

STATEMENT OF JERRY RALPH CURRY  
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BEFORE THE  
SUBCOMMITTEE ON TRANSPORTATION AND HAZARDOUS MATERIALS  
OF THE  
HOUSE COMMITTEE ON ENERGY AND COMMERCE

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Mr. Chairman and Members of the Subcommittee:

It gives me great pleasure to appear before you today to discuss the activities and accomplishments of the National Highway Traffic Safety Administration. The record is a good one. Seated at the witness table to help tell you about it are our Associate Administrators: Barry Felrice, Rulemaking; Bill Boehly, Enforcement; Mike Brownlee, Traffic Safety Programs; Don Bischoff, Plans and Policy; and George Parker, Research and Development.

Any assessment of motor vehicle safety activities should be conducted with one fact in clear view: the number of people killed in motor vehicle crashes. We have reason to be encouraged. The fatality rate is continuing to drop -- from 2.3 deaths per hundred million miles of travel in 1988 to 2.1 in 1990. The fatality rate for the 12 months ending July 1991 is 2.0. From 1988 to 1990, deaths from motor vehicle crashes have declined from 47,087 to 44,529. These decreases have occurred in spite of increases in the number of licensed operators, and the number of vehicles and miles travelled. The numbers are still far too high, but the trend shows we're doing something right.

Many factors have contributed to this trend, including more effective alcohol programs and higher rates of safety belt use, but a quick look at NHTSA's safety rulemaking efforts over the past two years shows how the safety

rulemaking contributes to the trend. Though currently declining, the volume of rulemaking has been at an all-time high. In 1990, we issued a record 94 rulemaking notices, thirty percent higher than the average of the preceding decade, and this year we have already surpassed that record, with 97 notices issued.

Some of these rulemaking actions represent the final stage in processes that began years earlier. For example, in October 1990 we issued a final rule to establish dynamic side impact requirements for passenger cars. This rulemaking was the most difficult, and most protracted, in the agency's history. It had been in process for almost ten years, but we finally succeeded in resolving the critical issues and issuing a rule that will contribute to a significant savings in lives.

A significant number of these rulemaking actions involved the extension of passenger car safety standards to other categories of light duty vehicles, such as light trucks, vans and utility vehicles (LTV's). The increasing use of LTV's for general passenger purposes -- the best example is the minivan, which has replaced the station wagon for many families -- and the availability of measures to improve their safety in a cost-effective manner, has erased any distinction that might once have justified applying a different set of standards to them. Some of the newly extended standards -- those requiring head restraints, rear seat lap and shoulder belts, and the dynamic testing of safety belts -- have already become effective. Several others -- those relating to roof crush resistance, center high-mounted stop lamps, and side impact protection -- will become effective in model year 1994. The automatic restraint requirements of Standard No. 208, the standard that has prompted the widespread adoption of air bags in passenger cars, will become effective for

LTV's in stages over four model years beginning in model year 1995. By the end of the automatic protection phase-in for LTV's, there will be virtually no difference between the standards governing crash protection for these vehicles and those provided for passenger cars. One area of continuing inquiry is the feasibility of dynamic side impact requirements for LTV's, whose diversity of body types presents technical challenges for the development of regulatory procedures.

When I took office in 1989, it was clear that there was strong Congressional sentiment in favor of extending the passenger car standards to light trucks. Initial rulemaking had already begun on some standards. As the new rulemaking developed, it acted as a catalyst for the manufacturers to design their light trucks to meet passenger car standards. The agency addressed the technical, economic, and leadtime issues raised by the manufacturers. Once these issues were resolved, the manufacturers supported the amended requirements. The extension of safety standards to light trucks illustrates how the agency and the Congress can work together cooperatively in achieving common goals, without the need for restrictive legislation.

The current progress on school bus safety provides another example of rulemaking that involved Congressional oversight. During the last Congress, this subcommittee held two hearings on school bus safety, one to review the tragic Kentucky crash that claimed 27 lives and one to examine the need to protect children while boarding and leaving the bus. The hearings contributed to our decision to conduct rulemaking on emergency exits, cross-view mirrors, stop arms, and body joint strength.

The school bus rules, as well as the other rulemaking actions I mentioned,

show the value of an ongoing dialogue between the agency and Congress over the direction of vehicle safety rulemaking. Currently we operate under an act that gives us ample authority to improve vehicle safety, and we welcome the opportunity to discuss the direction of the vehicle safety program with you. While we object to micromanagement legislation, such as appears in H.R. 3123 and two bills passed by the Senate, S. 1012 and S. 1204, we want to affirm our support for a vigorous dialogue between the agency and Congress.

