



National Highway Traffic Safety Administration

49 CFR Parts 595 and 597

[Docket No. NHTSA–2024–0100]

RIN 2127–AM60

ADS-Equipped Vehicle Safety, Transparency, and Evaluation Program; Withdrawal

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking; withdrawal.

SUMMARY: This action withdraws the notice of proposed rulemaking (NPRM) published in the *Federal Register* on January 15, 2025, which proposed to establish the Automated Driving System-Equipped Vehicle Safety, Transparency, and Evaluation Program (AV STEP). The proposal would have created a voluntary program for vehicle manufacturers, developers of Automated Driving Systems (ADS), and fleet operators or system integrators of such vehicles. Based on its reevaluation of the proposal, consideration of the comments received, and subsequent progress on other ADS initiatives, NHTSA is withdrawing the rulemaking.

DATES: The NPRM published in the *Federal Register* on January 15, 2025, at 90 FR 4130, is withdrawn as of [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue S.E., West Building, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Ms. Lina Valivullah at lina.valivullah@dot.gov or 202-366-1810.

SUPPLEMENTARY INFORMATION:

- I. Summary of the Notice of Proposed Rulemaking
- II. Comments Received
- III. Decision to Withdraw Rulemaking

I. Summary of the Notice of Proposed Rulemaking

On January 15, 2025, NHTSA published an NPRM (90 FR 4130) proposing to establish the ADS-equipped Vehicle Safety, Transparency, and Evaluation Program (AV STEP). This would have been a voluntary program in which participating entities agreed to certain reporting requirements and public disclosures about their operations. The comment period for the proposal closed on March 17, 2025. In total, NHTSA received 37 comments. The commenters expressed a variety of perspectives about various aspects of the program. A central theme of the comments was that the program was not likely to be as effective or comprehensive a regulatory tool as originally intended. For example, certain entities that would have been eligible to participate in the program expressed low interest in voluntarily participating in a program with requirements they characterized as stringent. Certain other stakeholders, including some safety advocates, expressed concern that the program likely would not provide NHTSA with sufficient oversight to ensure an appropriate level of safety. Commenters also noted that the proposal was complex and would have required adding an entirely new part, with multiple subparts, to NHTSA's regulations. Thus, these commenters believed that the proposal would not achieve its objective of encouraging robust participation while providing NHTSA with effective oversight mechanisms. In addition, several of the key goals of the proposal, such as improving NHTSA's exemption programs, have been furthered recently through separate initiatives as part of the Automated Vehicle (AV) Framework announced in April 2025.¹ These improvements have addressed certain considerations that originally prompted the proposal. As a result, and as further explained below, NHTSA is withdrawing the AV STEP proposal.

The NPRM proposed a voluntary program for vehicle manufacturers and ADS developers, as well as fleet operators and system integrators of ADS-equipped vehicles. Two levels of participation were proposed, based largely on the extent to which a vehicle relied on an

¹ See U.S. Dept. of Transp., Trump's Transportation Secretary Sean P. Duffy Unveils New Automated Vehicle Framework as Part of Innovation Agenda (Apr. 24, 2025), available at <https://www.transportation.gov/briefing-room/trumps-transportation-secretary-sean-p-duffy-unveils-new-automated-vehicle-framework>.

ADS in its operations. Entities could have applied to participate with vehicles that met all applicable NHTSA Federal Motor Vehicle Safety Standards (FMVSS) or with vehicles for which one of two new types of exemptions were proposed. The first such exemption would have applied to vehicles that do not comply with all applicable FMVSS, while the second exemption was for vehicles that originally complied but would be taken out of compliance by an ADS retrofit.

