

NHTSA Withdraws Proposed Rule on Vehicle-To-Vehicle Communications

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On November 20, 2023, the National Highway Traffic Safety Administration (“NHTSA”) announced that it was withdrawing a previous proposal to create a new Federal Motor Vehicle Safety Standard (“FMVSS”) requiring vehicle-to-vehicle (“V2V”) communications in certain new vehicles.

NHTSA’s prior proposal, published in a notice of proposed rulemaking on January 12, 2017, would have created a new FMVSS No. 150, mandating V2V communications technology in all new light vehicles using DSRC (a short-range wireless technology) radiofrequency transmissions. The proposed rule had also allowed for compliance using non-DSRC technologies, provided they were interoperable with DSRC and met DSRC-based technical requirements and performance standards.

However, as NHTSA explained in its November 20 withdrawal notice, since NHTSA’s January 2017 proposed rulemaking, an alternative vehicle-to-everything (“V2X”) technology has emerged and is supported by some industry stakeholders over DSRC. That technology, LTE Cellular-V2X, or simply LTE C-V2X, is based on cellular technology but does not require a cell tower to relay device-to-device communications. Additionally, as NHTSA noted, a 5G-based version of C-V2X is in development and has potential to be more effective than both DSRC and LTE C-V2X.

The other main rationale for NHTSA’s withdrawal of its prior proposed rulemaking is that in 2020, the Federal Communications Commission (“FCC”) issued a rule reallocating the 5.9 GHz radiofrequency spectrum in which DSRC had operated. The FCC rule also required that 20 MHz of the 30 MHz remaining for transportation use after the reallocation transition from DSRC to C-V2X technology.

In closing, NHTSA reiterated its belief that V2V and V2X technologies are extremely promising as potential motor vehicle safety enhancers, as evidenced by the broad support proposed FMVSS No. 150 received in more than 100 comments from automotive manufacturers, suppliers and associations, wireless companies and associations, and other organizations. But, given the still in-development state of these technologies, NHTSA has determined that further significant analysis will be necessary before it can decide whether a governing FMVSS is appropriate and, if so, what that standard should require.

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