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RPTS DEAN

DCMN BURRELL

HEARING ON AUTO SAFETY: EXISTING MANDATES AND EMERGING ISSUES

MONDAY, MAY 18, 2009

House of Representatives,

Subcommittee on Commerce, Trade and Consumer Protection,

Committee on Energy and Commerce,

Washington, D.C.

The subcommittee met, pursuant to call, at 2:00 p.m. , in Room 2322, Rayburn House Office Building, Hon. Bobby L. Rush [chairman of the subcommittee] presiding.

Present: Representatives Rush, Sarbanes, Barrow, Braley, and Radanovich.

Staff Present: Anna Laitin, Professional Staff Member;

Christian Tanetsu Fjeld, Counsel; Michelle Ash, Counsel; Valerie Baron, Legislative Clerk; Brian McCullough, Minority Senior Professional Staff Member; and Chad Grant, Minority Policy Analyst.

Mr. Rush. The subcommittee will come to order. Today's hearing is on "Auto Safety: Current Mandates and Emerging Issues." And the Chair recognizes himself for 5 minutes for the purposes of opening statements.

I want to let you know that there is a hearing or openings statements on the markup of the energy bill that occurs downstairs and the majority of our subcommittee members are there waiting for the opening statements. So they will be coming in and out of this hearing in that they are preoccupied with the opening statements.

Today the subcommittee will conduct its first oversight hearing of NHTSA in the 111th Congress. The intent of today's hearing is fairly simple, and I want to know if NHTSA is taking the necessary proactive steps to ensure that American consumers are as safe as they can reasonably be in their personal, commercial, and their recreational vehicles. Whether it is a parent driving his or her child or children to school or a motor coach full of children traveling to the museum or simply driving to work, Americans every day put their faith in the safety of their cars and trucks that they drive. It is of absolute importance that manufacturers and government regulators meet this very basic expectation.

With this overarching goal in mind, there are several issues I want to explore in this hearing that specifically implicate safety.

First, is NHTSA issuing safety rules that are relevant and timely? Is the agency sufficiently heeding the recommendations of the National Transportation Safety Board and responding to findings that point to dangerous problems? In this regard I am very interested to know how NHTSA has responded to recommendations from NHTSA on issues surrounding tire pressure monitoring, retread standards, and electronic on-board recordings for commercial vehicles, as well as the overall safety of motor coach vehicles and school buses.

Second, is NHTSA sufficiently implementing congressional intent? In 2005, Congress mandated that NHTSA establish standards for releasing rollover crashes and mitigating the resulting damages. Congress also called on NHTSA to study, "dynamic testing" that stimulates the dynamic of a real rollover crash. I want to know where the agency is in meeting this congressional mandate.

Third, I would like to know what steps NHTSA is taking to meet the unique challenges of safety for hybrid and alternative fuel vehicles which are quickly becoming a segment of the cars driven by Americans. If we want to promote these new vehicles to American consumers in our efforts to further energy independence and combat global climate change, we have to also ensure Americans that they are as safe as they possibly can be and ensure their long-term commercial viability.

Fourth, I am interested in knowing what steps NHTSA is taking

to ensure child safety in vehicles. The Chicago Tribune recently ran a story citing the poor performance of child car seats and the Secretary of Transportation, my friend and former colleague from Illinois, Secretary LaHood, has ordered a comprehensive review of the car safety program. Moreover, I want to know what initiatives, if any, NHTSA is taking with regard to recent reminders of safety features that notify the driver that a child is present in the back seat of a car.

Lastly, I want to know if NHTSA has the sufficient resources to meet the unique challenges of the 21st century and the challenges occurring in American transportation.

I take this subcommittee's jurisdiction over NHTSA and vehicle safety very, very seriously. I very much believe it is possible, indeed necessary to promote energy independence, despite global climate change, and ensure safety and nurture the long-term success of American made cars and trucks. This subcommittee has an important role to play in furthering these goals. They are not mutually exclusive.

I want to thank the witnesses appearing before us today. I think I speak for all the members on this subcommittee that we look forward to working with the Obama administration, Acting Deputy Administrator Medford, and the full-time future Administrator of NHTSA, whoever they may be, on matters affecting all the areas of vehicle safety.

With that, I yield back the balance of my time, and I

recognize for the purposes of an opening statement for 5 minutes the ranking member, Mr. Radanovich.

