

# Feds face grieving parents' suit over backover deaths

Safety proponents also act after repeated delays on law requiring cameras

By Susan Carroll | September 25, 2013



Photo By Craig Ruttle/Freelance

Greg Gulbransen, a New York pediatrician who accidentally backed over and killed his son, Cameron, in 2002, is a plaintiff in the lawsuit expected to be filed on Wednesday. (Photo by Craig Ruttle for the Houston Chronicle)

Consumer advocates and parents who accidentally backed over their children plan to sue the federal government, forcing it to issue a long-anticipated rule requiring automakers to help drivers see behind their vehicles.

"If it takes this kind of action, that is what we're going to have to do," said [Greg Gulbransen](#), a New York pediatrician who

accidentally backed over and killed his son, Cameron, in 2002, and is a plaintiff in the lawsuit expected to be filed Wednesday. "We've tried so hard for so long, and now we're stuck."

The [National Highway Traffic Safety Administration](#) did not respond to a request for comment but announced plans Tuesday to start listing backup cameras as recommended safety equipment through its New Car Assessment Program, best known for its 5-star rating system. The agency also said it would immediately start identifying vehicle models with cameras on its website.

Officials said the recommendations will not supplant the regulation, which is now more than 2½ years past due.

The announcement by the federal agency comes two days after a [Houston Chronicle report](#) about repeated delays in the law.

"While adding this technology to our list of safety features is important, I remain committed to implementing the rear visibility rule as well," said U.S. Transportation Secretary [Anthony Foxx](#).

Rep. [Jan Schakowsky](#), D-Ill, who co-sponsored legislation to reduce backovers, called on transportation officials to release the rule. "With the technology available, we should not be asking parents and families to wait any longer," she said in a statement. "I hope that whether through the courts or the rulemaking process, we can act as soon as possible so that not another one of these precious children are injured or killed in preventable accidents."

As part of the [Cameron Gulbransen Kids Transportation Safety Act of 2007](#), Congress gave transportation officials three years to issue regulations that would help reduce backovers, which the government estimates kill about 100 children younger than 5 each year.

With the law in regulatory limbo five years after its passage, advocates from safety organizations including [Consumers Union](#) and [KidsAndCars.org](#) announced plans to ask the 2nd [U.S. Court of Appeals](#) to order transportation officials to release the regulation.

After years of study, the transportation agency in December 2010 proposed a rule that would have required backup cameras on all new vehicles by September 2014.

But the Feb. 28, 2011, congressional deadline to issue a final rule came and went. Then-Transportation Secretary [Ray LaHood](#) used his power, written into the law, to announce delay after delay.

For 582 days, the rule stalled in a little-known White House agency, the [Office of Information and Regulatory Affairs](#), which reviews significant regulations to make sure their benefits outweigh their costs. On June 20, transportation officials withdrew the rule from that office, saying, "further study and data analysis are needed to ensure the most protective and efficient rule possible."

At the same time, transportation officials pushed the deadline out another 18 months, to January 2015.

[Janette Fennell](#), president of KidsAndCars.org, said the government's announcement about the safety recommendations is insufficient.

"Adding it to a list of recommendations is so far away from issuing a regulation," she said. "Recommendations mean nothing. There is nothing to stand behind them."

Advocacy organizations have successfully sued the government in the past to compel agencies to comply with congressionally mandated rulemaking deadlines, said [Jeffrey Lubbers](#), a professor of administrative law at [American University](#)'s Washington College of Law.

Lubbers said a provision in the Administrative Procedure Act gives people the opportunity to sue agencies for actions that are "unlawfully withheld or unreasonably delayed." To settle the suit, the government can enter into a consent decree with the advocacy group and issue its regulation with court oversight.

The practice has rankled the [U.S. Chamber of Commerce](#), which has lobbied Congress to ban what it calls the "sue and settle" process.

Gulbransen marked what would have been Cameron's 13th birthday this week. "Can't we just get this thing passed, get this thing through?" he said. "There are so many children running around that are about to be backed over and killed by the parents because they can't see them."

<http://www.chron.com/news/houston-texas/houston/article/Feds-face-grieving-parents-suit-over-backover-4841089.php?cmpid=htx>