

**REAUTHORIZATION OF THE NATIONAL HIGHWAY  
TRAFFIC SAFETY ADMINISTRATION**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON  
COMMERCE, TRADE, AND CONSUMER PROTECTION  
OF THE  
COMMITTEE ON ENERGY AND  
COMMERCE  
HOUSE OF REPRESENTATIVES

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# REAUTHORIZATION OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

THURSDAY, JUNE 23, 2005

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
SUBCOMMITTEE ON COMMERCE, TRADE,  
AND CONSUMER PROTECTION,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 9:36 a.m., in room 2123 of the Rayburn House Office Building, Hon. Cliff Stearns (chairman) presiding.

Members present: Representatives Stearns, Radanovich, Bass, Rogers, Otter, Myrick, Murphy, Blackburn, Barton (ex officio), Schakowsky, Markey, Green, Baldwin, and Dingell (ex officio).

Staff present: Bud Albright, staff director; Andy Black, deputy staff director, Policy; Julie Fields, special assistant to the deputy staff director; Chris Leahy, policy coordinator; Kelly Cole, majority counsel; Larry Neal, deputy staff director, communications; Lisa Miller, deputy communications director; Billy Harvard, clerk; Anh Nguyen, clerk; Chad Grant, clerk; Jonathan Cordone, minority counsel; David Vogel, research assistant; and Jodi Seth, press secretary.

Mr. STEARNS. Good morning, everybody. I would like to welcome everyone to this extremely important hearing on the reauthorization of the National Highway Traffic Safety Administration, NHTSA, an agency that is critically important to the health and safety of all Americans. I would like to thank, in particular, the Administrator, Mr. Runge, for rearranging his travel plans, and making time to be here this morning.

Simply put, NHTSA is charged with reducing motor vehicle crash fatalities and injuries on our national highways. This is a formidable and complex task in a Nation of more than 235 million motor vehicles that travel almost 3 trillion miles per year. In 2004, 42,800 people were killed on the Nation's highways, up slightly from 42,643 in 2003. The rate of deaths based on vehicle miles traveled, however, decreased from 2003 to 2004, from 1.48 to 1.46 deaths per million vehicles traveled, miles traveled. In addition, there were 2.8 million injuries related to motor vehicle crashes in 2004, representing a 4.6 percent decrease from 2.9 million in 2003. These cases, coupled with resultant property loss, cost the United States economy about \$230 billion in 2004 alone. Sadly, those numbers do not begin to capture the personal anguish of those Americans and those families affected by these deaths and these injuries. Clearly, there is much work to be done.

The questions before us today include how best to deploy intellectual, financial, and other resources to work toward solving the most significant motor vehicle safety problems, how to prioritize that work based upon the most accurate and relevant data, and who should make those strategic decisions: Congress, the experts at NHTSA, or both? This committee's oversight responsibilities compel us to ensure that the American public is benefiting from the best decisions from the most qualified experts. With that rationale in mind, I believe that NHTSA reauthorization provisions in the Senate version of the transportation bill provide adequate support and guidance for NHTSA and its dedicated experts to save lives and, of course, prevent injuries. However, we must be certain that the provisions negotiated provide enough flexibility to allow the data to drive the need for mandated rules.

Without a doubt, 100 percent safety belt use still remains the holy grail of motor vehicle fatality and injury prevention. In fact, according to NHTSA's own calculations, if all Americans wore their safety belts, an additional 7,000 lives would be saved every year. But sadly, 56 percent of occupants killed in crashes in 2004 were not even wearing their safety belts. Safety belts remain the most effective safety technology for saving lives and preventing injuries in motor vehicle crashes. Fortunately, the safety belt use rate is trending up, and was close to 80 percent in 2004, an increase of almost 10 percent from 2000. I would like to commend Dr. Runge for the tremendous work NHTSA has done to develop both legal and technological incentives to promote safety belt use.

Today's hearing will provide some key insights into the current state-of-the-art in passive safety technology that protects us in the event of a crash, airbags, crashworthiness, as well as active safety or crash avoidance technology, which, as the name implies, helps prevent crashes, and is becoming an important tool for saving lives and preventing injuries. In my opinion, electronic stability control, ESC, an active safety technology, highlights the future potential of safety technology to apply protection before it becomes critical for survival. ESC typically works with a vehicle's anti-lock braking system to maintain control in extreme maneuvers that can cause a vehicle to leave the roadway, become tripped when it turns sideways, and rolls over. A recent NHTSA study concluded that ESC was associated with a 30 percent reduction in single vehicle crash fatalities for passenger cars, and a 63 percent for SUVs, when compared to the same models sold in prior years. These percentages translate into about 7,000 lives saved annually, assuming 100 percent deployment. NHTSA is developing a performance standard that would promote deployment of ESC technology, and several automakers have already voluntarily committed to broad ESC deployment by a date certain.

My colleagues, I believe it is also—it is invaluable to encourage voluntary action and industry-government cooperation in safety matters, when appropriate. The open exchange of quality information creates opportunities for gains at the technical level, as well as we have seen in programs like the stars system for crash test ratings. It can also result in elegant, simple ways to make safety an important factor in consumer purchasing decisions.

In closing, I would like to suggest a few general principles that I believe would guide our discussion today. One, advances in technology, no matter how significant, are best promoted through performance-based standards that allow consumers and the market to assist in establishing safety advances as the standard, not the option.

Two, NHTSA's extremely important work is a data-driven business, not a political one. Sound science, quality data, objective cost/benefit analysis should be the major factors used to establish priorities for advancing vehicle safety. And last, the finite resources provided by the American taxpayer to effectuate motor vehicle safety should be deployed to promulgate rules and standards based on the size of the safety and the likelihood of an optimal solution.

Again, I am glad that we have this opportunity to examine more closely NHTSA's reauthorization conference provisions, and help realize the shared goals of reducing death and injury on our highways. I would like to welcome our distinguished panel of witnesses.

Before I go to the ranking member, I would point out, in deference to Mr. Runge, we are going to have opening statements from myself, the ranking member, and the chairman of the Energy and Commerce Committee. We will move to Dr. Runge, and then, before the next panel, we will continue with our opening statements.

And with that, Ms. Schakowsky.

[The prepared statement of Hon. Cliff Stearns follows:]

PREPARED STATEMENT OF HON. CLIFFORD STEARNS, CHAIRMAN, SUBCOMMITTEE ON  
COMMERCE, TRADE, AND CONSUMER PROTECTION

Good morning. I would like to welcome everyone to this extremely important hearing on the reauthorization of the National Highway Traffic Safety Administration (NHTSA)—an agency that is critically important to the health and safety of all Americans. I would like to thank, in particular, Administrator Runge for rearranging his travel plans and making time to be here this morning.

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The questions before us today include how best to deploy intellectual, financial, and other resources to work towards solving the most significant motor vehicle safety problems; how to prioritize that work based on the most accurate and relevant data; and who should make those strategic decisions—the Congress?, the experts at NHTSA?, both? This Committee's oversight responsibilities compel us to ensure that the American public is benefiting from the best decisions from the most qualified experts. With that rationale in mind, I believe that the NHTSA reauthorization provisions in the Senate version of the transportation bill provide adequate support and guidance for NHTSA and its dedicated experts to save lives and prevent injuries. However, we must be certain that the provisions negotiated provide enough flexibility to allow the data to drive the need for mandated rules.

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Today's hearing will provide some key insight into the current state-of-the-art in passive safety technology that protects in the event of a crash (airbags, crash-worthiness), as well as active safety or "crash avoidance" technology, which, as the name implies, helps prevent crashes and is becoming an important new tool for saving lives and preventing injuries. In my opinion, electronic stability control (ESC), an active safety technology, highlights the future potential of safety technology to apply protection before it becomes critical for survival. ESC typically works with a vehicle's anti-lock braking system (ABS) to maintain control in extreme maneuvers that can cause a vehicle to leave the roadway, become "tripped" when it turns sideways, and roll over. A recent NHTSA study concluded that ESC was associated with a 30% reduction in single vehicle crash fatalities for passenger cars and 63% for SUVs, when compared to the same models sold in prior years. These percentages translate into about 7,000 lives saved annually, assuming 100% deployment. NHTSA is developing a performance standard that would promote deployment of ESC technology, and several automakers have already voluntarily committed to broad ESC deployment by a date certain.

I also believe it is valuable to encourage voluntary action and industry-government cooperation in safety matters, when appropriate. The open exchange of quality information creates opportunities for gains at the technical level and, as we have seen in programs like the stars system for crash test ratings, it also can result in elegant, simple ways to make safety an important factor in consumer purchasing decisions.

In closing, I'd like to suggest a few general principles that, I believe, should guide our discussion today:

- Advances in technology, no matter how significant, are best promoted through performance-based standards that allow consumers and the market to assist in establishing safety advances as the standard not the option.
- NHTSA's extremely important work is a data driven business, not a political one. Sound science, quality data, and objective cost/benefit analysis should be the major factors used to establish priorities for advancing vehicle safety.
- The finite resources provided by the American taxpayer to effectuate motor vehicle safety should be deployed to promulgate rules and standards based on the size of the safety problem and the likelihood of an optimal solution.

Again, I am glad that we have this opportunity to examine more closely the NHTSA reauthorization conference provisions and help realize the shared goal of reducing death and injury on our highways. I would like to welcome our distinguished panel of witnesses. Thank you.

Ms. SCHAKOWSKY. Thank you, Chairman Stearns, for holding this hearing on the reauthorization of the National Highway Transportation Safety Administration, and the challenges NHTSA faces as it works to meet its safety improvement responsibilities.

I would also like to recognize and thank my ranking member, Representative Dingell, who is hopefully going to be here shortly, and I want to welcome our witnesses, who are here to share with us their views on how to improve safety, reduce fatalities and injuries, and better protect children.

Over the past 3 years, more than 125,000 people died in motor vehicle crashes. Nearly 9 million more people were injured during that time. Mind you, those numbers do not include children who were injured or killed in and around cars that were not in traffic. Currently, NHTSA does not track injuries and fatalities in non-traffic, non-crash-related car accidents. The best government statistics we can reference come from the Centers for Disease Control, a CDC study, that found that an estimated 9,160 children suffered nonfatal injuries and 78 children were killed in non-traffic accidents between July 2000 and June 2001.

Because there are no official statistics kept by NHTSA, one of our witnesses, Janette Fennell, took it upon herself to collect every report of every non-traffic accident she could find, in order to paint



a picture of how severe a problem it is. After personally scouring news reports, she found that in 2004, there were at least 523 children who were involved in non-traffic, non-crash-related incidents, and at least 165 of those children died. Those numbers, reflecting only the stories picked up by the press, are cause for alarm. Right now, we can only imagine how staggering they truly are, and we can only imagine how devastating each accident is to each family affected.

Not only do I think we need to count every accident, whether in a driveway or on the highway, I also think that we must do everything we can in order to limit accidents that are otherwise preventable, and ensure that vehicles on and off the road are as safe as possible. While I think everyone is in agreement with Dr. Runge and Mr. Webber, two of our witnesses, that we need to do all we can to make sure that drivers and passengers are wearing their seatbelts, and that impaired drivers are off the road, manufacturers and NHTSA also need to do whatever they can to make sure that the safety factors of the vehicles are addressed as well.

Our witnesses are right. It will make a significant difference in reducing the seriousness of injuries and numbers of deaths on the road if we can increase personal responsibility. However, I do not believe that manufacturers and NHTSA are absolved of their responsibilities just because drivers' behaviors contribute to accidents.

Increasingly, we are seeing problems stemming from the fact that people are buying bigger and more powerful vehicles. In fact, half of new vehicles purchased are SUVs, vans, and pickup trucks. SUVs accounted for 1 in 4 cars sold in 2003 alone. This has led to an increased number of rollover accidents. Deaths in SUV rollovers increased by 7 percent between 2003 and 2004, from 2,639 to 2,821. Between 1992 and 2004, rollover deaths in SUVs increased by an astounding 238 percent. It is no surprise that with increases like that, rollover deaths currently account for one-third of all passenger occupant fatalities. And with SUVs growing in size, their rear blind spots have also become larger. Some SUVs have blind spots as deep as 50 feet, so large that 20 children can be hidden behind them. In 2004, we lost more than 100 children to back-over accidents alone, because they went unseen. Many of these accidents were in families' own driveways. We must approach the problem of increasing rollovers and blind spots, along with other safety issues we know about, by working on ways to prevent accidents from happening, as well as improving protections for people in the cases that do occur.

There are a number of good policy provisions in the Senate highway bill that would address many of the safety issues with which I am concerned, including a provision to collect statistics for non-traffic accidents. I hope that we can work out the most appropriate way to keep those provisions, that protect people in and around cars, in the bill.

Additionally, I want to mention that a number of contributing factors to non-traffic-related car accidents are also addressed in H.R. 2230, the Cameron Gulbransen Kids and Cars Safety Act, which I have introduced with Representative Peter King again this Congress. I believe that by simply requiring safer power window

switches, better rear visibility, and a reminder system that lets drivers know if passengers remain in the vehicle, which our bill would require, we could protect our most valuable cargo, our children.

Again, I look forward to hearing from all of our witnesses, and I appreciate, Congressman Stearns, your holding today's hearing.

Mr. STEARNS. I thank the gentlelady. Now, the distinguished chairman of the full committee, Mr. Barton, the gentleman from Texas.

Chairman BARTON. Thank you, Chairman Stearns, for holding this hearing today on the reauthorization of the National Highway Traffic Safety Administration.

Nearly every family in this country owns at least one car, and in 2003, more than 40,000 members of those families died in their cars. My family is one of those victims. My cousin from Colorado was killed in a two car accident on an interstate highway, when the car behind moved over and clipped her car as she was attempting to exit to go home. So I know what I am talking about when we talk about families that have to bear the tragedy of deaths because of automobile accidents. When I say cars, I don't mean literally cars. I mean every kind of vehicle, from pickup trucks that fill the roads in my part of the country, to taxis in New York, to the limos here in Washington, over on K Street, every kind of four-wheeled, six-wheeled, and eight-wheeled vehicle. Cars are part of our culture and part of our lives. Thankfully, they are getting better every year. I want to thank the automakers of this country for improving vehicle safety over the last 20 years. Every year, more people buckle up in their seatbelts. And although there are more cars on the road every year, and they all come in different shapes and sizes, the accident rate per mile traveled continues to decline. Despite these advances, does anyone doubt that the cars that we drive could be made safer? I sure think they could be.

I also know that new technologies are taking safety to a new level. In addition to shielding people from injury in an accident, I am told that the next generation of cars may actually help drivers to avoid a crash. A feature called electronic stability control can prevent loss of control during emergency maneuvers.

Two of our witnesses from NHTSA and the Insurance Institute for Highway Safety have concluded recently that this technology is particularly effective in dramatically cutting the number of single vehicle crashes in SUVs. This translates into lives saved.

The timing of this hearing is no accident. We are negotiating a new transportation bill in the Transportation Conference Committee, and I, along with Mr. Dingell, am a conferee of that conference. The Senate has brought to the table a bill that includes NHTSA provisions that would require the agency to complete rulemakings on several safety initiatives, including vehicle rollover, occupant ejection mitigation, side crashes, and roof strength. I am anxious to learn from each of our witnesses today about how this legislative language perhaps could save lives on America's roads and highways.

This committee shares jurisdiction over NHTSA, and in some cases, has sole jurisdiction, such as in the issue of automobile safety. The Senate highway bill provisions that we are discussing today

would be referred to this committee, if they were a standalone bill. An option before us today is to reject the items in the conference committee, and to consider them in this committee in a standalone NHTSA reauthorization bill. It is an option that has a lot of appeal to me. I look forward to looking and listening to the witnesses, to see if that is something that we should consider. I haven't made a decision yet, and haven't—I have had some discussions with Mr. Dingell about doing it as a standalone bill. So we are going to, obviously, work together on that after the conclusion of today's hearing.

The loss of life on our roads, in terms of rate of loss of life, is decreasing annually, but the aggregate number is still a huge number: 42,263 people died in automobile accidents in 2003. To put that into context, there is a legitimate concern about the number of deaths of our soldiers, sailors, and airmen in Iraq, but the total number of deaths there, in the time that we have been there, is under 2,000, and once again, in 2003, we had 42,263 deaths from automobile accidents on our Nation's highways and byways. There is great work to be done to reduce that rate. The transportation conference is a good place to start. This committee might be even a better place to start. I look forward to being educated by our witnesses today on these issues and others that they may wish to bring before the committee.

Thank you, Mr. Stearns, for arranging for this hearing. I look forward to hearing from the witnesses.

[The prepared statement of Hon. Joe Barton follows:]

PREPARED STATEMENT OF HON. JOE BARTON, CHAIRMAN, COMMITTEE ON ENERGY  
AND COMMERCE

Thank you, Chairman Stearns, for holding this hearing today on the reauthorization of the National Highway Traffic Safety Administration.

Nearly every family in this country owns at least one car, and in 2003, more than 40,000 members of these families died in their cars. By "cars" I mean everything from the pickup trucks that fill the roads in my part of the country, to the taxis in New York, to the limos over on K Street here in Washington. Cars are part of the culture and part of our lives, and they're getting better every year. In particular, automakers have dramatically improved vehicle safety in the last 20 years. Every year more people buckle their seatbelts. And although more cars hit the road every year, and they come in all shapes and sizes, the accident rate continues to decline. Despite the advances, does anybody doubt that the cars we drive can be even safer? I sure don't.

I also know that new technologies are taking safety to a new level. In addition to shielding people from injury in an accident, I'm told that the next generation of cars may actually help drivers avoid a crash. A feature called "electronic stability control" can prevent loss of control during emergency maneuvers.

Two of our witnesses, from NHTSA and the Insurance Institute for Highway Safety, both concluded recently that this technology is particularly effective in dramatically cutting the number of single-vehicle crashes in SUVs. This translates into lives saved.

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This Committee shares jurisdiction over NHTSA, and has sole jurisdiction over automobile safety issues. The Senate highway bill provisions we are discussing today would be referred to this Committee as a stand-alone bill. One option before us is to reject the items in the conference and to consider them in a stand-alone NHTSA reauthorization bill. I have not come to a position on the provisions or the procedure.

Although the loss of life rate on our roads decreases annually, the actual number staggers the imagination: 42,263 people died in auto accidents in 2003. Plainly, there is great work yet to be done, and the Transportation Conference is a good place to start. I look forward to being educated by our witnesses on these vehicle safety issues today.

Thank you again, Chairman Stearns, for holding this hearing and I look forward to hearing from our witnesses.

Mr. STEARNS. I thank the distinguished chairman, and as I mentioned earlier, Dr. Runge had changed his travel plans so he could be here. So he has made a sacrifice for us, so if the members will realize that we will get to their opening statements right after his testimony.

We welcome you, Dr. Runge, and thank you for making your changes, so that you could be here, and we look forward to your opening statement.

**STATEMENT OF JEFFREY W. RUNGE, ADMINISTRATOR,  
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

Mr. RUNGE. Thank you, Mr. Chairman, and thank you, Chairman Barton, for calling this hearing today, and for giving us a chance to talk to you about what we live and breathe in NHTSA, which is motor vehicle safety. You did a very nice job of summarizing my opening statement, so I will try to be brief.

Our mission is very straightforward, to prevent injuries, and to save lives on our Nation's highways. You have heard the number of 42,000 mentioned three times now. I think that that simply does not capture the devastating losses that occur personally to everyone, Chairman Barton and the other 42,000 families every year who are affected by this, not to mention the cost to our economy of over \$230 billion, and those were in the year 2000 dollars, by the way.

There is no question that safety improvements in vehicles have been a worthy role of government. Since its inception in the 1960's, we estimate that the lives of 330,000 Americans have been saved through vehicle technologies, but over half of that 330,000 was saved by one simple technology, the safety belt, 180,000 people. So today, there is much public attention devoted to vehicle safety standards, yet over 90 percent of crashes, well over 90 percent of crashes, are caused by human factors, such as inattention, speeding, impaired driving, and other physiologic impairment. So the largest gains in highway safety yet to be realized are in the human factors area, including how drivers interact with their vehicles and their environment. So we have to devote our agency's resources to where they can reduce the most fatalities, and we have to prioritize our rulemakings and research activities in accordance with that principle. To do otherwise, we believe, Mr. Chairman, would be an irresponsible stewardship of the public trust and the public's resources.

For these reasons, earlier this year, we published an update of NHTSA's rulemaking priority plan, which sets the agency's rulemaking goals through 2009. Now, this priority plan was set using sound science, through a careful examination of costs and benefits, through an iterative public process. This plan is a living document, and we intend to update it periodically. Our highest rulemaking priorities are those that have the greatest potential to reduce death

and injury. Unfortunately, we likewise must give a lower priority to those proposals not supported by sound data, or that involve large costs to consumers with minimal impact on the safety numbers.

Because NHTSA bases this rulemaking on sound research and real world data, the Administration is opposed to any legislative mandates that would presuppose the outcomes of the research necessary to underpin a rule, or displace a higher priority regulatory action. We are concerned that arbitrary deadlines in Congressional mandates could preclude the vital research and analysis needed to avoid unintended and dangerous consequences to deployment of technologies. The public deserves regulations that are technically sound, practicable, and objective.

Mr. Chairman, the provisions of our rulemaking priority plan are detailed in my written testimony. Among the most urgent is a vital upgrade to our side impact standard, designed to protect occupants struck in the side, often by larger vehicles. Of over 33,000 vehicle occupants killed, 9,000 are in side impacts, and we think this rule will save 850 to 1,000 Americans each year, and avoid devastating brain injuries for many, many others.

Another high priority for our Agency is rollover, which causes the deaths of over 10,000 people a year. Nearly half of those rollover deaths are the result of full ejections from the vehicle, and nearly all of those ejected were not wearing safety belts. We have a comprehensive plan to reduce fatalities and injuries from rollovers, as no single regulation will address this problem adequately. Our intention is to prevent most rollovers from occurring in the first place through technologies which were mentioned in the opening statements, and protecting occupants when they—when rollovers do occur.

Mr. Chairman, I also want to bring up a topic not within the jurisdiction of the subcommittee, yet it is the most important thing that we all can do to save lives immediately. There is a provision in the Senate version of H.R. 3 that will save over 1,200 lives a year, and do it faster and cheaper, in fact, for free, more than any other proposal you will consider this Congress, and certainly within the highway bill.

I am referring to the Administration's proposal, passed by the Senate but not contained in the House bill, which would provide generous incentives to States to pass primary safety belt laws, or to reach 90 percent safety belt usage. It seems that—sorry. It seems a curious quirk of jurisdiction that this subcommittee oversees the equipping of safety belts in vehicles, but it ends there, not the use. Mr. Chairman, it can not end there. If any benefit it to be realized by so equipping those vehicles, Congress must act affirmatively to assist the States in raising safety belt usage, or the cost and the lives will be wasted.

Primary belt laws are necessary because States that enact a primary belt law average a belt use of 84 percent, compared with 73 percent in States without primary belt laws last year. Every percentage point we raise belt use, Mr. Chairman, saves 270 lives, 4,000 serious injuries, and over \$800 million in economic impact to this country every year, for every percentage in belt use.

Now, consider that NHTSA recently completed the 15 rulemakings that surrounded the TREAD Act. These regulations cost consumers \$1.2 billion and took years of NHTSA resources, and for that, we expect to save about 120 lives a year. In comparison, if the remaining 28 States pass a primary belt law, we will save 10 times that many every year, by utilizing a device already in the car that consumers have already paid for. This economic efficiency of this potential Congressional action stands in stark contrast to the mandated rulemakings in the Senate version of H.R. 3 under your consideration.

In conclusion, Mr. Chairman, before coming to Washington, as you know, I spent 20 years as an emergency physician in one of our Nation's busiest trauma centers. To me, that 42,000 number, as Chairman Barton suggested, is not just an abstraction. These are real people. Telling a family that their mother or father or sister or brother or son or daughter is not coming home again is all you need to understand the obligation that we, as policymakers, have to bring those numbers down, and to increase safety belt use in our Nation. So often, that conversation would never have happened if that person had just been wearing his safety belt.

So the facts are today, Mr. Chairman, if this committee wants to make a real impact on the number of highway deaths, there is one provision of SAFETEA that dwarfs all the others in importance, and I thank you for letting me bring that to your attention.

[The prepared statement of Jeffrey W. Runge follows:]

PREPARED STATEMENT OF HON. JEFFREY W. RUNGE, ADMINISTRATOR, NATIONAL  
HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Chairman Stearns, Congresswoman Schakowsky, and Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss reauthorization of the motor vehicle safety programs of the National Highway Traffic Safety Administration (NHTSA).

I want to express my appreciation for this Subcommittee's longstanding support of motor vehicle safety programs. Transportation safety is a top priority for Secretary Mineta and President Bush. Your work has allowed NHTSA to advance motor vehicle safety. We are grateful to this Subcommittee for its continuing leadership and for scheduling this hearing.

NHTSA's mission is to save lives and prevent injuries. Motor vehicle crashes are responsible for 95 percent of all transportation-related deaths and 99 percent of all transportation-related injuries. They are the leading cause of death for Americans in the age group 3 through 33. In 2003, the last year for which we have complete data, 42,643 people were killed in motor vehicle crashes. The economic costs associated with these crashes also seriously impact the Nation's fiscal health. The annual cost to our economy of all motor vehicle crashes is \$230.6 billion in Year 2000 dollars, or 2.3 percent of the U.S. gross domestic product.