Mr. Radanovich. Thank you, Mr. Chairman. I appreciate you calling this hearing today to discuss the important subject of National Highway Traffic Safety Administration and the mandates Congress has imposed on them. I understand the importance of holding this hearing, but I do hope that future hearings will be automatically rescheduled when full committee business is scheduled to occur at the same time to ensure greater member participation.

Everybody wants their roads to be safer. Too many lives are lost each year due to accidents. Fortunately, the changes in driving behavior and the addition of new technologies continue to make great improvements in reducing the fatalities on our roads. Last year we saw a 9 percent increase -- excuse me, a 9 percent decrease in vehicle crash fatalities and overall the fewest fatalities on our roads since 1961.

Additionally, the fatality rate has been steadily dropping each year, and was the lowest on record in 2008 at 1.28 fatalities per 100 million vehicle miles traveled.

Clearly safety continues to improve under the combined efforts of NHTSA and the auto manufacturers. Safety initiatives such as the campaign to increase seat belt usage, combined with adoption of technologies and improved crash avoidance such as electronic stability control, have kept fatalities much lower than

they would be otherwise.

With the population growth and the increased miles driven each year, the number of fatalities without these advances would likely be closer to 100,000 deaths annually if the fatality rates were the same as during the 1970s. And while these improvements should be heralded, it doesn't change the fact that more lives could easily be saved.

Greater use of seat belts, which costs nothing, would save thousands more lives. Additionally, alcohol was a factor in approximately one-third of all fatalities. We have seen great improvements over the past two decades in reducing the number of impaired drivers on the road. Further improvements are needed.

These behavioral changes are the most effective changes to adopt at virtually no cost. Technological improvements, however, take time and research to develop and they cost money. As we will hear from the second panel, the auto industry spent nearly $800 billion on research and development in 2007, and those costs have to be recouped. Although that means the consumers pays more for the average car, it also means that they are usually getting a better, more reliable, and, most importantly, a safer car than they would have purchased just a decade ago.

Consumer demand plays an important part of the decision process through which technologies are adopted. If consumers won't pay extra for these advances, they may opt for a less equipped vehicle and forego a new purchase entirely. In these

uncertain economic times with rising unemployment, many consumers are cutting back considerably on their discretionary purchases, and as we all know, the pullback in consumer spending has hit the auto industry very hard.

New auto sales were cut nearly in half last year from their peak and are not improving this year. Without a definitive improvement in their financial future, it is not clear how the economic downturn will affect their ability to develop further safety improvements.

Congress has mandated many things, in some instances placing strict deadlines for NHTSA to issue rulemakings for the industry to adopt. NHTSA, who is the Federal agency with the safety expertise, has done an excellent job to improve safety. It is a mistake to supplant NHTSA's expertise and priorities with proposals that restrict or divert resources from the priorities that save the most lives.

NHTSA should continue their work and prioritize the most effective programs in rulemaking that will serve public health and safety best. If Congress disagrees with those priorities, we he have the ability to conduct appropriate oversight. What Congress and this committee should focus on is how the changes we are considering for environmental policy affect auto safety and the affordability of our cars.

We do not yet know, for example, how the new fuel economy standards will affect future affordability and safety. The

Insurance Institute for Highway Safety issued a report last month that makes clear one disputable fact, that car size and weight matters when it comes the safety. Their research bears out the fact that the fatality rate is higher for small and mini size cars.

We all want safer and more fuel efficient cars. If technology can be used to improve the fuel economy without sacrificing the safety of the vehicle, that is a great outcome. The question is how much will it cost, and the answer to that question will determine many of the choices consumers and auto manufacturers make and will also affect auto safety.

I want to thank all the witnesses here today, and I look forward to discussing these important issues. Thank you, Mr. Chairman.

Mr. Rush. The Chair thanks the ranking member, and the Chair wants the ranking member to be assured if it was possible to fight off the aggressive activities of other committees in the Congress as it relates to our jurisdiction over this matter, then the chairman certainly would have rescheduled this meeting. But in light of the fact that there are some folks who want our jurisdiction over this matter, I thought it would behoove us to have this hearing and to have it promptly, and that is the reason why we scheduled this hearing at the same time as the opening statements on the full committee.

The Chair now wants to recognize our two expert witnesses.

They are a fine group of people. They come from the National Highway Traffic Safety Administration and also from the National Transportation Safety Board. Representing the National Highway Safety Administration is the Acting Deputy Administrator, Mr. Ronald L. Medford. Welcome, Mr. Medford, to this committee.

