

Group Sues Transportation Dept. Over Rearview Camera Delays

Safety advocates want a rule issued mandating rearview cameras

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Judy and Paul Neiman pose for a photo as she holds a photo of their daughter, Sydnee, who was backed over by a car. (Credit: AP)

On the evening of October 19, 2002, Dr. Greg Gulbransen stepped out of his house to move his sport utility vehicle into the driveway. He didn't realize his two-year-old son had followed him.

What happened next is heartbreaking.

"He had his pajamas on and his little blue blanket," Gulbransen, a pediatrician, recounted Wednesday. "I didn't see him. ... I felt a bump. ... I had driven right over his head with the front wheel. ... He died in my arms."

What happened next is equally heartbreaking. Which is nothing.

Technology exists that could prevent these so-called backover accidents. Yet every year in the United States, roughly 200 people are killed and 18,000 more are injured in such a manner partly because the government is dragging its feet on implementing a rule that could prevent these deaths.

On Wednesday, a group of grieving parents, consumer organizations and [traffic](#) safety advocates filed a petition with a U.S. Court of Appeals in New York that they hope will force the Department of Transportation to act within the next 90 days on legislation passed five years ago, which would mandate improved rear visibility.

It's hard to pinpoint how many people die this way, because, believe it or not, the federal government does not keep track of traffic deaths that occur in driveways. But safety groups that do monitor such tragedies peg the annual average at 200. Forty-four percent of the victims, they say, are children.

"We have this technology," Gulbransen said Wednesday. "It is effective. It is available. ... We need to do the responsible thing."

In 2008, an act named after Cameron Gulbransen passed Congress with bipartisan support and directed the DOT to adopt standards that would improve visibility at the rear of vehicles, where blind spots are still prevalent. It was signed by President Bush. As this rule was shaped, this essentially meant that cars would get backup cameras, located either on the mirror or dashboard. But [DOT](#) officials have delayed issuing the final rules that would make this a reality.

Advocates like Judy Neiman, pictured above, took up the prevention cause as the popularity of hulking [SUVs](#) resulted in bigger blind spots behind the vehicles. More and more children were being killed in their own driveways.

Neiman backed over her 9-year-old daughter Sydnee in a bank parking lot. Her daughter didn't survive. "I read about it and I said, 'I would die if it happens to me,'" Neiman told the [Associated Press](#) last year. "Then it did happen to me."

Ongoing delays

Delay is perhaps a polite understatement. The final rule has been delayed again and again and again and again. Four times. The DOT has granted itself three extensions from a February 2011 statutory deadline, and last month, delayed a final ruling again until January 2015. Which would mean automakers probably wouldn't make the changes until the 2017 model year, nearly a decade after the law was passed.

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Filed in the second circuit of the court, the petition asks the court to declare that the DOT has unreasonably delayed the rule and direct the department to issue the rule within 90 days. A spokesperson from the DOT referred questions regarding the legal action Wednesday to the Department of Justice, which did not immediately respond to a request for comment.

Joan Claybrook, a former head of the [National Highway Traffic Safety Administration](#) and president emeritus of consumer advocacy group Public Citizen, cannot understand the delay.

"There are certain minimum standards this department has been charged with issuing, and this standard is so minimal," she said. "This is a system that's popular with people. Go talk to them. They just love it."

At the heart of the resistance to this simple life-saving technology is the auto industry. Manufacturers say the addition of the backup cameras will add anywhere from \$100 to \$200 to the underlying cost of a vehicle and scare away consumers.

Manufacturers [also say](#) the 95 to 112 annual lives that [NHTSA](#) estimates would be saved by the final rule -- about half of the overall number of backover deaths -- are relatively small in their cost-benefit analysis charts, which, when you get right down to it, is a pretty reprehensible way to quantify the value of saving the lives of 40-something children and more than 100 people every year.

'Recommended' feature

NHTSA, which falls under the DOT in the government's organizational chart and is charged with protecting the safety of the motoring public, has been particularly gutless in its failure to shepherd the final required rule to reality.

On Tuesday, one day before the legal action was filed, NHTSA added the rear-view camera to its list of "recommended features" under its new-car assessment program.

It's the sort of thing that, if you don't know any better, sounds nice. The move will "encourage improved rearview visibility for the nation's motor vehicle fleet and help prevent backover accidents," the agency touted in a press release.

In practice, it continues the foot-dragging that NHTSA and the DOT have been doing for five years. It doesn't do anything that would compel manufacturers to make backup cameras standard on all models. In practice, it does nothing.

Finalizing the rule that makes backup cameras mandatory -- which Congress directed them to do five years ago -- would do something.

In the meantime, as many as 565 people, by NHTSA's own estimate, could have been saved, had the agency done something more than meet this problem with inaction. In the meantime, it's also worth noting that an entire generation of the population most vulnerable to backovers -- children under 5, has been born. How many of them have been backed over?

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