The motor vehicle safety law vests NHTSA with the authority and responsibility to issue motor vehicle safety standards for new motor vehicles and equipment that are performance-based, objective, practicable, and repeatable, and that advance real world safety. These standards reduce the number of motor vehicle crashes and minimize the consequences of crashes that do occur.

The safety improvements in vehicles have been significant since NHTSA's inception in the 1960s. We estimate that total lives saved by vehicle technologies number about 330,000, over half of which are attributable to safety belts. Today, there is much agency and public attention devoted to vehicle safety standards, yet over 90 percent of crashes are caused by human factors, such as inattention, speeding and physiologic impairment. The largest gains in highway safety yet to be realized are in the human factors area, including how drivers interact with their vehicles. Relatively few lives will be saved in the future by continuing a traditional focus on vehicle crashworthiness. We must devote our agency's resources where they can reduce the safety problem most effectively. And we must prioritize our rulemaking

and research activities in accordance with that principle. To do otherwise would be irresponsible stewardship of public resources and the public's welfare.

When I came before this committee last year, I spoke of the publication, in 2003, of the first ever NHTSA multi-year vehicle safety rulemaking priority plan. Early this year we updated the plan, and it now sets forth the agency's rulemaking goals through 2009. The rulemaking and supporting research priorities were defined through extensive discussions within the agency, taking into account the views we have heard over several recent years at public meetings and in response to rulemaking notices and requests for comment. We prioritized potential new rules and upgrades of existing rules according to the size and severity of the problems they address, and the best educated estimates of the cost and effectiveness. The agency works closely with Congress and the public to define our priorities.

We intend for our rulemaking priority plan to be a living document, and will continue to update it annually. In addition, we are committed to reviewing all Federal Motor Vehicle Safety Standards systematically over a 7-year cycle. We decided that such a review is needed in light of changing technology, vehicle fleet composition, safety concerns and other issues that may require changes to a standard. Our regulatory reviews are in keeping with the goals of the Government Performance and Results Act, to ensure that our rulemaking actions produce measurable safety outcomes.

Because of this careful process, and the need to make these decisions based on current data, the Administration is opposed to legislatively mandated rulemaking actions that displace deliberative research and regulatory actions. The process that we have developed will produce the best and most cost-effective solutions to our most critical safety needs. The imposition of deadlines and mandated requirements can preclude the completion of necessary research and force premature judgments or the adoption of incomplete or only partially developed solutions.

Furthermore, we have seen proposed mandates with technical elements that have not proven viable. Several decades of vehicle safety rulemaking have demonstrated that quality data and research produce regulations that are technically sound, practicable, objective, and repeatable. Our rulemaking priority plan was carefully considered, in the context of concomitant research needs, and I ask for your support in our pursuit of its objectives.

The overall safety priorities set by our agency at the outset of this Administration are increasing safety belt use, reducing impaired driving, addressing vehicle crash incompatibility, reducing rollovers, and enhancing our data systems. In 2003, we carefully studied these objectives and developed and published a roadmap for achieving them. This Subcommittee has jurisdiction over the motor vehicle safety law, which is central to our objective of reducing deaths and injuries associated with crash incompatibility and rollover.

NHTSA's priority rulemakings for the immediate future include enhanced side crash protection, preventing occupant ejection in rollovers, electronic stability control systems, and upgrading our standards relating to roof crush and door locks. Our longer-term research priorities include a number of potential advances in crash avoidance driver-assist technologies and addressing vehicle incompatibility in frontal crashes. We have integrated our rulemaking priority plan and our research plan to ensure that, as rulemaking becomes necessary to advance safety in the future, we have the research to support it.

In all of our efforts, we recognize the vital role that complete and precise data play in identifying safety problems. With that in mind, we have evaluated the important advances that electronic data recorders can add to our crash data and our ability to assess safety needs and benefits, and we are completing a final rule to address these devices that we intend to publish this Fall.

I would like to turn, now, to a discussion of some of the specific actions we are taking in accord with our rulemaking priority plan, against the backdrop of the safety problems we must address.

Of the 33,471 passenger vehicle occupants killed in 2003, more than 9,000 were killed in side impacts. In side impacts involving two-passenger vehicles, an occupant of the struck vehicle was about 8 times more likely to have been killed than an occupant of the striking vehicle. It's not hard to see why preventing deaths and injuries in side-impact crashes is one of our highest priorities.

In May 2004, we published a notice of proposed rulemaking to upgrade our side-impact standard. We estimate that this upgrade will prevent many hundreds of deaths annually in these types of crashes. We are now developing the final rule and hope to publish it in early 2006.

The growing popularity over the past ten years of light trucks, vans, and utility vehicles (LTVs) has changed the mix of vehicles in the fleet and the safety picture. More vehicle occupants are being killed in crashes between passenger cars and light

trucks than in crashes involving only passenger cars. Passenger car occupants are over three and one-half times more likely to die than LTV occupants in crashes between the two vehicle types, both in front-to-front and in side impact crashes.

NHTSA's 2003 integrated project team plan outlined our strategy of addressing the issue of compatibility through partner-protection, self-protection, lighting/glare and reforms to the Corporate Average Fuel Economy program. We expect our upgraded side impact standard to provide increased protection for occupants in vehicles struck by other vehicles, and NHTSA is conducting research to determine good measures of vehicle compatibility and alternative test barriers to improve protection of occupants of struck vehicles.

Rollover crashes account for a substantial percentage of the fatal crashes in the country. Even though only 2.5 percent of crashes are rollovers, over 10,000 people die each year in rollovers. This is almost a third of all passenger vehicle occupant fatalities and about 60 percent of sport utility vehicle (SUV) occupant fatalities. The data show that nearly half of all rollover deaths are the result of ejection from a vehicle, and nearly all of these occupants are unbelted.

We added dynamic testing of vehicles as part of our rollover resistance rating system in accordance with the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act. Testing and reporting of those results began with 2004 model year vehicles as part of our New Car Assessment Program (NCAP).

We have already noticed improvements in vehicle designs and in safety ratings. Manufacturers strive to obtain high safety ratings under NCAP, because so many consumers rely on this information in making their vehicle purchasing decisions. We have seen an increase in vehicle manufacturers using NHTSA's star-rating information in their product advertising. An informed public will be an effective catalyst for improved rollover resistance. NHTSA's new web site, [www.safercar.gov](http://www.safercar.gov), enhances the consumer's access to this safety information.

To improve the crashworthiness of vehicles that do roll over in a crash, we are working on improved ejection mitigation and roof crush protection. Even as NHTSA is upgrading our side impact standard, all of the major automobile manufacturers have committed over time to ensure that their vehicles meet certain testing criteria for side impacts. Those testing criteria are intended to encourage the installation of side airbag curtains that protect against brain injury in side impact crashes. An additional benefit of many side airbag curtains is that they prevent potentially lethal ejections.

In addition to the attention we are giving our rollover and compatibility priorities, we also intend to bring to Congress some additional important safety initiatives. We believe the Secretary of Transportation should be authorized to participate and cooperate in international activities to enhance motor vehicle and traffic safety. This would provide for NHTSA's participation and cooperation in international activities aimed at developing the best possible global safety research and technical regulations. Through participation in these international efforts, the United States will combine its motor vehicle safety initiatives with those of other countries, to ensure a comprehensive approach to motor vehicle safety and to promote cost-effective deployment of safety technologies.

A second area is our need to expand activities in crash prevention and severity reduction. The most significant vehicle safety initiatives in the future will be based on technology that avoids crashes, rather than our traditional emphasis on crash-worthiness. This would include evaluations of crash avoidance technologies such as electronic stability control, telematics, alternative braking, vision enhancement systems, lane keeping systems, and collision avoidance systems.

We anticipate that our research into these and other driver assistance technologies will reach significantly beyond the scope of current agency research and development activities. The rapid advances in these technologies will radically change the design and performance of automobiles over the next 10 years and, coupled with the aging driver population, present unique research challenges in human factors engineering. Our goal is to hasten the introduction of vehicle-based driver assistance technologies into the marketplace while ensuring their safe performance across all demographics, through the development of standards, voluntary guidelines, and consumer information. In doing so, we will have to be mindful that with the proliferation of new technologies comes the potential for increased driver distraction.

A third area is our need to engage in research and development in fuel integrity of hydrogen powered vehicles. This includes risk assessment studies and the development of test and evaluation procedures, performance criteria, and suitable countermeasures.

This safety initiative would support the President's Hydrogen Fuel Initiative and the FreedomCAR Program. In particular, the research program would investigate the safety of the power train, the vehicle fuel container and delivery system, the



onboard refueling system, and the full vehicle system performance. This research would evaluate leak detection systems, determine the effectiveness of safety systems, assess fire potential and flammability, and evaluate external hazards to these systems. The onboard refueling system related research and performance tests would evaluate fuel leakage, examine sparking and grounding conditions of the refueling system, and examine conditions under which fire could occur.

I would like to take a moment now to highlight NHTSA's important and continuing role in the delivery of Emergency Medical Services (EMS). For more than 3 decades, longer than any other Federal agency, NHTSA has been the Federal Government's leader for EMS. Our first Administrator, Dr. William Haddon, had a vision for EMS systems before they existed, and recognized that caring for the injured would be essential to decreasing the number of highway deaths. He also realized, as we still do today, that the only sustainable EMS system is one that addresses all emergencies. As EMS grew to include caring for people with non-traffic-related injuries, NHTSA created an informal Federal interagency EMS structure, partnering with the Departments of Health and Human Services and Homeland Security, and national EMS organizations to provide the leadership, coordination, and policy guidance to enhance the national EMS system.

The needs of a comprehensive EMS system surpass the expertise or funding of any one agency. This is why I urge you to adopt the Administration's proposal, as contained in the Senate's version of H.R. 3, which would create a formal, ongoing mechanism with the authority to coordinate Federal EMS activities. Such a committee, dubbed "FICEEMS" (for Federal Interagency Committee on Emergency Medical Services) would not only allow, but require EMS to continue to tap the expertise and the resources of multiple departments.

Creating FICEEMS avoids duplication, assures consistency of mission, and maximizes the use of limited resources. Through the proposed EMS grant program, which is also in the Senate bill, each State's EMS office would receive formula grant funds for improving the capacity of the entire EMS system. This would not duplicate funding provided by other agencies, but would be the primary funding to support the basic EMS infrastructure that these segments utilize.

Since 1966, NHTSA and the Department of Transportation have been at the forefront of the Federal Government's efforts to support every portion of the EMS system. I ask members of this Committee to continue NHTSA's commitment to EMS for the next decades.

Finally, I want to bring up a topic that is not within the jurisdiction of this Subcommittee, yet vital to saving lives. There is a provision in the Senate version of H.R. 3 that will save over 1,200 lives a year, and do it faster and cheaper than any other proposal you will consider in this Congress, and perhaps in this decade. If the intent of this hearing is to hear what can NHTSA do now that will immediately save lives, this is a provision I strongly urge the House to adopt.

I am referring to the Administration's proposal, passed by the Senate but not in the House bill, which would provide incentives to the States to enact primary safety belt laws or reach 90 percent safety belt usage. Why are primary safety belt laws important? Because States that enact a primary safety belt law can expect to see their safety belt use numbers rise by approximately 11 percentage points practically overnight. If all States adopted a primary belt law, we would prevent 1,275 deaths and 17,000 serious injuries every year. No other safety proposal I am aware of before Congress would save more than 1,200 people annually at practically no cost.

Consider that NHTSA recently completed the 15 rulemakings related to the TREAD Act. The actions associated with that law cost consumers \$1.2 billion and took years to promulgate. In total, that law will save 120 lives annually. In comparison, if the remaining States enacted a primary belt law, we would save ten times as many lives annually, by utilizing a device already in the car, at no cost to the consumer.

It is one of the paradoxes of Congressional jurisdiction that this committee oversees the equipping of safety belts in vehicles, but not their use. There is no benefit to equipping vehicles with safety belts unless they are worn. I want to stress that this proposal provides incentives to the States, not sanctions. No State would be penalized for not adopting a primary belt law.

Mr. Chairman, if the members of this Subcommittee want to save lives and do it now, and I know every Member here shares that goal, I urge you and your colleagues to adopt the Senate language for primary belt incentives. No vehicle mandate, no elaborate rulemaking, no public relations campaign would save as many lives as Congress giving the States an incentive to pass primary belt laws.

I urge this Subcommittee to support all of these important safety initiatives and our rulemaking goals as outlined in our priority plan. I will be glad to answer any questions you may have.

Mr. STEARNS. I thank you. I will start with the questions.

I think a good example of what you are talking about is the air safety bag. Back in, I guess, the mid-90's, it was sort of a rule-making that we had to make safety airbags stronger, and in so doing, by making them stronger, then you are going to actually increase the possibility of death to infant children, and so Congress had to back off on that, and we had to indicate this rulemaking is not appropriate. And that goes to what I said in my opening statement.

There is a fine balance between Congress issuing a rule and the optimum safety provided with the cost analysis, and what the impact would be. And you are indicating this morning that just these incentives, that is in the Senate bill, if it was in the House bill, would provide safety—would eliminate the deaths of 1,200 people, you are saying, just by giving incentives to the State. And so I think that points up toward this question I have.

I understand your agency is working on a rulemaking on roll-overs, occupant ejection, door locks, and side impacts. What are the chances that these rulemakings will not be completed, or will be completed?

Mr. RUNGE. Well, Mr. Chairman, the side impact rule, we—it has been through the NPRM. It has been through the comment period, and we expect to publish that early in 2006, I hope before the crocuses pop through the grass. There is nothing higher on our rule-making priority plan. We believe that that is 850 lives a year. And keep in mind, Mr. Chairman, we don't have a head—our side impact center does not recognize the brain, even though 58 percent of our side impacts involve brain injury. So this—we have to do this. This is absolutely a must-do, and it will be done.

With regard to rollover, that is a little more complex, because it involves not only structural integrity and safety belt use and safety belt performance and ejection mitigation, but also involves preventing the rollover from happening in the first place. Hence, our emphasis on electronic stability control and developing a performance test that will keep vehicles on the pavement. Ninety percent of those rollovers—that is a serious one there—90 percent of those rollovers occur when the vehicle leaves the road and trips. So if we can keep vehicles on the road with technology, then a lot of the other improvements that we can make in the structure of vehicles will be less important.

Mr. STEARNS. Maybe I should ask this question first. Generally, what do you believe that mandated rulemakings, I mean your philosophy, are they in the best interests of your agency coming from Congress? Perhaps what is the role of Congress when it comes to your agency, you know, other than just the, strictly, funding of your agency, what should be our position on this rulemaking? You might just establish that from the get-go.

Mr. RUNGE. Thank you. Mr. Chairman, we enjoy working with the committee on things that are important to the members, and we like to come over and share the data, and you know, lay it all out, so you can see what the most important things are that we believe, based on the data we have to do. The problem—and I think we have done that. We have done that with the Senate committee

to the point that the language that is in the Senate, I don't believe is going to be particularly harmful for NHTSA's functioning.

However, you yourself pointed out that in the mid-90's, NHTSA had to turn on a dime to address airbags that were overpowered, and that consumed a tremendous amount of resources in the rule-making and the research part of our agency, which is, again, not very big. So things got delayed. Now, if we have, you know, 6 years worth of mandates, our ability to turn on a dime and address emerging safety problems is severely impaired.

So we would prefer to use a rulemaking priority plan to do this, which again, we will update annually or at least biannually with input from the committee, with input from public comment, based on data and cost/benefit. That is the way we would prefer to set our rulemaking priorities.

Mr. STEARNS. Well, you hear from a lot of members who are talking about back-over technology, cameras and radars that are being evaluated. I guess is this an example of huge amount of costs, huge—optimal solution not provided. In your opinion, what is being done in this area, and how do you feel in terms of if we moved in that area of rulemaking?

Mr. RUNGE. Back-over injuries and deaths are a serious matter, and we take them very seriously. The difficulty is, and you know, it is easy to be—to tell somebody you have got to collect data on these things.

Mr. STEARNS. Some automotive companies have already bought these cameras, I think in Europe.

Mr. RUNGE. Yes. Well, there are some that are available in the United States as well.

Mr. STEARNS. Okay. So you can get it as an option—

Mr. RUNGE. Sure.

Mr. STEARNS. [continuing] in your SUV.

Mr. RUNGE. There are vehicles that if a parent wants to—if they are concerned about this, they can go buy those vehicles. You know, my kids are 21 and 18 and out of the house. I have less need of a back-over technology in my vehicle. So I may not choose to pay that \$1,500. So again, you know, we believe that market forces can work in this area. The data collection is difficult, because, you know—and we talked to Ms. Fennell about this a lot, and her careful scouring of LexisNexis and all the clips and so forth, but we have to rely on national data. So we went to the National Health Statistics, NCHS, and said we need all of the, you know, all the codes that could be strangulation from power windows, back-overs, and so forth, and you know, we just recently received 1998 birth certificates, and we had a person who pored over every single birth certificate, and you know, it was tremendously labor-intensive. So if we do this, if Congress tells us to do this—

Mr. STEARNS. You mean a death certificate instead of a birth certificate.

Mr. RUNGE. Yes, I am sorry. Death certificate.

Mr. STEARNS. Instead of a birth certificate.

Mr. RUNGE. Sorry. Sorry. I am just a physician. They pored over these death certificates, and you know, were able to find a small number of these incidents. Now, every incident is important, and we don't want to diminish that by any means.

Mr. STEARNS. Under 10, you mean?

Mr. RUNGE. Well, let us see here. There were 123 backing deaths.

Mr. STEARNS. Okay.

Mr. RUNGE. 1998. 44 percent of those were children aged 1 to 4. So about 60 kids.

Mr. STEARNS. Sixty kids.

Mr. RUNGE. In 1998.

Mr. STEARNS. Okay.

Mr. RUNGE. And many were adults over 70. Now, to—technology—you know, we don't want to presuppose that a technology is going to be 100 percent effective, either, at preventing these things.

Mr. STEARNS. No.

Mr. RUNGE. So you know, when you look at the cost and benefits here, it gets a little tough to justify.

Mr. STEARNS. Well, and also, I, you know, there is a lot of politics involved here, so for us to tell you what to do in this area, we need to hear your best judgment first, before we just run it out, and you are saying right now that the public can get this, if a mom and dad want this protection, for \$1,500. Instead of buying a new car, they can get a used car, could they get it retrofitted or not?

Mr. RUNGE. Well, there are cameras that will fit, for instance, in the hitches, trailer hitches.

Mr. STEARNS. Okay.

Mr. RUNGE. There are mirrors. There are technologies that people can use in their vehicles. And in fact, you know, we are seeing—we just protected the 5.9 gigahertz spectrum for vehicles and ultrahigh bandwidth radar. Mercedes just tested a vehicle with us a few weeks ago, where it can actually detect objects around the vehicle.

Mr. STEARNS. This is a radar rather than camera. So in the end, maybe radar is a solution as we move on, that radar could make cameras obsolete, because the radars would be much more efficient.

Mr. RUNGE. Certainly could be, but again, this is research that will be done by the industry, and we will watch it very carefully. But this is a tough problem.

Mr. STEARNS. Yes. Thank you. My time has expired. The ranking member.

Ms. SCHAKOWSKY. Are you opposed to data collection for non-traffic accidents, then?

Mr. RUNGE. Certainly not.

Ms. SCHAKOWSKY. Okay. So I got the impression that it would be overly difficult to collect that information.

Mr. RUNGE. Well, we don't know how we would do it right now. In a—to get data sources that would be acceptable to the Data Quality Act, which you all passed, and so forth. And we would have to really look at this closely. Right now, the only data source that we know or that we can rely on is the National Center for Health Statistics, which is years behind in the death certificate. And there is no word search capability that we know of that will get to this problem. So we think we just don't know how we would do this, other than the method that Ms. Fennell uses, which is to scour press clips. And, you know, and that has its own limitations.

Ms. SCHACKOWSKY. Although using that method, a private citizen did find 523 children involved in those kinds of accidents, 165 dead, in 2004 alone. I mean, I don't know how big a problem has to get. And I don't know if you saw Good Morning America, the segment where they had—I think on that, the time I saw it, 17 children were huddled behind an SUV, and with all the equipment on it that was available, you couldn't see any of them. It was really just amazing. It was just shocking. And they were saying how many kids do you think were back there, and it turned out there were 17. And it seems that minimally, collecting this information so that we do know the scope of the problem ought to be a project that we begin immediately. I wonder what kind of progress we can make on that now.

Mr. RUNGE. That is a great question, and we would be happy to work with the committee on that, Ms. Schakowsky. You know, interestingly, over in the appropriations side, we got appropriations language that just came out last week that suggested we might be collecting too much data. So we have really got to get together on this, and decide, you know, what it is exactly that we should do. We are not authorized right now, though we certainly could do this on our own, to figure out some data system for off-road, off, out of traffic, motor vehicle related injuries, but right now, that is not in our mandate. And it is certainly within your power to change that.

Ms. SCHACKOWSKY. And I think it would—it is important that we don't leave the impression that any car can be either purchased with or retrofitted to include this technology right now. Am I correct with that, that I can't go to an auto dealer and say, and I want these features in my, I don't know, maybe my Ford Focus wagon, I can do that. I don't know. But they are not universally available. Isn't that true?

Mr. RUNGE. I believe that you can buy small cameras, and in fact, I saw Ms. Greenberg here from Consumers Union. We were up there in Connecticut at their facility a couple years ago, looking at some of the aftermarket potential.

Ms. SCHACKOWSKY. Aftermarket, but—

Mr. RUNGE. Right.

Ms. SCHACKOWSKY. Originally, when I purchase a car, it is not even an option in all cars, is it?

Mr. RUNGE. It is not an option in all cars. Neither is anything else, for that matter, but there are vehicles out there that you can go. If a back-over camera is important to you, you can buy it, when you are ready to buy a new car.

Ms. SCHACKOWSKY. Yes, but seatbelts are available. Basic safety features are available in all cars. I wanted to just point out that while you emphasize that 90 percent of crashes are caused by human factors, inattention, speeding, psychological, physiological impairment, et cetera, of course that is true, and that is why seatbelts, in some ways, take account of that, take that into consideration, the fact that human factors will lead people to accidents. But those built-in safety features will mitigate against the result of those personal human factors. And so I would think that we would want to move as quickly as possible, in terms of rollover accidents, the kinds of timetables that are in the Senate bill.

Now, I understand you gave an example of the airbags. That was a special case, where you had to turn on a dime, but were there not those kinds of special cases? Are you saying that the timetables and the deadlines that are in the Senate bill are unreasonable, that it is not possible to meet them? And if so, what are your timetables for dealing with these issues?

Mr. RUNGE. The only one—the only deadline that is absolutely preposterous is the implement labeling requirements, the vehicle safety labeling requirements, the so-called stars on cars, that tells us to issue a plan by January 1, 2006. And I understand that—I hope that the committee will be sensitive to that. The rest of the deadlines in the Senate language, frankly, are certainly workable, and we, you know, we have other, bigger fish to fry than worrying about those deadlines.

Ms. SCHACKOWSKY. And what would those be?

Mr. RUNGE. Than worrying about those deadlines. They are not unreasonable.

Ms. SCHACKOWSKY. And what are the bigger fish to fry that you mean?

Mr. RUNGE. If we get primary belt law incentives, your State will get \$31 million, and we will be able to get a lot more primary laws in this country, and save 1,275 people a year.

Ms. SCHACKOWSKY. So you see that as the—your No. 1 priority now is to do that. But you wouldn't oppose, other than the October 1, 2006 deadline, in the Senate—no, it was—what did you say?

Mr. RUNGE. January.

Ms. SCHACKOWSKY. January.

Mr. RUNGE. January 1.

Ms. SCHACKOWSKY. Yes. As a—those other deadlines would be acceptable to you?

Mr. RUNGE. Yes, ma'am. The other deadlines are certainly workable.

Ms. SCHACKOWSKY. Thank you very much.

Mr. RUNGE. Sure.

Mr. STEARNS. I thank the gentlelady. Ms. Myrick is recognized.

Ms. MYRICK. Thank you, Mr. Chairman. Dr. Runge is from my district, and he literally has spent his lifetime working on saving lives, because when he was at our largest hospital, in charge of emergency and trauma, he really made our whole region aware of what we needed to do, ourselves, to help save lives. And so I was delighted when he came up here, because I knew that he would do what he believes in, and that is, do everything he can to save lives. And we appreciate the job you've been doing at the agency, and I want to thank you.

But I wanted to ask. I know we don't want, a lot of us don't feel strongly about mandating things, and you have already said that causes you some difficulty. But are there other tools or authorities that this committee might be able to provide to you that would be helpful in your quest of saving lives?

Mr. RUNGE. Representative Myrick, I am not used to getting such a wonderful, open-ended question like that, and it frankly sort of caught me on my heels. We do have a really good relationship with your committee staff, and it is a relationship that has developed over time, and I think that there is a confidence that has de-

veloped mutually, about when we see needs, we aren't shy. And in fact, neither is your committee staff.

So if you would allow me the opportunity to think about that a little bit, I would love to give you back a real answer.

Ms. MYRICK. I appreciate it very much, and again, we are glad you are here. Thanks for the good job you do. I am finished, Mr. Chairman.

Mr. STEARNS. I thank the gentlelady. The ranking member of the full committee, Mr. Dingell, is recognized.

Mr. DINGELL. Mr. Chairman, thank you very much for your courtesy. I begin by asking unanimous consent that I may be permitted to insert an opening statement in the record.

Mr. STEARNS. By unanimous consent, so ordered.