And next to Mr. Medford, representing the National Transportation Safety Board, is Ms. Kathryn O'Leary Higgins. She is a board member. Ms. Higgins, welcome to this subcommittee.

We would like you to be sworn in now. This is a new practice of the subcommittee.

[Witnesses sworn.]

Mr. Rush. Pleat let the record reflect that all witnessed have answered in the affirmative.

Mr. Medford, I am going to recognize you first, and you have 5 minutes for the purpose of opening statements.

STATEMENTS OF RONALD L. MEDFORD, ACTING DEPUTY ADMINISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION; AND KATHRYN O'LEARY HIGGINS, BOARD MEMBER, NATIONAL TRANSPORTATION SAFETY BOARD

STATEMENT OF RONALD L. MEDFORD

Mr. Medford. Thank you. Good afternoon, Chairman Rush and Ranking Member Radanovich. My name is Ron Medford. I am the Acting Deputy Administrator of the National Highway Traffic Safety Administration. I appreciate the opportunity to appear before the subcommittee today to discuss the important issues --

Mr. Rush. Can you pull your mic closer?

Mr. Medford. -- of improving vehicle safety -- is that better?

The subject of this hearing is one of the critical missions of our agency. It is one of the most important safety issues confronting our country today. More young Americans die from motor vehicle crashes each year than die from any disease, infection, or crime.

We are encouraged by the positive strides we continue to make. Our early estimate for 2008 is that 37,313 traffic deaths occurred. If this projection is realized, it will represent a 9.1 percent decrease from 2007 and the lowest number of traffic

deaths in the United States since 1961 and the lowest fatality rate ever recorded in our history.

Recent regulatory actions that take effect in the next few model years will help us continue the reduction of traffic fatalities. NHTSA estimates that the electronic stability control regulation can save nearly 10,000 lives a year and our upgraded side impact protection standard would save another 1,000 lives a year.

In addition, our 5-star government rating program, also known as the new car assessment program, allows consumers to easily compare the safety performance of different vehicles and has served as a model for similar programs around the world. We've announced major enhancement to this program beginning in model year 2011, with more stringent injury criteria and the addition of advanced technologies for crash prevention.

Like any organization, NHTSA must make difficult choices in selecting projects. We undertake those projects that deliver the greatest safety benefits for the American public. We begin by analyzing our safety data, which is recognized internationally for its depth and its quality. These analyses show us and allow us to focus on and probe deeply into areas of highest risk.

While crash worthiness continues to be an important part of the vehicle safety program, we also recognize that advancements in technologies that can prevent crashes or mitigate crash severity are becoming increasingly an important part of our program. We

believe that advanced technologies can detect and compensate for drivers' errors such as inattention, drowsiness, or driver misjudgment.

To address nearly 13,000 alcohol impaired driving fatalities in 2007, we are conducting joint research with the auto industry to develop technologies that have the potential to detect and prevent an impaired driver from operating a vehicle without being intrusive to the sober driver.

While the size of potential safety benefits is our first consideration, it is not the only criterion we use when selecting vehicle safety projects. Another consideration is the introduction of technologies that are likely to appear in growing numbers, such as alternative energy vehicles, which may present safety risks that are not yet addressed by current standards.

Another criterion we consider is ensuring the protection of high occupancy vehicles. NHTSA is now focused on motor coach safety as a priority. We published a motor coach safety plan in 2007, August, that identified four priority areas: Seat belts for occupants, increased roof strength, emergency egress, and fire safety. We expect to issue a proposal to require seatbelts on motor coaches later this year.

The final criterion we used in prioritizing vehicle safety projects is the protection of children and other vulnerable populations. Under the leadership of Secretary LaHood, the agency has recently conducted a top-to-bottom review of our child

restraint standard. Based on that review, we expedited a project to afford better side impact crash protection to children.

We also continue our focus on school bus safety. In 2008, we issued a new rule that will further raise the bar on protection of our children when they are traveling to and from school. We believe the agency has developed a systematic way to evaluate and compare the potential safety gains from the projects we undertake. We strive to ensure our choices are based on sound data and science.

Now I would like to turn briefly to fuel economy standards, as they are part of the Department's efforts to achieve vital national goals relating to energy and the environment.

In March of this year, in accordance with the direction of President Obama, NHTSA issued fuel economy standards for passenger cars and light trucks for model years 2011. We have now begun work, in cooperation with the Environmental Protection Agency, to develop fuel economy and greenhouse gas standards respectively that would ensure that each agency is carrying out its statutory responsibilities in a coordinated fashion. We expect to issue fuel economy standards for model years 2012 through 2016 by the end of March 2010.

