

STATEMENT OF JUDITH T. CONNOR, ASSISTANT SECRETARY FOR ENVIRONMENT,  
SAFETY AND CONSUMER AFFAIRS, U.S. DEPARTMENT OF TRANSPORTATION, BEFORE  
THE HOUSE GOVERNMENT OPERATIONS SUBCOMMITTEE ON COMMERCE, CONSUMER,  
AND MONETARY AFFAIRS, RELATING TO CONSUMER REPRESENTATION PLANS,  
MARCH 9, 1976.

Mr. Chairman and members of the Subcommittee:

I am pleased to have this opportunity to appear before you to discuss the Department of Transportation's Proposed Consumer Representation Plan.

Development of a Consumer Representation Plan (CRP) was not our first effort to provide for effective consumer representation in the Department of Transportation (DOT) activities. In the spring of 1975, when the President directed Executive departments to develop their consumer representation plans, DOT already had what we believe to be an active and very effective program of consumer representation activities.

For example, a Citizens Advisory Committee on Transportation Quality was established in 1968 by the first Secretary of Transportation shortly after the Department began operations. In 1970 an Assistant Secretary for Safety and Consumer Affairs was named, making DOT one of the first Executive departments to establish a consumer focal point at so high an organization level. In 1971 a Departmental Office of Consumer Affairs was established. Also, in recognition of the need for consumer participation relating to their activities, three of our seven operating administrations on their own initiative had set up

their own consumer-oriented units -- the U. S. Coast Guard, the Federal Aviation Administration (FAA) and the National Highway Traffic Safety Administration (NHTSA). To assure coordination of the operating administration's consumer programs, a Departmental Consumer Affairs Coordinating Committee was established, made up of representatives from each of the Secretarial offices and operating administrations and chaired by the Director of our Office of Consumer Affairs.

Let me assure you, Mr. Chairman, that we have pioneered positive consumer representation programs - programs that are essential for building the foundation within an agency for responsive and effective consumer representation. For example, less than six months after the Departmental Office of Consumer Affairs was established, the Director undertook a series of 54 public hearings throughout the country. This effort, which occurred between 1971-1974, gave thousands of citizens the opportunity to express their concerns about transportation. It also gave DOT the opportunity to learn first-hand about consumers' needs and attitudes concerning the consumer services and products that we deal with at DOT. The record of those hearings was compiled in a 656-page report to the Secretary, titled The Voice of the Transportation Consumer, which has been widely distributed to and studied by policy makers, program planners, and evaluators throughout the Department.

Another far-reaching project of the Departmental Office of Consumer Affairs was its study of consumer involvement in DOT rulemaking. The

goal, of course, was to expand the opportunities for consumer participation in the development of DOT rules. When this project began in 1972, with an examination of current DOT rulemaking practices, the Consumer Affairs Office found that there was considerable variation within the Department regarding the use of and procedures to be followed in rulemaking. For this reason, the office decided to sponsor a workshop to explore practical steps that would enhance consumers' opportunities to participate in the rulemaking process at DOT. The workshop was attended by officials from all DOT operating administrations, by citizen-consumers, and by government and nongovernment professional experts in rulemaking. Based on the concepts developed at this workshop, the consumer affairs office prepared a report to the Secretary containing five specific recommendations for broadening consumer involvement in DOT rulemaking.

Key among these recommendations were two provisions in particular. The first recommendation was that at least 45 days be allowed for public comment on a proposed DOT rule, following publication in the Federal Register. The second was that DOT operating administrations make the fullest use possible of the advance notice of proposed rulemaking, in order to give consumers the opportunity to enter the rulemaking process at the earliest possible stage, even before the rule had been drafted in its proposed form. All five rulemaking recommendations were endorsed early last year by the Secretary, who directed all operating administrations to build the recommendations into their rulemaking procedures.

I would like to interject, at this point, that we have received hundreds of requests for our reports on Consumer Involvement in Rule-making; the Voice of the Transportation Consumer, and a third report, Community Participation in Highway Planning, developed by our Citizens' Advisory Committee on Transportation Quality. Requests have come in from as far away as Australia, Brazil, France and Switzerland.

Equally effective consumer participation programs have been initiated by each of DOT's operating administrations. The Coast Guard Office of Boating Safety, for example, has a very extensive mailing list composed of boating clubs and organizations, boating editors and writers in magazines, newspaper columns, and other media, and interested individual boatmen who have written and asked to be placed on the mailing list. The Coast Guard has used the mailing list to solicit consumer views on proposed rulemaking, to explain new regulations going into effect, and to discuss various boating safety issues of consumer interest. It has proven to be an invaluable means of communicating with consumers. The Federal Aviation Administration has taken an innovative step by issuing an advance notice of policy development. Last July, the FAA published such an advance notice in the Federal Register asking for public comment that would help the agency draft a national policy on airport noise. In another program that relies heavily on consumer participation, the NHTSA has organized a sophisticated computerized

complaint-handling system to monitor consumers' reports of their experiences with safety-related automobile defects. In an effort to stimulate consumer involvement at the grassroots level, both the Urban Mass Transportation Administration (UMTA) and the Federal Highway Administration (FHWA) require that every locality applying for Federal funds provide for citizen participation in the transportation planning process. In our opinion, DOT since its beginning has made significant strides in the area of consumer participation and consumer representation.

