February 4, 2026

U.S. National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

VIA ELECTRONIC SUBMISSION

Subject: Proposed Rule, "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule III for Model Years 2022 to 2031 Passenger Cars and Light Trucks," 90 Fed. Reg 56438 (Dec. 5, 2025); Extension of Comment Period, 91 Fed. Reg. 1,494 (Jan. 14, 2026)

Docket No.: NHTSA-2025-0491, NHTSA-2025-0490

To Whom It May Concern:

Climate Mayors, C40 Cities, ICLEI – Local Governments for Sustainability USA, and the Sabin Center for Climate Change Law at Columbia Law School (Sabin Center) respectfully submit the following comments on the National Highway Traffic Safety Administration's (NHTSA) proposed "Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule III for Model Years 2022 to 2031

Passenger Cars and Light Trucks"[1] (SAFE Rule III). We urge NHTSA to maintain the existing Corporate Average Fuel Economy (CAFE) Standards for passenger cars and light trucks,[2] set in 2024, rather than adopt the SAFE Rule III.

Climate Mayors is a bipartisan network of over 340 mayors who demonstrate climate leadership through meaningful actions in their communities. Representing 48 states and nearly 60 million Americans, Climate Mayors reflects U.S. cities' commitment to climate progress.

C40 Cities (C40) is a global network of nearly 100 mayors of the world's leading cities, including 14 cities in the United States, that are united in action to confront the climate crisis. Mayors of C40 cities are committed to cutting their fair share of emissions in half by 2030 and building healthy, equitable and resilient communities.

ICLEI – Local Governments for Sustainability USA (ICLEI USA) is a national nonprofit organization that has worked with local governments on sustainability initiatives for more than three decades. ICLEI USA is the oldest and largest network of its kind in the United States and has engaged with a diverse range of more than 1,200 cities, towns, counties, regions, and Tribal nations across all 50 states, providing technical assistance, tools, and resources related to local sustainability initiatives. The Sabin Center develops legal techniques to combat the climate crisis and to advance climate justice, and trains the next generation of leaders in the field. The Sabin Center's Cities Climate Law Initiative works with city legal departments and sustainability offices, and the networks that link them together, providing resources to efficiently and effectively address legal questions confronting the urban climate transition.

With respect to NHTSA's proposed SAFE Rule III, we write to make the following comments:

- By setting less stringent fleetwide fuel economy targets than prior rules, the proposed SAFE Rule III stands to increase greenhouse gas (GHG) and other tailpipe pollution from

[1] *Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule III for Model Years 2022 to 20231 Passenger Cars and Light Trucks*," 90 Fed. Reg 56,438 (Dec. 5, 2025); *Extension of Comment Period*, 91 Fed. Reg. 1,494 (Jan. 14, 2026).
[2] *Corporate Average Fuel Economy Standards for Passenger Cars and Light Trucks for Model Years 2027 and Beyond and Fuel Efficiency Standards for Heavy-Duty Pickup Trucks and Vans for Model Years 2030 and Beyond*, 89 Fed. Reg. 52,540 (June 24, 2024) (codified at 49 C.F.R. pts. 523, 531, 533, 535, 536 & 537).

vehicles, which will result in worsened urban air quality and exacerbate existing air quality-related environmental and public health disparities in cities.

- The SAFE Rule III fails to account for the extent to which manufacturers are producing electric vehicles in response to factors other than CAFE standards.
- By changing course from prior rules, the SAFE Rule III stands to undermine investments cities are already making in electric and plugin hybrid infrastructure and enabling policies.
- Robust CAFE standards fill a significant regulatory gap in cities, who are preempted by the U.S. Energy Policy and Conservation Act[3] from setting fuel-efficiency standards for vehicles.

I. The Proposed SAFE Rule III's Weakening of CAFE Standards for Light-Duty Vehicles Will Cause Significant and Harmful Air Pollution in Cities

The proposed SAFE Rule III would weaken CAFE standards for light-duty vehicles by setting less stringent fleetwide fuel economy targets than prior rules. In the Preliminary Regulatory Impact Analysis (PRIA) and Draft Supplemental Environmental Impact Statement (SEIS) accompanying the proposed rule, NHTSA acknowledges that allowing new vehicles to consume more fuel per mile driven will increase carbon dioxide emissions and other tailpipe pollution over the lifetime of the national vehicle fleet.[4] Because vehicles remain on the road for many years, even small reductions in annual efficiency improvements compound over time, resulting in substantial cumulative increases in climate and other air pollution. Weakening fuel economy standards will predictably lead to higher emissions and worse air quality.[5]

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[3] 49 U.S.C. § 32919(a).

