

Statement of

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Before the

SUBCOMMITTEE ON CONSUMER PROTECTION AND FINANCE
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE
UNITED STATES HOUSE OF REPRESENTATIVES

on

March 4, 1976

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before this Subcommittee today to present our views on H.R. 9291, the Department's bill to authorize funds to implement the National Traffic and Motor Vehicle Safety Act. I would also like to discuss our efforts under the Act to reduce the death and injury toll on our highways.

H.R. 9291 would authorize \$13,000,000 for the transition period, and \$60,000,000 for each of fiscal years 1977 and 1978. These funds would be more than sufficient to cover our anticipated expenses through fiscal year 1977. As provided in the President's Budget, we are seeking the appropriation of approximately \$11,740,000 for the transition period and \$44,185,000 for fiscal year 1977. We have already provided the

Subcommittee with information regarding the general areas for which these funds would be used, the specific programs planned for each of these areas and the resources to be allocated to each. Information concerning our funding needs for fiscal year 1978 will not be available until the budget cycle is completed early next year. Since the appropriation process has already begun for fiscal year 1977, I urge early enactment of this bill.

I would like to turn now to our progress in implementing the Act. Since the promulgation of the first Federal motor vehicle safety standards in 1967, there has been a continuous and significant decline in the nation's highway fatality rate. In 1966, when the national focus on highway safety began, the fatality rate was 5.5 - 5.6 per hundred million miles travelled. By 1973, the rate had dropped about 25 percent to 4.15. Using the 1966 figure as an index, traffic deaths could have been predicted to be closer to 75,000 in 1973, instead of the 54,347 which actually occurred.

It is difficult, if not impossible, to identify the individual portions of the national program which must be given credit for this improvement and to quantify their contributions. Certainly, no single action or program alone can be given the full credit for the safety gains we realized between 1966 and 1973.

During that period, the highway environment was being improved; new motor vehicle safety standards were introduced; and new traffic safety programs in states and communities were being implemented. I think it is safe to say that the efforts to improve the safety performance of motor vehicles and motor vehicle equipment are likely to achieve concrete results earlier than efforts aimed at the more difficult task of improving human driving habits. It is, therefore, my assessment that our motor vehicle safety programs have contributed most to the safety gains we achieved through 1973.

But I hasten to add that the implementation of the national 55 mph speed limit has demonstrated the dramatic benefits to be derived from improving driving habits. Proposed originally as a fuel savings measure, the 55 mph speed limit began to contribute almost immediately also to the reduction in highway fatalities. The number of fatalities declined from 54,347 in 1973 to 45,717 in 1974 and an estimated 45,674 in 1975. This decline cannot be explained entirely by changes in annual vehicle mileage. Although the mileage dropped from 1.309 billion miles in 1973 to 1.290 billion miles in 1974, it reached a new height of 1.315 billion last year. The net effect of the changes in fatalities and mileage was that the fatality rate fell to about 3.6 in 1974 and to an estimated 3.5 for 1975.

While this significant downward trend in traffic fatalities is quite encouraging, we certainly cannot and will not be satisfied so long as more than 45,000 people are being killed on the highways each year and many hundreds of thousands more are being seriously injured. Still, we can say, based on the record, that the implementation of the Vehicle Safety Act and the Highway Safety Act has had measurable, significant benefits.

Further reductions in the death and injury toll will depend in part on the rulemaking decisions made under the Act. I would like to discuss some important aspects of our rulemaking activity.

One of our most important vehicle safety efforts continues to be the improvement of MVSS 208, the Occupant Restraint Standard.

I mentioned that in 1974, and again in 1975, the number of traffic fatalities was about 9,000 below that in 1973. It is my view that the only other step that could be expected to produce an additional decrease of this magnitude within the predictable future would be to either greatly increase use of present and improved "active" safety belt systems, or to provide for so-called "passive" restraints.

There is substantial public confusion about the subject of "passive" restraints. Some persons believe that air cushion restraint systems, commonly referred to as the "air bag," is the only type of passive restraint system. This belief is incorrect, and I want to take this opportunity to set a few things straight publicly.