As a result of our past progress and experience in consumer programs, the orientation of our consumer representation plan may be unique among those of other participating agencies. In response to the President's directive to prepare a consumer representation plan, we seized the opportunity to evaluate the status and the progress of our longstanding consumer policies and programs. Our evaluation revealed that our progress, while significant, has not been as consistent as it should have been. We have concluded that the many productive consumer programs of the Office of the Secretary and the operating administrations must be refined and advanced more evenly throughout the Department. Thus, DOT's consumer representation plan first identifies what we consider the most effective consumer representation programs in the Department. Second, it directs each of DOT's operating administrations to develop and implement similar programs. Also, the plan encourages the operating administrations to

experiment with innovative approaches that will further enhance consumer participation. In the course of carrying out the directives in our DOT consumer representation plan, each operating administration will prepare to carry out a wide variety of consumer projects. Our overall goal is to organize comprehensive, and, to the extent feasible, uniform consumer programs in all of DOT's operating administrations.

To meet our goal, we saw an immediate need to establish consumer focal points in those operating administrations that did not have such designations. I am pleased to report to you, Mr. Chairman, that this part of our proposed plan has already been accomplished. The Administrators of FHWA, FRA, and UMTA, at the Secretary's request, have charged individuals within appropriate offices in their administrations with the responsibility of implementing the consumer representation plan. These individuals will report periodically to the Director of the Department's Office of Consumer Affairs, who is appointed by the Secretary and is responsible for monitoring the implementation of the Department's CRP and reporting periodically through me to the Secretary, the progress of such implementation.

Mr. Chairman, although our CRP will not provide for direct consumer involvement in the Department's adjudicatory functions, a likely result of our plans for more efficient complaint handling is that the investigation and enforcement aspects of the Department's safety programs will be more responsive to consumer concerns. The NHTSA already provides for

public hearings in connection with defect and non-compliance proceedings under the Vehicle Safety Act, and sanction proceedings under the Highway Safety Act.

Implementation of our consumer representation plan will not alter the basic techniques which the Department has long employed to foster consumer involvement and participation in its policy and rulemaking decisions and in communicating to consumers reasons for our consumer-related decisions. Our techniques are good ones, as evidenced by Secretary Coleman's style of going directly to the consumers and lawmakers on matters of vital interest to the public and then meticulously setting forth his decisions such as those relating to the Concorde and the I-66 controversies.

We are continuing our efforts to involve more consumers in DOT rules and policies by developing extensive consumer mailing lists which will enable us to notify interested citizens of significant policy and rulemaking activities. Incidentally, we feel so strongly about the need to expand consumer participation in rulemaking that our consumer representation plan recommends that the Federal Government should make an effort to enlist the media's cooperation to inform the public about Federal agencies' proposed rules that have strong consumer impact. We sincerely hope that such an effort can be undertaken.

Also, we are expanding our program of developing and maintaining liaisons with consumer organizations and with State and local consumer

protection officials. We believe that DOT rules, programs, and policies can be made more responsive to consumers' needs as departmental officials receive more exposure to and data from these consumer sources as well as from consumer periodicals.

Further, in an effort to assess more fully the impact of DOT actions on consumers, our consumer representation plan requires the preparation of a cost and benefit analysis following implementation of any rule or regulation having a substantial impact on consumers. The Department will also encourage the submission by consumers of data relating to probable costs and benefits in response to advance notices of proposed rulemaking and notices of proposed rulemaking.

We are also extending our efforts to transmit practical and useful transportation safety information to consumers. Further, all operating administrations will be stepping up efforts to be more responsive to consumers' inquiries and complaints. Our plan, for instance, directs all operating administrations to consider setting up telephone hotlines if the present experimental hotline in NHTSA proves successful. We are also planning to examine the feasibility of launching a systematic effort to monitor and analyze consumer mail throughout the Department. In addition to making our responses more efficient and effective, such a monitoring system could help us focus more clearly on consumer sentiment on any given issue.

There is a final thought that I want to emphasize as the Assistant Secretary of Environment, Safety, and Consumer Affairs. One of the main concerns at DOT is to listen to the broadest possible spectrum of consumer opinions. I applaud this because I do not subscribe to the belief that consumer opinion is monolithic, that there is a single entity labeled "the consumer," with a single opinion on any given issue.

My experience indicates to me that there are many consumer interests and I believe that my responsibility is to pay attention to all of them. Then, when I am called upon to make a decision, I can accurately say that I have fairly examined and considered all sides of the issue.

Mr. Chairman, this concludes my testimony concerning the Department of Transportation's Consumer Representation Plan. I am submitting to your subcommittee, the following documents: an organization chart showing the location of our consumer affairs personnel; a summary of the comments concerning our CRP received at public hearings and in the mail; and estimates of the projected cost of implementing our DOT plan, which estimates are subject to further refinements based upon the final form of our CRP.

This concludes my statement and I will be pleased to answer any questions you may have.