[4] Nat'l Hwy. Traffic Safety Admin., *Preliminary Regulatory Impact Analysis: SAFE Vehicles Rule III for Model Years 2022–2031 Passenger Cars and Light Trucks* figs. 8-30 to 8-34 (Dec. 2025) (projecting increased fuel consumption and CO_2 emissions under the proposed action relative to No-Action and more stringent alternatives); Nat'l Hwy. Traffic Safety Admin., *Draft Supplemental Environmental Impact Statement for SAFE Vehicles Rule III for Model Years 2022–2031 Passenger Cars and Light Trucks* ch. 4 (Environmental Consequences) (Dec. 2025).

[5] See generally MIT Joint Program on the Science and Policy of Global Change, *Vehicle Fuel Economy Standards as Global Climate Policy* (finding fuel economy standards reduce fuel consumption by roughly 47% relative to no policy, and implying that weaker standards would yield relatively higher emissions), https://energy.mit.edu/news/vehicle-fuel-economy-standards-as-global-climate-policy (last visited Jan. 28, 2026); Princeton Univ. Eng'g, *Comprehensive Look at U.S. Fuel Economy Standards Shows Big Savings on Fuel and Emissions* (finding CAFE standards helped prevent 14 billion metric tons of CO_2 emissions since

Although NHTSA's own analysis projects higher fuel consumption and increased emissions under the proposed rule relative to a No-Action or stronger baseline scenario,[6] the agency fails to meaningfully evaluate or weigh the consequences of those increases. Transportation is already the largest source of GHG emissions in the United States, and vehicles account for the vast majority of those emissions.[7] Fuel economy standards have historically been one of the most effective tools for reducing emissions from this sector. Analyses in the PRIA and Draft SEIS indicate that weaker CAFE standards result in higher projected emissions of criteria pollutants and increased fuel consumption relative to a No-Action or stronger baseline scenario, demonstrating that rolling back fuel-economy and GHG requirements would forgo the pollution reductions associated with stronger standards.[8] Yet the proposed SAFE Rule III does not adequately consider how the projected emissions increases will undermine progress toward reducing climate pollution at a time when such reductions are urgently needed to mitigate worsening climate impacts.

The agency's failure to grapple with the effects of increased emissions is particularly consequential for cities. NHTSA's analysis indicates that weakening CAFE standards will result in higher emissions of nitrogen oxides, volatile organic compounds, and fine particulate matter ($PM_{2.5}$), which contribute to ground-level ozone pollution.[9] The increase in emissions resulting from weakened CAFE standards will have especially severe consequences in cities, where vehicle density, congestion, and population exposure are highest. However, the proposed rule does not meaningfully assess how these increases will affect urban areas. Transportation is a major source of air pollution and a dominant contributor to several criteria air pollutants and smog-forming emissions, including nitrogen oxides, volatile organic compounds, carbon monoxide, and $PM_{2.5}$.[10]

1975), https://engineering.princeton.edu/news/2020/09/15/comprehensive-look-u-s-fuel-economy-standards-shows-big-savings-fuel-and-emissions (last visited Jan. 28, 2026).

[6] *PRIA* Table 8-4 (comparing emissions outcomes across regulatory alternatives); *Draft SEIS*, ch. 5 (Cumulative Impacts).

[7] U.S. Environmental Protection Agency, *Sources of Greenhouse Gas Emissions*, https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions (last visited Jan. 28, 2026); U.S. Environmental Protection Agency, *Transportation Sector Emissions*, https://www.epa.gov/ghgemissions/transportation-sector-emissions (last visited Jan. 28, 2026).

[8] *See PRIA* (analyzing changes in criteria pollutant emissions relative to a No-Action alternative and showing that, under the proposed lower fuel economy standards, emissions of criteria pollutants and associated health costs increase relative to baseline), at Ch. 8; *see also Draft SEIS* at chs. 4 and 5 (Dec. 2025).

[9] *PRIA* figs. 8-35 to 8-40 (projecting changes in NO_x, $PM_{2.5}$, and SO_x emissions relative to baseline); *Draft SEIS*, ch. 4, §§ 4.3–4.5 (air quality and health effects of mobile-source emissions).