Thank you for your consideration and for the subcommittee's leadership in providing vehicle and traffic safety. I would be pleased to answer any questions that you have.

[The prepared statement of Mr. Medford follows:]

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Mr. Rush. The chairman thanks the gentleman.

The Chair now recognizes Mrs. Higgins. Mrs. Higgins, you are recognized for 5 minutes for the purposes of opening statements.

STATEMENT OF KATHRYN O'LEARY HIGGINS

Ms. Higgins. Thank you, Mr. Chairman and Mr. Radanovich.

I'm Kitty Higgins, a board member with the National Transportation Safety Board, and we appreciate you asking the Board to testify today.

The Safety Board investigates accidents, all modes of transportation, to determine the probable cause and make recommendations to prevent similar accidents from happening again.

We are pleased to be able to talk today about NHTSA's reauthorization.

I've been asked to focus my comments on motor coach safety and the critical role that NHTSA must play in that arena. But I also want to point out that the Federal Motor Carrier Safety Administration has an equally important role in motor coach operations and oversight, and we have made other recommendations to improve motor coach operations. That's in my longer testimony.

While NHTSA has made progress in many of the Board's recommendations, that progress has been very slow. In 1999, 10 years ago, we issued a special report on bus crash worthiness.

In 2000, we added recommendations from that report to our most wanted list. Since that report we have completed investigations of additional 33 accidents with 255 ejections, over a thousand injuries, and 123 fatalities.

We welcome and applaud Secretary LaHood's call for a full departmental review of motor coach safety. And our Acting Chairman Mark Rosenker will be meeting with the Secretary in just a few days to talk to him about our concerns just to improve safety for motor coaches.

While motor coach accidents are infrequent, when they occur there are a substantial number of people involved. They are all traveling in a single vehicle. Those travelers have often students, senior citizens, and tourists who place their safety in the hands of a professional motor coach operator. Inherent in that relationship is an expectation that our motor coaches will meet the highest level of safety.

For decades the Safety Board has been concerned with motor coach occupant protection and the fatalities and injuries caused when passengers are thrown from their seats or ejected. We note that the Federal motor vehicle safety standards contain 22 crash worthiness standards, yet motor coaches are presently exempt from most of them. For example, Federal regulations do not require that motor coaches be equipped with any occupant protection system. Only the driver has a seatbelt. The Board has frankly grown impatient as we continue to investigate accidents where

these ejections occur; such as a couple of years ago the 12 ejections and 7 facilities from the Bluffton University accident in Georgia, in Atlanta, and the 50 ejections and 9 fatalities in the 2008 accident in Mexican Hat, Utah.

We have asked and recommended to NHTSA that they develop standards for a motor coach occupants protection system that protects passengers in all crash scenarios. We have also asked them to revise window glazing requirements to prevent occupant ejections, but also allow for passengers to get out of the motor coach.

We have also asked them to make roofs on motor coaches much stronger. These improvements would go a long way in protecting passengers during a crash by keeping them in their seats and inside the motor coach and providing as well a survivable space. But 10 years after we first made these recommendations, no changes have been made in the design of motor coaches.

We are also concerned about motor coach fires. In 2005, 23 elderly passengers perished in a tragic motor coach fire near Wilmer, Texas. As a result of that accident the Board made recommendations asking NHTSA to require enhanced fire protection fuel systems and require the use of fire hardened materials in motor coaches.

We also asked that fire detection systems be included and we also asked that acceptable passenger egress times be established. We hope NHTSA will also complete actions on these recommendations.

The science of motor coach investigations could be greatly improved if buses are equipped with event data recorders which can be used to collect data from crashes, such as acceleration, impact, brake use, signal use, and others. That information can be used to help us evaluate occupant protection issues in the course of the investigation.

New technologies can also improve safety. We applaud NHTSA's progress in developing electronic stability control standards for cars and light trucks, but we also believe that NHTSA should develop and require installation of new technologies such as collision warning systems and adaptive cruise control for commercial vehicles. Each of these technologies holds great promise in reducing accidents, especially when drivers are distracted or operating in bad weather.

In summary, the Safety Board believes that are still many changes NHTSA could make to improve safety in our highways.

Thank you, and I'd be happy to take any questions.

