

September 30, 2026

The Honorable Jonathan Morrison
Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

RE: Temporary Exemption From Motor Vehicle Safety and Bumper Standards
Docket No. NHTSA-2026-1585

Administrator Morrison:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am responding to the National Highway Traffic Safety Administration's (NHTSA) Interim Final Rule (IFR) regarding its general exemption regulations. Specifically, the IFR amends NHTSA's general exemption regulations to remove language limiting the application of temporary exemptions from the Federal Motor Vehicle Safety Standards (FMVSS) and the bumper standard to motor vehicles manufactured on and after the effective date of an exemption. As America's largest transportation labor federation, TTD represents unions whose members work in all modes of transportation, including public transportation workers, others operating vehicles, and first responders who encounter autonomous vehicles (AVs) on our roads.¹ We have repeatedly expressed concerns about the regulatory approach NHTSA has taken with respect to the development and deployment of autonomous vehicles. We must reiterate these concerns here and request that NHTSA withdraw this IFR.

Part 555 Exemption Process

This IFR amends 49 CFR 555.7(f) to remove the statement that a temporary exemption from the FMVSS applies only to vehicles manufactured on and after the effective date of that temporary exemption. The regulation now states that a temporary exemption exempts vehicles manufactured on and after the effective date *unless otherwise determined by the Administrator*. The addition of this language could be interpreted to mean that NHTSA plans to grant exemptions without proper oversight, review, and evaluation. The IFR would allow non-compliant vehicles tested or operated under a previous exemption, to seek a separate exemption under 9 CFR 555.7(f), that would then allow them to be sold or used for commercial purposes. In effect, this creates a backdoor pathway for potentially unsafe test vehicles to be deployed for profit.

¹ Attached is a complete list of unions affiliated with TTD.

Indeed, NHTSA highlights the specific pathway for vehicles manufactured under an exception established by the Fixing America's Surface Transportation (FAST) Act of 2015. The FAST Act added 49 U.S.C. 30112(b)(10), which provided a new exception to the prohibition in section 30112(a)(1) against manufacturing for sale, selling, offering for sale, introducing or delivering for introduction into interstate commerce, or importation into the United States of a vehicle not certified to comply with the FMVSS. Section 30112(b)(10) states that section 30112(a)(1) does not apply to vehicles introduced into interstate commerce solely for the purpose of testing or evaluation by particular manufacturers ("FAST Act vehicles"), so long as the manufacturer agrees not to sell or offer for sale the motor vehicle at the conclusion of the testing or evaluation. No approval from NHTSA is required for qualifying manufacturers to operate their test vehicles on public roads.

NHTSA states that the agency anticipates that manufacturers of vehicles that utilize the exception for testing or evaluation under the FAST Act may seek exemptions under 49 CFR Part 555.7, as amended by this IFR. In that case, those vehicles may very well continue to operate, without oversight or explicit approval, until a temporary exemption is granted.

The federal government must establish a comprehensive framework with enforceable standards for autonomous vehicles prior to their deployment. Moreover, these standards must have a basis in safety. We categorically reject the premise that NHTSA should amend existing standards to accommodate or facilitate the deployment of untested autonomous technologies. Rather, it is NHTSA's obligation to set minimum standards and testing requirements that must be met prior to these technologies operating on our roads.

Administrative Procedure Act

TTD has previously argued, and reiterates here, that federal safety regulations must be repealed, revoked, or modified only through the full notice and comment process in accordance with the APA.² Safety regulations exist for a reason, and stakeholders and the public must be permitted to fully assess the costs of repealing, weakening, or modifying the regulations that were put in place to protect their communities. In this case, the updates promulgated by this IFR clearly exceed the scope of the exceptions permitted by the APA.

On July 31, 2026, NHTSA published the interim final rule in this docket without abiding by the standard APA-defined process of notice and comment required for substantive rulemakings. The agency has claimed an exception under the APA, specifically 5 U.S.C. 553(b)(A), stating that "...this IFR is a rule of agency organization, procedure, or practice, an interpretative rule, or general statement of policy and therefore notice-and-comment procedures need not be done under 5 U.S.C.

² <https://ttt.org/policy/federal-comments/transportation-labor-urges-dot-to-maintain-safety-regulations/>

553.” However, this IFR amends existing federal regulations and will have the force and effect of law, clearly requiring NHTSA to adhere to the APA’s rulemaking requirements.

As the regulatory agency responsible for roadway safety, NHTSA has a duty to not only ensure that motor vehicles adhere to enforceable safety standards, but that the public has opportunities to engage with changing regulations. Furthermore, rather than governing by exemption, we urge NHTSA to develop enforceable standards and requirements for AVs through the rulemaking process under the APA.

Conclusion

For the reasons noted above, TTD strongly urges NHTSA to withdraw this Interim Final Rule. The IFR circumvents the proper notice-and-comment requirements of the Administrative Procedure Act and creates unnecessary uncertainty regarding the agency’s authority to apply temporary exemptions to vehicles manufactured before an exemption is granted. Such an approach risks weakening the safeguards that protect transportation workers, first responders, passengers, and the traveling public.

We appreciate the opportunity to comment on this proceeding and look forward to working with NHTSA in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Regan", enclosed within a faint rectangular border.

Greg Regan
President