First, there are many passive protective features in cars already. The interior padding, collapsible steering wheel, the head restraints, and the windshield glass are passive. The side door guard beams and the other collapse characteristics of the car's structure are passive protective features as well. Proponents and critics will differ on their quantitative assessment of the effectiveness of these features. It is clear, however, that these features reduce the severity of injuries and help avoid fatalities under a wide variety of common crash conditions. The idea of a "passive" restraint merely carries this type of protection one step further.

Second, the "air bag" need not be the only answer. For many future smaller cars, the three-point belt could be replaced by soft or collapsible knee bolsters below the dashboard for lower torso protection and a simple, comfortable shoulder belt that is automatically, that is, passively, placed around and restrains a person's upper torso in the event of a crash.

Third, there is a long term trend toward smaller cars that will make our task of securing safe highway travel considerably more difficult. Smaller cars are being produced in increasing numbers primarily in response to the recognized national need for improving the fuel economy of new vehicles. The laws of physics dictate that persons in smaller cars would fare less well in a given crash than they would if surrounded by the greater energy absorption potential of larger cars. The problem is made worse by the fact that the chances of a small car's colliding with a larger car will remain high for sometime. Even after smaller cars completely replace larger cars, the potential for death and serious injury will still be higher than under current conditions.

With these considerations in mind, NHTSA has been digesting the voluminous series of docket submissions and reports received from all sides to date. We are being careful and cautious in reaching our decisions because of the controversial nature of the issue. Moreover, we are mindful that the Congress has reserved the right to pass on our final judgment in this matter. My goal is to have a final rule published before the traditional August recess this year.

Another standard that has attracted considerable attention is Standard 121, Air Brake Systems. I have been informed that my letter of January 15, 1976, to Subcommittee Chairman Van Deerlin, reporting on problems which have arisen since the promulgation of Standard 121 and our plans to resolve the problems, is to be included in the record of these hearings. Therefore, I will take this opportunity to comment only upon more recent developments.

On January 16, 1976, a three-judge panel of the United States Court of Appeals for the Ninth Circuit, in San Francisco, granted an order barring further enforcement of the air brake standard for at least 60 days. The court issued its order in connection with suits attacking the standard brought by the American Trucking Association, PACCAR, Inc., a truck builder, and the Truck Equipment and Body Distributors Association. The court stated that it was uncertain about the status of the standard because of proposed amendments, and did not understand what issues the parties wanted the court to rule on. The plaintiffs were accordingly instructed by the court to get together to refine and agree on the issues to be considered.

The court's decision was appealed by the Government to United States Supreme Court Justice William Rehnquist who reversed the lower court on January 29, 1976. Justice Rehnquist said that the ban on the enforcement of Standard 121 would "impede Congress' intention to promote improved highway safety...." The suit has returned to the Ninth Circuit, however, to follow that court's instruction to the plaintiffs to refine and agree on the issues they wish to be considered. PACCAR Corporation has just asked the Ninth Circuit for a stay once more, and the Government has filed its response. The court has not yet reached a decision.

I would also like to bring the Subcommittee up-to-date on the problem of electromagnetic interference or EMI that was cited in my January 15, 1976, letter to the Chairman. Two of the seven commercially-available brake antilock systems have demonstrated a susceptibility to electromagnetic interference. The problem may arise when a stationary or on-board source of radio signals activates the antilock mechanism, causing a release of air pressure when it should be available for braking.

The NHTSA has two research contracts in progress that deal with stationary and on-board sources of EMI that affect motor vehicle electronic controls and safety devices.

One contract has been underway since July 1974, and the other was initiated in October 1975. These contracts are intended to develop the parameters for testing of motor vehicle electronic systems.

One antilock manufacturer, Kelsey-Hayes, undertook extensive testing for EMI prior to implementation of the standard but did not locate the frequency band that can cause antilock system actuation resulting in momentary brake loss. The computer modules are affected by transmissions at some radio frequencies above 20 megahertz at power levels in excess of 30 watts when in close proximity to the computer module. One source of such transmissions is on-board radios. To correct this problem, Kelsey-Hayes replaces the computer module in some cases and adds a filter element in all cases to protect the system against EMI.

