

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

STATE OF CALIFORNIA, STATE OF ARIZONA,
STATE OF COLORADO, STATE OF
CONNECTICUT, STATE OF DELAWARE,
DISTRICT OF COLUMBIA, STATE OF HAWAI'I,
STATE OF ILLINOIS, STATE OF MAINE, STATE
OF MARYLAND, COMMONWEALTH OF
MASSACHUSETTS, STATE OF MICHIGAN,
STATE OF MINNESOTA, STATE OF NEW
JERSEY, STATE OF NEW MEXICO, STATE OF
NEW YORK, STATE OF NORTH CAROLINA,
STATE OF OREGON, STATE OF RHODE
ISLAND, STATE OF VERMONT, STATE OF
WASHINGTON, STATE OF WISCONSIN, CITY
OF CHICAGO, CITY AND COUNTY OF
DENVER, CITY OF LOS ANGELES, CITY OF
NEW YORK, and CITY AND COUNTY OF SAN
FRANCISCO,

Petitioners,

v.

NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION; JONATHAN MORRISON, in
his official capacity as Administrator of the National
Highway Traffic Safety Administration; and SEAN
DUFFY, in his official capacity as Secretary of the
United States Department of Transportation,

Respondents.

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US COURT OF APPEALS
FOR THE FIRST CIRCUIT

Case No. 26-

PETITION FOR REVIEW

Pursuant to Federal Rule of Appellate Procedure 15(a), Circuit Rule 15, and the Energy Policy and Conservation Act, 49 U.S.C. § 32909(a), the States of California, Arizona, Colorado, Connecticut, Delaware, Hawai‘i, Illinois, Maine, Maryland, Michigan, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, and Wisconsin, the Commonwealth of Massachusetts, the District of Columbia, the City of Chicago, the City & County of Denver, the City of Los Angeles, the City of New York, and the City & County of San Francisco petition this Court to review the National Highway Traffic Safety Administration’s (NHTSA) final rule titled “Safer Affordable Fuel-Efficient Vehicles Rule III for Model Years 2022 to 2031 Passenger Cars and Light Trucks,” published at 91 Fed. Reg. 61,988 (Sept. 30, 2026) (SAFE III).

This petition is related to *California v. NHTSA*, Nos. 25-8019, 25-1595, 25-1642, 25-1846 (1st Cir.), the consolidated challenges to NHTSA’s rule “Resetting the Corporate Average Fuel Economy Program,” 90 Fed. Reg. 24,518 (June 11, 2025) (the Resetting Rule). The Resetting Rule set out NHTSA’s reinterpretation of the statutes governing the federal fuel-economy program, which is the foundation for the SAFE III rule; by consent of the parties, *California v. NHTSA* was placed in abeyance to await the finalization of SAFE III. *California v. NHTSA*, No. 25-8019, Doc. 00118350641 (Oct. 8, 2025); *id.*, Doc. 118368665 (Nov. 19, 2025).

Dated: October 2, 2026

Respectfully submitted,

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