Statement of Brian O'Neill, President
Insurance Institute for Highway Safety
Oversight Hearings on the National Highway Traffic Safety Administration
Before the Senate Committee on Commerce, Science, and Transportation
Consumer Subcommittee, March 6, 1987

The Insurance Institute for Highway Safety is a nonprofit research and communications organization that identifies and develops ways to reduce motor vehicle crashes and their losses. We are supported by the nation's property and casualty insurers. At this subcommittee's request, I am submitting for the record information about the status of rulemaking on automobiles by the National Highway Traffic Safety Administration (NHTSA).

In the 20 years since the National Traffic and Motor Vehicle Safety Act and the Highway Safety Act were passed, we've come a long way. Federal regulations implemented since then have saved thousands of lives and continue to do so every year they are in effect. In fact, it's hard to think of a single area in which federal regulation has been as successful as it has with respect to highway safety.

Occupant Protection in Frontal Crashes

The most recent instance of progress has to do with protecting drivers and front-seat passengers in frontal crashes. More than half of all highway deaths and serious injuries involve front- and front-angle crashes -- the kind in which lap/shoulder belts and air bags are especially effective. Extensive research indicates that the best protection against death and serious injury in frontal crashes is the combination of a safety belt and an automatic air bag.

Good news is that we're finally seeing belt use laws enacted in more and more states, and use rates are increasing accordingly. Equally good news is the progress toward air bags. Six auto manufacturers now, or soon will, equip their 1987 cars with standard or optional driver-side air bags. Other manufacturers will follow suit in 1988 and, by 1991, we can expect millions of new cars with air bags -- not just driver-side air bags but passenger-side ones, too. NHTSA should do everything possible to keep this progress on track. It should especially avoid any controversy that would upset present plans for equipping cars with air bags.

These plans still depend on NHTSA amending Federal Motor Vehicle Safety Standard (FMVSS) 208 to permit driver-side air bags beyond 1989. Without this amendment, air bags are likely to be used in many fewer cars and only in relatively expensive ones. To avoid such a circumstance, final action on the amendment is needed as soon as possible. NHTSA should also address, as soon as possible, the issue of when convertibles will be required to comply with FMVSS 208. (They are exempt during the 1987-89 phase-in.) Unless NHTSA resolves this quickly, manufacturers won't have enough lead time to meet the 1989 deadline, and automatic restraint requirements for convertibles will be delayed beyond the phase-in period.

Side Impact Protection

After frontal crashes, the next most frequent kind that causes death and serious injury is side impacts. Because of universal agreement that the side-door strength standard, FMVSS 214, is inadequate, NHTSA began rulemaking almost a decade ago to upgrade performance in side impacts. But

in 1982, the agency terminated this rulemaking, stating as its excuse that "a substantial amount of research remains" and that further rulemaking wouldn't begin for "at least one year." It's been five years, though, and we're still waiting. There's been lengthy debate about developing the most appropriate dummy for side impact testing. There's been equally extensive discussion of dynamic versus static testing. Most of the work on these issues is helpful and important, but there's enough of it now to upgrade the standard, and NHTSA should do so.

Bumper Ratings

And what about NHTSA's often-promised but never-delivered bumper ratings program? When the agency rolled back federal bumper requirements from 5 mph to 2.5 mph in 1982, it said the marketplace should determine what kind of bumpers new cars would have. If consumers wanted 5 mph bumpers, the agency said, competition among car manufacturers would ensure their availability, and NHTSA's bumper ratings program would help the marketplace operate efficiently.

But that hasn't happened. Consumers are finding it difficult to choose cars with superior bumpers because, in most cases, manufacturers aren't publicizing the level of protection their bumpers provide. Some are putting the "5 mph" label on bumpers that don't live up to their billing. This situation is confused by the absence of an agreed-upon definition of a 5 mph bumper. Meanwhile, NHTSA's ratings program is nowhere in sight.

Just last week, the Insurance Institute for Highway Safety released the

results of our latest series of low-speed crash tests. We tested 22 popular midsize cars and found damage totals ranging from $419 to $2,030 in the same four tests at 5 mph. One car was a standout: Chevrolet's Corsica, which had by far the lowest damage total, was designed from the beginning with consideration toward preventing low-speed crash damage. This is useful and interesting information, but the Institute's crash test program involves only a handful of cars each year. We cannot test every model every year and publicize the results widely enough to give car buyers all the information they need to seek out cars with superior bumpers. It's NHTSA's job to implement a comprehensive ratings program and require car manufacturers to put bumper performance information on new-car stickers.