[10] U.S. Environmental Protection Agency, *Smog, Soot, and Other Air Pollution from Transportation*, https://www.epa.gov/transportation-air-pollution-and-climate-change/smog-soot-and-other-air-pollution-transportation (Aug. 7, 2025) (describing how transportation emits particulate matter (PM), nitrogen oxides (NO_x),

In many urban areas, on-road vehicles account for the majority of these emissions, substantially shaping local air quality problems. Many urban areas continue to register unhealthy concentrations of ground-level ozone and $PM_{2.5}$ that exceed National Ambient Air Quality Standards, and these pollutants – substantially contributed to by vehicle emissions – are scientifically linked to increased asthma attacks, cardiovascular disease, and premature mortality in exposed populations.[11]

The proposed SAFE Rule III would also impose direct and avoidable costs on city residents by increasing fuel expenditures over the lifetime of their vehicles. By weakening CAFE standards and allowing new vehicles to be less fuel-efficient, the rule would require drivers to purchase more gasoline for the same amount of travel, increasing household transportation costs year after year. Because vehicles remain in service for many years, these added fuel costs compound over time and disproportionately burden households that spend a larger share of their income on transportation. NHTSA's analysis acknowledges increased fuel consumption under the proposed rule,[12] yet the agency fails to adequately consider how higher fuel costs will affect consumers, particularly residents of cities and regions where driving is unavoidable and alternatives are limited. As a result, the proposed rollback would shift costs from manufacturers to consumers while undermining one of the core consumer-protection purposes of fuel economy standards.

Nor does the proposed rule consider how these harms will be distributed within cities. Low-income communities and communities of color are disproportionately located near highways and high-traffic roadways and therefore experience higher baseline exposure to vehicle emissions.[13] By increasing pollution at its source, the proposed SAFE Rule III would exacerbate existing

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and volatile organic compounds (VOCs) that contribute to smog and poor air quality and is a major source of these pollutants in urban areas).

[11] American Lung Association, *State of the Air 2024* (reporting that tens of millions of Americans, primarily in metropolitan areas, live in counties with unhealthy levels of ozone or fine particle pollution), https://www.lung.org/research/sota (last visited Jan. 28, 2026);

[12] See *PRIA* at 8-53 to 8-55 (showing modeled changes in vehicle fuel consumption under the proposed regulatory alternatives relative to the No-Action baseline).

[13] See MD Willis et al., *Socioeconomic Disparities for Traffic-Related Air Pollution*, JAMA Network Open (2023) (documenting disproportionate traffic-related air pollution exposure in historically disadvantaged communities due to highway placement and infrastructure policy), https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2808214; U.S. Environmental Protection Agency, *Study Finds Exposure to Air Pollution Higher for People of Color Regardless of Region or Income* (Sept. 20, 2021), https://www.epa.gov/sciencematters/study-finds-exposure-air-pollution-higher-people-color-regardless-region-or-income.

environmental and public health disparities – an outcome the agency does not acknowledge or analyze despite its relevance to the rule's environmental considerations.

Finally, the proposed SAFE Rule III does not consider how the emissions increases it projects will interfere with cities' ability to meet their own climate and clean-air commitments. Many municipalities have adopted climate action plans that assume continued improvements in vehicle fuel economy as a baseline condition. When federal standards are weakened, cities must compensate through more aggressive and costly local measures to achieve the same emissions reductions, if that is possible at all. The proposed rule does not address these foreseeable impacts on local governments or explain why they are outweighed by the agency's asserted benefits.

Because NHTSA's own analysis demonstrates that the proposed SAFE Rule III will increase fuel consumption and emissions, the agency must meaningfully consider and account for the resulting climate, air quality, public health, and local government impacts in its decision-making. NHTSA should instead maintain the existing CAFE Standards set in 2024.

II. By Not Considering the Imputed Fuel Economy of Electric Vehicles (EVs) or the Electric Operation of Plug-in Hybrid Electric Vehicles (PHEVs), the SAFE Vehicles Rule III Fails to Account for the Impacts of Gasoline- and Diesel-Powered Vehicles in Cities

A. Contrary to NHTSA's Arguments That It Must Ignore EVs and PHEVs, Past CAFE Standards Have Accounted for the EVs and PHEVs that Manufacturers Are Already Producing

The proposed SAFE Rule III ignores the reality that electric vehicles are being produced for reasons independent of CAFE standards. The change allows NHTSA to artificially inflate the cost to manufacturers of increasing fuel economy and to underestimate the fuel economy that manufacturers can in fact achieve across their whole fleet.