[The prepared statement of Hon. John Dingell follows:]

PREPARED STATEMENT OF HON. JOHN D. DINGELL, A REPRESENTATIVE IN CONGRESS  
FROM THE STATE OF MICHIGAN

I am pleased we are holding this hearing on the "Reauthorization of the National Highway Traffic Safety Administration (NHTSA)." This will aid us in examining the resource needs of the agency, and its current priorities. I have always viewed reauthorization of an agency, which is for a fixed period of time, to be separate from decisions to change the underlying laws which the agency administers. Should Congress, during the reauthorization process, consider writing new laws for the agency to administer, we should be guided by several factors:

*First*, we must guard against regulating before the experts have an adequate understanding of both the problem we seek to solve and how proposed solutions affect overall safety and public health. Time after time, when NHTSA has been forced to regulate without a complete understanding of the problem, the unintended consequences have been grave. For example, the issue of air bags has been revisited more than once to ensure that children and small adults are not harmed by a system intended to protect. Good intentions alone are not sufficient for regulating vehicle safety.

*Second*, we must not divert resources away from regulations and innovations with the most potential to save lives. Every time Congress mandates that NHTSA promulgate a rule on a specific subject, there are fewer resources for NHTSA to spend on other safety priorities. As information and research improve, we should allow the expert agency adequate flexibility to determine what actions will save the greatest number of lives.

*Third*, we must recognize that irresponsible regulation of the automobile will sacrifice important manufacturing jobs in the United States. At a time when this country is hemorrhaging jobs, we must take extraordinary care to ensure that new regulations are both appropriate and implemented wisely.

There are times when legislative action is necessary. We worked diligently in this Committee on the TREAD Act, and that law continues to yield fruit. The Early Warning System established under that Act helps NHTSA and manufacturers identify problems sooner and recall affected vehicles faster.

Due in part to the TREAD Act's success, times have changed. NHTSA has established an aggressive agenda for vehicle safety that will be implemented on a responsible timetable. I commend Dr. Runge for establishing a multi-year priority plan for vehicle safety. NHTSA's diligent progress toward implementing these safety initiatives and Dr. Runge's personal efforts to increase seat-belt use are saving lives.

When the Senate proposed a NHTSA reauthorization last Congress, Chairman Barton and I were profoundly concerned that it would supplant the expertise of the engineers and scientists at NHTSA with the opinions of lawyers and activists. The version presented to us this Congress, however, appears to have moved in the proper direction and deserves careful examination.

I look forward to working closely with Chairman Barton on this important matter, and I thank the witnesses for their testimony today.

Mr. DINGELL. Thank you, Mr. Chairman. Dr. Runge, welcome to the committee. You are asking for more resources for your agency to do the job that we have commanded you to do. Would you please identify what those are for the record. And so that we can look to

see what we have to do to help you do your job the way you want to do it. Now, I would note that you want to regulate hydrogen vehicles, and you want authority to harmonize our regulations with those of foreign governments. Would you submit for the record, please, some statements as to what it is you want there?

Mr. RUNGE. Absolutely.

Mr. DINGELL. Now, Doctor, with regard to the mandated rulemakings that the Senate has included in its bill. First of all, what amongst these are matters on which your agency is not now working? Are there any of them?

Mr. RUNGE. Yes, sir, Mr. Dingell, there are. We—there are several areas here, which we are working, but are not our highest priority. For instance, back-over—

Mr. DINGELL. What you are telling me is that some of these are things that you don't view as being high priority. And I guess you are telling me that establishing high priority for things that you might have lower priority will, perhaps, deter you from doing things that might be more important, in terms of safety of motor vehicles and the safety of the motoring public. Is that right?

Mr. RUNGE. That is correct, sir.

Mr. DINGELL. All right. Would you submit that to us for the record? Out of respect for our chairman, I don't want to clutter the time of the committee with my questions and answers if I can get it in the record. Now, would you tell us, also, which of the Senate mandates are on your priority list, and which are not on your priority list? Would you submit that to us, please?

Mr. RUNGE. Yes, sir.

Mr. DINGELL. Now, I would note, Doctor, that if we work with the Senate, we are going to have to address the question of how the language should be best done. I think that you are probably going to need a certain amount of flexibility in terms of what the language would do. Is that correct?

Mr. RUNGE. We would prefer to be able to respond to emergencies and turn on a dime, yes, sir.

Mr. DINGELL. For example, I note that the mandate is that you come up with a final rule, and would it not be better that you were to be mandated to come up with a final action?

Mr. RUNGE. That would certainly increase our flexibility.

Mr. DINGELL. That would give you more flexibility, and you would still have to come to a decision on matters prior to the time.

Mr. RUNGE. That would be very helpful, sir.

Mr. DINGELL. Now, I note that there are agreements providing better and more information to the agency, which might come faster than would occur without them. Is that—and I am referring now to voluntary agreements that are executed inside the industry with the insurance industry. Is that correct?

Mr. RUNGE. There is no question that the industry can move faster than we can regulate.

Mr. DINGELL. And these have actually made for more safety, faster and better. Is that not so?

Mr. RUNGE. We have good example of that. We also have examples where we have gone slightly divergent, and see the need to regulate. But yes, sir, the timing is absolutely correct.



Mr. DINGELL. So I assume, Doctor, that these voluntary agreements inside the industry, and with the insurance industry, and with your agency, enable the auto manufacturers to accomplish your purpose of safety better. They enable NHTSA to understand the problem, and to bring forward potential solutions in a faster and more effective manner. Is that right?

Mr. RUNGE. Yes, sir. You know, the research community is fairly small, and the research engineers know what each other are doing, and we have a very constructive dialog with the safety people in the industry.

Mr. DINGELL. Do I have any reason to assume that the mandates that are here would in any way interfere with the voluntary agreements which you are executing with the companies?

Mr. RUNGE. I would say, in general, sir, that the more restrictive mandates are, the less we are able to evolve into the best path. Some of these do presuppose that we already know the answer to the question before we have adequately researched it. Having said that, the most—as much flexibility as you can give us, if you all see the need to mandate these particularly safety problems, would be most appreciated.

Mr. DINGELL. Now, Doctor, I note that you are beginning to work on rollover prevention and crashworthiness. Will voluntary standards help you here as you proceed about your efforts to do the regulation of these questions inside the agency?

Mr. RUNGE. Mr. Dingell, in a couple of these instances with rollover, I do believe that the industry deserves a level playing field, and I do think that that is an appropriate place for regulation, rather than voluntary standards. There are always things that the industry can do voluntarily to go beyond the minimum standard, but I do believe that manufacturers that do the right thing, that might be a little more costly, deserve a level playing field to make sure that they are not at a competitive disadvantage.

Mr. DINGELL. Thank you, Doctor. Mr. Chairman, I know I am transgressing upon your time. I hope that you will forgive me for one final question.

Dr. Runge, I want to refer to your experience with regard to mandated regulations on specific subjects. And I have the impression that this oft-time develops a situation where delay with regard to product plans, for economic reasons, by the industry, will occur until they understand what the new requirements might be. And I would also ask while the mandates in the Senate bill may be similar to your priority plans, is it fair to say that a pattern of Congressional mandates would discourage voluntary agreements in the future, and possibly delay the advance in safety in motor vehicles?

Mr. RUNGE. If we get to a point where we think we know the best answer, and it turns out not to be the wrong answer, after public comment, but we are still under a rulemaking deadline for a final rule, there are—it is very difficult to work around those deadlines.

Mr. DINGELL. So I guess, Doctor, that—in courtesy to our chair, you are telling me yes.

Mr. RUNGE. Yes, sir.

Mr. DINGELL. Thank you, Doctor.

Mr. Chairman, I thank you for your courtesy.

Mr. STEARNS. I thank the distinguished colleague. Mr. Otter.

Mr. OTTER. Thank you, Mr. Chairman. And thank you, Doctor, for being here today. We have, as you might recall, at the—met in various capacities before, when I was on the Transportation Committee, and even though I know most of your questions and answers today have dealt with vehicle safety, I want to go to another part of highway safety that I don't think we are paying near enough attention to, and of course, it goes back over all these years. I just did some figuring, and there is a section of highway in Idaho, Highway 95, which runs, traverses from the south, at the Nevada line, clear to Canada, some 680 miles, in fact, in 1939, was designated as part of the Alcan Highway, which was a total of 26,000 miles. But twice as many people are killed on a small section of that highway as can hide behind an SUV, every year. The biggest holdup that we have had on that is our failure to streamline, as was promised in TEA-21, as ISTEA, and now, TEALU, or the promise of, I should say, a streamlining process where we can move forward on highway construction, especially, where we are losing lives, and we are costing people. There—and in the insurance industry. Is the Department, has the Department begun moving forward to at least help the Transportation Department and the construction side now, and design now, I am talking about, move forward on some streamlining, so that we are not 10 years waiting to find out if a bug or a piece of grass or something like that is going to be eliminated as a result of our widening or making our highways more safe.

Mr. RUNGE. Thank you, Mr. Otter. I—this falls under the jurisdiction of the Federal Highway Administration. But I can tell you that Administrator Peters has had at one of her top priorities to get effective environmental streamlining into the reauthorization process. I am not expert in this, and I really can't speak to the provision of the bill. I do know that it is very high on our priority list.

Mr. OTTER. I had noticed that some of the very same communities that are so enthusiastic about designing what Detroit puts out are the same communities that are resistant to allow us to go forward with the design of our highways, with the construction of our highways. In fact, the year that I served on the Transportation Committee, 2001 and 2002, that term, we had some \$14 billion in highway construction funds backed up waiting for a decision from some agency of the Federal Government, relatively mostly to an environmental consideration. Now, I think that is—in fact, as I recall, Christie Todd Whitman's successor from New Jersey came and testified that they had been waiting some 11 years for a turnoff, an off-ramp, where they had been killing about 19 people a year, because of the absence of that turnoff. And I still don't know yet today if they have been able to mitigate two and a half acres of swamp in order to save 19 lives, and I don't expect you to know that specific either. But I would just hope that if it is not within your purview, I would just hope that you wouldn't pass the opportunity to at least put an asterisk at the bottom of a page, and say exactly what could be done or should be done. No matter how many more seatbelts we put in cars, or airbags we put in cars, or how wider we make the track on a vehicle, unless they are running across a safe highway, and safe as they can possibly be, it is not

going to make any difference what we mandate from Detroit, if we are not mandating the same things, as far as the streamlining process that we were promised in the past.

So I would just mention that, and I hope, if you get the opportunity, that you could add to—the idea that no matter how safe we make these vehicles, if our highways aren't also enjoying the maximum amount of attention for their safety, it is not going to make any difference. That is just a final statement. I don't expect you to respond.

Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. STEARNS. I thank my colleague. Ms. Baldwin.

Ms. BALDWIN. Thank you, Mr. Chairman. I want to follow up on two matters that our ranking member, Mr. Dingell, referred to quickly, and just ask a little bit further on those. In your written testimony, I was interested in your references to hydrogen-powered vehicles, and pleased that there are plans to make this a priority area for safety research, and I wondered if you could provide some more detail regarding the timeline for this research, when you would expect any rulemaking process to occur, and whether you have sufficient statutory authority to pursue this research and rulemaking.

Mr. RUNGE. Thank you. With respect to your last question, yes, we do have the statutory authority. We have not had the appropriation to do specific testing for hydrogen yet. However, we have, you know, it is funny how this happens in the Federal Government, we have found some money to begin research into hydrogen fuel safety systems. You know, the idea here is, is that the—that we hear from Europe and from the manufacturers here that there is a lot of component testing going on, and you know, 10,000 PSI tanks, 8,000 PSI tanks, they don't leak and so forth. But we are not going to be happy until we do a test of the full fuel system. We don't know exactly what the effects of a 1,500 degree invisible flame will do to a vehicle or its occupants, but we need to find out.

We already have test fleets that are on the roads of this country right now, and frankly, we are behind. So we intend to do full vehicle testing at some point, particularly crash testing, but it will depend upon the availability of vehicles, and there are so few right now, and they are so expensive that we don't think that is practical. So we are going to continue to look at the fuel delivery, both the low pressure and the high pressure side, and try to get some science behind what might turn into a future regulation.

Ms. BALDWIN. On, I guess a related matter, you noted in your testimony that the Secretary of Transportation should be authorized to—quoting, authorized to participate and cooperate in international activities to enhance motor vehicle and traffic safety. Should I take from that that under current law, the Secretary is not permitted to engage in such discussions?

Mr. RUNGE. There are two things that happen internationally. One is vehicle regulatory harmonization, and for that, we do have the authority, and we are—we have a very active program of harmonized research and harmonized rulemaking. When I found out about this, and I was educated on it when I first got here in 2001, I suggested that, since nothing had really happened on the 1998 agreement, which is when this agreement was signed in Geneva,

that perhaps we should set a deadline of November 2004 for a global technical regulation, and we, in fact, didn't meet that on a subject which is door locks and retention systems, which is part of our rollover injury prevention plan. So that is one side, and it is working, it is slow, as international negotiations are, but it does work.

The other place, though, that is much more, I think, important to the Secretary, and frankly, where the fruit is much lower hanging, is in the area of human factor vehicle safety worldwide. And worldwide, we lost over a million people, and that is a conservative estimate, because we just have to use estimates. We don't have data collection systems in many developing countries. But as countries motorize, which is the second thing they do after they get money. The first is telecommunications. Then, they start transportation. And the easiest way for them to enhance their transportation is to buy vehicles, without the road infrastructure, without safety features, and so forth. So our intention is to participate with the World Health Organization, to follow along on a U.N. resolution which was passed in April of last year, to identify best practices, to allow economies in countries that are developing to try to stem the tide of traffic fatality in their countries. We are seeing huge problems in places like China and Thailand, and Indonesia, and all across Africa and Latin America, where just the basics of a central agency of government to help with this, or the use of safety belts, or impaired driving, or pedestrian—separating pedestrians from vehicles. All that is lacking. So this is part of the President's good neighbor policy. We would like to reach out to these nations, and to be able to provide technical assistance and best practices for them.

Ms. BALDWIN. Okay. One quick question. I am almost out of time, so maybe you can answer in writing later. You have talked about human factor. In my district, in Wisconsin, it is not unusual for accidents to be caused by the animal factor. I see white-tailed deer on the side of the road very frequently. Obviously, it can be very dangerous. What sort of extent of research do you have in that arena?

Mr. RUNGE. We have been party to testing of some of these things, like whistles, that don't work. There are ideas about reflectors that scare deer, and you know, we are aware of these things, but it is a tough problem, you know. Once again, I think that we are sort of faced with treating the animal like any other obstruction that you might get, whether it is a tree or a post or a guardrail, and that is, is to buckle up and drive sober, and control your speed. And unfortunately, these crashes are going to occur, and we really don't have a method to keep those animals away from the roadway.

Mr. STEARNS. The gentlelady's time has expired. The gentlelady from Tennessee, Ms. Blackburn.

Ms. BLACKBURN. Thank you, Mr. Chairman. And I want to thank you for your well prepared and timely delivered testimony, that allows us to kind of work ahead. I will have to tell you, before coming to Congress, I was in the State Senate in Tennessee, and part of the leadership team on our Transportation Committee in the State, so was familiar with reading your rules, the regulations, the memos that came down. So it is nice to visit with you.

Ms. Baldwin was talking a little bit about human error, and I find it so interesting, you know. In your testimony, you were talking about 90 percent of the crashes, and the human error factor there. And I want to talk with you about three quick points, stability control, and the benefits of that technology. In your testimony, I think you said it is 61 percent of the vehicles now are—have the technology. Is that correct?

Mr. RUNGE. I don't think that is correct, and I don't have the number, but it is much smaller than that.

Ms. BLACKBURN. Much smaller than that.

Mr. RUNGE. I am sure that Mr. Webber may be able to fill in that hole for you.

Ms. BLACKBURN. Okay. So you are not sure of the exact number of cars. In a situation like the stability control, it seems that the market and the consumers' desire for safe cars is pushing the technology forward in the vehicles, and is the market driving that, or is—are you all, with forced regulation, driving the desire for that, and what do you see as your participation in that component?

Mr. RUNGE. I suspect—well, I don't suspect—I know for a fact that many vehicles on the road do have electronic stability control, but they are mostly at the higher end of the price spectrum. Some manufacturers have voluntarily agreed to put electronic stability control in all of their vehicles, namely GM, by 2009. I think that Toyota said in their truck fleet by 2007, and so forth. So it is spreading across the manufacturers. For anything that has this much efficacy, has a 63 percent reduction in SUV fatal crashes, or a 30 percent reduction in passenger car fatal crashes, this is the kind of cost effectiveness that is smart government for regulating. And we would want to level the playing field to ensure that everybody who buys a car has access to technologies that keep vehicles on the pavement.

Ms. BLACKBURN. Okay. And in that vein, getting that information out about safe cars with [safercar.gov](http://safercar.gov) website, what are your efforts on advertising that? How are you working with auto retailers and also the manufacturers on that effort?

Mr. RUNGE. We have a marketing plan, and I talk about it everywhere I go, you know. It is on this lapel pin I have got. It is everything that we do, we talk about [safercar.gov](http://safercar.gov). You know, bless their hearts, the folks at Lowe's Motor Speedway last month gave us a courtesy sponsorship for the Quaker State and Lube 200 brought to you by Click It or Ticket, and we talked about [safercar.gov](http://safercar.gov) for 4 hours. You know, it is—you know, we have a limited marketing budget, obviously, but you are exactly correct. Unless consumers avail themselves of the crash test ratings and the rollover ratings, it is very difficult to get the message out. So yesterday morning, I was on the evening news and the morning shows, talking about the new rollover ratings. You know, 4—3 years ago, there was one four star rollover rated SUV. Now, there are 24. So you know, the market is working. For whatever reason, the manufacturers are making vehicles that get better crash ratings, and I hope that, in fact, it is market forces at work, and not simply my bully pulpit.

Ms. BLACKBURN. Well, if you are blessing their hearts, you have got a little Southern in your soul, so you must know about driving some cars. All right. A couple more things before my time expires.

Looking at a couple of other components. When you are—the Senate bill has—requesting a final ruling July 1, 2008, on the side impact crash improvements. And then, also, power window switches by April 1, 2007. If these were removed, when would you expect to make your ruling on this?

Mr. RUNGE. With respect to side impact, we will beat that. We will leave it in the dust. With respect to power window switches, you know, we just finished a final rule in September that will require manufacturers to have switches that children cannot kneel on and roll the window up, which in our review of the death certificate data, is the problem. Now, there is a political—there is some political movement toward getting us to get rid of recessed rocker switches that a child's knee cannot contact, because they might stick their toe in somehow, and you know, lift it up, and entrap themselves, which we have never seen a case of. So this is a mandate that we don't think needs to be mandated. And you know, we will be happy to look at it again, as we have been looking at it before, but the problem is fixed. So if that goes away, the rule needs to go away as well.

Mr. STEARNS. The gentlelady's time has expired. And the gentleman from Massachusetts, Mr. Markey.

Mr. MARKEY. Thank you, Mr. Chairman, Dr. Runge. I respect your work, and I thank you for coming.

As you know, Doctor, I authored the original amendment to the TREAD Act, which directed NHTSA to draft and implement a new regulation that would require all motor vehicles to be equipped with a warning system that would alert motorists when a tire was significantly under-inflated.

Mr. RUNGE. I do have a vague recollection of that, Mr. Markey.

Mr. MARKEY. And, of course, the reason it is important is that when it is under-inflated, it could lead to de-treading of the tire, and what we saw in the Ford Firestone incident is that then causes accidents as the car goes off the road and kills the passengers. As you know, there is a lawsuit that has been filed by the tire industry and Public Citizen which raises several safety concerns.

Right now, we are here in June of 2005, on an amendment which I successfully authored back in 2000, which targeted the original implementation of this critical safety provision for 2002. The delay, in my view, not only has repercussions for consumer safety in the United States, but also represents a financial hit to the companies and manufacturers that have invested in this technology, and that have increased their production levels in anticipation of a launch this year.

My question to you is whether NHTSA has considered other potential avenues of action to address the concerns raised in the suit, instead of fighting it in court, and facing the specter of having to completely rewrite the regulations for a second time. And is there any way, any other way, to resolve this, other than through litigation at this point?

Mr. RUNGE. Mr. Markey, we believe that the rule that we finally arrived at, which as you well know, is very similar to the original rule that we wrote, which by the way, if that had gone through, all vehicles would have TPMSes in them now, and we wouldn't be having this conversation.

There is a real concern that if—that these—we don't want them to false alarm, and to become an annoyance, and relive 1974 all over again with safety belt buzzers and this sort of thing. Our engineers have done the best they can to make sure that they have a balance between TPMSes that will warn people when there is a safety problem and warn them when their tires are under-inflated to the point where they are really under-inflated but not a safety problem. They really believe that the margins that they have constructed around the compliance test are fully sufficient to correct the safety problem. And manufacturers, when they make these things, they will make them so that they alarm well before it gets to 25 percent under-inflation, but that is the area that we are going to run the compliance test on. We want to make sure that everyone does it at least by then. And there are some issues with, you know, whether it is—whether we let out 1 PSI or 2 PSI that are in a world of arcane engineering minutiae that we are going to be looking at very closely. And I think we will revisit some of those technical engineering issues, but I think they are very confident that they have solved the safety problem with this rule, and I hope that it will stand, and I hope the court will throw it out.

Mr. MARKEY. Will the vehicle manufacturers be required to still begin phasing in the tire pressure monitoring systems to their vehicle lines in October of this year, or will they be able to postpone it due to the lawsuit?

Mr. RUNGE. The final rule is the final rule, and they will still be required to phase them in October.

Mr. MARKEY. So beginning this October.

Mr. RUNGE. Yes.

Mr. MARKEY. And it will continue. Thank you. And you also, in the Wall Street Journal, recently said that you are going to do some new fuel economy standards that will save billions of gallons of gasoline, and it will still be fair to the industry. What is your timeframe for that overhaul?

Mr. RUNGE. We have a deadline for a final rule in April 1, 2006.

Mr. MARKEY. Have you consulted with the environmental community?

Mr. RUNGE. Yes, sir.

Mr. MARKEY. What details can you share with us?

Mr. RUNGE. None.

Mr. MARKEY. Are you considering the sort of weight-based CAFE standards approach that has one for SUVs, one for midsize, and one for lower?

Mr. RUNGE. Well, if you recall, the advance notice of proposed rulemaking, we ask for comment on attribute-based systems, and that is certainly part of our deliberation.

Mr. MARKEY. I would recommend to you that you not move with the different categories, that you keep the merged approach. I think otherwise, we are going to wind up with 50 percent of all people buying SUVs up in this higher category, and we are going to wind up with, unfortunately, lower fuel economy standards in totality. I think the goal has to be for us to improve the fuel economy standards. SUVs, and we learn it again in today's testimony, SUVs are huge gas guzzlers, which is an environmental and import problem for us. They are more likely, three and a half times more like-

ly, to kill people, as—in other cars, that we have learned, and they are also more likely to back over kids, and to kill them. So this is an area where, you know, SUVs are always looking for special treatment, that we have to avoid it. And I will just say that when I was—

Mr. STEARNS. The gentleman's time has expired. Mr.—Dr. Runge has to leave, and we have two other members—

Mr. MARKEY. Can I say—

Mr. STEARNS. [continuing] and—

Mr. MARKEY. Mr. Chairman, I have gone over less than any person thus far—

Mr. STEARNS. I know, and what happens is—

Mr. MARKEY. [continuing] including the chairman, the ranking members, and any of the other members.

Mr. STEARNS. I[continuing] but—in all deference to you, I have been in hearings where we have been generous, and I just, out of deference to the other members, if you don't mind, if you can sum up in the next 15 seconds.

Mr. MARKEY. I can do it in 15 seconds, and—

Mr. STEARNS. Okay.

Mr. MARKEY. [continuing] it will just be to—

Mr. STEARNS. Okay.

Mr. MARKEY. [continuing] say that I was run over by a car when I was 5 years old. This SUV issue is huge. I drove an ice cream truck working my way through college for every single summer for 100 days. When you back a truck out of a backyard, which is what I had, a huge ice cream truck, it is a magnet for kids. But I was the only person in the neighborhood or the city with that kind of a vehicle. We now have tens of millions of SUVs backing out of driveways every day, and kids are just there, and I had to go out a half a foot every time just to keep making sure I wasn't hitting anyone, so this is a huge issue. We have to deal with it, and—

Mr. STEARNS. The gentleman's time has expired.

Mr. MARKEY. Thank you.

Mr. STEARNS. And the gentleman from New Hampshire, Mr. Bass.

Mr. BASS. I will pass.

Mr. STEARNS. The gentleman from New Hampshire passes. Mr. Rogers.

Mr. ROGERS. I know you have to go. Thank you for being here just in 30 seconds. I understand you are going to Detroit. Great place in the world. Spend a lot of time there, spend money. Buy stuff while you are there, including a car.

One word of caution. There is some talk that you may go to a watered down version of TPMS. Let me just give you my strongest commendation not to do that. We have come a long way, when you are in a process of putting this thing out. And I hope it is soon, because this—the litigation is starting to kill the folks who are involved in this, and I think you know that. We need some resolution on this. Don't water it down. Have a great trip to Detroit. Come back with a CTS Cadillac built in Lansing, Michigan. Thank you.

Mr. STERNS. I thank my colleague. Dr. Runge, your patience in helping us by changing your travel plans is appreciated, and with that, we will conclude the first panel, and now, we will move to the



second panel, but before we do, as I mentioned earlier, we will have opening statements from members who wish to put their opening statements in the record, or to give them. At this point, is there any member who would like to give an opening statement who has not given one?

