



DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2026–1981]

Notice of Intent to Establish a Negotiated Rulemaking Advisory Committee for Vehicle Lighting; Request for Comments and Solicitation of Nominations for Membership

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

ACTION: Notice of intent to establish a Negotiated Rulemaking Advisory Committee for Vehicle Lighting; request for comment; solicitation of nominations for membership.

SUMMARY: NHTSA announces its intent to form a Negotiated Rulemaking Advisory Committee for Vehicle Lighting. The committee will advise the Secretary on vehicle lighting safety matters through a negotiated rulemaking process. The committee will terminate when its stated objectives have been accomplished (*i.e.*, the committee submits its recommendations to the Secretary) or upon the expiration of a period not to exceed two years, unless the charter is renewed by the Secretary. This notice seeks public comment on the proposed establishment of this committee and its proposed membership. This notice also requests nominations for membership on the committee.

DATES: Comments on the intent to establish the committee and the proposed membership must be received by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Applications for membership must be received by NHTSA on or before 5 p.m. ET [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal*: Go to <http://www.regulations.gov>. Follow the online instructions for submitting.
- *Mail*: Docket Management Facility, M-30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12-140, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590.

If you wish to apply for membership, your application should be submitted to: *Email*: lightingfac@dot.gov. *Mail*: Use overnight mail only and send to: U.S. Department of Transportation, National Highway Traffic Safety Administration, Office of Rulemaking, Attn: Advisory Committee for Vehicle Lighting, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. The committee charter can be found in the docket to this notice.

FOR FURTHER INFORMATION CONTACT: For committee-related issues, please contact Evan Frings, General Engineer, Visibility and Injury Prevention Division, Office of Rulemaking, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590; email: evan.frings@dot.gov. For legal questions, please contact Ella Hood, Attorney-Advisory, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590; email: ella.hood@dot.gov.

SUPPLEMENTARY INFORMATION:

Background: NHTSA announces its intent to establish a Negotiated Rulemaking Advisory Committee for Vehicle Lighting in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561, *et. seq.* and the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. ch. 10. In a negotiated rulemaking, an agency invites representatives of interested parties likely to be significantly affected by a regulation to work with each other and the agency on an advisory committee to seek to reach consensus recommendations on the appropriate resolution of the issues before the committee. If a consensus is reached, the Department will issue a proposed rule consistent with that consensus for public comment under established rulemaking procedures.

This committee would be formed to assist NHTSA, an operating administration of the Department, with the development of consensus recommendations to inform a rulemaking proposal to modernize the existing vehicle lighting requirements in Federal Motor Vehicle Safety Standard (FMVSS) No. 108, Lamps, reflective devices, and associated equipment, issued pursuant to the authority of the National Traffic and Motor Vehicle Safety Act (49 U.S.C. 30101, *et seq.*). Specifically, the committee would be tasked with developing a detailed term sheet consisting of consensus recommendations to inform the agency's rulemaking proposal.

Consistent with its authority, NHTSA has determined that establishing a negotiated rulemaking committee is necessary and in the public interest based on agency regulatory review activities and stakeholder feedback that have preceded this notice.

NHTSA has long recognized the complexity of FMVSS No. 108 and the need to modernize the standard to facilitate new vehicle designs and emerging technologies. To that end, the agency initiated a rulemaking action (RIN 2127-AL95) in the Spring 2018 Unified Agenda of Regulatory and Deregulatory Actions ("Unified Agenda"). This ongoing modernization effort gained further momentum and generated significant internal dialogue following the receipt of a petition for rulemaking from Osram Sylvania regarding LED replacement light sources.¹ Given the technical challenges of updating these legacy requirements, NHTSA recognizes that the expertise of outside stakeholders is essential in any highly technical discussion of revising FMVSS No. 108.

To address the need for modernization, NHTSA plans to use a negotiated rulemaking process to work collaboratively with interested stakeholders. The effort will cover various topics of modernization, such as glare caused by headlighting systems, replaceable light sources, dusk sensors, plastic optical materials, semiautomatic beam switching, minimum lamp size requirements, lower beam photometry, upper beam photometry, on-vehicle headlamps

¹ Petition for Rulemaking from Osram Sylvania to the Nat'l Highway Traffic Safety Admin., No. ES19-004219 (Dec. 12, 2019).

performance that considers aim and mounting height, auxiliary lamp requirements, three-wheel motorcycle installation requirements, obsolete physical test requirements for associated equipment, physical test procedures for lamps that use replaceable lenses, and harmonization to international standards. Some of these topics have been introduced previously in an abstract published in the Unified Agenda for RIN 2127-AL95 as part of current efforts to modernize vehicle lighting standards.²

Proposed Agenda and Schedule: The committee would establish a working schedule to develop a rulemaking proposal within its chartered duration. In accordance with FACA, the charter shall terminate two years after the date on which the charter is filed, unless it is renewed by the Secretary. To ensure the committee timely completes its work within its two-year duration, NHTSA intends to publish a Notice of Proposed Rulemaking (NPRM) promptly after the committee submits its consensus recommendations, the Secretary approves them either as submitted or in modified form, and after appropriate consultation with the Office of Information and Regulatory Affairs. The Agency expects that the committee will finalize its deliberations and provide its detailed term sheet within the active period of its charter.

