

**The Attorneys General of New York, Maryland, Colorado, Delaware,  
Hawai'i, Maine, Massachusetts, Minnesota, New Jersey, New Mexico,  
Oregon, Rhode Island, Washington, and Wisconsin, and the Chief Legal  
Officer of the City of New York**

Via Electronic Submission on Regulations.gov

December 10, 2025

Jonathan Morrison  
Administrator  
National Highway Traffic Safety Administration  
United State Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

**Re: Request for Extension of Comment Period and Additional  
Public Hearings Regarding Amendments to Fuel Economy  
Standards, NHTSA-2025-0491**

Dear Administrator Morrison:

The undersigned Attorneys General of New York, Maryland, Colorado, Delaware, Hawai'i, Maine, Massachusetts, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, Washington, and Wisconsin, and the Chief Legal Officer of the City of New York (collectively, the States) respectfully request that the National Highway Traffic Safety Administration (NHTSA) provide a meaningful opportunity to comment on the proposed CAFE amendments, *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule III for Model Years 2022 to 2031 Passenger Cars and Light Trucks*, 90 Fed. Reg. 56,438 (Dec. 5, 2025) (Proposed Rule or Proposal). Specifically, the States request that NHTSA extend the current 45-day comment period by at least 45 days, for a total of 90 days from the date of publication in the Federal Register, which is consistent with past practice for matters of similar importance and complexity.

With the Proposed Rule, NHTSA seeks to roll back fuel economy standards to a level that will destroy billions of dollars in value for both consumers and automotive industries, including industries that the States have supported through their economic, environmental, and industrial policies. Given the profound implications of the Proposal, including its potential significant impact on the economy, consumers, human health, and the environment, a 45-day comment period is wholly inadequate. The States also request that NHTSA schedule additional public hearings, as NHTSA's single, virtual public hearing does not provide the public with a meaningful opportunity to comment on the Proposed Rule.

### Inadequate Period to Provide Meaningful Comment

The Administrative Procedure Act provides for notice and comment “(1) to ensure that agency regulations are tested via exposure to diverse public comment, (2) to ensure fairness to affected parties, and (3) to give affected parties an opportunity to develop evidence in the record to support their objections to the rule and thereby enhance the quality of judicial review.” *Prometheus Radio Project v. F.C.C.*, 652 F.3d 431, 449 (3d Cir. 2011) (citing *Int’l Union, United Mine Workers of Am. v. Mine Safety & Health Admin.*, 407 F.3d 1250, 1259 (D.C. Cir. 2005)). But “[t]he opportunity for comment must be a meaningful opportunity,” which “means enough time with enough information to comment.” *Id.* at 450 (quoting *Rural Cellular Ass’n v. F.C.C.*, 588 F.3d 1095, 1101 (D.C. Cir. 2009)). This same logic applies to regulatory rollbacks, as the notice and comment period for repealing or relaxing standards “ensures that an agency will not undo all that it accomplished through its rulemaking without giving all parties an opportunity to comment on the wisdom of repeal.” *California by & through Becerra v. U.S. Dep’t of the Interior*, 381 F. Supp. 3d 1153, 1172 (N.D. Cal. 2019) (citing *Consumer Energy Council of Am. v. Fed. Energy Regul. Comm’n*, 673 F.2d 425, 446 (D.C. Cir. 1982)).

When considering the adequacy of comment periods for regulatory repeals, “courts have considered the length of the comment period utilized in the prior rulemaking process as well as the number of comments received during that time-period.” *California by & through Becerra*, 381 F. Supp. 3d at 1176–77. In 2023, when NHTSA proposed CAFE standards for passenger cars and light trucks for model years 2027–2032, NHTSA provided a 60-day comment period, and that rulemaking drew over 63,000 comments. 88 Fed. Reg. 56,128 (Aug. 17, 2023); 89 Fed. Reg. 52,540, 52,561 (June 24, 2024). Similarly, in revising CAFE standards for passenger cars and light trucks for model years 2024–2026, NHTSA provided a 60-day comment period that garnered over 69,000 comments. 87 Fed. Reg. 25,710, 25,732 (May 2, 2022). But here, NHTSA is asking the public to comment on the repeal of these standards—along with NHTSA’s novel legal interpretations, discussed below—in just 45 days, which will hardly afford interested parties proper time to “comment on the wisdom of the repeal.” *California by & through Becerra*, 381 F. Supp. 3d at 1172.

Moreover, NHTSA has provided comparatively lengthy comment periods for other recent rulemakings of significant public interest that were not nearly as economically significant. For instance, in its 2023 rulemaking to require automatic emergency braking systems on light-duty vehicles, NHTSA provided a 60-day comment period on the proposal. 88 Fed. Reg. 38,632 (June 13, 2023). Likewise, NHTSA provided a 90-day comment period on a proposal to require the installation of speed limiting devices on certain heavy-duty vehicles, which garnered over 7,000 comments. 90 Fed. Reg. 34,822, 34,823 (July 24, 2025). These precedents only

underscore the inadequacy of NHTSA’s 45-day comment period for the Proposed Rule, warranting an extension of 45 days.