The gentleman from Massachusetts is recognized.

Mr. MARKEY. Thank you, Mr. Chairman, very much.

As I was saying, when I was driving my ice cream truck, that it really was like an attractive nuisance, okay. And I realize that, you know, because you could not see little kids. You just couldn't. And of course, I was especially sensitive, because an ice cream truck is a huge electromagnet of ice cream that draws kids from streets away.

And we now live in a world where, unlike automobiles, where you can see out the back window, and you can see who's there, you just can't. And we need to have some mechanism here by which we deal with this very real problem that exists in this SUV era. And of course, we are going to wind up with a situation where SUVs are not going to be purchased as much as they have been in the past, because the price of gasoline is just skyrocketing. We are up to \$60 per barrel now. Many people believe that OPEC is targeting \$70 or \$80 a barrel over the next year or 2. So we are going to see a change in behavioral patterns. They are testing as a Nation to see how far we will go before we will revolt. We obviously haven't revolted yet, but when General Motors is at junk bond status, and Ford is at junk bond status, you have a real problem in our country, and so you are going to see a shift, somewhat, in the consumer purchasing habits. But nonetheless, we will still have SUVs as a big part of our marketplace, and these issues, especially the issue that was mentioned earlier, where if you are in a passenger car, you are three and a half times more likely to die in a crash with a regular—with an SUV. An SUV passenger is three and a half times more likely to survive than a passenger vehicle in a regular automobile. There is a big issue, especially if people start to buy Priuses and other cars that are being manufactured by Toyota and Nissan and other manufacturers.

So as people now say, I am—that they are going to respond to the high price of gasoline, they buy smaller cars. The SUVs are out there, still in gas guzzlers, and in the crash, you are going to have thousands of people who die because we are not building in the proper kinds of protections for these people. So we have the greatest responsibility here, Mr. Chairman. We can save more lives on this committee than just about any other place in Congress or America. But we have to be cognizant of it. People are going to be moving back to smaller cars. They are going to be vulnerable. The SUVs will kill them, and we need to have a discussion about it. Because the automotive manufacturers, especially the American automotive manufacturers, have not provided a safe alternative to the SUV at this point. So it is a big discussion. This is the committee, this is the place. We have the greatest responsibility as Americans are being put in jeopardy, especially as the price of gasoline pushes people toward these smaller vehicles.

I yield back.

Mr. STEARNS. I thank the gentleman.

[Additional statements submitted for the record follow:]

PREPARED STATEMENT OF HON. BARBARA CUBIN, A REPRESENTATIVE IN CONGRESS  
FROM THE STATE OF WYOMING

Thank you, Mr. Chairman.

The American consumer approaches any and all goods and services with expectations of quality. When approaching motor vehicles, one of the highest consumer expectations is occupant safety features, only natural given the high incidence of crash-related injury and death on our nation's roads and highways.

The subject of today's hearing is how effective the National Highway Traffic Safety Administration (NHTSA) has been in protecting consumers from unreasonable risk of death and injury. We are light-years ahead of where we were two decades ago in terms of vehicle and occupant safety. But as fatality rates decrease, so too have consumer expectations increased. Despite progress made, the United States still experiences tens of thousands of deaths and millions of injuries on an annual basis.

This hearing is especially timely given the NHTSA reauthorization language included in the Senate-passed Transportation bill. The language sets deadlines for the completion of rulemakings in relation to side impact crash protection, rollover prevention, door locks, and fuel economy labeling procedures, just to name a few.

We owe much of our progress in vehicle safety to technological advances spurred on by heightened consumer expectations. There is no denying we must continue considering practical and performance-based standards, but some of the testimony we will hear today will caution against costly and unproven federal mandates that hinder innovation, and in some cases, force manufacturers to make safety tradeoffs.

I look forward to the insight today's panel will provide regarding the viability of mandates contained in the Senate's NHTSA reauthorization package. I am hopeful we will also be able to explore alternative approaches to helping NHTSA achieve its consumer safety mission.

With that, I wish to thank Chairman Stearns for scheduling this important hearing. Mr. Chairman, I yield back the balance of my time.

PREPARED STATEMENT OF HON. GENE GREEN, A REPRESENTATIVE IN CONGRESS FROM  
THE STATE OF TEXAS

I'd like to thank Chairman Stearns and Ranking Member Schakowsky for holding this hearing today. I'd also like to thank our witnesses for being here today to discuss the important topic of highway safety.

The U.S. Department of Transportation indicates there were 42,800 highway deaths in 2004 and a staggering 3 million injuries due to traffic accidents. Unfortunately, on May 5th of this year, a good friend of mine, Joe Moreno was killed when he lost control of his truck and it rolled over several times. He was a state representative who represented a part of Houston in my congressional district and was on his way back to Austin for votes after having watched the Houston Rockets play in the play offs.

Too many of us have stories like the one I just told you. However, there are always many factors to consider when accidents occur. For example, in the past, it has been determined that faulty tires have resulted in serious accidents. Road conditions can change drastically with changing weather, and unfortunately, most traffic accidents involve human error, the most serious being driving while intoxicated.

A recent article in the Houston Chronicle reveals that Houston had 103,000 auto accidents with 215 fatalities reported to the Houston Police Department. This does not include figures involving the State Department of Public Safety or our county law enforcement officers who also respond to traffic accidents. As of early this month, Houston already had 100 fatalities for 2005. This issue is extremely important to our community.

The charges handed to the National Highway Traffic Safety Administration carry enormous weight to the public safety. This is why I'm grateful that industry has been working closely with the NHTSA to develop the best safety standards we can possibly have.

I support the provisions in the Senate version of HR 3. The standards set forth in this version of the bill address safety issues that often result in the most serious injuries such as roll overs, side impact collisions and occupant ejection prevention.

These provisions will set goals and will hopefully give the NHTSA the flexibility it needs to work with industry in bringing the best design and technology to implement these higher safety standards.

I would also like to note that I support any incentive the federal government can offer states to implement primary seat belt laws. I agree with many of our experts that getting people to use their seat belt is the quickest way to bring down the number of injuries and deaths on our highways.

I'd also like to see states have tougher enforcement on drunk driving laws. The fact remains that alcohol has been a factor in 40 percent of all traffic fatalities last year. Drinking and driving is still a problem in our country and we should find a way to address it.

I look forward to working with my colleagues as we try to get the best bill we possibly can for the public safety and for the auto industry.

Thank you Mr. Chairman. I yield the balance of my time.

Mr. STEARNS. Now, we will have panel No. 2. Please take your seats. Mr. Frederick Webber is present, of Alliance of Automobile Manufacturers. Mr. Brian O'Neill is President of Insurance Institute for Highway Safety. Ms. Susan Pikrallidas, Vice President of Public Affairs, AAA. And Ms. Janette Fennell, President of Kids and Cars.

Mr. Webber, we will start with your opening statement, and welcome to all of you.

Mr. WEBBER. Thank you, Mr. Chairman, and good morning.

Mr. STEARNS. Good morning.

**STATEMENTS OF FREDERICK L. WEBBER, PRESIDENT, ALLIANCE OF AUTOMOBILE MANUFACTURERS; BRIAN O'NEILL, PRESIDENT, INSURANCE INSTITUTE FOR HIGHWAY SAFETY; SUSAN PIKRALLIDAS, VICE PRESIDENT OF PUBLIC AFFAIRS, AAA; AND JANETTE E. FENNEL, PRESIDENT, KIDS AND CARS**

Mr. WEBBER. My name is Fred Webber, and I am President of and CEO of the Alliance of Automobile Manufacturers. I am pleased to be afforded the opportunity to offer the views of the Alliance at this important hearing.

Product safety is an area in which manufacturers compete and seek competitive advantage. I think you coined this phrase, Mr. Chairman, some time back when you said safety sells, and manufacturers are leveraging their safety performance and equipment in efforts to distinguish their products from competitors. According to the J. D. Power and Associates 2002 U.S. Automotive Emerging Technologies study, nine of the top 10 features most desired today by consumers in their next new vehicle are designed to enhance vehicle or occupant safety. Manufacturers are responding to this increased consumer demand for safety across their entire product line.

For example, among 2005 models, 99 percent of new vehicles are available with antilock brakes, 51 percent are available with electronic stability control, 74 percent are equipped with safety belt pre-tensioners, 57 percent are equipped with rear, center, lap, shoulder safety belts, and 75 percent are available with side airbags with chest protection. But to get it right, engineering decisions and future product decisions must rely on good data. NHTSA's two key traffic crash data programs, the National Automotive Sampling System and the Fatality Analysis Reporting System, provide crucial information to safety planners and vehicle design engineers. The NASS program in particular has been chronically underfunded. On October 17, 2002, the Alliance and various other safety groups sent a letter to NHTSA Administrator Runge,

outlining the importance of sound crash and injury data. The Alliance emphasized the need for additional funds for NASS in order to evaluate the effectiveness of both behavioral and vehicular safety measures.

Consistent with the need for more real world data, Alliance members have voluntarily installed event data recorders in their vehicles. EDRs provide improved data to assist safety researchers, auto engineers, government researchers, and trauma doctors in their work. EDRs can improve our collective understanding of crash events, and lead to improvements in vehicle safety systems. Recording certain data elements in the moments just prior to and during a crash can contribute to the breadth and reliability of the crash data already gathered by State and Federal Governments, and widely used by public and private entities to study and improve transportation safety. NHTSA and NTSB have noted the important safety benefits of EDRs.

During the 2005 State legislative session, 15 States considered legislation on EDRs. These bills either mandate that EDRs be in vehicles, require on-off switches, or control the use of EDRs, due to privacy concerns, a big issue. In 2004, NHTSA proposed a rulemaking for EDRs, and a final rule is expected by the end of this year. The Alliance believes that, indeed, there should be a uniform national policy on EDRs.

Turning to the Senate provisions on the highway bill, the Alliance supports the non-traffic incident data collection provisions in Section 7255. Currently, there is little real world data on the magnitude, contributing causes, and circumstances of off-road events such as back-over accidents or children being left unattended in vehicles. We need that data. If safety resources are able to get to the most bang for the buck, then we first need to understand the problems to ensure that technological solutions are both effective and an efficient use of scarce resources.

The Senate bill also mandates a number of major motor vehicle safety rulemakings. Some of these rulemakings already in process at NHTSA and consistent with its current safety priorities, you heard this from Administrator Runge already. As a matter of policy, however, while we support and participate in the rulemaking progress, we believe that any final rule, if appropriate, should be based on sound data, public comment, and examination of alternatives, consideration of economic consequences, and appropriate lead time.

By requiring that rules must be published, regardless of the public rulemaking record on that subject, the Senate bill's approach prejudices the outcome of the rulemaking process, and deprives NHTSA of its authority to make safety-related assessments and determinations of rulemaking priorities. We cannot support any requirement that final rules must be issued regardless of information provided to the agency through its public notice and comment process. The complexity of safety rulemakings requires that careful attention be accorded to the inherent tradeoffs associated with regulations. The rulemakings in the Senate bill require tradeoffs. One, whether stronger roofs might be—might result in a higher rate of rollover, because of added structure to the top of the vehicle, thereby raising its center of gravity, and increasing rollover risk, and

two, whether window treatments to reduce ejections for unbelted occupants could lead to increased head and neck injuries to belted occupants. These safety tradeoffs are not hypothetical situations or reasons not to act. Instead, they are real, complex issues that need to be addressed by experts. The expert agency established by the Congress to address these issues, NHTSA, should make regulatory decisions based on a sound public record, and not based on arbitrary deadlines or anecdotal-based solutions.

In closing, I would like to respectfully remind the committee that motor vehicle safety is a shared responsibility among government, consumers, and vehicle manufacturers. Auto manufacturers are more committed than ever to developing advanced safety technologies to reduce fatalities and injuries resulting from motor vehicle crashes. But as a Nation, we will never fully realize the potential benefits of vehicle safety technologies until we give vehicle occupants properly restrained and impaired drivers off the road.

[The prepared statement of Frederick L. Webber follows:]

PREPARED STATEMENT OF FRED WEBBER, PRESIDENT AND CEO, ALLIANCE OF  
AUTOMOBILE MANUFACTURERS

Thank you Mr. Chairman. My name is Fred Webber and I am President and CEO of the Alliance of Automobile Manufacturers. I am pleased to be afforded the opportunity to offer the views of the Alliance at this important hearing. The Alliance of Automobile Manufacturers (Alliance) is a trade association of nine car and light truck manufacturers including BMW Group, DaimlerChrysler, Ford Motor Company, General Motors, Mazda, Mitsubishi Motors, Porsche, Toyota and Volkswagen. One out of every 10 jobs in the U.S. is dependent on the automotive industry.

SIGNIFICANT PROGRESS HAS BEEN MADE TO REDUCE FATALITIES AND INJURIES FROM  
MOTOR VEHICLE CRASHES, BUT CHALLENGES REMAIN

Over the past 20 years, significant progress has been made in reducing the traffic fatality rate. In 1981, the number of fatalities per 100 million vehicle miles traveled stood at 3.17. By 2003, this rate had been driven down by 53 percent to 1.48 fatalities per 100 million vehicle miles traveled. The level of competitiveness among automakers, which key industry observers have described as "brutal," has helped to accelerate the introduction of safety features ahead of regulation, aiding in the progress made.

Safety is an area in which manufacturers compete and seek competitive advantage. Safety "sells" and manufacturers are leveraging their safety performance and equipment in efforts to distinguish their products from competitors. According to the J. D. Power and Associates 2002 U.S. Automotive Emerging Technologies study, nine of the top 10 features most desired by consumers in their next new vehicle are designed to enhance vehicle or occupant safety and manufacturers are responding to this increased consumer demand for safety across their entire product line.

Despite the progress made, however, data show that 42,643 people lost their lives on U.S. highways in 2003 and almost 2.9 million were injured. Tragically, 56 percent of vehicle occupants killed in crashes were not restrained by safety belts or child safety seats. Alcohol was a factor in 40 percent of all fatalities. This is unacceptable. As a nation, we simply must do better.

The Alliance and our members are constantly striving to enhance motor vehicle safety. And, we continue to make progress. Each new model year brings safety improvements in vehicles of all sizes and types. But, as the Government Accountability Office reaffirmed, vehicle factors contribute less often to crashes and their subsequent injuries than do human or roadway environmental factors.<sup>1</sup> We will never fully realize the potential benefits of vehicle safety technologies until we get vehicle occupants properly restrained and impaired drivers off the road.

<sup>1</sup>"Highway Safety—Research Continues on a Variety of Factors That Contribute to Motor Vehicle Crashes." United States Government Accountability Office, GAO-03-436, March 2003.

INCREASED SAFETY BELT USAGE AND PREVENTING IMPAIRED DRIVING ARE NECESSARY  
TODAY TO PREVENT NEEDLESS FATALITIES AND INJURIES

The single most effective way to reduce traffic fatalities and serious injuries in the short term is to increase the use of active occupant restraint systems, safety belts and child safety seats. Members of the Alliance have a long and proud record in supporting increased safety belt usage beginning in the mid 1980's with funding for Traffic Safety Now, a safety belt advocacy group lobbying state governments for the passage of mandatory safety belt use laws, to participation in and funding of the Air Bag & Seat Belt Safety Campaign (Campaign). The Campaign is housed in the National Safety Council and principally funded by the voluntary contributions of motor vehicle manufacturers. The effectiveness of the Campaign is reflected in the increase in belt use from 61 percent, when the Campaign was formed in 1996, to today, with belt use at 80 percent.

This 19 percentage point increase in belt use is largely due to high visibility enforcement Mobilizations coordinated by the Campaign in cooperation with the National Highway Traffic Safety Administration (NHTSA), state highway safety offices and law enforcement agencies in all fifty states. Recently, the largest Mobilization ever was conducted with 12,243 law enforcement agencies providing stepped up enforcement and close to \$26 million in paid advertising to augment the enforcement effort. Funding for the enforcement ads, both national and state, comes from funds earmarked by Congress for this purpose. We believe that it is important for Congress to continue to provide this funding.

Primary enforcement safety belt use laws are significantly correlated with higher safety belt usage levels. States with primary enforcement laws have average safety belt usage rates approximately 11 percentage points higher than states having secondary enforcement laws. Currently, only 22 states and the District of Columbia have primary safety belt laws. While the Campaign, through its lobbying efforts, has contributed to primary enforcement legislation being enacted in several states, further progress has been difficult to achieve. The Administration has requested significant funding for incentives to states passing primary enforcement laws. These incentives are part of the Senate-passed highway bill and the Alliance strongly supports this provision. See Attachment 1. This proposal has merit and should be approved by Congress.

Impaired driving is also a significant highway safety problem. While substantial progress in reducing impaired driving has been made in the last quarter century, more must be done to prevent these needless tragedies. Repeat offenders are disproportionately involved in fatal crashes. The Senate-passed bill contains a provision that updates the Section 164 Repeat Offender program, consistent with current research. It aims to provide more effective treatments to High-BAC drivers (drivers with a blood alcohol concentration (BAC) level of 0.15 or higher, which is almost twice the legal limit of 0.08) and repeat offenders. High-BAC drivers are involved in some 60% of alcohol-related highway fatalities. The Alliance strongly supports this provision and it should be approved by Congress. See Attachment 2. In addition to the priority areas of increasing safety belt use and reducing impaired driving, Congress needs to provide adequate funding for the Section 402 State and Community Highway Safety Program.

ALLIANCE MEMBERS ARE AGGRESSIVELY PURSUING SAFETY ADVANCEMENTS,  
COLLECTIVELY AND INDIVIDUALLY

Advancing motor vehicle safety remains a significant public health challenge—one that automakers are addressing daily, both individually and collectively. Alliance members make huge investments in safer vehicle design and technology. Manufacturers not only meet, but also exceed motor vehicle safety standards in every global market in which vehicles are sold. Manufacturers alone, not as a result of any regulatory mandate, implemented many safety features currently available on motor vehicles in the U.S. Those who claim that vehicle safety will not be advanced in the absence of regulatory requirements are living in the past and are not paying attention to today's market place. A partial list of voluntarily installed advanced safety devices without or prior to regulation is attached. See Attachment 3.

The Alliance is pursuing a number of initiatives to enhance safety. We have redoubled and unified our activities to collectively address light truck-to-car collision compatibility. On February 11-12, 2003, the Alliance and the Insurance Institute for Highway Safety (IIHS) sponsored an international meeting on enhancing vehicle-to-vehicle crash compatibility. On February 13, 2003, the Alliance and IIHS sent NHTSA Administrator Dr. Jeffrey Runge a letter summarizing the results of this meeting, and indicating the industry planned to develop recommendations that auto companies could take to enhance crash compatibility.

Ten months later, on December 2, 2003, we delivered to NHTSA a multi-phase plan for enhancing the crash compatibility of passenger cars and light trucks. This plan was developed by an international group of safety experts. At the same time, we also delivered to NHTSA a commitment made on behalf of the world's automakers to begin to design cars and trucks according to the performance criteria specified in the group of experts' plan. This commitment will lead to significant improvements in the protection afforded to occupants in crashes. It is the most comprehensive voluntary safety initiative ever undertaken by automakers.

For the North American market, front-to-side crashes, where the striking vehicle is a light truck or SUV, represent a significant compatibility challenge. We are placing a high priority on enhancing the protection of occupants inside vehicles struck in the side by, among other things, enhancing head protection of occupants in struck vehicles. We expect our efforts to lead to effective counter-measures that auto manufacturers can incorporate in their vehicles. We are working on efforts intended to aid in the development of evaluation criteria that will be established to drive improvements in car side structures to reduce side impact intrusion and provide for additional absorption of crash energy.

With regard to front-to-front crashes, our initial plan focuses on specific recommendations to enhance alignment of front-end energy absorbing structures of vehicles. Manufacturers have been working to improve this architectural feature by modifying truck frames. The voluntary standard will govern structural alignment for the entire light-duty vehicle fleet and provide for an industry wide initiative. In addition, we are developing test procedures that could lead to more comprehensive approaches to measuring and controlling these crash forces. These efforts to develop voluntary standards for crash compatibility, when combined with an industry commitment to design vehicles in accordance with them, is a model for voluntary industry action. These programs have proven to be very effective in bringing significant safety improvements into the fleet faster than has been historically possible through regulation. The voluntary standards process also has the flexibility to produce rapid modifications should the need arise.

The best way to illustrate the benefits for such an approach is to examine the development of the Recommended Procedures for Evaluating Occupant Injury Risk From Deploying Side Airbags finalized in August 2000. In response to concerns about potential injury risk to out-of-position (OOP) women and children from deploying side airbags, the Alliance, the Association of International Automobile Manufacturers (AIAM), the Automotive Occupant Restraints Council (AORC), and IIHS used a joint working group to develop test procedures with injury criteria and limits to ensure that the risk of injury to OOP occupants from deploying side airbags would be very limited.

After an intensive effort, the working group developed a draft set of test procedures. This draft was presented in a public meeting on June 22, 2000. Comments were collected and the finalized procedures were presented to NHTSA on August 8, 2000. Now, in model year 2005, 90 percent of side airbags have been designed in accordance with the August 8, 2000 Recommended Procedures. More importantly, the field performance of side air bags remains positive. These procedures and public commitment were also used by Transport Canada as the basis for a Memorandum of Understanding (MOU) between automobile manufacturers and the Canadian government.

Another Alliance initiative is assessing opportunities, to further reduce the frequency and consequences of rollover. Rollovers represent a significant safety challenge that warrants attention and action. Alliance efforts to reduce the frequency and consequences of rollover involve passenger cars as well as SUVs, vans, and pickup trucks. Our efforts include developing a handling test procedure or recommended practice that will focus on an assessment of the performance of electronic stability control systems and other advanced handling enhancement devices. A typical rollover is one in which the driver becomes inattentive or distracted, loses control of the vehicle, and then strikes something that trips the vehicle, causing it to roll. Electronic stability control systems are designed to help drivers to keep out of trouble in the first place. However, should a rollover occur, the Alliance is assessing opportunities to enhance rollover occupant protection, to determine the feasibility of developing test procedures to assess the performance of countermeasures designed to further reduce the risk of occupant ejection in rollover crashes, given the large numbers of occupants ejected in such events. Of course the most effective, simplest and least expensive means of reducing ejection is for occupants to wear safety belts. Safety belts are 75-80 percent effective in reducing ejections.

The most effective voluntary improvement in decades is electronic stability control. Electronic stability control (ESC) uses sensors to detect if a driver is about to lose control, and microprocessors automatically apply individual brakes and/or re-

duce engine power. Today, **51 percent** of 2005 models are available with ESC, up 11 percentage points from 2004, and up 44 percentage points from 2003. According to a NHTSA analysis, ESC showed a reduction in fatal rollover crashes of 63 percent in SUVs and 30 percent in cars. A similar analysis by IIHS also showed significant benefits—a 56 percent reduction in single vehicle fatal crashes and a 41 percent reduction in all single vehicle crashes. Stability controls, developed and installed voluntarily by industry, is highly effective in reducing crashes, especially those related to loss of control and subsequent rollover. See Attachment 4.

Alliance members are also individually pursuing initiatives to enhance motor vehicle safety. One such initiative that has received widespread support is the installation of vehicle-based technologies to encourage safety belt usage. Preliminary research on a system deployed in the United States by one Alliance member found a statistically significant 5 percentage point increase in safety belt use for drivers of vehicles equipped with that system compared with drivers of unequipped vehicles. NHTSA estimates that a single percentage point increase in safety belt use nationwide would result in an estimated 250 lives saved per year. Beginning in model year 2004, all members of the Alliance began deploying various vehicle-based technologies to increase safety belt use. The rollout of these technologies will continue over the next few model years.

COMPREHENSIVE AND CURRENT DATA ARE NECESSARY TO MAKE INSIGHTFUL AND  
SOUND PUBLIC POLICY DECISIONS

NHTSA's two key traffic crash database programs, the National Automotive Sampling System (NASS) and the Fatality Analysis Reporting System (FARS) provide crucial information to safety planners and vehicle design engineers. The NASS program, in particular, has been chronically under-funded. On October 17, 2002, the Alliance and various other safety groups sent a letter to NHTSA Administrator Dr. Jeffrey Runge outlining the importance of sound crash and injury data. The Alliance emphasized the need for additional funds for NASS in order to evaluate the effectiveness of both behavioral and vehicular safety measures. See Attachment 5.

The Administration has proposed substantial funding to upgrade state traffic records systems. Improved state record systems can help improve the quality of FARS data and assist states in establishing safety program priorities. The Alliance strongly supports upgrading state and federal crash data systems and urges Congress to provide appropriate levels of funding for them. The Alliance believes this funding is critical because NHTSA rulemakings must be data-driven, supported by scientifically sound evidence, and demonstrate the potential for cost-effective safety benefits without undesired side effects. We must ensure that our safety investments, from both government and industry are achieving the largest benefits possible.

The Alliance also sponsors a significant amount of safety research that is shared with the safety community. The Alliance is sponsoring a program to collect real-world crash data on the performance of depowered and advanced air bags at three sites around the U.S. (Dade County, Florida, Dallas County, Texas, and Chilton, Coosa, St. Clair, Talledega, and Shelby Counties in Alabama). This program adds valuable information about air bag performance to the extensive crash data already being collected by NHTSA through NASS. The Alliance is committed to funding this program that will run through this year. The current Alliance commitment for the advanced air bag research is \$4.5 million over 4 years. The Alliance project will observe all the NASS data collection protocols so that the Alliance funded cases can be compared with, and evaluated consistently with, other cases in the NASS dataset.