Ford Motor Company recently reported that part of its heavy truck line may be susceptible to EMI. The vehicles are equipped with an Eaton antilock system. I can now report that Ford has issued its technical bulletin setting forth the means to correct the potential defect. No accident as a result of the problem has been reported.

Instances of brake failure due to EMI have been greatly exaggerated. Reports of activation by citizen band radios, for example, are common. All testing demonstrates that the power output of these radios is insufficient to interfere with brake system operation. Isolated

reports of EMI in the antilock systems of Rockwell and AC Division of General Motors are being investigated by these manufacturers, but we have not found any pattern of malfunctions.

One major amendment to Standard 121 has been issued since my January 15 letter. On February 26, I issued a final rule modifying the truck stopping distance requirements. This amendment is intended to improve the handling characteristics of production 121 vehicles without eliminating the requirement that the vehicles stop without wheel lockup. That additional change has been sought by some vehicle manufacturers and users.

In the area of schoolbus safety, we have issued final safety standards for each of the eight aspects of performance specified in the Schoolbus Safety Amendments of 1974. Since we had either issued or were in the process of developing standards in 7 of the 8 specified areas before the 1974 Amendments were enacted, we were sufficiently prepared to complete the extensive study and analysis necessary for prudent rulemaking within the 15 month period mandated by the Act. Although we believe that these rulemaking efforts will lead to substantial progress, we do not suggest that the standards are etched

in granite. Revisions will be issued if they are determined to be necessary.

In February 1974, we issued a proposed amendment to our child seating standard that would add a dynamic test requirement to the standard. The dynamic test requires the use of a child dummy to measure realistically the safety and restraining effectiveness of child restraints. Two commercially-available child dummies were specified as alternatives in the proposed amendment. We recently completed an evaluation of the two dummies to determine which is the superior test instrument. We intend to issue final specifications for the one selected not later than April 1976. That issuance will mark the completion of a lengthy, but necessary, series of research efforts needed to develop an adequate and reliable dynamic test procedure. The need for such a procedure is clear from the Chrysler v. Volpe, a 1972 U. S. Circuit Court of Appeals decision involving Standard 208. The court found that specifications of the test procedures and test dummy for measuring the performance of passive restraints did not meet the statutory requirement for objectivity. Objective test procedures and devices are necessary, the court said, to enable manufacturers to replicate compliance test results.

Standard 301, Fuel System Integrity, became effective on January 1, 1968, and required that passenger car fuel systems not leak fuel at a rate greater than one ounce per minute after a 30 mph front-end barrier collision.

On September 1, 1975, the entire fuel system, including fuel pumps, carburetors and emission control components, became subject to the standard. Effective on that date also, a static rollover test following all impact tests was required. On September 1, 1976, provisions regarding three additional tests, a fixed barrier 30 mph front-end angular collision test, a 30 mph rear-end moving barrier test and a 20 mph lateral moving barrier test, will become effective. Coverage of other vehicles is being phased-in over the next year, and by September 1, 1977, the standard will cover all multipurpose passenger vehicles, trucks and buses under 10,000 pounds.

With regard to upgrading the requirements of Standard 302, Flammability of Interior Materials, we have concluded that a more stringent limitation on burn rate of interior materials would be unjustified. Our analysis of accidents, including the bus fires investigated by the National Transportation Safety Board, indicates that the current requirements of the standard are sufficiently stringent to allow evacuation by vehicle occupants. Deaths and injuries directly caused by vehicle fires are almost always attributable to burning fuel. Since the burn rates or modes of testing interior materials do not significantly affect the intensity of these fuel-fed fires, the standard's

present burn rate of 4 inches per minute in a horizontal test is considered adequate to permit evacuation from a vehicle in those cases where fuel is not a factor and the burn rate can make a significant difference.