[The prepared statement of Ms. Higgins follows:]

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Mr. Rush. The Chair thanks Mrs. Higgins and indeed, the Chair thanks both witnesses for their opening statement. The Chair recognizes himself now for 5 minutes for the purposes of asking questions of these witnesses.

The relationship between Congress and NHTSA has evolved into a situation where Congress feels a need to set mandated timelines for NHTSA to issue safe standards that have otherwise been delayed or ignored. In that context I would like to explore motor coach safety as a possible example.

In 1999, NHTSA made recommendations for improving motor coach safety -- NTSB, I'm sorry -- NTSB made recommendations for improving motor coach safety and suggested that NHTSA act within 2 years, but so far little has been done.

Mr. Medford, in the 10 years since NHTSA first received these recommendations, numerous severe crashes have demonstrated the need for improved safety protection on these buses. Can you answer these questions: Why hasn't NHTSA taken action to issue rules in this area? Is it a matter of resources and priorities? Did NHTSA consider requesting additional funding to pursue motor coach safety standards?

Mr. Medford. Thank you, Mr. Chairman. I think it's true that NHTSA was slow to act immediately following the 1999 recommendation of NTSB. But I would point out that when we issued the August 2007 action plan for motor coaches we have been giving

it a higher priority for us. We have active research in all four areas that identify -- plus electronic stability control, which I didn't mention in my opening remarks. And we are now devoting significant resources and I think you can be assured that we are on it.

I mentioned that we will be in a position later this year to initiate a proposal for seatbelts and the work that I mentioned for egress and fire protection and for roof strength will all be finished in 2010 with a decision about what regulatory steps should be taken as a result of what we learn.

So I think we're in a very different place than we were earlier. I think you have my commitment and the Secretary's commitment. Secretary LaHood is very interested in motor coach safety. They are moving quickly now to finish the research that's underway, and I think we are devoting substantial efforts.

Mr. Rush. Do you all have adequate resources to take care of the mission?

Mr. Medford. Yes, sir, we do. We think we have the resources we need to carry out the mission of the agency. And like I mentioned in my opening remarks, we have to, like any organization, make decisions on where we put our priority attention and each year, and for a number of years we do the planning for what that should be. And I think clearly now motor coach is a priority for us.

Mr. Rush. In the past NHTSA has argued against congressional

mandates. If it takes more than 10 years for you to issue standards that have been recommended by another Federal agency, perhaps mandates are the only way to go. If Congress does not pass additional mandates, what's on NHTSA's agenda? Or let me put it another way, what will you be working on if congressional mandates did not take up your time?

Mr. Medford. Thank you, Chairman Rush. Many of the mandates that were passed in the last safety bill legislation were actually projects that we had identified in our priority plan; they matched up pretty well. So the sort of four-stage rulemaking process that was identified for rollover, which is a very serious problem, were really already identified by NHTSA in its priority plan. So we think those matched up well with us, with where we're going. So we didn't see those as a major impediment other than perhaps some of the timelines and problems that can occur with priorities and projects as you are doing the research. But for the most part I think many of the mandates that were part of the last highway bill matched pretty well with the priorities that we had.

Mr. Rush. We will work with you and we are willing to be very vigilant to ensure that NHTSA is able to do what the American people expect it to do. And I certainly would like for you and your agency to make sure that you keep a vigorous relationship going with this subcommittee and with this Chair.

With that, the Chair sees his time has ended, and the Chair now recognizes the ranking member for 5 minutes for the purposes

of asking questions of these witnesses.

Mr. Radanovich. Thank you, Mr. Chairman, and, Mr. Medford, welcome to the subcommittee.

I would like to -- you went in slightly to some of the examples, if you could give me some examples of the advanced technologies that are now -- that are on the horizon for car safety, and also maybe a discussion about how the current market situation for auto dealers and being able to sell these cars in the current marketplace, given the added cost for the research and the installation of the upgrades themselves, how that affects the price of cars and the burden that that might be on the manufacturers now in this current economic situation.

Mr. Medford. I thank you, Congressman, for the question. Yes, of course we all recognize, I think, the difficult times that all car companies are facing today. And one of the reasons I emphasized in my remarks about you how important it is for us to choose carefully the work that we do is to ensure that the mandates that we give to the car companies or the regulations that we issue that require the installation of safety improvements. So we try very hard to get the biggest bang for the buck that we can.

And so you will see in the regulations that we issue that we have good cost-benefits, cost effectiveness for safety, and we provide manufacturers a sufficient lead time and phase-in period so that it creates the least amount of interruption to their product redesign cycle as we can.