Consistent with the need for more real world data, Alliance members have voluntarily installed Event Data Recorders (EDRs) in their vehicles. EDRs provide improved data to assist safety researchers, auto engineers, government researchers and trauma doctors in their work. EDRs can improve our collective understanding of crash events and lead to improvements in vehicle safety systems. Recording certain data elements in the moments just prior to and during a crash can contribute to the breadth and reliability of the crash data already gathered by state and federal governments and widely used by public and private entities to study and improve transportation safety. NHTSA and NTSB have noted the important safety benefits of EDRs. See Attachment 6.

During the 2005 state legislative session, 15 states have introduced bills on EDRs. These bills either mandate EDRs be in vehicles, require on/off switches, or control the use of EDRs due to privacy concerns. In 2004, NHTSA proposed a rulemaking for EDRs and a final rule is anticipated by the end of this year. The Alliance believes there is a need for a uniform national policy on EDRs.



## HIGHWAY AND MOTOR VEHICLE SAFETY PROVISIONS IN THE SENATE BILL

In addition to adequate funding for NASS, the Alliance believes it important for NHTSA to have the resources necessary to conduct a comprehensive study of crash causation similar to the multi year "Indiana Tri-Level Study" that was completed 25 years ago. Researchers at Indiana University Bloomington's Institute for Research in Public Safety conducted the Tri-Level Study of the Causes of Traffic Accidents from 1972 through 1977. According to NHTSA officials, the Indiana Tri-Level Study has been the only study in the last 30 years to collect in-depth, on-scene crash causation data. NHTSA relies on it today because other NHTSA data is collected from police crash reports or collected days or weeks after the crash, making it difficult to obtain causation data. Significant advancements in vehicle safety technology and design have occurred since then, making this study obsolete as a basis for regulatory decisions.

Therefore, the Alliance strongly supported the National Highway Traffic Safety Administration's FY 2006 budget request for \$10 million, so that NHTSA can effectively update their crash causation data. An updated study would help guide and enlighten public policy aimed at reducing the frequency of traffic crashes, injuries, and fatalities. This is a crucial step toward improving the quality of data available to inform sound regulatory decision-making at NHTSA.

The Alliance supports the nontraffic incident data collection provisions in the Senate bill (Section 7255). Currently, there is little real world data on the magnitude, contributing causes, and circumstances of off-road events such as back over accidents or children being left unattended in vehicles. If safety resources are to be able to get "the most bang for the buck" then we first need to understand the problems to ensure that any technological solutions are both effective and an efficient use of limited resources.

The provision in the Senate bill (Section 7257) on Automobile Information Disclosure requires vehicle window labels include information about safety ratings assigned and formally published or released by NHTSA as part of the New Car Assessment Program (NCAP). The Alliance supports meaningful consumer information and will work through the rulemaking process to encourage a satisfactory outcome.

## THE NHTSA MANDATED RULEMAKINGS IN THE SENATE PASSED HIGHWAY BILL PREJUDGE THE RULEMAKING PROCESS

The NHTSA reauthorization provisions in the Senate passed bill would mandate a number of major motor vehicle safety rulemakings. Some of these rulemakings are already in process at NHTSA and consistent with their current safety priorities. As a matter of policy, however, while we support and participate in the rulemaking process, however, as a matter of policy, we believe that any final rule, if appropriate, should be based on sound data, public comment, an examination of alternatives, consideration of economic consequences and provide appropriate lead-time. By requiring that rules must be published, regardless of the public rulemaking record on that subject, the Senate bill's approach prejudices the outcome of the rulemaking process and deprives NHTSA its authority to make safety related assessments and determinations of rulemaking priorities. Thus, we cannot support any mandate requiring that final rules must be issued, regardless of information provided to the agency through its public notice and comment process. There is no need for the Congress to order NHTSA to both short-circuit its own governing legislation regarding the criteria for establishing rules as well as the requirements in the Administrative Procedures Act regarding responding to public comments.

The complexity of safety rulemakings requires that careful attention be accorded to the inherent tradeoffs associated with regulations. In the past, we have seen tradeoffs among adult high-speed protection in frontal crashes and associated harm to children and others in low-speed crashes. The March 6, 2004 IIHS Status Report, notes that the 1997 rule issued by NHTSA that allowed manufacturers to produce "depowered" air bags was the right decision then and still is now. In designing occupant restraint systems, manufacturers must carefully balance high-speed and lower-speed protection, protection for belted vs. unbelted occupants, and protection for large adults and smaller adults and children. All involve safety tradeoffs.

Another tradeoff acknowledged by the National Academy of Sciences, and others, have pointed out the significant increase in highway casualties that resulted from the downsizing and downweighting of vehicles in the late 1970s and early 1980s as a result of the need to rapidly increase fuel economy. Further, the rulemakings in the Senate bill require NHTSA to make additional tradeoffs for example, (1) whether stronger roofs might result in a higher rate of rollover because of added structure to the top of the vehicle, thereby raising its center of gravity and increasing rollover risk and (2) whether window treatments to reduce ejections for unbelted occupants

could lead to increased head and neck injuries to belted occupants. These safety tradeoffs are not hypothetical situations or reasons not to act. Instead, they are real complex issues that need to be addressed by experts. The “expert” agency established by the Congress to address these issues—NHTSA—should make regulatory decisions based on a sound public record, and not based on arbitrary deadlines.

THE POTENTIAL BENEFITS OF VEHICLE SAFETY TECHNOLOGIES CAN NOT BE FULLY REALIZED UNTIL VEHICLE OCCUPANTS ARE PROPERLY RESTRAINED AND IMPAIRED DRIVERS ARE OFF THE ROAD

Motor vehicle safety is a shared responsibility among government, consumers and vehicle manufacturers. Auto manufacturers are more committed than ever to developing advanced safety technologies to reduce fatalities and injuries resulting from motor vehicle crashes. But as a nation, we will never fully realize the potential benefits of vehicle safety technologies until we get vehicle occupants properly restrained and impaired drivers off the road.

ATTACHMENT 1



May 3, 2005

The Honorable Ted Stevens  
522 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Stevens:

The Alliance of Automobile Manufacturers (Alliance) and the National Automobile Dealers Association (NADA) strongly support Section 216 of the Senate Commerce Committee's title in the surface transportation reauthorization legislation. This Section authorizes incentive grants to states that enact and enforce primary safety belt use laws.

Safety experts agree that increasing safety belt use is the single most effective short-term way to reduce fatalities and serious injuries. The National Highway Traffic Safety Administration (NHTSA) estimates that for every percentage point that safety belt use increases, 250 lives would be saved each year. Yet twenty percent of all motor vehicle occupants still do not buckle up. And, young drivers, who are most likely to be involved in serious crashes, have substantially lower belt-use rates.

When states have strengthened their safety belt use laws to provide primary enforcement, safety belt use has increased by an average of 8 to 12 percentage points. The latest NHTSA observed usage survey found belt use to be 11 points higher in primary enforcement states than in states having secondary enforcement laws.

There are still 29 states in our Nation without a standard enforcement safety belt law that would enable police officers to enforce safety belt use alone. It is vitally important that more states upgrade secondary laws to primary. Virtually all traffic safety laws are primary, except secondary enforcement safety belt use laws.

\* The Alliance of Automobile Manufacturers (Alliance) is a trade association including BMW Group, DaimlerChrysler, Ford Motor Company, General Motors, Mazda, Mitsubishi Motors, Porsche, Toyota, and Volkswagen.

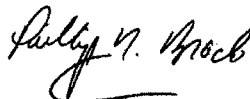
\*\* The National Automobile Dealers Association, founded in 1917, represents more than 20,000 new car and light truck dealers, with more than 43,000 franchises nationwide, both domestic and international.

Section 216 provides meaningful incentives for states to pass primary enforcement laws and this will foster additional support for primary enforcement in state legislatures. The Alliance and NADA believe that we will never fully realize the potential benefits of vehicle safety technologies until vehicle occupants are properly restrained and impaired drivers are off the road. We look forward to working with you in support of Section 216.

Sincerely,



Frederick L. Webber  
President & CEO  
Alliance of Automobile Manufacturers, Inc.



Phillip Brady  
President  
National Automobile Dealers Association

**ATTACHMENT 2**



June 15, 2005

The Honorable Frank Lautenberg  
324 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Lautenberg:

The Alliance of Automobile Manufacturers (Alliance) and its nine members strongly support Section 1403 of the Senate passed highway bill (H.R. 3). This provision would encourage states to enforce High-Risk Impaired Driver Laws and provide more effective treatments for high blood alcohol concentration (High-BAC) drivers and habitual offenders.

This Section is of critical importance today given that alcohol is a factor in 40 percent of all highway fatalities. According to the National Highway Traffic Safety Administration, in 2003:

- There were 17,013 alcohol-related highway fatalities.
- In about three-quarters of all alcohol-related crashes, the driver had a BAC of 0.08 or above.
- The average BAC of drunk drivers involved in fatal crashes was twice the legal limit of 0.08.
- More than two-thirds of drivers involved in fatal crashes with one or more previous DWI convictions had a positive BAC.

The Alliance believes that we will never fully realize the potential benefits of vehicle safety technologies until vehicle occupants are properly restrained and impaired drivers are off the road. Your legislation would reduce needless tragedies and goes a long way to making our roads and highways safer. We look forward to working with you in support of Section 1403.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Webber".

Frederick L. Webber  
President & CEO

**BMW Group • DaimlerChrysler • Ford Motor Company • General Motors  
Mazda • Mitsubishi Motors • Porsche • Toyota • Volkswagen**

## ATTACHMENT 3

**"VOLUNTARILY INSTALLED SAFETY DEVICES"**

A partial list of voluntarily installed advanced safety devices (w/o or prior to regulation)

**Crash Avoidance Advances**

Tire/suspension optimization  
 Automatic brake assist  
 Electronic stability controls to help drivers maintain vehicle control in emergency maneuvers  
 Anti-lock brakes  
 Traction control  
 Obstacle warning indicators  
 Active body control  
 Intelligent cruise control  
 Convenience controls on steering wheel to minimize driver distraction  
 Automatic obstacle detection for sliding doors on minivans  
 Head-up displays  
 Child-proof door locks  
 Automatic speed-sensitive door locks

**Vision**

Automatic dimming inside mirrors to reduce headlamp glare  
 Heated exterior mirrors for quick deicing  
 Rear defrost systems, wipers  
 Headlamp wiper/washers  
 Automatic-on headlamps  
 Automatic-on headlamps when wipers are used  
 Infinitely variable wiper (only 2 req'd by regulation)  
 Night vision enhancements  
 Advanced lighting systems  
 Right side mirrors

**Crashworthiness Advances**

Side air bags for chest protection  
 Side air bags for head protection that reduce ejection  
 Rollover triggered side/curtain air bags  
 Advanced air bags (e.g. dual stage inflators) several years in advance of regulatory requirements  
 Safety belt pre-tensioners  
 Rear center seat lap/shoulder belts  
 Load-limiting safety belts to reduce chest injuries  
 Improved belt warning indicators  
 Rear seat head restraints  
 Integrated child seats  
 Anti-whiplash seats  
 Breakaway mirrors for pedestrian protection

**Post Crash**

Automatic notification to emergency providers during air bag deployment



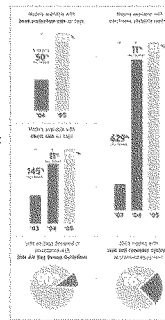
**AUTO ALLIANCE**  
DRIVING INNOVATION

**NEW GOVERNMENT DOCUMENT SHOWS AUTOS SAFER THAN EVER**

New 2005 model year passenger cars, pick-up trucks, sport utility vehicles, vans and minivans are safer than ever, with a higher percentage of vehicles offering the latest, most advanced safety technology the industry has ever developed, according to a new government report.

The National Highway Traffic Safety Administration's 2005 "Buying A Safer Car" publication reveals that:

- **75 percent** of 2005 models are available with head protection side air bags, up nearly 50 percent from 2004.
- **71 percent** of 2005 models are available with chest side air bags, up 11 percent from 2004, and up 145 percent from 2003.
- **90 percent** of side air bags available in 2005 have been designed in accordance with the automobile industry's rigorous Side Air Bag Design Guidelines.
- **51 percent** of 2005 models are available with electronic stability control, up 11 percent from 2004, and up 629 percent from 2003.
- **76 percent** of 2005 models have innovative seat belt reminder systems as standard equipment. Implementation of this innovative technology began with the 2004 model year.



"Consumers today have more choices available to them than ever when it comes to advanced automotive safety technology," said Robert Strassburger, vice president of vehicle safety and harmonization for the Alliance of Automobile Manufacturers. "Increased public awareness of safety features, rapidly advancing technologies and unprecedented industry-wide cooperation in the safety arena have made this all possible. And consumers are the ultimate beneficiaries."

[ PDF ] Complete fact sheet

## ATTACHMENT 5

October 17, 2002

The Honorable Jeffrey W. Runge, M.D.  
Administrator  
National Highway Traffic Safety Administration  
400 Seventh Street, S.W.  
Washington, D.C. 20590

RE: National Automotive Sampling System: Increased Funding

Dear Dr. Runge:

Sound crash and injury data are critical components needed for advanced vehicle safety design and for both initiating and evaluating countermeasures for improving highway safety. The National Highway Traffic Safety Administration's (NHTSA) Fatality Analysis Reporting System provides comprehensive data on people dying in motor vehicle crashes throughout the United States. These data have enjoyed widespread use in the evaluation of many motor vehicle safety countermeasures and their effectiveness in reducing motor vehicle death. NHTSA's National Automotive Sampling System Crashworthiness Data System (NASS/CDS) is an essential resource that provides the agency, researchers, vehicle manufacturers -- indeed the entire safety community -- with a detailed crash and injury causation database suitable for identifying traffic safety issues, establishing priorities, assisting in the design of future countermeasures and for evaluating existing countermeasures.

The NASS/CDS provides in-depth crash investigations of a representative sample of police-reported tow-away crashes throughout the United States, so data can be weighted to provide a nationwide estimate of crashes of all severities according to the severity of injuries. Furthermore, researchers can examine the detailed crash investigations in depth to learn about crash characteristics and injury causation focusing on subsets of the data. For example, such investigations have proven to be of critical importance in the understanding of airbag performance -- the conditions under which airbags save lives, but also when they contribute to occupant injury.

The application of sound science to improve traffic safety requires that real world data or field data be used wherever possible. The continuation of vehicle and highway safety improvements requires a solid factual basis. However, the essence of such investigations is timeliness. As the recent experience with frontal airbags has taught us, we need to understand as soon as possible how new vehicle technologies, such as airbags, are performing in the real world. And with new technologies being introduced at such a fast pace, it is now more important than ever to understand how these technologies are performing in the real world.

The agency's NASS/CDS database is one of the most comprehensive databases in the world to look in depth at the causes of motor vehicle injury. However, we are concerned that the budget for NASS has not kept pace with either the agency's informational needs or inflation. The NASS program has been constrained by either flat or reduced funding at a time when technological developments (e.g., advanced frontal and side air bags, telematics) and occupant behavior (from increased seat belt use to booster seat



installations) are changing. We believe it is important to ensure that NHTSA continues to have the ability to evaluate actual field performance on a national basis.

Therefore, NASS must have the resources necessary to collect high-quality, real-world data by conducting investigations at the full complement of sites that will provide statistically valid, nationally representative data on a timely basis. The NASS reorganization of the mid 1980's called for 36 Primary Sampling Units. Currently, NASS has the resources to conduct investigations at only 24 sites. The effectiveness of NASS has also been subject to inflationary increases in operating costs of about 3-5 percent per year, which have been offset by reducing field staff. This has resulted in fewer cases reported from the 24 sites.

From the original projections of 7000 cases annually, NASS has been reduced to providing only about 4500 cases annually across the spectrum of crash types and severities. The result is that there are often too few cases of serious injury to make an informed decision about the sources and mechanisms of injury in motor vehicle crashes (for example, in side impacts, or in crashes involving children) without having to include data from many years of data collection. This blunts our ability to look at current issues in real time. We believe NASS should be funded at a level that will restore NASS to its design scope to ensure critical "real-world" data can be collected at a sufficient number of sites to produce the statistically valid, nationally representative sample originally intended. Initially, the NASS design called for 50 active sites.

Thus, we believe it is critical that the proposed NHTSA fiscal year 2004 budget include a request to fully fund NASS, so that our ability to evaluate the effectiveness of both behavioral and vehicular safety measures is enhanced. We stand ready to support you in this most important endeavor.

Sincerely,

Josephine S. Cooper  
President and CEO  
Alliance of Automobile Manufacturers, Inc.

Phil Haseltine  
President  
Automotive Coalition for Traffic Safety

Timothy C. MacCarthy  
President and CEO  
Association of International Automobile  
Manufacturers, Inc.

Yvonne McBride  
President  
Governors Highway Safety Association

Heather Paul  
Executive Director  
National Safe Kids

Susan G. Pikrallidas  
Vice President of Public Affairs  
AAA

Charles A. Hurley  
Transportation Safety Group  
National Safety Council

Susan Ferguson  
Senior Vice President, Research  
Insurance Institute for Highway Safety

## AUTO ALLIANCE DRIVING INNOVATION

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### EVENT DATA RECORDERS: THE FACTS & BENEFITS

In today's complex technological world, **data drives safety like never before**. Event data recorders (EDRs) are now providing improved data to assist safety researchers, auto engineers, government researchers and trauma doctors in their work. EDRs can improve our collective understanding of crash events and lead to improvements in vehicle safety systems. Recording certain data elements in the moments just prior to and during a crash can contribute to the breadth and reliability of the crash data already gathered by state and federal governments and widely used by public and private entities to study and improve transportation safety.

In 2004, the National Highway Traffic Safety Administration (NHTSA) proposed a rulemaking for EDRs. This document presents the following: the facts about EDRs, the benefits of EDRs, and the Alliance's position on EDRs. Alliance members support providing consumer notification of EDRs, maintaining consumer rights to data, and national leadership on EDR issues.

#### EDR Basics

- **Data from EDRs on the performance of vehicles during crashes can help reduce fatalities and injuries.** The primary purpose of an EDR is to record a very limited amount of pertinent data for retrieval after a crash to assist in understanding how a vehicle's safety systems performed.
- **EDRs are integrated components of vehicle safety systems.** There is no EDR module in a vehicle; rather, it is a function integrated within one or more modules in the automobile. For example, the EDR that is part of the airbag sensing and diagnostic module (SDM) monitors airbag performance and other measures that can affect crash performance, including crash severity, engine speed, throttle position, braking and safety belt use.
- **EDRs are intended to record only crash-related data. EDRs may capture up to 10 seconds of pre-crash data and up to 300 milliseconds of data during an actual crash.** Once data are recorded in a crash where airbags deploy, generally the module containing the EDR and airbag control system must be replaced.
- **EDR data are accessed only with limits.** To access an EDR's data, first a crash must have occurred for the EDR to record. The vehicle's owner or lessee must grant consent to access the data. Police or court orders to access data may be issued in certain cases, typically those involving a fatal injury. Special equipment is required to access EDR data.

#### What an EDR is NOT

- **EDRs do not record data during 99.9% of driving.** EDRs do not record daily driving information. EDRs do not record conversations, driving habits, locations visited, outside conditions or driving times or dates. Vehicle speeds not related to crashes will not be stored in an EDR.

- **EDRs are not Flight Data Recorders (black boxes).** The only function of an aviation black box is to reconstruct the cause of a crash, so it records extensive and lengthy in-flight data, including cockpit audio conversations. Automotive EDRs are part of the vehicle's safety system that controls deployment of airbags and other restraint components and that also records a few seconds of data to assess the vehicle's safety performance.

#### **EDRs Provide Diverse Safety Benefits**

Automakers perform thousands of safety tests on their vehicles each year, and the government and groups like IIHS also perform crash tests that provide invaluable insights. However, EDRs provide additional valuable data on myriad real-world events. EDRs enhance auto safety by providing a better understanding of crash events and injuries, as these examples demonstrate:

**Regulatory Priorities:** Objective data from EDRs help improve the quality of NHTSA's databases (FARS, NASS) that form the basis for rulemaking. Often, these databases include subjective information from crash investigators. Real-world data can help regulators and automakers better address the top safety priorities.

**Safety Trends:** A large database of real-world performance can help identify safety trends, resulting in an accelerated deployment of emerging technologies for crash avoidance. For example, this database may identify possible defects for investigation or document that new technologies are producing dramatic real-world results.

**Medical Treatment:** More knowledge on the anatomy of a crash can help trauma centers treat patients better and quicker. Not all injuries are visible to the eye, but information on crash forces can lead doctors to look for internal injuries associated with certain types of crashes.

**Emergency Services:** When coupled with future Automatic Crash Notification systems, EDR data can help prioritize emergency response. Getting paramedics to crashes nine minutes sooner can save an estimated 1,000 to 3,000 lives per year. EDR data can also guide emergency dispatchers to send the most appropriate personnel and equipment to a crash site.

**Improved Vehicle Safety Performance:** Many variables are involved in a crash, and special crash investigators can spend weeks gathering information and assessing what occurred. This information is useful to auto safety engineers. EDRs can help show how an advanced airbag system responded to the weight of the person in the seat and whether an airbag inflated appropriately for the severity and for the angle of impact of the crash.

**Roadway Safety:** EDR data has the potential to help identify roadway circumstances requiring attention. If a series of crashes in a specified location demonstrate certain braking patterns, a surface or visual impediment may be identified by crash investigators.

#### **Safety Groups Support EDRs**

Safety groups support EDRs and agree that they capture data that can help enhance future safety.

In June 2004, the National Highway Traffic Safety Administration (NHTSA) noted in a proposal for rulemaking that: "The information collected by EDRs aids investigations of the causes of crashes and injuries, and makes it possible to better define and address safety problems. The information can be used to improve motor vehicle safety systems and standards. As the use and capabilities of EDRs increase, opportunities for additional safety benefits, especially with regard to emergency medical treatment, may become available."

Safety groups submitted comments to NHTSA regarding its proposed EDR rule, including these statements:

**The National Transportation Safety Board (NTSB):** "Effectively developing and establishing highway safety policy is depending on the availability of accurate information about accident causation. Accordingly, the Safety Board urges NHTSA to revise the Notice of Proposed Rulemaking to require that all vehicles with a GVWR of 10,000 pounds or less be equipped with an EDR and to provide vehicle manufacturers with mandatory data elements, as well as EDR and EDR data survivability standards."

**The Insurance Institute for Highway Safety (IIHS):** "The Institute supports NHTSA's efforts to try to ensure that fully functioning EDRs are standard features in passenger vehicles. Our understanding of motor vehicle crashes and the mechanisms of occupant injury could be greatly enhanced by the widespread availability of better information about crash severity and pre-crash vehicle activity."

**The American College of Emergency Physicians (ACEP):** "Everyday in emergency departments around the country, emergency physicians use basic crash information such as crash severity, restraint use, and direction of impact to make critical decisions about patient care. A minimal data set of data elements required for clinical and research applications should be captured by the EDR."

**Dr. Jeffrey Augenstein, director of the William Lehman Injury Research Center and a practicing trauma surgeon:** "The EDR technology offers the promise of providing valuable crash data that could save lives by identifying the crashes in which occupants are most likely to be injured, and even predicting the kind of injury to expect."

**The Children's Hospital of Philadelphia TraumaLink:** "We at TraumaLink applaud NHTSA for proposing to encourage the availability of EDR information for the purpose of improving the safety of the motoring public. EDRs can serve as a valuable tool as part of an in-depth field investigation, such as those conducted as part of our research program at TraumaLink. An accurate assessment of crash severity is an essential component in understanding the mechanisms of child injury and the development of appropriate countermeasures."

**AAA:** "Accessibility to the recorded information (in EDRs) is critical to crash investigators and the traffic safety research community."

#### **Balancing Safety and Privacy**

EDRs are a public safety matter, because EDRs advance safety for everyone on the road. At the same time, consideration should be given to consumer privacy concerns as the safety community is advancing auto safety.

Alliance members support these key points.

**Consumer Information:** The Alliance supports providing consumers with important information on their autos, including EDRs. Notification of the presence of EDRs is provided in the owner's manual, along with information on what data are collected, how the data is used and consumer ownership of data.

**Consumer Ownership of Data:** The Alliance advocates that data gathered by an EDR remains the sole property of the vehicle's owner or lessee, and the permission of the owner or lessee is required to access the data.

**Service Agreement Notification:** The Alliance supports requirements that subscription service providers notify their customers if crash-related information will be recorded and transmitted. Subscription services include Automatic Collision Notification.

**National Leadership:** The Alliance supports federal policy that would pre-empt inconsistent state or local laws. A federal policy would ensure that the benefits of EDRs are not jeopardized by an unnecessary patchwork of potentially conflicting state requirements. The Alliance has developed model legislation to ensure consistent laws.

Mr. STEARNS. I thank the gentleman. Mr. O'Neill.

**STATEMENT OF BRIAN O'NEILL**

Mr. O'NEILL. Thank you, Mr. Chairman, members of the committee. My name is Brian O'Neill. I am President of the Insurance Institute for Highway Safety, which is a nonprofit research and communications organization that identifies ways to reduce motor vehicle crash injuries, deaths, and property damage. I am here today to discuss various approaches to improving vehicle safety.

If we look at the history, there have been three periods of vehicle safety improvement. From the beginning of motorization into the 1960's, safety improvements were voluntary and limited. Crash protection features were rarely considered by the industry.