The program included specific application and participation requirements, such as:

- **Application Information:** Applicants would have been required to submit details to NHTSA regarding their equipment and operations. The Agency would have reviewed this information when deciding whether to admit an applicant into the program.
- **Independent Assessment:** Certain aspects of the proposal would have required submission of a third-party summary report containing an independent assessment of the applicant's safety case and its alignment with industry consensus standards.
- **Ongoing Reporting:** Admitted entities would have had to submit quarterly reports of operational data and notify NHTSA of certain updates or changes to equipment and the scope of operations.
- **Public Reporting:** NHTSA proposed to publish select application information and operational data.

II. Comments Received

NHTSA received 37 comments in response to the NPRM from a diverse range of stakeholders, including safety advocates, State and local governments, original equipment manufacturers (OEMs), ADS developers and suppliers, trade associations, policy centers, labor unions, and elected officials. The comments reflected varying levels of support and concern regarding the program's voluntary structure and its reporting requirements.

The comments revealed that neither industry stakeholders, who viewed the program as overly burdensome for a voluntary initiative, nor safety advocates, labor unions, and others, who

argued the program was insufficient because it lacked mandatory requirements, felt the proposal would accomplish its objectives of stimulating participation while ensuring an appropriate level of safety oversight. Industry groups, such as the Alliance for Automotive Innovation, warned that the costs of participation might outweigh the benefits, stating, “There is a high likelihood that for most potential applicants, the burdens of the current reporting requirements would outweigh the benefit of program participation.” Similarly, the ACES Mobility Coalition argued that the proposal “introduces unnecessary reporting burdens and new operational restrictions, without providing any meaningful regulatory or safety benefits.” Conversely, safety organizations like the National Safety Council (NSC) contended that given the unproven nature of the technology, “NSC recommends shifting this program from voluntary to mandatory,” noting that “[n]ovel, ‘unproven’ technology should not be able to operate on public roads where operating conditions are not predictable” The Owner-Operator Independent Drivers Association (OOIDA) echoed this skepticism regarding voluntary measures, arguing that “mostly voluntary federal reporting requirements leave truckers and the general public in the dark about the safety and reliability of autonomous technologies.” Because the intent of the program was to be voluntary, comments suggested that it would have sparse participation and indicated that the expected value of a final program would be low.

Another central theme of the comments was whether the proposal appropriately balanced Federal regulation against potentially overlapping State and local requirements. Industry commenters suggested that the proposal would have maintained an undesirable lack of consistent State laws and regulations for ADS because its requirements would have been on top of any State or local requirements. For example, Mercedes-Benz Research and Development North America, Inc. and Mercedes-Benz USA, LLC (Mercedes-Benz) advocated for any program to avoid a “patchwork of state regulations,” stating that a “unified federal approach would eliminate these barriers, providing regulatory certainty and enhancing efficiencies.” The Alliance for Automotive Innovation similarly urged that “[p]reempting the patchwork of state and local

frameworks for program participants could encourage participation in AV STEP” In contrast, local and State officials emphasized the need to retain local oversight. For instance, The National Association of City Transportation Officials (NACTO) expressed concern that “[a]s proposed, AV STEP allows the industry near-complete oversight of vehicle design, deployment, operations, and the definition of safety—leaving consumers, riders, and the general traveling public in the dark.” NACTO further argued that it is the “local government officials who are most often held accountable for traffic safety.”

Commenters also debated the efficacy and integrity of the proposed independent safety assessments and data reporting protocols. The Transport Workers Union of America (TWU) criticized the concept of independent assessors, arguing the proposal would “effectively outsource the Administration’s safety oversight to pay-to-play contractors” and critiqued the approach as “rife with pay-to-play incentives.” Senators Richard Blumenthal and Edward J. Markey expressed concern regarding enforcement, noting that “a voluntary reporting structure only works when its participants follow through on their reporting” and citing previous instances where manufacturers failed to submit required crash reports.