So we are trying to be mindful of let's hurry up and protect the consumers while at the same time ensuring that we are doing this in a way that doesn't provide significant economic disruption.

Mr. Radanovich. Thank you. NHTSA has issued the proposed rulemaking to strengthen car and light truck roof crush standards. Is the standard relative to motor coaches and as well and what might be the differences?

Mr. Medford. We actually finalized the roof crush rule just at the end of April, and thank goodness for that. There is a difference in the test method that will be used to evaluate roof crush from motor coaches. We're currently looking at -- we've looked at the school bus roof crush standard and we're now looking at the European requirements for motor coaches. We haven't made a decision, but it will be a different method of test than for light vehicles.

Mr. Radanovich. Why did NHTSA decide to use the sequential test on rooftops over what he is known as the dynamic test; can you explain that for me?

Mr. Medford. Yes, there has been a lot of interest, which we share quite frankly, in the development of a dynamic rollover test. Such a task would allow the agency to evaluate at the same time a number of safety things in the vehicle; for example, the restraint system, the roof strength, the ejection mitigation, deterrence capabilities of a vehicle. But what we found and what

we wrote in the final rule is at this point we don't have a dynamic test that's reproducible. So we use the test that is the test that's in current standards, but upgraded the requirements and for the first time required a 2-sided test.

Mr. Radanovich. Thank you, Mr. Medford.

Ms. Higgins, welcome to the subcommittee. I have a question regarding window retention and your advocacy of glazing as well. Are those two proposals compatible or are they in conflict?

Ms. Higgins. My understanding is that glazing is -- prevents the shattering and also -- but we've asked that they look at the issue of glazing windows, but also make sure that it was a way to keep people inside. What we're concerned about in the issue of an occupant protection system is that it really is a system. We hear a lot of discussion about seatbelts, but in your previous discussion there, it is important to look at the strength of the roof, the way the windows are designed, and we're looking at recommended glazing and a seatbelt system as part of an overall protection system because what we found is that most of the injuries and fatalities come when people are thrown out of the bus. We are a little bit concerned that if you move on one without the other that we're going to maybe address part of the problem but not really address all of the problem.

So that's why we talked about the three things together.

Mr. Radanovich. Okay. Does NTSB use your own research on technologies that you recommend, such as advanced glazing or --

Ms. Higgins. We don't do our own research in that regard. We look at what is being done elsewhere.

Mr. Radanovich. And which one, it is either occupant ejection or roof crush deaths, which is more relevant to occupant deaths in motor coach accidents? Is it the throwing out or --

Ms. Higgins. I think its the throwing out. If you look at the Mexico Hat accident, which is one of the most frequent -- it happened a year ago -- the pictures are pretty dramatic. The roof just peels back like you're opening a tin can. With no seatbelts and no way to stay in the bus, they are literally -- the bus topples over and they are just thrown out. And the injuries and fatalities are really caused by that sort of blunt force trauma.

Mr. Radanovich. All right. Thank you very much. I appreciate your responses.

Mr. Rush. The gentleman yields back the time?

Mr. Radanovich. I do.

Mr. Rush. The Chair now recognizes the gentleman from Iowa, Mr. Braley, for 5 minutes.

Mr. Braley. Thank you, Mr. Chairman, for holding this important hearing on what I believe is one of the most important issues we're going to be talking about in the surface transportation reauthorization bill.

Mr. Medford, let me start with you. I was scheduled to testify at a NHTSA hearing on side saddle fuel tank standards, and that hearing was cancelled at the last minute because of a

compromise that was reached between NHTSA and the auto makers involving a change of payments for consumer safety education as a result for having that hearing taken off the calendar.

One of the concerns I have is that I'm very pleased that the agency recently retreated from its earlier position in the proposal that claimed that regulation is preempted, that preempts State tort law claims, and even though I applaud the agency for making that change, I'm a little curious as to what took the agency so long to make that change after the proposed rule was issued in 2005.

Mr. Medford. The only opportunity there was for the agency to change its mind was through the final rule process, and so it was at that time that the agency changed its mind, just in this last month.

Mr. Braley. Can you give us a commitment here today that the agency is going to continue to review and amend the agency statements that have been issued during the last 3 years in which the agency repeatedly stepped into the shoes of Congress and claimed that its safety rules preempted State law claims?