The second phase began in the 1960's, as government regulations started to require manufacturers to meet a comprehensive set of performance standards. Many of these standards for the first time addressed crash protection. Auto manufacturers did not welcome this regulation, but they accepted it as the only way many safety features would be adopted. Manufacturers of that time believed safety could not be sold, and safety advocates were convinced that Federal regulation was the only way to force automakers to develop new crash protection technologies such as airbags.

The third phase of safety improvements began with NHTSA's initiation of the New Car Assessment Program, under which vehicle crash tests are conducted with instrumented dummies to provide consumers with comparative safety information by make and model. Not long after this program was launched in the late 1970's and early 1980's, automakers began advertising their NCAP crash test results. They also began advertising availability of airbags. This marked an end to what has been almost—what had been the almost universal view that safety could not be sold.

Today, an abundance of independent information helps consumers factor safety into their vehicle purchase decisions. NHTSA's NCAP rates front, side crash protection and rollover propensity. We at the Institute rate vehicles' front, side, and rear crash protection. Manufacturers recognizing the power of this consumer information have responded by improving the safety performance of many of their vehicles. Examples are the improvements in frontal crash protection, especially the designs of vehicle safety cages and front-end crumple zones, that have been made in response to the Institute's program of offset crash tests. When various vehicle groups were first tested by the Institute, relatively few models earned good ratings, and many were rated by us as marginal or poor performers. In contrast, virtually all new passenger vehicles sold today now have good ratings in these tests. A few are acceptable, and a handful of older designs are still rated marginal, but not one single design in the marketplace today is rated as poor.

Similar improvements are being made in response to the Institute's more recently initiated side impact crashworthiness program. In April 2004, we released the first side impact ratings for 13 midsize cars. Among these, only two earned good ratings, one was acceptable, and the other 10 were rated poor. Following a second round of midsize tests earlier this year, just 1 year after the first tests, we now have nine midsize cars rated as good, four accept-

able, four marginal, and seven poor, and more improvements are on the way.

Auto manufacturers are responding to these programs because they recognize the power of the safety marketplace. There is no debate about whether safety sells cars any more. It does, and the manufacturers and their suppliers are voluntarily developing and installing new safety technologies. An example is side airbags that protect occupants' heads. This technology, which reduces driver fatality risk in side impacts by about 45 percent, was developed without regulation or even the threat of it, and now, they are well on their way to becoming standard equipment.

But there does continue to be an important place for Federal rulemaking to establish minimum safety levels for all new vehicles. One question that has been before this committee is who should establish NHTSA's rulemaking priorities. Should it be Congress, or should the agency set its own priorities? Ideally, NHTSA should have both the commitment and the technical expertise to set priorities and complete the rulemaking process by issuing standards. But history has been mixed in this regard. Few NHTSA Administrators have been knowledgeable about highway safety when they were appointed, so lags to accommodate learning frequently have slowed the agency's progress. Plus, the political leadership sometimes has been ideologically opposed to rulemaking.

I believe that NHTSA's present Administrator, Jeff Runge, is competent, knowledgeable, and committed. Therefore, I believe detailed Congressional dictates for new rulemaking are not needed this time. Any Congressional mandates that may be issued should be broad rather than specific. The goal should be to facilitate safety outcomes rather than to try to tell NHTSA in detail how to achieve those outcomes.

Today, automakers and their suppliers are developing a wide range of new technologies, including many features designed to prevent crashes, and in some cases, these are already being marketed. We have already heard today about electronic stability control, which the Institute and NHTSA studies show to be very effective in preventing single vehicle crashes. But other technologies beginning to be deployed and under development include lane departure warning systems, blind spot detection, night vision enhancement, adaptive cruise control with stop/go braking, run-flat tires. Still more features, such as brake boost assist, may prevent some crashes, and reduce the severity of others. Systems are also being developed to activate crash protection features before impacts begin.

Because of the slow pace of rulemaking, NHTSA can play only a limited role, as far as regulations are concerned, in getting this kind of technology in new cars. These new innovations pose challenges for NHTSA and the rest of the safety community. We do not have the equivalence of crash tests with instrumented dummies to assess the performance of these new technologies. In most cases, crash data bases do not provide sufficient and reliable information to assess the potential benefits that can be expected. We simply do not know how many crashes occur when drivers drift out of their travel lanes, for example. We do not know the extent to which suddenly deflating tires contribute to crashes, nor do we know how

drivers might respond to the various new technologies. The absence of reliable data about crash causation limits our ability to predict the potential benefits of many of these new technologies. NHTSA, the auto industry, its suppliers, and the safety community need to work together to develop better data and new methods to assess such technologies, so the most effective ones can be promoted.

Mr. STEARNS. Mr. O'Neill, I need you to sum up.

Mr. O'NEILL. I will, sir.

Today, vehicle safety is being improved through regulation, consumer information, and voluntary standards. This mix means that important safety improvements will be achieved much faster than when we relied solely on the slow and deliberative regulatory process. We must recognize today that we have options in addition to Federal regulations to achieve vehicle safety improvements.

Thank you, sir.

[The prepared statement of Brian O'Neill follows:]

PREPARED STATEMENT OF BRIAN O'NEILL, PRESIDENT, INSURANCE INSTITUTE FOR  
HIGHWAY SAFETY

The Insurance Institute for Highway Safety is a nonprofit research and communications organization that identifies ways to reduce motor vehicle crash deaths, injuries, and property damage. I am the Institute's president, and I am here to discuss various approaches to improving vehicle safety.

For a long time the belief was widespread that vehicle safety could not be sold. The only way to promote safety improvements was federal regulation. This view no longer prevails. Crash test programs conducted by the National Highway Traffic Safety Administration (NHTSA) and Insurance Institute for Highway Safety supply consumers with abundant information to help them factor safety into their vehicle purchase decisions. Manufacturers advertise safety because it is such an important factor in the marketplace. The manufacturers and their suppliers are not only responding to various consumer crash test programs but also developing new technologies to secure a competitive edge. These innovations are outpacing the deliberative federal rulemaking process.

Many of the new technologies are intended to prevent crashes. These pose a challenge for NHTSA and the larger safety community to develop better data and new methods to assess the potential benefits so the most effective technologies can be promoted.

**History of vehicle safety improvements**

There have been three periods of improvement. From the beginning of motorization into the 1960s, the improvements were voluntary and limited. Manufacturers improved crash avoidance features including brakes, lights, etc., but crash protection features rarely were considered.

The second phase of safety improvement began in the 1960s, as government regulations began requiring manufacturers to meet a comprehensive set of performance standards. Many of these standards addressed crash protection. Auto manufacturers did not welcome this regulation, but they accepted it as the only way many safety features would be adopted. The manufacturers believed safety could not be sold, and safety advocates were convinced that federal regulation was the only way to force automakers to develop new crash protection technologies such as airbags.

The third phase of safety improvement began with NHTSA's initiation of the New Car Assessment Program (NCAP), under which vehicle crash tests are conducted with instrumented dummies to provide consumers with comparative safety information by make and model. Not long after this program was launched in the late 1970s and early 1980s, some automakers began advertising airbags and, later, their vehicles' NCAP crash test results. This marked an end to what had been the almost universal view that safety could not be sold.

Today an abundance of information helps consumers factor safety into their vehicle purchase decisions. NHTSA's NCAP rates front and side crash protection and rollover propensity. We at the Insurance Institute for Highway Safety rate vehicles' front, side, and rear crash protection. Manufacturers recognize the power of this consumer information, and they have responded by dramatically improving the safety performance of their vehicles. Examples are the improvements in frontal crash

protection, especially the designs of vehicle safety cages and front-end crumple zones, that have been made in response to the Institute's program of offset crash tests. When the various vehicle groups first were tested, relatively few models earned good ratings. Many were marginal or poor. In contrast, virtually all passenger vehicles now earn good ratings in frontal offset crash tests. A few are acceptable, and a handful of older designs still are rated marginal. None is poor.

Tests of three Saab models illustrate this progress. The 1995 Saab 900's front-end structural design was very poor. It allowed major collapse of the occupant compartment in the offset test. The structure of the 1999 Saab 9-3 was somewhat improved, mainly in the foot region. There was less structural collapse. The 2003 9-3 was improved even more, so that this model now has excellent structural design.

Similar improvements are being made in response to the Institute's more recently initiated side impact crashworthiness program. In April 2004 we released the first side impact ratings for 13 midsize cars. Among these only 2 earned good ratings, 1 was acceptable, and the other 10 were rated poor. Following a second round of tests of midsize cars earlier this year, there now are 9 rated good, 4 acceptable, 4 marginal, and 7 poor.

Auto manufacturers are responding to these crashworthiness evaluation programs because they recognize the power of the safety marketplace. There is no debate about whether safety sells cars—it does—and the manufacturers and their suppliers are voluntarily developing and installing new safety technologies. An example is side airbags that protect occupants' heads. This technology, which reduces driver fatality risk in side impacts by about 45 percent, was developed without regulation or even the threat of it.

Side impact airbags initially were introduced in more expensive passenger vehicle models. Now they are well on the way to becoming standard equipment, in part because of the Institute's crashworthiness evaluations and in part because automakers are addressing the issue of the harm that SUVs and pickups inflict on car occupants, especially in side crashes.

As powerful as the safety marketplace is, it cannot fully address issues such as the harm that light trucks pose to car occupants. In February 2003 NHTSA Administrator Jeffrey Runge challenged automakers to address this issue. The response is an effort, led by the Institute and Alliance of Automobile Manufacturers, to develop voluntary standards to reduce the risks. To begin the process, experts from around the world presented the latest research on crash compatibility at a technical meeting convened in Washington, D.C. Then two groups of engineers and other technical experts from car companies and safety organizations began meeting weekly, one group addressing incompatibility in front-to-side impacts and the other addressing front-to-front crashes. Within months the working groups completed the first phase of their work, and all of the major automakers agreed to adopt the performance and design requirements developed by the two groups.

The requirements addressing front-to-side crashes will improve occupant head protection in such collisions. In effect, auto manufacturers have agreed that by September 2009 they will equip all of their new vehicles with side impact airbags that protect occupants' heads. To address incompatibility in front-to-front crashes, automakers agreed that by September 2009 all of their new pickups and SUVs will have front-end energy-absorbing structures that overlap the federally mandated bumper zone for cars. This is a necessary first step toward reducing the chances of override and underride, thus enhancing the ability of the front ends of both vehicles to absorb crash energy and keep damage away from the occupant compartments. In effect, this particular agreement sets geometric design restrictions for the front ends of SUVs and pickups—something that would be harder and more complicated to achieve through the NHTSA rulemaking process because federal motor vehicle safety standards must specify performance, not design, requirements.

This is not the end of the collaborative effort. In fact, it is more like the beginning. The current research phase is expected to lead to additional performance requirements addressing front-to-front crash compatibility. A series of barrier and vehicle-to-vehicle crash tests will be conducted to develop procedures to measure the distribution of crash forces across the front ends of vehicles. This should lead, in turn, to requirements that will match front-end forces in head-on crashes between cars and light trucks. Similarly, research planned for side impacts is expected to lead to performance criteria for body regions in addition to the head as well as evaluations of advanced dummies for use in side impact testing.

It should not be assumed that achieving these kinds of voluntary standards is an easy process. Virtually every major automaker participated in the compatibility meetings, and there were frequent disagreements. Exchanges sometimes became contentious as we negotiated our way through the collaborative process. To achieve



consensus we met frequently, conducted teleconferences, debated myriad options, and revisited thorny issues again and again.

We at the Institute signed on to this process knowing our credibility would be at stake if the outcomes of the collaboration turned out to be standards reflecting the lowest common denominators. So we were committed to making sure the process led to important safety improvements. I believe such improvements will happen, especially as the research phases of this initiative progress and we develop new knowledge about countermeasures to reduce crash incompatibilities.

#### **Establishing rulemaking priorities**

Although today we can address some vehicle safety issues on a voluntary basis, there continues to be an important place for federal rulemaking to establish minimum safety levels for all new vehicles. A question is, who should establish NHTSA's rulemaking priorities? Should it be Congress, or should the agency set its own priorities? Ideally NHTSA should have both the commitment and the technical expertise to set priorities and complete the rulemaking process by issuing standards. But history is mixed in this regard. Few NHTSA administrators have been knowledgeable about highway safety when they were appointed, so lags to accommodate learning frequently have slowed the agency's progress. Plus the political leadership sometimes has been ideologically opposed to rulemaking, which has further slowed progress toward vehicle safety improvements.

A good example involves the side impact protection rule. Federal Motor Vehicle Safety Standard (FMVSS) 214, first issued in 1970, was an adaptation of internal General Motors requirements for beams in car doors to resist intrusion. Somewhat later NHTSA conducted extensive research aimed at upgrading the standard to include crash testing with instrumented dummies. This research increased knowledge about vehicle performance in side impacts, but largely for political reasons NHTSA was not pursuing many new rules during the 1980s. Upgrading side impact requirements was put on hold. In November 1989 the newly appointed administrator, Jerry Curry, responded to what was by then strong political pressure to move forward with an upgrade, and he committed to do so early in his tenure. An upgraded rule was issued within a year of his arrival at NHTSA. Because of continuing technical controversy about the adequacy of the new side impact test dummy, Curry acknowledged when he issued the rule in October 1990 that it was not perfect. But adding that waiting for a perfect rule would only delay the timely establishment of a good rule, he said he expected the agency to pursue further upgrades as new research became available.

NHTSA recently issued a notice of proposed rulemaking to further upgrade FMVSS 214 by adding crash tests and test dummies. The new standard will, in effect, require head protection. In the meantime, the Institute's side impact crash-worthiness program and the voluntary agreement on front-to-side compatibility already are accelerating the installation of side airbags that protect people's heads. By the time any FMVSS 214 revisions can take effect, virtually all cars already will meet the new requirements. So in this case marketplace demands and voluntary standards will have superceded agency action.

As this example indicates, the rulemaking process has not always proceeded as expeditiously as it should. Sometimes this is because the agency's leadership has failed or because Congress has changed the agency's own priorities. I believe NHTSA's present administrator, Jeff Runge, is competent, knowledgeable, and committed. Therefore, I believe detailed Congressional dictates for new rulemaking are not needed at this time. Any Congressional mandates that may be issued should be broad rather than specific. The goal should be to facilitate safety outcomes rather than to tell NHTSA how to achieve those outcomes. And in all cases Congress should ensure that what it legislates NHTSA to undertake is feasible and based on sound science and adequate data.

#### **Challenge of new safety technologies**

Automakers and their suppliers are developing a wide range of new technologies, including many features designed to prevent crashes, and in some cases these already are being marketed. An example is electronic stability control, which NHTSA and Institute studies show to be effective in preventing single-vehicle crashes. Other examples include lane departure warning systems, blind spot detection, night vision enhancement, adaptive cruise control with stop-and-go braking, and run-flat tires. Still more features such as brake boost assist may prevent some crashes and reduce the severity of others. Systems also are being developed to activate crash protection features before impacts begin.

These innovations pose challenges for NHTSA and the rest of the safety community. We do not have the equivalents of crash tests with instrumented dummies to

assess the performance of the new technologies. In most cases crash databases do not provide sufficient and reliable information to assess the potential benefits that can be expected. We simply do not know how many crashes occur when drivers drift out of their travel lanes, for example. We do not know the extent to which suddenly deflating tires contribute to crashes. Nor do we know how drivers might respond to the various new technologies. The absence of reliable data about crash causation limits our ability to predict potential benefits of many of these new technologies. NHTSA, the auto industry, its suppliers, and the safety community need to work together to develop better data and new methods to assess such technologies so the most effective ones can be promoted.

**Conclusion: a range of complementary approaches**

Today vehicle safety is being improved through regulation, consumer information, and voluntary standards. This mix should mean that important safety improvements will be achieved much faster than when we relied solely on the slow and deliberative regulatory process. Federal standards set minimum levels of safety, but in some areas the manufacturers are designing vehicles substantially beyond these minimums to earn good ratings in consumer crash test programs. New safety technologies are being developed. But not every vehicle safety issue can be addressed in the marketplace. For example, it is hard to imagine consumers demanding vehicles that are less aggressive, or harmful, to people in other vehicles. So alternatives are needed. One such approach is for automakers to collaborate on voluntary safety standards. The main reason the Institute has signed on to collaborative approaches is that sometimes they can offer a faster track toward improvements than federal rulemaking would allow.

Voluntary approaches do not replace rulemaking, which is and will continue to be an important NHTSA function. While the agency need not address every issue with a standard, it should have in place a long-term program to review and upgrade—or in some cases to eliminate—its standards. If the agency adheres to such a course, there should be no need for Congressional dictates on rulemaking.

What is important to recognize is the range of options available today to achieve vehicle safety improvements. The wisest course is to proceed on a case-by-case basis, making full use of the most advantageous approach in any given situation.

Mr. STEARNS. Thank the gentleman. Ms. Pikrallidas, welcome.

**STATEMENT OF SUSAN PIKRALLIDAS**

Ms. PIKRALLIDAS. Thank you, Mr. Chairman. I am Susan Pikrallidas, and I am Vice President of Public Affairs for AAA.

The focus of this hearing is—has been on NHTSA's safety—the—I am sorry, the safety provisions in the transportation reauthorization bill. However, AAA was specifically requested to provide information to the committee on a consumer protection issue in the bill, and that is what I will be addressing my remarks to. I am referring to the requirement in Section 7260 that the Environmental Protection Agency, in consultation with NHTSA, revise the process used to determine fuel economy estimates for vehicle labeling purposes to reflect the actual mileage vehicles achieve under real world conditions.

The summer driving season is upon us. Next week, AAA will release its travel projections for the July 4 holiday weekend, and we expect Americans will be traveling in record numbers. Nevertheless, gasoline prices remain high, as we discussed earlier today, and with the cost of gasoline well over \$2 a gallon, the family travel budget is going to feel a pinch.

AAA members have asked us what they can do to conserve fuel. We provide a number of driving tips, vehicle maintenance suggestions, and other information to help them save money and conserve fuel. One suggestion relates to purchasing more fuel efficient vehicles. Unfortunately, new car buyers wishing to factor fuel economy into their purchasing decisions are short-changed by the informa-

tion they see on the window sticker. In too many case, they experience a different kind of sticker shock when they take their new car on the road.

Truth in advertising is what the Senate provision seeks to achieve, nothing more. AAA views this provision as a simple, straightforward directive to the Federal agency charged with administering test procedures that produce mileage ratings consumers see on the window stickers of their new cars. By EPA's own admission, existing procedures are outdated, and Agency officials agree that test procedures must be revised. Section 7260 of the Senate-passed transportation bill provides Congressional direction, so that EPA will do what it has said it should do, and that is to update their existing test procedures.

Why do we need this change? Mr. Chairman, consumers are misled when they read these mileage ratings on window stickers. They have every right to believe that the ratings produced by a federally mandated test accurately reflect what they will see once they drive the vehicle off the lot. Real world experience often produces a different reality than a laboratory test. EPA's fuel economy tests are 30 years old, and are out of step with current driving habits and traffic patterns. They do not take into account higher speed limits or the effects of driving on congested roads. Tests are run with the air conditioning system off, even though virtually every vehicle comes with air conditioning, and most drivers use it.

Mr. Chairman, experts from the Energy Information Administration have said EPA's current methods "may be inappropriate for evaluating vehicles used today," and the National Academy of Sciences' National Resource Council says "most drivers experience lower fuel economy than suggested by EPA's results." But the most persuasive evidence comes from consumers themselves, who are frustrated when the mileage they actually see is less than what they were led to believe when they bought their vehicles.

Over the last several months, considerable work has been done to craft a compromise provision that achieves objectives everyone supports without the additional costs of creating new tests. When this issue was raised on the House floor during debate on the energy bill, it was the concern that new tests would need to be created that derailed an amendment and the intent of what consumers were trying to achieve. Since then, AAA, along with other stakeholder groups, worked with majority and minority staffs in the Senate and reached agreement on the language that is now found in Section 7260 of the Senate transportation bill.

Truth in advertising can be achieved by utilizing existing EPA tests that are used for other purposes such as emissions testing. We believe that allowing EPA to use a combination of these existing tests, rather than the outmoded fuel economy labeling test, will achieve the desired results. EPA is not required to develop a completely new test. The language in the bill makes clear that EPA will be given the flexibility to "update and revise the process used to determine fuel economy for labeling purposes only," and can be adjusted for factors such as speed limits, acceleration rates, braking, variations in weather and temperature, vehicle load, use of A/C, driving patterns, and use of other fuel consuming factors.

Mr. Chairman, this approach was carefully crafted to meet the concerns of all parties, consumers and manufacturers. It is a win-win solution that will lead to consumers getting what they deserve, accurate information on which to make informed purchasing decisions.

We have only one last hurdle to cross. That is a decision on the part of House conferees to accept the Senate language in the transportation bill. A positive signal of support from this subcommittee will send the right signal to conferees and their consumer constituents.

Thank you, Mr. Chairman.

[The prepared statement of Susan Pikrallidas follows:]

PREPARED STATEMENT OF SUSAN PIKRALLIDAS, VICE PRESIDENT OF PUBLIC AFFAIRS,  
AAA

Mr. Chairman: my name is Susan Pikrallidas, and I am the Vice President of Public Affairs for AAA. On behalf of our association, thank you for the opportunity to discuss one small, but important provision in the Senate version of the transportation reauthorization bill. I am referring to the requirement in Section 7260 that the Environmental Protection Agency, in consultation with the National Highway Traffic Safety Administration, revise the process used to determine fuel economy estimates for vehicle labeling purposes to reflect the actual mileage vehicles achieve under "real world conditions."

The summer driving season is upon us. Next week AAA will release its travel projections for the July 4th holiday weekend, and we expect that Americans will be traveling in record numbers. Nevertheless, gasoline prices remain high. With the cost of gasoline well over \$2.00 a gallon, the family travel budget is going to feel a pinch.

AAA members have asked what they can do to conserve fuel during periods of high gas prices. We provide a number of driving tips, vehicle maintenance suggestions, and other information to help them save money and conserve fuel. One suggestion relates to purchasing more fuel efficient vehicles. Unfortunately, new car buyers wishing to factor fuel economy into their purchasing decisions are short-changed by the information they see on the window sticker. In too many cases, they experience a different kind of sticker shock when they take their new car on the road.

"Truth-in-advertising" is what the Senate provision seeks to achieve—nothing more! AAA views this provision as a simple, straight-forward directive to the federal agency charged with administering test procedures that produce the mileage ratings consumers see on the window stickers of new vehicles. By EPA's own admission, existing procedures are outdated, and agency officials agree that test procedures must be revised. Section 7260 of the Senate-passed transportation bill provides Congressional direction so that EPA will do what it has said it should do, and that is update their existing test procedures.

Why do we need this change? Mr. Chairman, consumers are misled when they read these mileage ratings on window stickers. They have every right to believe that ratings produced by a federally mandated test accurately reflect what they will see once they drive the vehicle off the lot. Real-world experience often produces a different reality than a laboratory test. EPA's fuel economy tests are 30 years old and are out of step with current driving habits and traffic patterns. They do not take into account higher speed limits or the effects of driving on congested roads. Tests are run with the air conditioning system off, even though virtually every car comes with A/C and most drivers use it.

Mr. Chairman: experts from the Energy Information Administration have said EPA's current methods "may be inappropriate for evaluating vehicles used today" and the National Academy of Sciences' National Resource Council says "most drivers experience lower fuel economy than suggested by EPA's results." But, the most persuasive evidence comes from consumers themselves who are frustrated when the mileage they actually see is less than what they were led to believe when they bought their vehicles.

Over the last several months, considerable work has been done to craft a compromise provision that achieves objectives that everyone supports without the additional costs of creating new tests. When this issue was raised on the floor of the House during debate on the energy bill, it was the concern that new tests would

need to be created that derailed an amendment and the intent of what consumers were trying to achieve. Since then AAA, along with other stakeholder groups, worked with Majority and Minority committee staff on the Senate side and reached agreement on the language that is now found in Section 7260 of the Senate transportation bill.

Truth-in-advertising can be achieved by utilizing existing EPA tests that are used for other purposes such as emissions testing. We believe that allowing EPA to use a combination of these existing tests, rather than the out-moded fuel economy labeling test will achieve the desired results. *EPA is not required to develop a completely new test.* The language in the bill makes clear that EPA will be given the flexibility to “update and revise the process used to determine fuel economy values *for labeling purposes only*”, and can be adjusted for factors such as speed limits, acceleration rates, braking, variations in weather and temperature, vehicle load, use of A/C, driving patterns, and use of other fuel consuming factors.

Mr. Chairman: this approach was carefully crafted to meet the concerns of all parties—consumers and manufacturers. It’s a win-win solution that will lead to consumers getting what they deserve: accurate information on which to make informed purchasing decisions.

We have only one last hurdle to cross: that is a decision on the part of House conferees to accept the Senate language in the transportation bill. A positive signal of support from this subcommittee will send the right signal to conferees and their consumer constituents.

Thank you, Mr. Chairman.

Mr. STEARNS. Thank the gentlelady, Ms. Fennell.

Ms. FENNELL. Thank you, Mr. Chairman. Is this on? Thank you—is that on?

Mr. STEARNS. You don’t have it on. There you go. Just push that button.

Ms. FENNELL. How is that?

Mr. STEARNS. That is good.

#### STATEMENT OF JANETTE E. FENNELL

Ms. FENNELL. Thank you, Mr. Chairman, and the committee, for holding this hearing, and inviting me to speak on behalf of Kids and Cars. I come here from a different perspective than the other panel members, as a mom, and as a person who has lived through a life-threatening situation where my family were kidnapped, locked in the trunk of a car. All this happened when we didn’t know what happened to our then 9 month old baby. So it is from that perspective that I have learned about these situations.