Under EPCA, NHTSA is directed to consider, when deciding what amounts to the "maximum feasible" fuel economy, "technological feasibility, economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy." 49 U.S.C. § 32902(f). The same section goes on to prohibit NHTSA,

when setting standards under specific subsections of EPCA, from considering the fuel economy of alternative fuel vehicles and must assume dual-fueled automobiles are only operated with traditional fuel.

In over a decade of prior rulemakings, NHTSA read the statute to mean that it need not pretend electric vehicles do not exist, but rather that it can consider the existence of zero emissions vehicle mandates in California[14] and other states and the way those mandates and other market realities influence the types of vehicles being manufactured.[15] Recognizing that manufacturers already are and will continue to produce electric vehicles for reasons independent of CAFE standards produced an accurate picture of the baseline against which NHTSA could impose requirements.[16] Then, consistent with the statutory prohibition on it considering the fuel economy of alternative fuel vehicles when setting standards, NHTSA promulgated standards without accounting for alternative fuel vehicles as a compliance option for the model years it was then setting.

But in 2025, prompted solely by a change in presidential administration, NHTSA dramatically changed course. In an interpretive rule not open to public comment, the agency announced that its long-standing interpretation of the statute was a "narrow construction," and decided instead that "NHTSA may not consider the fuel economy of [alternative fuel] vehicles in any respect and at any point in the process of setting fuel economy standards."[17]

NHTSA should not rely on its restrictive new reading of EPCA. First, this new interpretation ignores parts of the statute. In its interpretive rule NHTSA selectively quotes to say the "that subsection [32902](h)(1) states that the Secretary "may not consider the fuel economy of

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[14] On June 12, 2025 President Trump signed a Congressional Review Act resolution revoking EPA's preemption waiver that had allowed California to impose its "Affordable Clean Cars II" rule, but that action is in active litigation. *See California v. United States*, No. 4:25-cv-04966, Complaint (N.D. Cal. Oct. 10, 2025), https://www.climatecasechart.com/documents/california-v-united-states-complaint_5c5f.

[15] *See, e.g.*, *Corporate Average Fuel Economy Standards for Passenger Cars and Light Trucks for Model Years 2027 and Beyond and Fuel Efficiency Standards for Heavy-Duty Pickup Trucks and Vans for Model Years 2030 and Beyond*, 89 Fed. Reg. 52,540, 52,552 (June 24, 2024); *2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards*, 77 Fed. Reg. 62,624, 63,019 (Oct. 15, 2012); *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks*, 85 Fed. Reg. 24,174, 25,151(Apr. 30, 2020).

[16] *Id.* at 52,635 ("Accounting for electrified vehicles that manufacturers produced in response to state regulatory requirements or will produce for their own reasons improves the accuracy of the analysis of the costs and benefits of additional technology added to vehicles in response to CAFE standards, while adhering to the statutory prohibition against considering the fuel economy gains that could be achieved if manufacturers create new dedicated automobiles to comply with the CAFE standards.").

[17] *Resetting the Corporate Average Fuel Economy Program*, 90 Fed. Reg. 24,518, 24,522 (June 11, 2025).

dedicated automobiles."[18] But the section in fact provides that "*[i]n carrying out subsections (c), (f), and (g) of this section*, the Secretary of Transportation . . . may not consider the fuel economy of dedicated automobiles." 49 U.S.C. § 32902(h) (emphasis added). Subsections (c), (f), and (g) specifically refer to the Secretary's process for setting the standard of maximum feasible fuel economy.

Second, the same section also directs NHTSA to consider "economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy." 49 U.S.C. § 32902(f). Intentionally blinding itself to baseline conditions that shape what fuel economy producers are able to achieve is at odds with the agency's direction to consider economic practicability alongside the other factors it must balance. Even in its 2025 interpretive rule, NHTSA acknowledges that it is "up to the agency to balance the available information regarding technological feasibility, economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy—whether from the technical and economic analysis or other legally appropriate considerations—to set maximum feasible CAFE standards."

Finally, NHTSA's fresh interpretation of its authority is the subject of ongoing litigation brought by a coalition of nineteen states.[19] Finalizing a rulemaking now that relies on this interpretation runs the risk that the agency will be forced to reopen the issue after the court reaches a decision on the agency's interpretive rule, adding administrative burden to the agency and forcing vehicle manufacturers to adapt to another major regulatory change.

