



Media Advisory

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Court To Hear Argument on Obama Administration's Failure to Issue Auto Safety Rule Mandated by Congress as Fatalities Continue to Mount

Bipartisan 2008 Law Supported by Then-Senator Obama Required Agency to Issue Rear Visibility Rule by 2011

WHAT: Public Citizen will argue on Tuesday in the U.S. Court of Appeals for the Second Circuit, on behalf of safety advocates who have sued the U.S. Department of Transportation (DOT), challenging DOT's failure to issue an auto safety rule mandated by Congress in 2008. The rule, which would set a federal safety standard for vehicle rear visibility, would prevent crashes in which a vehicle moving backward strikes a person behind the vehicle. According to DOT, such crashes kill more than 200 people each year, almost half of them children under five, and injure 14,000.

Congress mandated that DOT issue the rule by 2011, and DOT proposed a rule in 2010. The Obama administration, however, has repeatedly delayed the rule, which it now says will be delayed until 2015. DOT estimated that the rule it proposed in 2010 but failed to finalize would prevent 95 to 112 deaths and 7,072 to 8,374 injuries each year.

Safety advocates and two parents who unintentionally hit their children when backing up sued DOT on Sept. 25, 2013; the petitioners are represented by Public Citizen. On Dec. 20, 2013, DOT told the court that its delay was justified because it needed more time for analysis. Yet just five days later, the agency submitted a new draft final rule to the White House for review. Three months later, the rule has not been issued. DOT previously sent the White House a draft final rule in 2011; the rule languished without action for 19 months and was then withdrawn, prompting the current lawsuit.

The petitioners are: Dr. Greg Gulbransen, Susan Auriemma, Consumers Union of United States, Advocates for Highway and Auto Safety, and Kids And Cars, Inc. Auriemma, of Manhasset, N.Y., backed over her 3-year-old daughter Kate in her driveway in 2005, injuring her. Gulbransen, of Syosset, N.Y., backed over his 2-year-old son Cameron in his driveway in 2002, killing him. The 2008 law is named after Cameron.

WHEN: 10 a.m. EDT, Tuesday, April 1

WHERE: U.S. Court of Appeals for the Second Circuit, 40 Foley Square, New York, NY.

WHO: Scott Michelman, attorney at Public Citizen, will argue for petitioners

The following petitioners also will attend the argument:

Susan Auriemma, of New York, who struck her daughter when backing up

Janette Fennell, founder and president, Kids And Cars, Inc.

Henry Jasny, vice president, Advocates for Highway and Auto Safety

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