Mr. STEARNS. Your 9 month old daughter was locked in the trunk of the car?

Ms. FENNELL. No, my husband and I were locked in the trunk of the car.

Mr. STEARNS. You were locked in the trunk of the car.

Ms. FENNELL. Right. And during that kidnapping episode, we had no idea what our abductors had done then, during—

Mr. STEARNS. Okay.

Ms. FENNELL. [continuing] with our baby.

Mr. STEARNS. Okay.

Ms. FENNELL. But I am here today as a testament that we did survive, and it is because my family was so blessed that I have dedicated my entire life to try to make cars safer for people, but in particular, children.

Kids and Cars is a nonprofit organization, and we have tried to bring light to this issue of non-traffic, non-crash incidents. We collect data about children less than 14, but predominantly, what we

find, are these incidents are happening to children five and younger.

Dr. Runge spoke earlier about a situation where this data would not be easily assessed, and I am here to tell you that this information is available. When a child dies in the United States of America, a police report is written. What is the difference right now is that those reports, because the government has said they are not looking at non-traffic, non-crash incidents, are shredded and go away. The information is there. It is available through police reports, through child death review teams, and I would be more than happy to be a consultant, and teach them how to collect these data.

These type of incidents also are in NHTSA's jurisdiction, by their own admission. So that is very important. We are only asking them to do something that is already in their charter. The first thing I would like to do, because like I said, I am a mom, and I am very concerned about this, is talk about from the perspective of a child, just a little book we have put together, and the title of it is "Making Funny Pictures in the Driveway." It is a one page book. "Sally draws a funny face. Daddy begins to back up the car. Sally doesn't see Daddy. Daddy doesn't see Sally. The end." Sometimes, stories about kids and cars end badly. In the U.S., more than one—more than two children are backed over and killed every week in a driveway or parking lot. The CDC tells us that over 48 children are treated in emergency rooms every week, because they have been backed over by a vehicle. This is something we need immediate attention on. As I go home, and I turn on my computer and answer my phone, I will be dealing with two more families every week that have lost a child, and what really puts this in perspective, in over 70 percent of those incidents, it is a family member behind the wheel of the vehicle that kills that child.

The next provision has to do with not leaving children alone in cars. We need to collect that data. They are being left behind, because they are out of sight, out of mind. We talk about power window strangulations, and Dr. Runge talks about a rule, but the rule is not going to fix the problem. All they did was say that these dangerous rocker and toggle switches should be recessed. We need to ban them, and we need auto-reverse. Children never have to die, and it is not just children leaning out of windows. Other people activate power window switches, unbeknownst to the other person, and can very severely injured children and adults.

The other situation we deal with is vehicles set into motion. Again, we have another book for that, "Playing in Daddy's Car is Fun," and it is a one page book, and it just says: "Little Bobby presses many buttons. He pretends to drive. It is lots of fun. Then, the car begins to roll down the hill. The end." One would think that the voluntary standard of a brake shift interlock, which means that you have to have your foot on the brake before you can engage a car into gear would have taken place many years, because car manufacturers did it voluntarily. But that is one of the problems with a voluntary mandate, is not all cars have that. There are cars on the lot, 2005 vehicles, that have no brake shift interlock. Unfortunately, I get the calls, I find the stories where little children knock the car into gear, they become afraid, jump out, the car runs over

them, and they are killed. We really urge the House to enact the legislation, and address these safety issues.

There is also another bill, H.R. 2230, the Cameron Gulbransen Kids and Cars Safety Act, that would improve the power windows, that would help to remind people to bring infants with them. Our cars already tell us if we have left our keys in the ignition. They tell us if we have left our headlights on. What could be more important than leaving a little child behind? We need NHTSA to collect that data, and we want regular collection of the data, so we can really understand how large this problem is.

There was a voice earlier about the possibility of making this a separate bill. I urge you, please don't do this. We need these things to move forward, and we need this to move forward just as soon as possible. We understand human factors, but there are some things that our vehicles can do through vehicle design to help prevent these very preventable tragedies that are happening to children in particular. We can't wait any longer.

Kids and Cars urges the members of the House Energy and Commerce Committee to support enactment of the Senate motor vehicle safety provisions included in H.R. 3, and quickly pass H.R. 2230, the Cameron Gulbransen Kids and Cars Safety Act.

Thank you very much.

[The prepared statement of Janette E. Fennell follows:]

PREPARED STATEMENT OF JANETTE E. FENNEL, FOUNDER AND PRESIDENT, KIDS AND CARS

Mr. Chairman, my name is Janette Fennell and I am the founder and president of KIDS AND CARS, an organization dedicated to improving the safety of children in and around motor vehicles. I wish to thank you and the members of the Subcommittee on Commerce, Trade and Consumer Protection of the House Committee on Energy and Commerce for inviting me to appear before you today to testify on the important issue of child safety. I come before you today because there are a number of legislative measures that Congress can enact this summer that will save the lives of thousands of people, especially children, each year. KIDS AND CARS appreciates the opportunity to express our views on the reauthorization of the National Highway Traffic Safety Administration (NHTSA).

Motor vehicle crashes are the leading cause of death for children three years of age and older, and children are often victims of non-traffic, non-crash incidents as well. Children, especially young children, are unaware of the dangers that they can encounter each day in and around motor vehicles, even vehicles that are not moving. While it is the responsibility of parents and other adults to protect our children, many parents are themselves unaware of the risk presented by power windows or the simple act of backing the family car out of the driveway. These type of incidents are within NHTSA's jurisdiction as the agency itself admits, "NHTSA is also responsible for motor vehicle safety when there is not a crash or the event occurs off the public traffic way."<sup>1</sup>

KIDS AND CARS was founded in 1999 to address the often overlooked problem of nontraffic, noncrash incidents and focuses on dangers encountered by children in and around passenger vehicles. Children can be harmed when they are inside vehicles whether or not the engine is on and the vehicle is moving. We collect data involving children 14 years of age and younger, the majority of cases involve children under the age of 5. The Centers for Disease Control and Prevention (CDC) reported that over 9,100 children were treated in emergency rooms from July 2000 to June, 2001, due to nontraffic noncrash events.<sup>2</sup> This is a weekly average of 176 injuries per week, each and every week. Although some say that the issue of children being injured and killed in and around motor vehicles is not a serious and significant safe-

<sup>1</sup>Data Collection Study: Deaths and Injuries resulting from certain non-traffic and non-crash events' NHTSA (May 2004).

<sup>2</sup>Injuries and Deaths Among Children Left Unattended in or Around Motor Vehicles—United States, July 2000-June 2001, MMWR, 51(26); 570-572 (Jul. 5, 2002). Copy of study attached to testimony.

ty issue, the CDC report refutes this view. KIDS AND CARS has compiled a national database that is recognized as a source for fatality and injury information and is thoroughly documented. We know that our database doesn't capture all such incidents since we do not have the resources to conduct a census. As a result these incidents are vastly underreported to state, local and federal authorities. For over five years, we have urged NHTSA to track on an annual basis child fatalities and injuries. Yet, the NHTSA does not include the reports of these kinds of child fatalities or nonfatal serious injuries in federal traffic safety databases. It seems that we literally need an act of Congress to get NHTSA to begin tracking these incidents.

Power windows are one source of injury for children in motor vehicles. Children can be injured or killed by power windows even when responsible adults are in the vehicle. Last year alone, 8 children died after being strangled by power windows.

Another danger to children is heatstroke. Last year 35 children died from hyperthermia after being left in hot cars, many times by caring, loving parents who inadvertently left the child inside the car. From 1998 through 2004, at least 230 children have perished in this manner.

Children are also in jeopardy due to blind zones that are a result of poor vehicle design. While all passenger vehicles have a blind zone to the rear of the vehicle, the size of the zone increases dramatically in light trucks, especially sport utility vehicles (SUVs) and pickup trucks. I have attached a chart from Consumer Reports depicting the rear blind zones for a popular sedan, minivan, SUV and pickup truck. According to our data at KIDS AND CARS, at least 101 children were backed over and killed in 2004, at least 91 children were backed over and killed in 2003, and at least 58 were killed in 2002. In addition a February 2005 report from the Centers for Disease Control and Prevention (CDC) found that for each of the years 2001 through 2003 an estimated 2,492 children per year were treated in emergency rooms for nonfatal motor vehicle backover injuries—a total of 7,476 children over a three year period injured in backover incidents.<sup>3</sup> Our data indicates that at least 2 children are backed over and killed every week in the US. Furthermore, the CDC data tell us that an additional 48 children are treated in emergency rooms after being backed over each week. These data confirm that backover incidents are a regular and all too frequent occurrence. The tragedy is that they are preventable.

If children were dying by the hundreds in airplane crashes or due to food poisoning this Congress would be racing to enact legislation to correct the problem. Right now, the House of Representatives has two golden opportunities that would improve the safety of children and save lives.

The Senate amendment of the House-passed federal-aid highway reauthorization bill, H.R. 3, the *Transportation Equity Act: A Legacy for Users* (TEA-LU), includes a number of important child-friendly safety provisions. In the Senate version, Section 7254 provides for a study of technologies to prevent backover incidents in which people, especially children, are run over because they are in the blind zone and the driver was unable to see them when backing up. Currently there are no standards whatsoever that regulate what a person should be able to see when backing their vehicle. Section 7255 would have NHTSA collect non-traffic, noncrash incident data at least biennially, a critical step if we are to understand the true size and scope of this problem. In addition, Section 7258 of the Senate amendment would make power window switches less prone to inadvertent use and thus reduce some, although not all, of the danger to children in vehicles with automatic power windows.

Since the House passed bill, H.R. 3, has no comparable provisions to protect the safety of children on these issues, I strongly urge the members of the Committee to support adoption of these Senate child safety provisions as part of the final bill.

The House also has the opportunity to build on the H.R. 3 provisions by moving expeditiously to pass H.R. 2230, the *Cameron Gulbransen Kids and Cars Safety Act of 2005*, which addresses four critical safety issues for children. H.R. 2230 will: 1) provide a more comprehensive improvement in power window protection for children and adults; 2) remind drivers to remove infants when they leave the vehicle; 3) protect children, the disabled, and others by ensuring that drivers have good rearward visibility and an unobstructed view behind their vehicle when backing up; and, 4) ensure the regular collection of death and injury data in non-traffic, non-crash events involving motor vehicles. The American Academy of Pediatrics endorses these life saving measures. I have attached a copy of their letter of support to my testimony. These reasonable measures should be adopted.

For many years, parents have been told to transport their children in the back seat of vehicles because they are much safer there. Until recently, voluntary action by auto manufacturers without the benefit of government regulation resulted in

<sup>3</sup>Nonfatal Motor-Vehicle-Related Backover Injuries Among Children—United States, 2001—2003, MMWR, 54(06); 144-146 (Feb. 18, 2005). Copy of study attached to testimony.



most rear center seating position being equipped with only a lap belt. The use of lap belts alone by children is well known to result in serious abdominal and spinal injuries. It took an act of Congress to force NHTSA to require lap/shoulder belts in all rear center seating positions. The issue of nontraffic, noncrash injuries should not be left to chance. Children will continue to die needlessly unless and until Congress directs the agency to regulate in this area.

Children are also killed and maimed every day in the epidemic of motor vehicle crashes that recurs on our nation's highways every year. According to government data, in 2002 motor vehicle crashes were the leading cause of death in the U.S. for children 3 years and older, indeed for all Americans ages 3 to 33. Vehicle crashes were the second leading cause of death among toddlers, ages 1-3. In 2003, 1,198 children under the age of 10 were killed in motor vehicle crashes and 147,000 more suffered injuries, 14,000 of which were incapacitating injuries.<sup>4</sup> These statistics do not include any of the data that KIDS AND CARS and other organizations have collected about nontraffic, noncrash incidents. Some studies have shown that young children could be in more danger in their own driveways than as passengers of automobiles. In addition, children 10 to 15 years of age suffered 1,372 deaths, as well as 145,000 injuries and 14,000 incapacitating injuries in motor vehicle crashes in the same year.<sup>5</sup>

Adults and teens also suffer the ravages of motor vehicle crashes. Current projections indicate there were a total of 42,800 traffic-related deaths in 2004. In order to protect children and all vehicle occupants, long-overdue safety initiatives must be adopted to stem the rising tide of motor vehicle fatalities. Fortunately, the Senate-passed version of H.R. 3 contains a number of measures that will substantially improve safety for every person and family members across the country.

Over 10,000 people die each year in rollover crashes. Unbelted occupants are often fully ejected, but even belted occupants can be partially ejected, through windows that break, and doors that open. Section 7251 of the Senate amendment to H.R. 3 addresses both rollover prevention and enhanced protection for occupants in rollover crashes.

Under Section 7251, NHTSA will issue rollover prevention performance criteria consistent with stability enhancing technologies. Safety technologies, such as electronic stability control (ESC) systems, have had clear success in reducing crashes in a number of large studies in the U.S. and Europe. ESC is particularly effective in preventing SUV rollover crashes. And this technology is already standard equipment in most European-built vehicles and is available as either standard or optional equipment in many U.S. models. But not all ESC systems are created equal. Testing by Consumer Reports, for example, has found that some systems are more effective than others in preventing vehicle rollover. The bill will direct NHTSA to evaluate existing systems and establish minimum performance criteria for those systems. Automakers indicated earlier this year that they plan to make ESC standard equipment in most SUVs, to be phased in over the next several model years. NHTSA's rulemaking agenda already indicates the agency plans to develop test procedures for ESC and to make a decision on rulemaking this year.<sup>6</sup> While adopting ESC technology may be on NHTSA's rulemaking agenda with plans to develop test procedures for ESC and to make a rulemaking decision this year, direction from Congress is necessary to ensure that these actions are carried out.

Occupants stand a much better chance of surviving a crash if they are not ejected from the vehicle. Section 7251 directs NHTSA to develop a standard to reduce full and partial occupant ejection because while ESC looks like it will prevent many rollover crashes that lead to ejection, it will not eliminate them all. According to the agency, from 1999 to 2003 there was an average of 8,584 deaths (and 39,000 injuries) due to occupant ejection, both partial and full ejection, annually. Two-thirds of these ejections occurred in rollover crashes. According to NHTSA's Priorities Plan, reducing occupant ejection is also on the agency's rulemaking agenda. The Senate provision gives the agency until October 2009 to issue a final rule on ejection prevention, and 30 months to complete an already pending rulemaking to ensure that sliding doors on vans remain locked and do not open during a crash. These timelines are considerably beyond NHTSA's own schedule for action.

Finally, Section 7251 addresses the need to update the roof strength standard. This standard has not been improved since it was first adopted some 34 years ago and is widely recognized as failing to provide basic crashworthiness protection during rollovers. The agency has stated it plans to publish a notice of proposed rule-

<sup>4</sup>*Traffic Safety Facts 2003*, at 86, NHTSA (DOT HS 809-775).

<sup>5</sup>*Id.*

<sup>6</sup>*NHTSA Vehicle Safety Rulemaking and Supporting Research Priorities: 2005-2009*, Section II.A.—Preventing Rollovers, NHTSA (Jan. 2005) (Priorities Plan).

making on roof crush this year and to issue a final rule in 2006. Because such promises have not been fulfilled in the past, the Senate provision calls for a proposed rule by the end of this year and a final rule by July 2008. Once again a generous timeline is provided.

The Senate legislation addresses rollover, roof crush, and ejection in a single provision because these safety issues are interrelated. In a rollover crash sensors developed for ESC systems can be used to trigger safety belt pre-tensioners and side impact airbags. If the roof fails, however, not only is there intrusion into the passenger compartment but other safety systems will not function properly. Roof failure can affect the geometry of the safety belt system and result in the side impact air bags not providing effective protection. In addition, roof crush will cause the vehicle side windows to break allowing occupants to be fully or partially ejected. NHTSA has historically approached each of these safety problems as separate issues. The Senate bill encourages the agency to take a comprehensive and unified approach to solving these interdependent safety problems.

Another important safety provision, Section 7252, is intended to ensure that NHTSA completes its pending side impact rulemaking proceeding. This rulemaking is vitally important because it is expected to assure that side impact air bags for head protection are available as standard equipment. Studies have shown that side impact air bags can make the difference between living and dying for occupants inside a vehicle struck in the side by an SUV or pickup truck. The Senate deadline is July 1, 2008, for issuance of a final rule. Given that the proposed rule was issued on May 14, 2004, over a year ago, the Senate's allotment of an additional three years for a final rule is quite reasonable.

The modest measures included in Sections 7251 and 7252 are necessary for safety. They do not dictate the outcome of any rule—leaving the specific requirements for the agency to determine. Furthermore, the provisions address only issues that NHTSA has itself identified as core safety priorities. In all of these areas, the agency has already issued a proposed rule or plans to issue one in the near future. However, as we all know, the attention and even the good intentions of federal agencies do not necessarily result in the accomplishment of internal plans and policies. To ensure that the NHTSA remains on track and carries through with its plans, it is essential that Congress provide the added incentive and certitude that comes with legislative goals and deadlines. In an editorial entitled *Reducing Rollovers*, the *Washington Post* strongly urged the House to accept the Senate measures, concluding that under the circumstances “congressional prodding is not interference, it is in order.”<sup>7</sup>

Also significant is the section on 15-passenger van safety improvements. The safety of these vehicles is another issue of critical importance for children because of the high percentage of such vans that are used to transport children to and from schools and during and after school to extra-curricular activities. The House should agree in conference to adopt the eminently reasonable requirement that 15-Passenger vans be rated for rollover resistance as part of NHTSA's New Car Assessment Program (NCAP). The House should also support the Senate bill's restrictions on the use of such vans as school buses unless they comply with the safety standards applicable to school buses.

We cannot wait any longer or continue to stand by while families needlessly suffer the death or serious injury of a loved one. Every day, I work with parents who have had to bury a child and who cannot understand why feasible and affordable safety systems are not standard equipment on every car sold in the United States. When we develop vaccines to protect children from deadly diseases, we make them available to everyone. Now is the time to make these motor vehicle safety vaccines available to every family. I can think of no more eloquent statement on the need for basic safety features in all vehicles than the one from *Automotive News*, the publication that covers the automotive industry, “All safety-related devices should become standard equipment on all vehicles. No choice. It's not an economic decision; it's a moral decision. When the choice becomes profit vs. lives, the decision should be simple.”<sup>8</sup>

You have the power to help prevent the tragic injuries and fatalities that families are suffering everyday from the death or serious injury of a loved one in a motor vehicle related tragedy.

I urge the Members of the House Energy and Commerce Committee to support enactment of the Senate motor vehicle safety provisions included in H.R. 3 and to quickly pass H.R. 2230 the *Cameron Gulbransen Kids and Cars Safety Act of 2005*.

<sup>7</sup>Reducing Rollovers, *Washington Post*, Saturday, June 18, 2005, p. A18.

<sup>8</sup>*Automotive News* (Nov. 2004).

Mr. STEARNS. I thank you.

Let me just clarify, just for the record. On your opening statement, I didn't see a part of your opening, your written statement. You said that you and your husband were locked in the trunk of a car. For how long?

Ms. FENNELL. We were put in the trunk of car, taken to a secondary location, and that is where we were assaulted, robbed, and left basically for dead in the trunk. Fortunately, we were able to escape the confines in the trunk. Probably total we were in there 2 hours.

Mr. STEARNS. Today, we do have releases on the trunk, so—right, so that if people are locked in the trunk, they can voluntarily get out of the trunk.

Ms. FENNELL. Yes. That was my—

Mr. STEARNS. Was that because of your—

Ms. FENNELL. Actually, that was something I worked for.

Mr. STEARNS. Okay.

Ms. FENNELL. Again, because my family was blessed, I found out there wasn't data about people being locked in the trunk. I built a data base. I showed that it was a problem. Representative Stupak had a bill. We got to study the problem. It is now a regulation that all vehicles purchased or leased in the United States must have an inside trunk release. These type of incidents are no different than trunk release. I can only tell you the problems are much, much, much bigger.

Mr. STEARNS. So you are trying to make the same argument for the trunk release for your other items.

Ms. FENNELL. Absolutely.

Mr. STEARNS. Yes.

Ms. FENNELL. It is non-traffic, it is non-crash. Nobody knows how big the problem is.

Mr. STEARNS. Probably, one of the reasons why it is difficult to get a lot of accurate information is because a lot of these, the cars coming out of the driveway, occur on private property, and probably, the police are not called in as a traffic statistic, but perhaps, it is done through the insurance companies, so it might be more difficult to find that. Has that been true? How do you track—because you seem to be much more concerned about it than Dr. Runge, who—his LexisNexis showed there was very little statistics on this. How do you get your statistics? Is it because families call you?

Ms. FENNELL. Well, it is a really sophisticated system, but it is very objective, of course. We have a clipping service. We do LexisNexis searches. We have people all over the country that know the work that we do, and bring these to our attention. We also work with child death review teams. It seems as though many people don't understand that when a child in the United States has died, in most cases, there is a review. But there are police reports when children die. The problem is, as they get rolled up into the system at the State level, the FARS data base says, No. 1, if it wasn't a crash, No. 2, if it didn't happen on a public road or highway, it doesn't get included in our data.

Mr. STEARNS. Yes.

Ms. FENNEL. That is where those reports are being shredded. So the information is there. All we need to do is change the purview, and say please collect all fatalities. The National Highway Traffic Safety Administration is our agency to keep us safe, and make sure the vehicles that we drive are safe. It shouldn't matter where these things are happening.

Mr. STEARNS. Okay. Mr. Webber, when I was looking at this, I was reminded of the passive safety versus active safety, and I guess the question is, and Ms. Fennell mentioned that you cannot leave your car without a buzz, if you leave the keys in the car. You know, if doors are cracked, you have an indication on the dashboard. Do you think the passive safety technology has sort of reached its limit, in terms of saving lives and preventing injuries, and now, the automobile industry needs to move to more active safety, to the next level in motor vehicle safety? Or what is your feeling on that, and of course, I am talking about, you know, what has been done for the rollover? When I was in Detroit at the auto show, they put me in a simulated vehicle, where a deer came out in front, and I obviously turned to the left very quickly to avoid the deer, but at that point, the car took over, and rather than me causing me a spin or possibly a turnover, the car, through stability control, was able to stabilize the vehicle. So do you think we are moving into this whole new area where the passive safety has gone as far as we can, and we need to move into active safety?

Mr. WEBBER. Well, I wouldn't say passive safety has gone as far as it can. I want to go back to Ms. Fennell's statement. We are very sensitive to not only what went on in her life personally, but what is being recommended, especially in H.R. 2230, and I just want to make a point here. We have examined that proposal very, very carefully. There are a lot of mandates in that bill, and one of those mandates, for example, mandates a technology that just doesn't exist, and I am talking here about sensors for cars for parents who leave their kids in the car. We don't have that technology yet. It is one thing to mandate it, but if you don't have it. Now, are we going to have it some day? Perhaps, but we need time. Everything needs time, and it is just not there.

I want to point out, by the way, and you are probably familiar with this, that there is a program in Utah that is working pretty well. It is called Spot the Tot. And as people walk around, whether you are in a shopping center, wherever, shouldn't we all be constantly alert looking for something that is alive, whether it is a child or animal in an automobile that may be buttoned up on a hot day? But those sensors are not available yet. They are passive in nature. I suspect the automobile industry, like any other industry, takes that seriously, and down the road, perhaps. Perhaps we will have that technology.

To your question directly about electronic stability control, and yes, we have done a lot of work voluntarily on this, and it is very exciting, and I have been on test sites, and have gone through the maneuvers, and have seen or felt the car taking over to avoid the crash. It is wonderful technology. It is not cheap, but as you know, some of the manufacturers now are making it standard equipment. We believe in voluntary programs. We have a long list of what we have done voluntarily, in terms of crash avoidance, and that is in

Appendix 3 of my lengthier statement, but I want to say that in this case, we really need a rule to level the playing field. And that is why we are working with and supporting NHTSA's effort in this area. Crash avoidance is very, very critical, and this is one of the ways to avoid crashes, to have the ESC in place in every vehicle.

Mr. STEARNS. Mr. O'Neill, how do you compare NHTSA's provision in this bill, in the Senate bill, with those from last year's NHTSA highway bill? Has the bill improved, in your opinion?

Mr. O'NEILL. They certainly are much less specific, and I think that is an improvement. I think there is nothing wrong with Congress giving NHTSA general directions. I think Congress should really avoid the specifics, and not get into deadlines, at least when we have an agency that is run by a very competent Administrator, as we do now.

Mr. STEARNS. My last question is directed to you, Ms. Pkrallidas, is basically, you have mentioned this EPA labeling. There is some concern that revising EPA labeling will affect fuel economy calculations on the CAFTA program. Is that your intent—CAFE.

Ms. PIKRALLIDAS. No, not at all. This is—this amendment and this language is simply about labeling. All it does is essentially ask EPA to use existing tests that they already have that are much more modern, to use adjustment factors to put onto labels of new cars accurate fuel miles per gallon ratings. It has nothing to do with CAFE standards. It has everything to do with just putting on the cars what the actual miles per gallon is.

Mr. STEARNS. All right. My time has expired. The gentlelady, Ms. Schakowsky.

Ms. SCHAKOWSKY. Mr. Webber, you talked about, you associated yourself with the notion of safety sells. And so with that in mind, why not have some of those items as standard features, rather than upgrades or optional features? Wouldn't those be good marketing tools for automobiles?

