may include updating previously released guidance or carrying out additional rulemaking actions.

**Question 2:** *If confirmed, what steps will you take at NHTSA to lay the groundwork for future AV standards?*

**Response:** NHTSA is committed to ensuring the safety of AV technologies available to the public while promoting innovation. To do so, NHTSA will gather timely information from roadway incidents, use the full range of our investigatory and enforcement powers, use scientific findings from targeted research activities, and leverage our collaboration partners’ collective knowledge to prioritize safety for occupants, vulnerable road users and all others that share the transportation system with an AV, including during testing, development and deployment. All of these activities will inform the agency on how to consider adopting future standards.

**Highway Safety Grants.** *NHTSA’s Office of Regional Operations and Program Delivery disperses highway safety grants to all 50 states and U.S. territories. The IJA included \$1.1 billion over five years in supplemental appropriations for NHTSA to provide grants to states to operate programs that will improve driver behavior and safety.*

**Question:** *Are you confident that NHTSA has the technical capabilities to operate this program? Will qualifying state and territorial governments receive their grants in a timely manner?*

**Response:** NHTSA has a dedicated Regional Operations and Program Delivery (ROPD) team in place to provide technical assistance, training, and other



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support to States to operate programs to improve driver behavior and safety. This assistance will take the form of in-depth analysis of current State programs, identifications of short-term, impactful strategies, and targeted technical assistance to assist States in upgrading their programs to use the supplemental funding available under the Bipartisan Infrastructure Law (BIL). NHTSA is committed to ensuring that all qualifying jurisdictions receive their grants in a timely manner. On December 15, 2021, NHTSA provided \$260 million to States from the Highway Trust Fund and the supplemental grant funding under BIL. NHTSA will provide additional funding to States as Congress appropriates additional sums this year.

**Questions for the Record from Senator Ben Ray Lujan to Dr. Cliff**

***Topic. Underride***

*During the hearing, I got the chance to share with you the story of Riley Eric Hein, a 16-year-old from Albuquerque who died in an underride crash in 2015. I shared this story with you not only to honor Riley's memory, but also to bring awareness to the danger of underride crashes.*

*These collisions are preventable, and with investment and research in necessary technologies, we can save lives. I am so glad that Congress and President Biden finally took action on this issue in the recently passed Infrastructure Investment and Jobs Act, which would require the Department of Transportation to do additional research on side underride guards to understand and report on their effectiveness.*

***Question 1:*** *Has the National Highway Traffic Safety Administration (NHTSA) begun the research regarding underride guards, which is required in this legislation? If not, when does NHTSA plan to begin this vital project?*

***Response:*** In accordance with the Bipartisan Infrastructure Law, NHTSA has initiated the research regarding underride guards and will work to complete the project as soon as possible.

***Question 2:*** *Do you commit to dedicating the necessary time and resources to doing the research necessary to understand existing and future technologies to prevent side underride crashes?*





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**Response:** If confirmed, I will ensure that NHTSA will dedicate the necessary time and resources to study this issue and to do the research necessary to understand whether technologies will prevent side underride crashes.

**Question 3:** *What is the timeline for setting up the Advisory Committee On Underride Protection that was also established in the infrastructure bill?*

**Response:** NHTSA is actively working with our safety partners in the Department to establish the Advisory Committee. There are several steps required to be met before a first meeting is possible, but the goal is to establish the committee expeditiously so that a meeting schedule can be publicized in the Federal Register as soon as practicable.

**Questions for the Record from Senator Warnock**

**Interpretation Letters.** *As you are aware, the National Highway Traffic Safety Administration (NHTSA) interprets relevant statutes and the regulations that it promulgates. Because federal statutes and regulations are complex and open to interpretation, NHTSA provides a service wherein it provides responses to questions from the public about motor vehicles or motor vehicle equipment and how relevant statutes and regulations may apply. These responses, or letters of interpretation, are guidance documents that look at the facts presented in the question and explains how the law applies given those facts.*

*These interpretation letters are an extremely helpful resource that shows how the agency might answer similar questions or address similar situations, aiding vehicle manufacturers, suppliers, safety researchers, and members of the public that interact with NHTSA and may be grappling with compliance questions. Unfortunately, it appears that the NHTSA website is out of date and hasn't posted an interpretation letters in about two years.*

**Question:** *Has NHTSA issued interpretation letters in the past two years and what is the status of updating the website?*

**Response:** NHTSA continues to respond to members of the public who submit requests for interpretation and has provided several interpretation letters over the past two years. Moving forward, NHTSA will provide updated website access that covers recent published interpretations and take steps to improve overall public availability of interpretations.



Questions for the Record – Responses

**U.S. Senate Committee on Commerce, Science, and Transportation  
Nominations Hearing of Dr. Steven Cliff  
December 16, 2021**

***Question:*** *If there are letters that have been issued, but not posted publicly, what has caused the delays? And could the funding in the Infrastructure Investment and Jobs Act help address any backlogs related to interpretation letters or other regulatory work?*

***Response:*** Letters of interpretation are delivered to the individual requestor and saved to our website for viewing by the public. NHTSA will use available resources, including from the Bipartisan Infrastructure Law, to expedite the issuance of interpretations and to make necessary improvements to the public-facing website, furthering our efforts to make official interpretations more accessible.