Let me give you one more example of the potential problems of legislated rulemaking. A provision in S. 1012 (separately passed by the Senate as S. 591) would require us to issue a rule mandating the installation of air bags in all light vehicles by the mid-1990's. We testified before the Senate that we believed such legislation to be unnecessary. It was my conviction that the vehicle manufacturers had seen the value of air bags, that they understood the consumer demand for air bags, and that they were pursuing plans to adopt them across the board. Even those manufacturers who had at first been reluctant have now responded favorably. After I made a personal plea to the Japanese manufacturers to consider additional air bag installations, they also have now adopted plans for full air bag implementation by model years 1994 and 1995. Our best estimate is that 90 percent of all passenger cars produced in model year 1995 will have air bags for the driver and front seat passenger. It is my firm belief that legislation mandating air bags would require a lot of work with no value added -- it is much like mandating that all cars will have doors.

Having mentioned the agency's record number of rulemaking actions, I do not want to leave you with the impression that we have dumped a vast regulatory burden on the manufacturers. The great majority of these actions were in

response to petitions filed by the manufacturers themselves, seeking to facilitate the adoption of new technology that might not quite fit with existing regulations or to clarify existing requirements. These petitions are part of the necessary process of fine-tuning the standards to fit the needs of a diverse industry during a period of rapid technological change.

In addition, we believe that we have greatly improved the petition review process during the last two years. We processed 89 petitions in 1990, a record number that nearly doubled the annual average of the 1980's. And we processed them faster, reducing the average time from 10 months to four. At the beginning of 1989, there were 12 petitions in the agency that had been overdue for more than a year. We have been working steadily to reduce that backlog, with the result that today we have only one petition that is more than a year overdue.

In 1988, we took an average of 24 months to process a rulemaking action from beginning to end. It has been my goal to reduce the average to 18 months. We're not quite there yet, but the average last year was close to 20 months and falling. A shorter rulemaking period, consistent with observing all the statutory criteria that we must meet, means that the manufacturers will be able to plan more efficiently and that the public will receive the benefits of any improved rules more quickly.

Along with increasing its rulemaking efficiency, NHTSA is giving the industry and the public a better forecast of where its rulemaking agenda is headed. We have developed a priority plan for highway safety that includes a forecast for vehicle safety rulemaking. The plan draws on our best review and analysis in projecting a path for the next three years. By reviewing it, the public can

see that we are looking at such subjects as rollover requirements for passenger cars and light trucks, and antilock brakes for heavy trucks. The priority plan is a permanent feature of the agency's public agenda.

As an adjunct to the priority plan, NHTSA took the lead in developing and publishing a heavy truck safety plan for the Department. The plan incorporates not only NHTSA's prospective work on truck safety but also that of the Federal Highway Administration and the Research and Special Programs Administration. By including all of the Department's planning on heavy trucks within one document, the plan gives those interested in heavy truck safety a comprehensive roadmap for future actions.

In mentioning the priority plan, I must also mention that NHTSA has been extremely active in its other safety undertakings. Some of these are directly designed to ensure that the standards issued under the Vehicle Safety Act will have their maximum benefit. Some of our standards provide a benefit regardless of what a driver or passenger might do. For example, door locks now resist opening in a rollover. Roofs resist collapsing, simply because there are standards that require them to perform in a certain way. Not so with safety belts and child safety seats. A passenger sitting on top of his or her belt instead of buckling it properly receives no protection from it, nor does a child who is not properly secured in a safety seat. Even with an air bag to provide frontal protection, the safety belt must be used to maximize this protection and to provide essential protection in rollovers and side impacts. To increase the use of these safety devices, we have been working hard to increase the use of safety belts and the proper use of child safety seats. Here, too, we have success to report. The rate of safety belt use, 45 percent in 1988, had risen to 50 percent in early 1991 before our

latest safety belt campaign began. We believe that public information campaigns, such as the nationwide summer safety belt campaign we just concluded, will continue to push the safety belt use rate toward the President's goal of 70 percent by 1992. We note that, within the last two years, 10 more States have enacted safety belt use laws, bringing the total to 41 States and the District of Columbia.

Recent accomplishments in Research and Development include a major new crash avoidance research initiative on intelligent vehicle highway systems and the completion of the truck-tractor phase of the in-service evaluation of antilock braking systems. In crashworthiness research, we have completed research on head impacts to the roof, window headers and support pillars of passenger cars and light trucks. Our crash tests of current vehicles enabled us to develop a test procedure and to evaluate possible methods of reducing injury. In our data collection activities, we have worked with the highway safety community to develop a set of core data elements called "Critical Automated Data Reporting Elements" (CADRE). We believe that the adoption of these elements by the States will provide a more reliable foundation for identifying emerging highway safety problems and targeting countermeasure efforts.

As a final component of our vehicle safety program, I have emphasized enforcement of the safety standards and investigation of possible safety defects. Our goal is to ensure that the performance required by our safety standards is in fact obtained in production vehicles and that unsafe vehicles are identified and recalled.

In conclusion, we can report that the agency today is achieving the life-saving results that Congress intended twenty-five years ago when it

enacted the Vehicle Safety Act. We have made significant improvements in the past two years, and we have taken steps to ensure that they will continue. We look forward to further increases in vehicle safety in the years to come.

This concludes my remarks. We will be glad to answer any questions you may have.