The proposed agenda would include the drafting of a consensus report recommending specific regulatory updates. The committee would meet approximately four times per year with additional meetings as necessary to meet assigned tasks. Committee members would be provided with advance notice of any need to increase meeting frequency, and all meeting dates would be published in advance in the *Federal Register* in accordance with FACA requirements. Meetings would be open to the public and held virtually (or in a hybrid forum that does not require additional use of Federal funds), unless otherwise approved by the Secretary.

Administrative Support: NHTSA would provide the necessary administrative support for the committee. This would include meeting facilities, virtual meeting access capabilities, technical

² See 2026 Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions, Assessment of Federal Motor Vehicle Safety Standards for Lighting (RIN 2127-AL95, *available at* <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202510&RIN=2127-AL95>).

assistance, and document management. In addition, NHTSA would procure the services of a neutral facilitator to manage the committee meetings and to assist the members in reaching consensus. Committee members would not receive pay or other compensation for their committee service.

Interests Significantly Affected and Membership: NHTSA has determined that establishing a negotiated rulemaking committee is in the public interest and that there are identifiable interests that would be significantly affected by the rulemaking. These groups include those that manufacture vehicles and vehicle equipment in the United States, as well as groups that focus on engineering, safety, and general standard setting. To ensure a range of views among these groups, the agency proposes that the committee shall consist of up to 18 members qualified to serve based on their expertise, training, experience, and ability to represent one of the identified categories. In general, appointments will reflect a balance of views and professional backgrounds.

Due to the various groups identified and the desired number of representatives from each, no single group would have a controlling stake in the committee, and the approach would be to achieve consensus on any topic discussed or recommendation produced. The Secretary of Transportation would appoint each member for a single term of two years or until the completion of committee activities, whichever is sooner, unless otherwise renewed in accordance with FACA. All members serve at the pleasure of the Secretary, who may appoint a member or terminate any member's tenure at his discretion. The Secretary also may extend appointments and may appoint replacements for members who resign outside a stated term, as necessary.

Pursuant to 5 U.S.C. 564(a)(4), NHTSA proposes representation from the following groups to reflect the interests significantly affected by this rulemaking:

- Four representatives from vehicle lighting manufacturers or lighting retailers;
- Two representatives from national motor vehicle manufacturers;
- Four representatives from national motor vehicle or motor vehicle equipment manufacturing associations;

- Two representatives from national motor vehicle or motor vehicle equipment safety organizations;
- Three representatives from educational institutions or research institutions, or testing organizations within the United States; and
- Three representatives from national professional engineering associations or standard setting associations.

Anyone who feels these categories do not fully represent their interests should detail their reasoning in their comment or membership application. NHTSA requests comments and suggestions regarding its tentative list of significantly affected stakeholder categories from which potential members of the committee may be selected.

Consistent with the Negotiated Rulemaking Act, the committee will also include a representative from NHTSA who will participate fully in the committee's deliberations and is authorized to represent the agency in discussions and negotiations. (5 U.S.C. 566(b)).

Process and Deadline for Submitting Comments and Nominations: As part of establishing the committee, NHTSA is seeking public feedback. NHTSA welcomes comment on all aspects of the negotiated rulemaking committee described in this notice and requests comments specifically on (1) the proposed scope of the committee and (2) the proposed balance of representation on the committee. NHTSA will consider the comments and information received in establishing its Negotiated Rulemaking Advisory Committee for Vehicle Lighting.

Applications from interested individuals. To be considered for appointment, qualified applicants are invited to self-nominate or be nominated by any stakeholder or stakeholder organization by submitting the following information:

- Name, title, and relevant contact (including phone, fax (if available), and email address) of the nominee and a description of the interests the applicant or nominee shall represent;
- A letter of support from a company, association, academic or nonprofit organization on letterhead authorizing the applicant or nominee to represent parties related to the interest the person proposes to represent;
- Short biography of the nominee, including professional and academic credentials; and
- A written commitment that the applicant or nominee shall actively participate in good faith in the development of the rule under consideration.

Each applicant must identify the category that he or she seeks to represent. Members should be senior level officials who are authorized to participate on the committee by their organizations and who either are experts on vehicle lighting with respect to the topics of interest to their organizations or who have access to such experts. Individuals applying for membership should keep in mind that committee members are representing a class of interests based on the sector identified and should be prepared to participate in committee activities from that perspective.

Materials submitted should total two pages or less. An applicant should include his or her full legal name and date of birth in the application. Evaluations will be based on publicly available information and the materials submitted. Submissions must be sent to the location listed in the ADDRESSES section by the deadline listed in the DATES section. Applicants selected for appointment to the committee will be notified by return email and by letter of appointment.

Authority: Issued under authority in 49 CFR 1.95 and 501.8.

Jonathan Morrison,
Administrator.

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