

# Delayed Cars Backup-Camera Rule Brings U.S. Court Challenge

By Angela Greiling Keane, **Bloomberg News** September 25, 2013

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Three advocacy groups and two parents who accidentally backed over their children are asking a court to force the U.S. Transportation Department to issue a long-delayed rule requiring rear-view cameras in new cars.

The department is 2 1/2 years overdue in issuing one of the most expensive pending rules identified by President Barack Obama's administration, with costs to automakers estimated at as much as \$2.7 billion.

"In light of the extent of the delay, the repeated self-granted extensions, and the hundreds of preventable deaths and thousands of preventable injuries that will occur while the public waits for the final rule, this court should let [the] agency know, in no uncertain terms, that enough is enough," the groups said in the petition, a copy of which was obtained by Bloomberg.

Washington-based Advocates for Highway and Auto Safety, Kids and Cars Inc., based in Kansas City, Missouri, and Yonkers, New York-based Consumers Union said they will petition the U.S. Court of Appeals in Manhattan today, asking for action within 90 days.

The National Highway Traffic Safety Administration, part of the Transportation Department, issued a proposed rule in 2010. Shares of Gentex Corp. ([GNTX:US](#)), based in Zeeland, Michigan, rose at the time because the company makes mirrors to display images from backup cameras that a driver can see when a vehicle is in reverse.

## DOT Steps

Yesterday, before the lawsuit was filed, NHTSA said it would add rear-view camera systems to its list of safety features it recommends on cars. Joan Claybrook, NHTSA administrator during President Jimmy Carter's administration, called the action "meaningless."

"DOT should issue the rule requiring rear visibility cameras as the Congress requested four years ago to save the lives of very small children and older Americans, and to make sure all Americans have these cameras on their new vehicles," said Claybrook, president emeritus of Public Citizen, a Washington-based advocacy group. "Our lawsuit is essential to get the agency to do its job."

Transportation Secretary Anthony Foxx said yesterday in an e-mail that the department still plans to issue the rule. Foxx's predecessor, Ray LaHood, in June told lawmakers the department was delaying the rule for a fourth time and setting a self-imposed new deadline of Jan. 2, 2015. A 2008 law requiring rear-view visibility improvements set Feb. 28, 2011, as the deadline to publish a final rule.

## Too Costly

NHTSA has said an average of 292 people -- primarily children and the elderly -- die each year in backover accidents and half those deaths could be prevented by requiring cameras.

The rule was one of several Obama delayed last year in the months before his re-election. Automakers have criticized the rule as too costly and proscriptive on the type of technology.

"Automakers are providing cameras in cars today for greater vision and for new driver assists, and consumers should decide which of these technologies they want to buy," Wade Newton, a spokesman for the Alliance of Automobile Manufacturers, said in an e-mail.

Honda Motor Co. (7267), which isn't a member of the Washington-based Alliance, plans to include backup cameras on all Honda and Acura passenger vehicles sold in the U.S. next year. They're in 96 percent of the company's vehicles this year, said Jonathan Otto, a Washington spokesman for the Tokyo-based company.

Honda is running print and radio advertisements in the Washington market touting its rear-view cameras, saying installing cameras without being required is “the right thing to do.”

#### **Four Delays**

The law is named for 2-year-old Cameron Gulbransen, who died after his father Greg, a pediatrician from Syosset, New York, backed over him in 2002 in the family’s driveway after checking his rear-view and side mirrors. Greg Gulbransen is one of two parents joining in the court petition.

LaHood told lawmakers more analysis of the rule’s cost and functioning of backup cameras was necessary.

“It’s easy for the administration to do nothing, but it’s the families across the country who pay the ultimate price when children are at risk of injury or death every day in their own driveways,” Janette Fennell, president of Kids and Cars, said in an e-mail.

The Transportation Department is “indentured to the auto companies on this issue,” Claybrook said.

Senator Jay Rockefeller, a West Virginia Democrat who is chairman of the Senate Commerce Committee, called on the administration to issue the rule.

“When the experts tell me that installing rear cameras in cars could save the lives of hundreds of young children and prevent thousands of heartbreaking injuries, I want action,” he said in an e-mailed statement. “I continue to believe the administration needs to move forward with this common-sense safety measure.”

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<http://www.businessweek.com/news/2013-09-25/delayed-backup-camera-rule-for-cars-brings-u-dot-s-dot-court-challenge>