We have granted a recent petition by the Center for Auto Safety to commence rulemaking to amend Standard No. 203, Impact Protection for the Driver from the Steering Control System, to upgrade the performance of steering columns. While our earlier proposals to upgrade both Standard 203 and Standard 204, Steering Control Rearward Displacement, were determined to require revision and were consequently withdrawn, some increased level of minimum steering column performance is undoubtedly needed. We are presently evaluating the incidence of steering column injuries and fatalities for all vehicle types, the minimum performance levels required to prevent such injuries and fatalities, and the costs of mandating this level of performance. Because of the complexity of this process and the need to rely on incomplete accident data, we do not at this time have a schedule for action in this area.

We are holding in abeyance rulemaking on exterior protrusion protection until basic research is more advanced on the fundamental problems of pedestrian injuries and deaths from motor vehicles. Because the accident data

indicate that the vast majority of pedestrian injuries caused by motor vehicles are "blunt trauma," we consider that the most reasonable rulemaking action would address the hostile aspects of the vehicle body as a whole and not establish arbitrary limits on sharp protrusions in the interim. We are planning to issue a proposal for general pedestrian protection in 1979.

Finally, I would also like to mention that we are considering extending the applicability of the hydraulic brake standard for passenger cars and schoolbuses (Standard 105-75) to trucks, multipurpose passenger vehicles and all other buses equipped with hydraulic brakes. The decision on whether to issue this amendment will be made this Spring.

We have been quite active in the area of standards enforcement and safety defect. In 1974, we tested a total of 253 vehicles, including 210 passenger models, 19 trucks, 6 multipurpose vehicles, and 18 buses. We also tested approximately 5,112 items of motor vehicle equipment, including 1,089 tires and 1,995 seat belt assemblies.

Since 1966, when the agency was first established, through 1975, vehicle and vehicle equipment manufacturers have initiated 1,941 safety defect recall campaigns involving 48.9 million vehicles. Through NHTSA's investigative efforts, 277 recall campaigns were influenced involving some

23.8 million vehicles.

I would like to mention here that a number of the defects investigations resulting in recalls were prompted by the approximately 1,500 letters and reports we receive each month from consumers experiencing vehicle problems. Public participation in this area has been excellent. Our Auto Safety Hotline Pilot Project, which enables consumers to telephone complaints about their automobiles, has added to the volume of consumer input in the defects area.

I might add, too, that our Office of Defects Investigation has played an active role in defect detection. We have, for example, conducted surveys of recreational vehicles which have uncovered several safety problems which have been the subject of investigations. We have conducted a schoolbus survey and are presently analyzing the data to determine whether defect trends exist. We have also been monitoring manufacturer recall campaigns to ensure that these campaigns are being conducted properly.

To aid us in our safety defect activities, we signed a lease on November 25, 1975, for our in-house Engineering Test Facility located at East Liberty, Ohio. We estimate that we may begin occupancy of the facility this August, in which case initial testing would be expected to start that same month. The facility will be used to provide

an in-house testing capability needed to evaluate public petitions requesting action on possible safety defects, and to conduct compliance testing and testing in support of rulemaking actions.

In the research area, one of our most important programs is the Research Safety Vehicle or RSV program. It addresses the transportation requirements for the 1980's for not only safety, but energy as well.

Phase II of the RSV program has been underway since July 16, 1975. On that date, sixteen-month contracts were awarded to Minicars, Inc., and Calspan Corporation to prepare detailed designs for the fundamentally different performance specifications that the two companies each developed during Phase I.

While Calspan is developing a 2,700 pound RSV and Minicars a 2,100 pound RSV, we are also doing research on cars under 2,000 pounds. This latter effort is being carried out in cooperation with several foreign manufacturers who market many of the lightweight subcompact automobiles sold in this country. Given the increasing number of lighter, smaller cars and the associated problems of vehicle mix, improved crash performance of vehicle structures and occupant restraint systems are being especially emphasized in this area of our research.

Mr. Chairman, this concludes my prepared testimony.
My colleagues and I will now be happy to answer any questions
you or members of the Subcommittee may have.

