



**Example of an Approach to a Federal Motor Vehicle Safety Standard that would Comply with Section 24220 of the IIJA and be Consistent with the TWG Roadmap**

Phase 1 2-3 years following publication of final rule	Phase 2 3-4 years following publication of final rule
<p><b>Require all new passenger vehicles to comply with either:</b></p> <p><b>Option A                      OR                      Option B</b></p> <p>Determine driver blood alcohol content (BAC) before each trip and prevent vehicle operation if at or above 0.08.</p> <p>BAC can be measured directly through breath or touch or indirectly by a system that measures impairment differently but can be compared to impairment at 0.08 BAC.</p> <hr/> <p>Potential Lives Saved: 10,000</p>	<p><b>Require all new passenger vehicles to comply with both:</b></p> <p><b>Requirement A                      AND                      Requirement B</b></p> <p>Determine driver blood alcohol content (BAC) before each trip and prevent vehicle operation if at or above 0.08.</p> <p>BAC can be measured directly through breath or touch or indirectly by a system that measures impairment differently but can be compared to impairment at 0.08 BAC.</p> <hr/> <p>Potential Lives Saved: 10,000</p>
<p>Either Option Produces Similar Safety Benefit*</p>	

\*Allowing a choice between Options A & B in Phase 1 allows near-term development of systems that can detect and respond to a range of impairment types. The choice is justified by ensuring that the potential life-saving benefits of Options A & B are approximately equivalent. The Insurance Institute for Highway Safety has estimated that Option A will save more than 10,000 lives per year when installed in all cars. To ensure a similar potential for Option B, NHTSA would set the level of speed limitation required for alcohol impairment so that the estimated lives saved from the speed reduction plus the estimated lives saved by the fatigue and distraction warnings would equal approximately 10,000 lives per year when the systems are installed in all cars.

The feasibility of this example is supported by regulatory precedents, including the ability to phase in requirements, and to use regulation to lead technology development. Regulatory precedent also supports the strategy of accommodating innovation by allowing manufacturers to petition NHTSA to adopt test procedures (as in FMVSS 208 Occupant Crash Protection (S27.1 (a)) or requiring automakers to make available to NHTSA upon request information on how their system achieves performance requirements, as in FMVSS 126 Electronic Stability (FMVSS 126, S4, S5.1– S5.1.3, S5.6, particularly 5.6.4) and in FMVSS 226 Ejection Mitigation (S4.2.4).

\*\*Precedent for regulatory approaches for driver fatigue and distraction warning systems can be found in the European Union requirements, Driver Drowsiness and Attention Warning (DDAW) system as defined by Article 6 of Regulation (EU) 2019/2144 and Delegated Regulation (EU) 2021/1341, and Advanced Driver Distraction Warning (ADDW) system as defined in Article 6 of Regulation (EU) 2019/2144 and Delegated Regulation (EU) 2023/2590.