Mr. Medford. I need to -- I can commit to you that I'll go back and see if there are some cases in which we exercise that judgment, whether it should be reconsidered, and let you know what those are.

[The information follows:]

******** COMMITTEE INSERT ********

Mr. Braley. You understand that under established Federal law only Congress has the ability to preempt State law?

Mr. Medford. Yes, I do.

Mr. Braley. And if any attempt is made by a Federal agency to intervene and preempt State law, it has to be at the express direction of Congress?

Mr. Medford. I'm not a lawyer. So I don't know that I particularly understand all of the legal aspects, but I do understand that we don't preempt State law -- tort law.

Mr. Braley. Along the same line, in 2008 the agency issued a final rule regarding designated seating positions. Are you familiar with that final rule?

Mr. Medford. I am.

Mr. Braley. And this is a rule that car companies used to calculate the number of minimum seatbelts that could be included in a particular automobile, is that correct?

Mr. Medford. Yes.

Mr. Braley. Rather than simply including preamble language in that proposed rule, the agency went beyond that and included language in the text of the regulation stating that the rule preempts State tort law claims. Is the agency planning to issue a new regulation deleting that section of the regulation?

Mr. Medford. We haven't discussed that. I think -- I understand what you're saying and I would ask that you let us get

back to you specifically on your request.

Mr. Braley. I will be sure to follow up with you, and we well definitely be getting back to you.

Mr. Medford. Yes, sir.

[The information follows:]

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Mr. Braley. Do you know why the agency felt it had the right to codify its feelings on preemption when Congress had already included a savings clause in NHTSA's organic statute to expressly preserve those claims?

Mr. Medford. I don't know the details of those legal decisions.

Mr. Braley. One of the questions I have for you, Ms. Higgins, deals with the question that asked earlier about motor coaches, and you identified a very horrific crash that led to observations about the mechanics of the rollover and what most likely precautions would be necessary to protect the occupants of the vehicle compartment. Do you remember responding to that question earlier?

Ms. Higgins. Uh-huh. Yes.

Mr. Braley. One of the most resent examples here of that is the 2007 accident involving the Bluffton University college baseball team which received a lot of publicity, and one of the concerns that I have is that under current Federal regulations common carrier, like the bus that was carrying that baseball team, is only required to carry a minimum insurance policy of $5 million, which has not been changed since its adoption in 1985, and one thing we know is that if you adjust that for inflation that that value would be much greater today. And one of the things we also know is when someone who is responsible as a common

carrier is not in a position to adequately pay for the costs associated with an accident like that we the taxpayers end up bearing the burden.

So are there any plans underway right now to address that potential inequity.

Ms. Higgins. You know, congressman, I was the board member who went to Atlanta at the time of that accident, so I'm very familiar with it. We did not -- to my knowledge, we did not make recommendations in the area of insurance. I think that comes within -- I guess it's within the Department of Transportation. I don't know whether that is NHTSA or --

Mr. Medford. That's Motor Carriers.

Ms. Higgins. Federal Motor Carriers.

Mr. Braley. The little green book.

Ms. Higgins. But we don't -- we look at the sort of safety implications, why did the accident happen, but we don't get into the insurance issues, unfortunately.

Mr. Braley. One of the things that we know is that there is often this problem of interoperatively between Federal agencies. Is this something that you're willing to raise in your conversations with peers who are involved in that aspect of protecting the public as a topic that might need revisiting?

Ms. Higgins. You know, I'm happy to go back and look -- one of the things I made a comment before you came, that when we look at motor coach safety issues we are concerned not only with what

NHTSA is responsible for, which is the vehicle itself, but also what Federal Motor Carriers does in terms of driver training and driver performance and some of the rules and inspections and maintenance issues that come under their jurisdictions. I am not knowledgeable enough about the insurance issues, but I'm happy to go back and look to see what we meet do in that area.

Mr. Braley. Thank you.

Ms. Higgins. Sure.

Mr. Braley. I yield back the balance of my time, Mr. Chairman.

Mr. Rush. The Chair thanks the gentleman. The Chair now recognizes Mr. Barrow of Georgia for 5 minutes for questioning.

Mr. Barrow. I thank the Chair. I'll waive questioning.

Mr. Rush. The Chair will entertain -- the Chair wants to engage in a second round of, say, no more than 2 minutes for additional questions.

Mrs. Higgins, can you address the level of frustration that you as a Federal agency might have with another Federal agency, in this instance the National Traffic Safety Board and NHTSA, when you make recommendations for rulemaking and it takes them 10 years or so? Are you satisfied with that pattern of performance in terms of promptness?