Mr. WEBBER. I suppose we could load up every automobile with everything we can possibly think of. There are always tradeoffs.

Ms. SCHAKOWSKY. I am not talking about sun roofs. I am talking about things like we did airbags.

Mr. WEBBER. I understand.

Ms. SCHAKOWSKY. We did seatbelts.

Mr. WEBBER. I understand. A lot of that technology is expensive. You could price the car out of the range of the typical consumer, if you are not careful. I think the task of the industry is going to, as they continue to develop safer cars, and cars with more safe technology in them, is to get that price down, so that the typical consumer can avoid that, and to make sure, too, that that safety technology applies to an area where there really is a good, sound data and statistics backing the need for that.

Ms. SCHAKOWSKY. Well, I wanted to ask you about—

Mr. WEBBER. I think we are on the—

Ms. SCHAKOWSKY. [continuing] the question of price. Isn't it true that when technologies become standard features that those prices really drop? Like what was the price of an airbag before and after the issue of standard features?

Mr. WEBBER. Before it became standard equipment?

Ms. SCHAKOWSKY. Uh-huh.

Mr. WEBBER. I am told that originally, we were talking about \$400 or \$500 for that airbag. That has come down substantially, correct. And I suspect on some of these safety technologies that is what is going to happen over a period of time.

Ms. SCHAKOWSKY. I am looking at price comparisons of vehicle technologies put out by the advocates for highway and auto safety, and they are talking about stronger roof systems, prevent roof crush in rollover crushes, \$25 to \$50. Don't you think most consumers, for a number of things, safety belt pre-tensioners, takes the slack out of seat belts, \$35 to \$50. Vehicle safety label, \$0.01. I mean, there is a number of technologies, a number of items that could be added at relatively low cost.

Mr. WEBBER. And indeed, they are being added. Many of them depend on the choice of the consumer. These are assessable. The consumer can purchase those and add them to the base price of the automobile. That is the real, on the good news front, and by the way—

Ms. SCHAKOWSKY. As optional features, you are saying.

Mr. WEBBER. Many of them optional features. More and more becoming standard features. ESC is a good example of how that eventually, we come a standard feature, in my opinion, in all vehicles, if I follow the rulemaking on the part of NHTSA correctly. So that trend, it is a good trend, and that trend will continue.

Ms. SCHAKOWSKY. Okay. I wanted to—I am glad you believe that we need to have some rules, and that we need to have some required features.

Mr. WEBBER. On electronic stability control, specifically, yes.

Ms. SCHAKOWSKY. Ms. Fennell, I wanted to ask you what are the costs of a number of the safety features that you are advocating, and how do they compare to luxury features, for example, in automobiles?

Ms. FENNELL. The type of things we are looking for is an auto-reverse on power windows, and that would be \$8 to \$10 a window. When you look at either a rear camera or rear sensors, you know, once it would become a standard feature, I am thinking that comes way, way down below \$100. The—it is very important that people understand that there is no performance standard whatsoever on what you should be able to see when you are backing up your vehicle. Nothing exists. So when you are backing up, you are backing blind, and it is not like people try to do this on purpose, but it really is the fact that because we are driving higher, wider, longer, bigger vehicles, that blind zone that you saw demonstrated on Good Morning America is what is happening in America. You cannot see little children when they are in that area.

Ms. SCHAKOWSKY. On the auto-reverse, I heard Dr. Runge say that the recessing is sufficient, and that there is absolutely no evidence that there is any problem that recessing won't solve.

Ms. FENNELL. That is not correct, and Dr. Runge could just go to the Office of Defects Investigation and read the reports where not only children, but let us say someone else in the vehicle has raised a window not knowing that someone else's fingers or hands, I mean, there has been amputations. There is a problem, of course, with children leaning out, and they are strangled to death. But

there is many, many other things that happen, and it is not just through that person actuating the power window on their own.

Ms. SCHAKOWSKY. Can you make sure that I get that information, and that we communicate that to Dr. Runge? One other thing. There is—seems to be a difference of philosophy here on whether or not we should include, for example, in the transportation bill, or whether at all, it is necessary to have statutory requirements. You are saying now that it is required for trunks, since your horrifying incident, should we be including those requirements that are now in the transportation bill, and why do you feel that those arguments that they are unnecessary are not valid?

Ms. FENNELL. I feel we absolutely need to have these regulations, and I feel that all of the things that are in the Senate bill are very generous in the timeframes. Dr. Runge himself said they are almost all very doable. The reason we need timelines and timeframes is then we know that they will be done. You know, trunk entrapment was something that was suggested 30 years ago, and it never happened, until we were able to get it, you know, to get it together and make it happen. So I think it is very important that the deadlines are set. I don't think we need to be proscriptive, but I think we do need performance standards, and let the industry and NHTSA figure out what is the best way, as a for instance, to make sure when we are backing our vehicles, we are not driving blind.

Ms. SCHAKOWSKY. My concern, Mr. O'Neill, with your view that as long as you have someone who is as—an activist on these issues as Dr. Runge is, then we don't need to do anything. But of course, that is not how government works. I mean, we don't know how long he is going to be there. We don't know what the view or the level of activity of anyone who would follow him. So I am actually very surprised that your industry would want to set policy based on individuals.

Mr. O'NEILL. Well, we are not saying that nothing should be done, or there should be no dictates. What we are saying is they should be broad, rather than specific. For example, I am not at all familiar with the issues on power windows. Ms. Fennell is. But it seems to me that it is not necessary to conclude that a rule is the final solution. Maybe, the agency could be told that this is an issue that they should address, and maybe with voluntary agreements with the manufacturers, we could get action faster than the process of rulemaking, which is very slow and very deliberative, by design.

There are alternative ways, in many cases, to address problems without mandating a rule. It may be that a rule is appropriate. It may not be. I think what we should be saying to NHTSA is these are issues that should be addressed, and addressed in the most efficient and fastest way possible.

Mr. STEARNS. The gentelady's time has expired. The gentleman from New Hampshire, Mr. Bass.

Mr. BASS. Thank you, Mr. Chairman. For Mr. Webber and/or Mr. O'Neill. There are—a couple of you may have mentioned this, I think you mentioned it in your statements. There are market forces involved in safety, and I am wondering to what extent market forces are pushing automobiles to become safer, and second, insurance companies providing incentives, i.e., rebates, discounts, et

cetera. To what extent are—is the industry moving the process forward?

Mr. WEBBER. Well, as I said in my opening statement, Mr. Bass, market forces are playing a very big role when it comes to safety. And again, nine of the top 10 top features most desired by consumers as they purchase new automobiles today are to enhance vehicle or occupant safety, and the industry is responding to it. The industry is acutely aware of it, and the industry is going to do everything it can to meet that consumer demand.

Mr. O'NEILL. I think there is no question that today, market forces are very important. You heard from Dr. Runge that they expect to issue a new side impact rule very soon. That side impact rule will, in effect, require manufacturers to provide airbags, side impact airbags that protect the head. I think by the time that rule becomes effective, virtually every new car being sold in America will already have those airbags because of market forces. So market forces are very important and very effective. They are promoting safety technology very fast. Unfortunately, when it comes to insurance mechanisms for incentives, most of your insurance premium for injuries is for liability. That is for injuries that you cause to people in other vehicles. So the first party, third party insurance system does not allow much room for incentives for you to be purchasing a safe car, because your insurance is primarily paying for injuries that are occurring in somebody else's car, if you are at fault in a collision.

Mr. BASS. Do you have any suggestions as to how we might change that? What are our options? Clearly, a safer car, you ought to have lower insurance rates, and that would be an incentive to—for consumers to want them.

Mr. O'NEILL. Well, the problem with insurance is that most of your premium is not for injuries inside your car, but for injuries you may cause in an at-fault collision—

Mr. BASS. Yes.

Mr. O'NEILL. [continuing] in other cars. If we had a true no-fault insurance system, then there would be much more room for incentives for persons to buy a safe car.

Mr. BASS. Ms. Fennell, you—I just want to confirm that you think the top priority for new safety is the automatic window stop mechanism, that is No. 1, and then second, is the backup protection?

Ms. FENNELL. No, I would say that the backup protection is No. 1, just because of the true numbers. Again, we know that many more children are dying because they have been backed over, and you know, many more injured. In 1998, the data that Dr. Runge referred to, when they collected the death certificates, that is actually before this huge change in the vehicle mix, where you know, we used to all be driving sedans back in 1998. Now, everyone is driving these larger trucks and SUVs. So with the over 120 people identified at that time point, I also used that to bench my data. I know what I find is the bare, bare minimum, vastly underestimates the true magnitude of the problem, and probably is 2 to 3 times bigger than the numbers that I report. I think it is really important to understand on all of these issues, that we know that there is a problem. The technology already exists today. It is not



something we have to invent. The legislation is here. We have very well-crafted legislation, and now, what we are really looking for is that political will to move this forward, to move it forward as quickly as we can, because it has taken so many years to even get to this point, and with that, we will save the lives of many people—

Mr. BASS. Okay. Real quickly—

Ms. FENNELL. [continuing] especially children.

Mr. BASS. Okay. Just going down the panel. There are three levels of control of safety, voluntary, relying on the industry, rule-making through NHTSA, and Congressional action. Where do you all stand in terms of what is the preferred route for assuring that automobiles are safe, and you reach—and you attain that balance between safety, economy, and cost? Rule, volunteer, Congress prescribes. Just real quick, because I only have 1 second left.

Mr. WEBBER. Voluntary action.

Mr. BASS. Okay.

Mr. WEBBER. It is quicker, and sometimes, a lot more competent.

Mr. BASS. Mr. O'Neill?

Mr. O'NEILL. I think we need a mixture of all of these approaches, and I will just give one example, at the risk of prolonging it. The backup issue also involves rear visibility, and we do have a problem with rear visibility in vehicles. We need some better standards or performance for rear visibility, because some SUVs actually put spare wheels blocking part of the rear window. So it is not just cameras and backup warning devices. It is being able to see more out of the back of a vehicle when you are looking rearward, and so a broad mandate would address this issue, rather than—

Mr. BASS. Ms. Pikrallidas, do you have any comments on it or not?

Ms. PIKRALLIDAS. Our expertise in AAA—

Mr. BASS. Okay. If you don't, don't worry about it. And Ms. Fennell, I think you like as much—you want to see Congressional action, because you support the legislation that you have outlined, correct?

Ms. FENNELL. Well, because I am very fortunate to be working in a coalition with the insurance industry, auto suppliers, consumer and health organizations, of course, I support this. But this bill is needed to assure that the public will benefit in a timely way from cost effective and feasible safety improvements. Voluntary solutions are not appropriate in these areas, such as rollovers. They kill 10,000 people every year.

Mr. BASS. Okay. I have got to yield back. Thank you, Mr. Chairman.

Mr. STEARNS. The gentleman's time has expired. Mr. Rogers.

Mr. ROGERS. Thank you, Mr. Chairman. Thanks to the panelists. Ms. Pikrallidas, is that right? Did I get that right?

Ms. PIKRALLIDAS. Pikrallidas.

Mr. ROGERS. Pikrallidas. Did I get that right? Okay. Thanks. My—is it Greek?

Ms. PIKRALLIDAS. Yes.

Mr. ROGERS. My Greek is awful, but thank you very much. I do love the flaming cheese, though. Wonderful thing. In your testi-

mony, you describe the Senate's language on fuel economy labeling as a win-win solution, and as carefully crafted to meet the concerns of all parties. I found that a little curious, as I was—the language that was changed was mine, of which we were not consulted in that particular round of all parties, apparently. And you added something, at least were involved in the adding of the word processes, and let me quote you in the language. "Update and revise the process used to determine fuel economy values for labeling purposes." Can you describe what processes means? What do you mean by that?

Ms. PIKRALLIDAS. Essentially, what—we—the Senate language tries to accomplish is to suggest that the existing tests are 30 years old and they are outdated. They don't measure a lot of—they don't measure real world driving conditions. What we are asking is that EPA use tests that they already have, for example, USO6, that was set up and designed to simulate real world driving conditions. To add the adjustment factors which you discussed in the House energy bill. To add those adjustment factors to more modern tests that do simulate real world driving conditions, to come up with a more accurate miles per gallon labeling system. In other words, that comes up with miles per gallon that, a labeling system that gives you, gives the consumer essentially what they are going to get on the road when they drive it.

Mr. ROGERS. One of the concerns that I have, and the reason we came up with the language that we did was that we believed that there may be an inadvertent impact on CAFE standards, and I think we all understand that CAFE standards is an issue that should be looked at. We need to address it, but we should do it in a very careful and calculated way, given the understanding of weight and design, and lead time for design factors. Our next models—I mean, there is a lot that goes into this, and it is quite frankly, an old and antiquated formula that was fairly arbitrary. So we need to be smart about that to not have a negative impact on economic terms from these automakers who are trying to play by the rules. Right? So we got to this thing. We said this is—we don't want any vagueness in this language, and when you add process, even by your own description, you have left the door open a mile wide. And would you support, would AAA support making it very, very clear in that language that it would not, in fact, impact CAFE standards by the change of this? I mean, we want to make efficient tests. We didn't want multiple tests. It made no sense to do that. Tests need to be modernized. We think we can do that with one test. Would you support that language to clarify very certainly that this does not impact CAFE standards?

Ms. PIKRALLIDAS. Mr. Rogers—and you made these points very eloquently during the House debate—we—I would agree with you, we would agree with you, that CAFE is a whole other issue. It is an issue that, as you have just said here, needs looking at in a very serious way. Those standards are very old as well. I think we would be open to looking at language that would clarify that we are looking at only the labeling. We would want to make sure that the language doesn't do anything to prohibit getting more accurate labeling. But that is our intention. What we are looking for in this bill is simply making it possible for a consumer to go buy a car,

read the labeling stickers, and then drive out on the road, and get those miles per gallon ratings. That is really all we are trying to accomplish in this bill, accurate labeling, so that consumers know what they are buying, particularly in an age of high energy prices.

Mr. ROGERS. You bet. And I think that is exactly the intent of the language that we proffered on the House floor, to do exactly that. That is what we wanted as well, because we do think it is important that you have an understanding of the mileage that you are buying, because we want mileage to be part of market forces, right? That is what we are all shooting for, because we think that is good for the auto companies. We think they are going to make voluntary changes in their design features, that keeps people safe, and allows them to get more gallons, better gas mileage.

Ms. PIKRALLIDAS. And if I could just—and the only concern we have with the House language was that it was adding adjustment factors to old tests. We just think there are newer tests that simulate real world driving that EPA already has. Not new tests, there are existing tests. They should be used. That is what the adjustment factor should be applied to, and that was a part of that.

Mr. ROGERS. But you didn't say that in your language. You made it—it is fairly vague. Process, processes. What does that mean? It could mean a whole bunch of things. And if I am somebody over, who has got the sharp pencil, and get to figure that out, it might look completely different from your intention. We need to be very, very careful on this. You know, our automobile economy in the United States is at a very interesting place in its history. And the unintended consequences of being vague in language like this could be catastrophic. And I think that you ought to go back to the drawing board and be supportive of very clear language on this, so that we get exactly what we both want, very clear labeling, realistic labeling, that does not impact CAFE. That is another debate for another day, that needs to be very, very carefully looked at. So I will take your response today that AAA does, in fact, support language that is very clear that this does not, in any way, impact CAFE standards.

Ms. PIKRALLIDAS. That is our intent. I mean, I don't have legislative language in front of me, so I am at a disadvantage there, but our intent is to deal with labeling. That is the intent of what we are trying to get through the Senate bill, or through the Senate language.

Mr. ROGERS. Thank you. Thanks for your—I know that was a fun exchange. I know you really enjoyed that. I do appreciate all of you, and unfortunately, we are going to need to go vote. But this is very, very important, and I am just glad to hear Mr. Bass ask the question, and I wish Mr. Markey were still here. You know, the automobile companies, and I would encourage all of you, and even those listening, to come and see what kind of design work that they are doing on their own for vehicle safety, for better gas mileage, for a car that has technology that actually matches what the consumer wants.

There is this great myth out there that overnight at the stroke of a pen, things can change, and you are going to get a car that gets 65 miles to the gallon that is as big as an Excursion, that you are going to want to drive. I wish that were so, because if it were

so, believe me, you would have a car out there right now that looked exactly that. And I give my hats off to all the automakers, both foreign and domestic, who are aggressively pursuing technology that matches what people want. There is a reason that people are buying SUVs. They are safer, and they are bigger, and you can take your whole family. Mom can pack up groceries and a bike and drive her kids to six different places in the same day, and have a vehicle that meets those needs of that particular family. And by this rush by some to say that we are doing—the automobile industry is a horrible thing, doing horrible things to people, I think is—well, it is wrong at best, and it may be worse. They are not doing those kind of things, and I would encourage all of the folks, other members, everybody, to come out and see what these automobile companies are doing for vehicle safety and for our environment. It is pretty exciting stuff, and to meet these actual designers and people who are in the back room trying to make this work, and to hear their excitement and their enthusiasm is pretty neat.

They are not the victims. I understand that, Mr. Chairman. This is awful important.

Mr. STEARNS. We have about 3 minutes left to vote.

Mr. ROGERS. And I would—at that, sir, yield back my time.

Mr. STEARNS. Very good. Very good. I thank the gentleman. I thank him and his patience for staying and making his points, and with that, the subcommittee will adjourn. I will thank the witnesses for their forbearance, too.

[Whereupon, at 11:47 a.m., the subcommittee was adjourned.]

[Additional material submitted for the record follows:]

RESPONSE FOR THE RECORD BY THE ALLIANCE OF AUTOMOBILE MANUFACTURERS

*Question 1:* What are the problems you foresee with Congress mandating that NHTSA promulgate a final rule by a certain date?

Response: Our concern over legislatively-mandated rules is not over improving safety—indeed, industry is competing vigorously and moving rapidly to provide ever-increasing levels of safety in its vehicles—but over process. Safety rulemakings are often complex, involving myriad technical details, analyses of data, complex occupant safety and other tradeoffs, and consideration of necessary leadtime. Mandates for rules to be issued by specified dates can short-circuit the necessary analyses and potentially lead to unintended adverse safety consequences, as we have seen in prior situations and as the NHTSA Administrator has testified.

The NHTSA mandated rulemakings in the Senate passed highway bill prejudice the rulemaking process. By requiring that rules must be published, regardless of the public rulemaking record on that subject, the Senate bill's approach prejudices the outcome of the rulemaking process and deprives NHTSA of its authority to make safety related assessments and determinations of rulemaking priorities. Thus, we cannot support any mandate requiring that final rules must be issued regardless of information provided to the agency through its public notice and comment process. There is no need for the Congress to order NHTSA to both short-circuit its own governing legislation and Presidential Executive Orders regarding the criteria for establishing rules as well as the requirements in the Administrative Procedures Act regarding responding to public comments. We believe that the Congress, through oversight and other hearings, can influence NHTSA regulatory actions without mandating the promulgation of specific rules.

The complexity of safety rulemakings requires that careful attention be accorded to the inherent tradeoffs associated with regulations. In the past, we have seen tradeoffs among adult high-speed protection in frontal crashes and associated harm to children and others in low-speed crashes. The March 6, 2004 IIHS Status Report, notes that the 1997 rule issued by NHTSA that allowed manufacturers to produce “depowered” air bags was the right decision then and still is now. In designing occupant restraint systems, manufacturers must carefully balance high-speed and lower-speed protection, protection for belted vs. unbelted occupants, and protection for

large adults and smaller adults and children. As NHTSA itself has testified, there are complex interactions between roof strength and rollover propensity and glass-plastic glazing to reduce ejections for unbelted occupants vs. the possibility of increased head and neck injury to belted occupants. All involve safety tradeoffs. Also, tradeoffs exist between safety and fuel economy. The agency must be able to correctly balance these complexities and arbitrary deadlines by which rules *must* be issued are inconsistent with this need.

*Question 2:* Can you comment on Dr. Runge's testimony as to harmonization of safety standards internationally, as well as the need to engage in research and development in fuel integrity of hydrogen powered vehicles?

Response: The Department seeks to clarify its authority to participate and cooperate in international activities to enhance motor vehicle and traffic safety worldwide. This would allow NHTSA's participation in international activities aimed at identifying the best practices for reducing traffic fatalities and injuries, particularly in developing countries. Recognizing that motor vehicle safety is a shared responsibility of governments, manufacturers, and consumers, the Alliance agrees with NHTSA that combining motor vehicle safety initiatives being pursued in the United States with those of other countries can help to promote the cost-effective deployment of safety technologies worldwide, including in developing countries. International cooperation and collaboration in the development of global safety standards permits participating governments to leverage research investments from other countries and economic communities thereby increasing the scientific data and innovation pool on which regulations can be based.

The Department seeks funding to engage in fuel system integrity research involving hydrogen powered vehicles. This initiative would support the President's Hydrogen Fuel Initiative and the FreedomCar Program. Ultimately, this research would facilitate science-based evaluation for the need and scope of any fuel system integrity regulations for hydrogen powered vehicles. Such regulations already exist for vehicles fueled or powered by gasoline, compressed natural gas, and electricity. The Alliance is supportive of science-based rulemakings as well as the President's Hydrogen Fuel Initiative and the FreedomCar Program and thus, supports the funding requested by NHTSA.

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RESPONSE FOR THE RECORD BY JEFFREY W. RUNGE, ADMINISTRATOR, NHTSA, TO  
QUESTIONS SUBMITTED BY HON. TIM MURPHY

Dr. Runge, I would like to ask you a few questions about the Early Warning Reporting requirements. It is my understanding that manufacturers of more than 500 vehicles per year must submit detailed data on a quarterly basis, while manufacturers of less than 500 vehicles have less burdensome reporting requirements. The TREAD Act states that regulations such as the Early Warning Reporting requirements shall not impose requirements unduly burdensome taking into account the manufacturer's cost of compliance and NHTSA's ability to use the information in a meaningful manner.

*Question 1:* While I recognize that NHTSA has a simpler report for small manufacturers, when a manufacturer produces 500 or more vehicles per year but still does so in limited quantities of an individual vehicle model, i.e. custom or semi-custom built, will you be able to realistically use that detailed data in a meaningful way?

Response: Yes. The agency's current methods for analyzing Early Warning Reporting (EWR) data take into account the volume of production. Thus, even though the production of some models might be small, NHTSA adjusts the data to reflect production. In the past, the agency's investigations have influenced safety recalls where the vehicle population was substantially lower than 500. During the EWR rulemaking, NHTSA presented an analysis of recalls conducted by manufacturers with an annual production between 500 and 1500 vehicles to gauge the nature of the impact that small manufacturers have on motor vehicle safety. This analysis found that small manufacturers have significant safety-related defects that can have a significant impact on motor vehicle safety.

*Question 2:* How many vehicles need to be produced in a given year for there to be some real statistical significance to the individual model data they provide you under the EWR requirements?

Response: Statistical significance is not a necessary component for detecting a potential safety defect. The Agency's investigative staff relies on historical trend data to develop comparison information as an indicator of potential defects. The current method used to analyze EWR aggregate data produce a ranking of make, model, and model year vehicles for each component category. This ranking is used by agency

investigators, along with other agency data, to determine which issues warrant investigations. However, NHTSA statisticians are continuing to evaluate statistical methods that may be appropriate to effectively analyze the EWR data.

The EWR data is being evaluated to assess its ability to identify trends that are potentially related to a safety defect. The assessment will evaluate a number of different issues including whether safety-related defect trends can be identified in individual models produced in limited quantities.

*Question 3:* What analysis did you do during the EWR rulemaking process to determine that 500 vehicles per year is the best dividing line between a small volume manufacturer and a large one? Why have you defined a small volume manufacturer as one producing 5,000 or more vehicles in other rulemakings, specifically the advanced airbag regulations and the recent tire pressure monitoring system regulations?

*Response:* As noted in response to Question 1, above, the agency analyzed both recalls and investigations and determined that manufacturers who produce between 500 and 1500 vehicles produce products that contain serious safety defects. Thus, to exclude this category of manufacturers would potentially allow serious safety hazards to go unremedied.

Every rulemaking is unique. Therefore, the underlying considerations that determine the number of manufacturers that will be subjected to one rule are not necessarily the same as those that determine who will be subjected to a different rule. For instance, the requirements for advanced air bags are more complex and difficult to adopt than the requirements to report EWR aggregate counts. Moreover, the exclusions in the advance air bag rulemaking simply deferred compliance by low volume subsidiaries until the end of the phase-in period. It did not exclude them from adopting the requirements as would be the case if the reporting threshold for EWR were raised to 5,000 vehicles.

*Question 4:* What analyses, if any, have been published based on the EWR data you have been collecting? Has NHTSA identified any previously undetected defects on its own as a result of this data?

*Response:* To date, the agency has not published any analyses based on EWR data. We are unable to publish an analysis of the data reported by manufacturers pursuant to the EWR regulation because the data is confidential by regulation.

The agency has publicly stated that the EWR information alone is not sufficient by itself to determine whether the product contains a safety-related defect. The usefulness of the EWR data is to identify trends that are potentially related to a safety-related defect. If the agency's assessment of the EWR data taken with all other available data obtained by the agency indicates a possible trend, the agency will open an investigation. Since manufacturers started reporting EWR information in late 2003, EWR has assisted in identifying some potential safety-related trends. Some of these investigations remain open. One was closed. Some investigations influenced safety-related recalls and one service campaign. Also in 2004, the agency influenced some domestic recalls based on information from submission of foreign recalls or foreign campaigns.