The Motor Vehicle Information and Cost Savings Act of 1972 called for the agency to initiate such a program, and NHTSA promised in 1982 to do so, saying it would give consumers "independent confirmation of manufacturers' bumper performance claims." The agency promised to help consumers toward "purchasing decisions based on the most accurate information available. In this way," NHTSA further promised, "maximum marketplace freedom for informed selection ... would be encouraged." But despite all these promises, no ratings program was initiated in the 1970s. Nor has it materialized in the 1980s. Why? I don't know, but there's no excuse good enough to warrant further delay.

Light Trucks and Minivans

Another area in which action by NHTSA is sorely needed involves light

trucks and minivans. Last December, NHTSA Administrator Diane Steed noted the growing share of the market being claimed by light trucks and vans and told the Senate Commerce Committee that the agency is engaged in a review of the whole issue of their safety. She said the study focuses on individual vehicles because some light trucks may be less safe than others. Some might require regulation, she said, and others might not. This is one way of going about the regulatory process, but it's not very efficient. First, NHTSA should undertake the basic task of redefining vehicle groups for regulatory purposes.

Back in the 1960s, the agency defined a number of vehicle classes, among which were light trucks (less than 10,000 pounds and designed for carrying cargo) and multipurpose passenger vehicles (either built on a truck chassis or having special features for off-road use). Since then, these vehicles have changed. Their use patterns have changed so much that NHTSA's definitions and classifications are out of date.

Light trucks are smaller and less protective of their occupants than they used to be. They're being used in most cases just like passenger cars. Many of today's so-called multipurpose passenger vehicles are actually minivans designed to compete with station wagons. Chrysler, for example, advertises its minivan as "the station wagon of the future," "the best family wagon in America," and tells drivers of Dodge Caravans and Plymouth Voyagers, you'll "feel more like you're driving a car."

These vehicles are not being used any differently than station wagons. They aren't being used off-road. And they aren't trucks. So it's diffi-

cult to see how they could be classified as multipurpose passenger vehicles, even under 1960s definitions.

Auto manufacturers apparently have a great deal of freedom in deciding how their vehicles will be classified. The result is that some are essentially passenger cars, but they don't have to meet all of the safety standards for cars because manufacturers don't classify them as such and NHTSA uses out-of-date definitions for regulatory purposes.

Nine years ago, the General Accounting Office issued a report with a meaningful title, "Unwarranted Delays by the Department of Transportation to Improve Light Truck Safety." If those delays were unwarranted in 1978, they're doubly so today. So-called multipurpose passenger vehicles built on car chassis should immediately be reclassified as passenger cars because they don't meet even the 1960's definition of multipurpose. In addition, the classifications of all small vehicles predominantly used on the highways should be re-examined in the context of today's and tomorrow's vehicles, and a reasonable timetable should be set for them to meet passenger car safety standards or appropriate equivalents.

Vehicle Rollover

NHTSA also needs to move more quickly on the related problem of vehicle rollovers. Compared to large automobiles, the occupant death rate is five times worse in small utility vehicles, primarily because many of them are likely to roll over. Small pickup trucks are also disproportionately involved in rollover crashes.

NHTSA has known about this problem since at least 1971 when its administrator refused, because of stability problems, to let the army sell surplus M-151 vehicles to the public. The Insurance Institute for Highway Safety published a very well-known report in 1980 about the stability problems of Jeep CJ-5s. Filmed test results showing the propensity of these vehicles to roll over were publicized throughout the country. More recently, a study by A.B. Kelley and Leon Robertson underscores the need for NHTSA to take action to prevent rollovers. Representative Timothy Wirth has petitioned the agency to "immediately open proceedings to ensure the safety of the thousands of Americans who own Jeep-type vehicles which are unusually prone to roll over." So the evidence is clear -- the death rate because of rollover is very high in many small utility vehicles and light trucks. Although the Jeep CJ-5 isn't on the market anymore, several vehicles with high centers of gravity and narrow track widths are still being sold, new models are being introduced, and NHTSA should immediately begin rulemaking in this area.

In fact, NHTSA should act in all of the areas I've enumerated -- side impact protection, rollover protection, light trucks, and bumper ratings. The evidence overwhelmingly points to the need for new or upgraded standards, but the agency has been neglectful. It has said either that the relevant issues are still being studied or that it has concluded further rulemaking isn't warranted. Either way, the result is costly inaction that should be corrected as soon as possible.