NHTSA’s 45-day comment window is also insufficient given the technical complexity of the Proposed Rule, NHTSA’s novel legal interpretations, and the significant and widespread consequences of the Proposal. With the Proposed Rule, NHTSA seeks to “substantially recalibrate the Corporate Average Fuel Economy (CAFE) program” by setting new standards for Model Years 2022 through 2031—a ten-year span—that will reduce the average miles per gallon (mpg) of the industry fleetwide average for new light-duty vehicles from over 50 mpg to 34.5 mpg. 90 Fed. Reg. at 56,438. In a significant departure from prior CAFE rulemakings, the Proposed Rule excludes electric vehicles from the baseline fleet, which results in an artificially low starting point for developing fuel-economy standards that, by law, are meant to be the *maximum* feasible standards. *See id.* at 56,443; 49 U.S.C. § 32902(a). NHTSA also seeks to amend the light-duty vehicle fleet classification system, moving sport utility vehicles from the light trucks category to the passenger vehicles category, a move that will substantially alter fleet averages. 90 Fed. Reg. at 56,445. In addition, NHTSA’s Proposed Rule fails to grapple with the reasonably foreseeable consequences of its novel interpretations, such as the potentially devastating economic impacts that the elimination of the longstanding manufacturer credit trading program will have on electric vehicle manufacturers. *Id.* at 56,443.

Given these impacts to vehicle manufacturers, along with the States’ investments in cleaner vehicles and infrastructure, NHTSA’s Proposed Rule implicates serious reliance interests. As the Supreme Court has noted, when an agency makes changes to longstanding policies, it must be cognizant that those “policies may have engendered serious reliance interests that must be taken into account.” *Department of Homeland Security v. Regents of the University of California*, 591 U.S. 1, 30 (2020) (citations and quotations omitted). Because NHTSA has not adequately addressed these reliance interests in its Proposal, the States and public commenters will need sufficient time to evaluate and address potential harms that will result from such interests in their comments.

Relatedly, NHTSA’s failure to perform the requisite cost-benefit analysis required by Department of Transportation (DOT) Order 2100.7, *Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities*,<sup>1</sup> further impedes the public’s ability to provide meaningful comment on the Proposed Rule. Issued by the Secretary of Transportation in 2025, DOT Order 2100.7 requires that all agency rulemakings employ “sound economic

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<sup>1</sup> U.S. Dep’t of Transp., DOT Order 2100.7, *Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities* (Jan. 29, 2025), <https://www.transportation.gov/mission/ensuring-reliance-upon-sound-economic-analysis-department-transportation-policies-programs>.

principles and analysis supported by rigorous cost-benefit requirements and data-driven decisions.” DOT Order 2100.7 further mandates that all DOT agencies “ensure comprehensive public engagement, including with families and community stakeholders, and provide meaningful access to public information concerning both the costs and the benefits of DOT programs, policies, or activities.” NHTSA’s economic analysis for the Proposed Rule, however, fails to satisfy this standard, as it does not adequately consider economic impacts on the electric vehicle industry and related job sectors, nor does it address the public health and environmental impacts associated with the Proposal that will undoubtedly affect the economy. By failing to conduct a robust cost-benefit analysis, NHTSA has deprived the public of the ability to understand the Proposal’s full economic impact. Thus, additional time is necessary for commenters to analyze and calculate economic data for inclusion in the administrative record—a task that NHTSA should have done in its Proposal.

Finally, an extension of the comment period is warranted because the 45-day period encompasses three federal holidays—Christmas Day (December 25), New Years Day (January 1), and Martin Luther King Jr. Day (January 19)—reducing the number of workdays available for technical review and analysis of the Proposed Rule. By providing just a 45-day comment period, NHTSA is inevitably requiring stakeholders and the public to prepare comments during the busy holiday season, which is hardly conducive to meaningful public participation, especially for such a highly technical and impactful rulemaking.

### *Insufficient Public Hearings*

The States also request that NHTSA schedule additional public hearings on the Proposed Rule, as the Agency has artificially constrained public input in the hearing process by planning to hold a single, virtual public hearing. Given the widespread impacts of the Proposed Rule and the concomitant public interest, NHTSA should significantly increase the number of public hearings, including a combination of in-person and virtual hearings to facilitate public involvement. Holding a hearing in every NHTSA regional office, in addition to one at NHTSA headquarters in Washington, D.C., would be reasonable and appropriate for a Proposal with such profound implications on the economy, consumers, human health, and the environment.

In sum, NHTSA’s 45-day comment period for the Proposed Rule deprives stakeholders of a meaningful opportunity to comment, substantially limiting the ability of the public to protect their rights and interests. *Prometheus Radio Project*, 652 F.3d at 450. Thus, the States respectfully request that NHTSA extend the comment period by 45 days, until March 6, 2026, and schedule additional public hearings.

Respectfully submitted,

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