The independent assessment was an essential element of the proposal, with many of the application and oversight requirements depending on a robust and reliable assessment of an entity’s ADS operations, including their conformity with applicable industry standards. The proposal recognized, however, that the independent assessment and industry standards landscapes for ADS are in the “early stages” and are evolving. An additional complicating factor was the apparent lack of an established group of third parties with experience assessing ADS operations. Though the proposal sought to overcome these challenges by adding flexibility to the assessment requirements, the comments indicate that the requirements were viewed as confusing and potentially challenging to meet. For example, the Alliance for Automotive Innovation expressed concern that certain aspects of the independent assessment proposal lacked sufficient clarity.

Similarly, the North Carolina Department of Transportation cautioned that participants could experience difficulties from other proposed requirements that “lack[ed] clear guidance.”

III. Decision to Withdraw Rulemaking

After careful consideration of the feedback and a revised assessment of the program’s alignment with current Agency priorities, NHTSA is not proceeding with the AV STEP proposal. A key intention of the proposal was to establish a regulatory program that resulted in NHTSA overseeing a substantial volume of ADS operations. Industry comments suggested that participation in the program would have been minimal, which would have lowered the value of the program. Other stakeholders, such as safety advocates, expressed concern that a voluntary program would not offer a sufficiently comprehensive regulatory tool. Upon further consideration, NHTSA believes the goals of AV STEP will be better served by other initiatives the Agency anticipates will advance safety and promote the innovation of ADS technologies. NHTSA appreciates the input of the public and stakeholders. To the extent technical aspects of the proposal overlap with separate ADS initiatives in the future, the Agency will remain mindful of the input. In particular, feedback on the proposed exemptions in AV STEP may help inform certain aspects of how NHTSA implements its other exemption programs, such as those under 49 U.S.C. §§ 30114 and 30113.

As noted, several important aims of the proposal, such as expanding and improving exemption processes for noncompliant ADS-equipped vehicles, have already been addressed in furtherance of the AV Framework announced in April 2025.² This framework aims to unleash American ingenuity and maintain key safety standards using three principles:

- Prioritizing the safety of ongoing AV operations on public roads
- Unleashing innovation by removing unnecessary regulatory barriers that do not promote safety

² See U.S. Dept. of Transp., Trump’s Transportation Secretary Sean P. Duffy Unveils New Automated Vehicle Framework as Part of Innovation Agenda (Apr. 24, 2025), available at <https://www.transportation.gov/briefing-room/trumps-transportation-secretary-sean-p-duffy-unveils-new-automated-vehicle-framework>.

- Enabling commercial deployment of AVs to enhance safety and mobility for the American public.

Among other activities, NHTSA has expanded the Automated Vehicle Exemption Program to include vehicles built in the United States, streamlined the process for General Exemptions issued under 49 U.S.C. § 30113, and streamlined its Standing General Order on crash reporting for vehicles equipped with ADS and certain advanced driver assistance systems to sharpen the focus on critical safety information while removing unnecessary and duplicative requirements. In addition, NHTSA is in the process of developing guidance for General Exemptions, to expedite those exemptions and promote the commercial deployment of noncompliant ADS-equipped vehicles.³

The NPRM contained in docket number NHTSA-2024-0100, as published in the *Federal Register* on January 15, 2025, at 90 FR 4130, is hereby withdrawn. This action is considered a deregulatory action under Executive Order (E.O.) 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Feb. 6, 2025), as it withdraws an NPRM that was issued before January 20, 2025 that was determined to be “significant” under E.O. 12866.

Issued under authority delegated in 49 CFR 1.95 and 501.4.

Jonathan Morrison,
Administrator.

Billing Code 4910-59-P

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³ See Open Letter from Peter Simshauser, NHTSA Chief Counsel (Apr. 24, 2025), available at <https://www.nhtsa.gov/sites/nhtsa.gov/files/2025-04/automated-vehicle-exemption-program-domestic-exemptions-2025.pdf>; Open Letter from Peter Simshauser, NHTSA Chief Counsel (June 13, 2025), available at <https://www.nhtsa.gov/sites/nhtsa.gov/files/2025-06/part-555-letter-june-2025.pdf>.