In sum: rather than change course now, NHTSA should leave the 2024 CAFE standards in place. Doing so is consistent with the agency's long-accepted and well-supported understanding of its statutory authority, and removes the risk that ongoing litigation will upset its conclusion and require restarting the rulemaking process yet again.

[18] *Resetting the Corporate Average Fuel Economy Program*, 90 Fed. Reg. 24,518, 24,522 (June 11, 2025).
[19] California v. National Highway Traffic Safety Administration, No. 25-8019 (1st. Cir), https://www.climatecasechart.com/documents/california-v-national-highway-traffic-safety-administration-order_741e.

B. Cities Are Already Investing in EV and PHEV Infrastructure and Enabling Policy, and the Proposed SAFE Rule III Stands To Undermine Such Investments

For cities, CAFE standards that appropriately consider the viability and growing role of EVs and PHEVs are critical. Federal regulation supports local strategies to electrify vehicle fleets, expand transit, and build out vehicle charging networks. And cities themselves have invested in electric vehicle charging infrastructure, as well as enacted policies that incentivize private property owners to do so.

For example, many local building codes include EV charging or EV-readiness requirements, including in New York City;[20] Seattle;[21] Oakland, California;[22] Atlanta;[23] and Fort Collins, Colorado.[24] Other cities require or incentivize electric vehicle chargers through their zoning codes; Salt Lake City mandates one electric vehicle charging space for every 25 parking spaces in new multi-family buildings.[25] Chenango, New York simplifies deployment by permitting EV charging stations as an accessory use in all zoning districts.[26] Complementarily, cities are steadily electrifying their municipal fleets,[27] and in August 2024, a network of nearly 350 mayors committed to electrifying at least 50 percent of their municipal fleets by 2030.[28] While these are local efforts to support a shift to EVs, their ultimate success is incumbent upon the NHTSA acknowledging the importance of standards that reflect EVs' and PHEVs' imputed fuel economy and regulating accordingly.

Moreover, under the U.S. Energy Policy and Conservation Act, local governments are preempted from "adopt[ing] or enforce[ing] a law or regulation related to fuel economy standards or average fuel economy standards for automobiles" already regulated by a NHTSA CAFE

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[20] City of New York, N.Y. Intro. No. 0017-2024 (2024).
[21] City of Seattle, Ore. Elec. Code § 625.27.
[22] City of Oakland, Cal. Code. § 15.04.3.11010.
[23] City of Atlanta, Ga. Ord. 17-O-1654 (2017).
[24] City of Fort Collins, Colo. Code. § 5-30-E3401.5 (2019).
[25] City of Salt Lake City, Utah, Code. Ch. 21A.44.040.B (2019).
[26] Town of Chenango, N.Y. Code. § 74B-3.
[27] *See, e.g.*, Chicago Transit Authority, *CTA Receives $25 Million to Advance its Electric Bus Fleet* (June 27, 2023), https://www.transitchicago.com/cta-receives-25-million-to-advance-its-electric-bus-fleet-/.
[28] *Climate Mayors Announces Major New Commitment from Nearly 350 Mayors to Accelerate US Electric Vehicle Transition*, CLIMATE MAYORS (Aug. 13, 2024), https://www.climatemayors.org/post/electrify50-ev-announcement.

standard. 49 U.S. Code § 32919(a). As a result, cities cannot directly regulate vehicle fuel economy, even though the use of vehicles – especially gasoline- and diesel-powered vehicles – impose enormous costs on them. Cities must therefore rely on NHTSA to set strong nationwide CAFE Standards that accurately account for the harms vehicle impose on cities across the U.S.

Without federal regulation, cities are left without a vital tool to protect their residents. Preemption leaves them unable to fill the regulatory gap, even as they are forced to pay the price for the climate and pollution impacts of the nation's passenger cars and light trucks. Moreover, local governments are investing heavily in EVs and charging infrastructure, and these significant investments rely on robust CAFE standards that appropriately account for imputed EV and PHEV fuel economy. Strong, federally enforced fuel economy standards are essential to protect public health and welfare nationwide.

CONCLUSION

For the reasons stated above, we urge NHTSA to maintain existing CAFE standards set in 2024 for light-duty vehicles rather than adopt the proposed SAFE Rule III. Cities, towns and villages across the United States rely on these federal protections to shield residents from climate and air pollution harms and to support their own investments in EVs and charging infrastructure.

Sincerely,

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