Ms. Higgins. No.

Mr. Rush. Would you please --

Ms. Higgins. Well, I think, you know -- I understand from my

colleagues that Mr. Medford is one of the reasons that there's been a change in terms of NHTSA's attention on these issues. So I think he personally deserves some credit for what's happened since 2007. Unfortunately, we're still 10 years out from our recommendations being -- that we made in 1999 and we don't have any changes that would benefit the public.

Now we may get some of those changes later this year, but I just think that's unacceptable. I mean we asked for action in 2 years. We didn't get it. Now maybe that deadline was unrealistic, but here we are 10 years later and we still don't have change. Hopefully we will get some. I think the Secretary's action is going to produce that. But I think the public expects more from all of us. I think when people buy a ticket on a motor coach, whether you are a senior citizen or a church group or a school group, you assume -- and when it has a DOT number on the side of it, I think the public expects and has a right to expect they are boarding an operation that's safe. And what we have learned unfortunately through many of the accidents we've investigated is that that's not always the case, that the vehicles can be much safer than they are and the operators and drivers themselves can do things to improve the safety of the operation.

Mr. Rush. Are there any other particular concerns that you may have regarding other issues that you'd like to --

Ms. Higgins. I don't think we have enough time.

Mr. Rush. We don't have enough time, okay. All right.

Well, maybe you can communicate with us so that we can also be aware of some of the issues that --

Ms. Higgins. I would say, Mr. Chairman, on the safety part, we publish every year our most wanted list. And we've made over -- almost 13,000 recommendations for all modes of transportation. And we tried to distill down to the critical few that we think are most important to improve public safety. In the areas of motor coaches we have talked about those today. It is the windows, it's the roof strength and the occupant protection system. We think that that will go along. We also have issues -- we've talked about data recorders, because we want better information in terms of helping us understand what happened in an accident, like we have in airplanes. We don't have black boxes now on motor coaches or on other commercial vehicles, and we think that has obviously been enormously helpful in not only telling us what happened in an airplane crash but also helping to prevent accidents. Operators have used that information to study what goes wrong.

We also think there are issues related to drivers, medical issues. I realize that's not a NHTSA responsibility, but it does come under the jurisdiction of this committee. So we are happy to work with your staff and highlight this. But I would point, I guess, the committee in the direction of our most wanted list, to say these are the recommendations out of all of the issues where we think the most benefit would come to the public if those changes were adopted.

Mr. Rush. Thank you very much. The Chair now recognizes the ranking member for 2 minutes for the purposes of questioning the witnesses.

Mr. Radanovich. Thank you, Mr. Chairman. Mr. Medford, can you give me an idea what safety and fuel efficiency technologies hold out the best promise to achieve safety and fuel conservation goals?

Mr. Medford. There's a number of them in the area of advanced technologies where there's a lot of work going on with hybrid vehicles, electric vehicles. Those are sort of at the extreme. And I think short of that there's a lot of turbo down-charging that's going on now so that we will continue to have vehicles that have power but have reduced fuel consumption. There is just a wide array of advanced fuel economy technologies that are being deployed to data, you know, advanced transmission systems to a variety of different products, including diesel engines.

Mr. Radanovich. Can you tell me, I've heard of a hydrogen cell technology that couples to an engine and runs off the battery or the --

Mr. Medford. For an electric vehicle, yeah.

Mr. Radanovich. Does that have a lot of problems?

Mr. Medford. We think it does, but currently the problem is generating the hydrogen, which burns hydrocarbons, which means it really doesn't address the need to address CO2 emissions. So I

think people believe and I believe that hydrogen fuel cell vehicles hold great promise in terms of their carbon footprint, but the question is where will we get the hydrogen so we don't actually burn fossil fuels to generate it. So I think that's an issue, and the infrastructure issues are there. I don't see it as a very near-term solution to the --

Mr. Radanovich. Doesn't it dramatically reduce the amount of fossil fuel required?

Mr. Medford. You mean the lifecycle cost?

Mr. Radanovich. Yeah.

Mr. Medford. Not really, because the fuel itself requires at the moment -- the way that most hydrogen is generated requires the burning of fossil fuel or the use of fossil fuel. There are activities underway to try to find alternative fuels, or renewable fuel sources for hydrogen generation. So I think people are more aligned currently with electric vehicles as a potential intermediate activity -- source of renewable fuels.

Mr. