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ADMINISTRATION BEFORE THE SENATE COMMITTEE ON COMMERCE, SCIENCE
AND TRANSPORTATION, SURFACE TRANSPORTATION SUBCOMMITTEE,
CONCERNING THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION,
SEPTEMBER 13, 1983.

Mr. Chairman, distinguished members of the Subcommittee, I am pleased to be here to discuss the activities of the National Highway Traffic Safety Administration (NHTSA). Accompanying me are Frank Berndt, Chief Counsel for NHTSA, and Barry Felrice, the Associate Administrator for Plans and Programs.

Let me begin by expressing Secretary Dole's strong interest in the subject of this hearing and in highway safety generally. She would have been here herself, except that she is presiding at a ceremony downtown to honor the outstanding employees of the Department. That ceremony involves hundreds of people from all over the country and could not be rescheduled.

Secretary Dole's commitment to safety is of long standing and she has asked that I reaffirm her commitment before you in the strongest terms. I am pleased that she has given me her charter to carry out this commitment in the area of highway safety. In her view, the issues addressed today are part of a three-way approach to highway safety involving the driver and the roadway as well as the vehicle. I look forward to restoring a balance between these approaches, without stressing one at the expense of the others. We are now in a different climate for safety, with a growing public awareness of safety and fewer fatalities. I am pleased to report that fatalities are continuing to decline, with our data for the 12 months ending in July showing a 6.1% decline over the preceding 12 months.

The specific topics you have asked us to address today are in the forefront of NHTSA's present activities in the area of motor vehicle safety. We are of course aware that these topics also correspond to several of the sections in Title I of S. 1108, as introduced by you with Senators Pell and Packwood. As I proceed I will therefore add such observations as we may have on the pertinent sections of your bill.

Automatic Restraints

Of considerable interest, clearly, is the question of automatic restraints. The Committee is familiar with the decision of the Supreme Court in Motor Vehicle Manufacturers Association v. State Farm Insurance Co., in which the court found that NHTSA's rescission of the automatic restraint requirements in Motor Vehicle Safety Standard No. 208 was arbitrary and capricious. The court directed the Court of Appeals to remand the matter to NHTSA for further consideration consistent with the Supreme Court's opinion.

We have not yet received the remand from the Court of Appeals. Nevertheless, we intend to review this matter thoroughly under the guidance provided by the Supreme Court and have begun the necessary steps to reconsider the rulemaking on the standard. By notice of August 31, 1983, we directed the suspension of the automatic restraint requirements from September 1, 1983, to September 1, 1984. We took this step as a procedural precaution to resolve any possible ambiguity, even though the likely effect of the Supreme Court's vacating of the Court of Appeals' judgment was to leave the effective

date of the automatic restraint requirements in rescission pending further agency review.

At the same time, we are conducting an expedited review of the Standard pursuant to the court's opinion. As stated in the notice, we intend to issue a notice of proposed rulemaking by October 15, 1983, and to reach a final decision well before the end of the one year suspension. At that time, we will establish an appropriate effective date for any action that we take.

Without being able to speak to the outcome of this rule-making process, I want to assure you that the Department regards this issue to be of the highest importance to the safety regulatory program. Apart from the rulemaking action, we are continuing to examine passive restraint technology, through projects involving the retrofitting of airbag systems and the evaluation of alternative technologies, and through the purchase of air bag equipped vehicles by the General Services Administration.

Bumper Standards

In 1982, NHTSA concluded its rulemaking on the bumper standard by reducing the impact speeds from 5 mph to 2.5 mph, on the basis of its findings that the 5 mph speed did not yield the greatest net economic benefit to consumers and that the reduction would not adversely affect safety.

The agency's final rule was immediately challenged in petitions filed with the Court of Appeals by two insurance companies and the Center for Auto Safety. The litigation is

still in process, with oral arguments likely to be held sometime this fall. We have filed our initial brief in the case, and are currently preparing a supplemental brief in response to the Court's request for our analysis of the effects of the Supreme Court's decision in the automatic restraint case.

In the meantime, NHTSA is continuing its full-scale evaluation of the bumper standard. We are spending, exclusive of staff time, one million dollars on this evaluation. We will be gathering new data on bumper costs, weights, and effectiveness. I want to assure the committee that we will follow the evaluation wherever it takes us. If the data do not support the current rule, we would be prepared to undertake new rulemaking.

The provision relating to bumpers in S. 1108 would dictate an impact speed of 5 mph, thereby incorporating the old bumper standard into law. We would object to the rigidity of this process, even if we believed 5 mph to be the appropriate speed. Such a legislated speed would severely curtail the agency's ability to adjust the standard to meet the best current data, and could stifle innovation in the automobile industry by serving as a ceiling, rather than a floor, on bumper performance.

Side Impact Protection

As part of its comprehensive research program on occupant protection, NHTSA has conducted a number of projects on side impact protection. The projects currently underway are designed to examine whether we can manage energy in side impacts and improve safety by using a more realistic test. Our research to date has produced encouraging data about the performance of

our new side impact dummy and the moving deformable barrier that we have developed to simulate a striking vehicle. We are currently in the midst of a series of 30 side impact tests to evaluate these test devices and the test procedures we have developed in full systems tests of modified vehicles. We expect to get preliminary results in March of 1984.

The development of a new standard for occupant protection in side impacts must await the conclusion of basic vehicle research. We are encouraged by our progress thus far, and look forward to the issuance of rulemaking in the future, but we do not yet have the data necessary to devise such a standard, and do not expect to have such data before the date that S. 1108 would have us issue a final rule to require dynamic crash tests.

