

2 LI parents challenge federal delay of backup-camera rule

October 12, 2013 10:06 PM By WILLIAM MURPHY, NEWSDAY william.murphy@newsday.com



Photo credit: Barry Sloan | Sue Auriemma of Manhasset demonstrates that even with a rear-view camera on her car, she still looks over her shoulder when backing up at her home. Auriemma is an advocate for a mandate that rear-facing cameras be installed in all new vehicles. In 2005, Auriemma backed up over her 3-year-old daughter Kate, who survived. (Oct. 5, 2013)

Videos



[LI mom seeks rear-camera law for cars](#)

Seven years ago, Sue Auriemma wrote a letter to the editor of her community newspaper explaining how she'd backed over her 3-year-old daughter in their Manhasset driveway.

Her daughter survived, but the letter helped the mother cope with lingering guilt over the 2005 accident -- and spurred her to push for a federal law mandating rearview cameras on new vehicles.

That fight continues today. Auriemma is one of two Long Islanders suing the U.S. Department of Transportation to comply with a 2008 law that required the agency to establish rules within three years to minimize back-over accidents. Joining her in the legal fight is Dr. Greg Gulbransen, a Syosset pediatrician who backed over his 2-year-old son, Cameron, in 2002, causing fatal injuries.

Auriemma's daughter, Kate, now 11, was hospitalized overnight after the accident but had no lasting physical injuries. "I heard her screaming and I stopped," Auriemma recalled. "Never for minute did I think it was my own child. She was head-to-toe covered with blood. She was screaming and asking me why I hit her with the car.

"The guilt was immediate and all-consuming," she said. "Kate was behind the right rear tire. Had I moved another foot or two, she would have not survived."

Auriemma, a 45-year-old homemaker, said it took her about a year to talk about the accident, "because I was so fearful of being judged by other people."

But then she found statistics showing that about 50 children are treated in emergency rooms nationwide every week after a motorist backs over them, and that most are hit by a parent or close relative.

According to the DOT, more than 200 people are killed and 18,000 injured every year in back-over incidents.

"I realized I was not alone. I was not a horrible parent. It's a very predictable and preventable accident," Auriemma said.

Difficult to talk about

She and Gulbransen said they are still uncomfortable talking about their accidents, but do so to help raise public awareness.

"Who would want to talk about this?" said Gulbransen, 50. "What more morbid scenario could you create? That's the last thing I could imagine doing in my life. I really don't want to talk about this, but I do."

The efforts by Gulbransen and others -- including the national safety group KidsAndCars.org -- led to the passage of the Cameron Gulbransen Kids and Cars Transportation Safety Act. It was signed into law in 2008 by President George W. Bush.

The law required the DOT to draft safety rules within three years to mandate automakers to improve rear visibility through standard installation of backup cameras or other means. The agency proposed rules on Dec. 7, 2010, that would have required that the blind spot behind a vehicle be visible to the driver of a car in reverse gear.

The rule didn't mandate a rearview video system, but the DOT said at the time that cameras and monitors "currently represent the most effective technology to address the problem of backover crashes." However, the agency wrote to Congress on Feb. 25, 2011, saying it needed testing and analysis before implementing the rules. It extended the deadline again on Jan. 10, 2012, and Feb. 28, 2012.

On June 20 of this year, the DOT withdrew the proposed rules and sent a letter to Congress saying it again needed more time, setting a new deadline of Jan. 2, 2015.

A few weeks ago, the National Highway Traffic Safety Administration said it will recommend that rearview cameras be installed in new cars, but safety groups decried the action as a stalling tactic.

Safety advocates filed a lawsuit Sept. 25 in the U.S. Second Circuit Court of Appeals seeking a court order that forces the DOT to issue final rules within 90 days because the postponements constituted "unreasonable delays" under the Administrative Procedure Act.

"Assuming DOT does not again delay the rule, the backover rule-making will have taken seven years -- more than twice as long as Congress envisioned for the rule making -- at a significant cost in human lives," the lawsuit states.

Neither the DOT nor its attorneys with the Justice Department could be reached for comment because of the shutdown of some agency functions during the federal budget impasse.

No court date yet

The court has not set a schedule for the case, according to Scott Michelman, a lawyer with the Public Citizen Litigation Group, which is representing the plaintiffs. Consumers Union of the United States, Advocates for Highway and Auto Safety, and KidsAndCars are also plaintiffs.

Rep. Peter King (R-Seafood), who sponsored the 2008 law and represents the area where Gulbransen lives, wrote a letter to the DOT in March calling the delays "unacceptable."

"It has been five years since the Cameron Gulbransen Safety Act was signed into law," King said Thursday. "It defies common sense. A rule must be issued immediately to prevent further fatalities."

In its most recent letter to Congress, the DOT said that after proposing rules in 2007, it determined that "further research and data analysis was necessary to ensure the most protective and efficient rule possible."

The agency said it wants time to analyze crash data from existing vehicles that have rear-mounted cameras.

Amber Rollins, director of KidsAndCars, said the group found it's "really hard to say what could be behind the delays. They haven't given a reason."

She said the NHTSA has estimated the cost of a rearview camera on cars and light trucks at \$159 to \$203, but notes that a wireless rearview camera with screen is available in stores for less than \$100.

More than half of all new cars and light trucks now have rearview cameras as standard equipment. Nearly 80 percent offer them as an option, but often as part of an upgrade package that can cost thousands of dollars.

"A lot of people who would really love to have a backup camera on their vehicle don't because they don't want to pay \$5,000," Rollins said.

<http://www.newsday.com/long-island/2-li-parents-challenge-federal-delay-of-backup-camera-rule-1.6245849>