Truck Occupant Protection

Although the truck accident data in recent years shows a downward trend in the incidence of serious and fatal injuries to truck occupants, about 1,000 will die each year. This remains a subject of serious concern. Much of our work on trucks has been directed to the aggressive nature of trucks in accidents with smaller vehicles. We have, therefore, focussed on brakes, lights, and other accident avoidance features. It is time, we believe, to make a major push on the safety of truck occupants. We tried to maintain the level of funding for research on truck safety in fiscal year 1983, but Congress reduced our funding by 75 percent. Funding will remain at this reduced level in fiscal year 1984, and

does not presently permit significant research on occupant safety.

Based on recently completed research, we were able to make several general observations about occupant protection, notably about safety belt usage, steering wheel design, and cab structure. Our current estimate is that only 6 per cent of truck occupants wear safety belts, compared with 14 percent of occupants of other vehicles. An increase in belt use would seem to be the most readily available means to improve occupant safety, and we are exploring this and other ways of improving truck occupant safety.

There may well be benefits from examining additional aspects of occupant protection, such as improvements in steering wheel design and in the strength of the cab structure. This would complement our efforts to improve truck safety through helping the states to detect problem drivers in their commercial licensing process. We plan to work closely with the teamsters to identify ways to improve truck occupant protection. We would, therefore, support the provision of S. 1108 relating to truck occupant protection.

Under this Committee's leadership last year, the Congress enacted landmark legislation to make long needed changes to the National Driver Register (NDR) to allow it for the first time to fulfill the need for immediate information on drivers. During the development of the system to implement the Act, we have taken other measures to improve service. Through the use of telephone lines, the NDR can now give the states

the option of processing inquiries and updating files within 24 hours.

Antilacerative Windshields

We have been at work for some time on rulemaking that responds to the growing interest in plastic films that can be bonded to the inside of windshields to reduce facial lacerations in crashes. We completely share your enthusiasm for the injury potential of this technology. The agency issued a notice of proposed rulemaking on March 10, 1983, and has substantially completed its analysis of public comments on that notice. In proposing a rule, the agency sought to permit a variety of materials to be used. Although to this point only a polyurethane-based film produced by a French company seems ready for the market, we have given General Motors approval to produce 550 test cars with windshields bonded by a domestically-developed alternative process. We anticipate completing our work on this important safety rule-making this month.

Although the type of antilacerative windshield prescribed by S. 1108 would presumably comply with the performance requirements of the proposed rule, the bill would exclude materials other than polyurethane which might offer equivalent protection. As we noted, a domestic company has developed an alternative technology which does not use polyurethane, and therefore, could not be used to satisfy the statutory requirement. Also, because the language is so restrictive, we would oppose this limitation in the bill. With only one foreign

company presently prepared to market such windshields, the manufacturers would not be able to equip all vehicles by September 1, 1984, and we therefore prefer to deal with those issues through a responsive safety rulemaking.

Consumer Information on Crashworthiness

During the last year, NHTSA has devoted most of its work in the area of comparative crashworthiness to the question of repeatability. The New Car Assessment Program, which began in 1979, had published test results from a single crash test of each model selected for testing. We have observed a significant improvement in performance during the program. In 1982, for example, Honda, Nissan, Toyota, and Volvo each showed dramatic improvements over earlier years, as did General Motors in its smaller cars.

To address a widespread concern about the repeatability of these results, NHTSA began a testing program in November 1982 to examine the crash data from a series of tests of identical vehicles. In hopes of distinguishing between variations due to the test procedures and variations due to the cars, the agency tested four or more cars at each of three laboratories. All cars were 1982 Chevrolet Citations with identical equipment assembled at one assembly plant. General Motors, on its own, tested an additional 6 cars of the same type.

The significance of the variations found in these tests is to be the subject of a public meeting to be held by NHTSA in Ann Arbor on October 11 and 12, 1983. I have attached a copy

of the notice issued by NHTSA on August 30 to announce this meeting. In the notice you will find a copy of the results from the 20 cars tested.

The agency is hopeful that the meeting will shed light on the source of the variations and on possible means to reduce the variations. As you can see from the notice, NHTSA has already outlined several approaches to resolving these questions and intends to pursue these approaches over the next two years.

One of the products of the October meeting will be information that we can use in a report to Congress, pursuant to the direction of the House Appropriations Committee by January 31, 1984. We will be pleased to submit a copy of our report to you at that time.

The agency remains committed to the New Car Assessment Program, and to the principle that consumers should be informed about the relative crashworthiness of their cars. We believe the program has produced results. Overall, 80% of the vehicles tested in 1982 performed well; in the program's first year, only 20% of the vehicles performed well. However, until the test methodologies are further refined the administration will oppose any effort to promote a misleading appearance of precision through numerical ratings.

High-mounted Stoplamps

NHTSA began rulemaking on center high-mounted stoplamps in January 1981, with a notice that proposed to require such stoplamps on all passenger cars. The agency based its proposal on

two field tests which showed that vehicles equipped with center high-mounted stoplamps were struck from behind much less frequently than vehicles equipped with only conventional stoplamps. One test showed a 53 percent reduction, and the other a 55 percent reduction. We have recently submitted a final rule concerning the installation of center high-mounted stoplamps to the Office of Management and Budget for final clearance.

S. 1108 would also require a standard on high-mounted rear stoplamps with an effective date of September 1, 1984. This date would be virtually impossible for the manufacturers to meet. We believe that our rulemaking process will adequately meet the need for motor vehicle safety in this area.

Mr. Chairman, this concludes my prepared remarks. I have alluded to a number of additional documents which we can provide for the record if you wish. I would be pleased to try to answer any questions you may have.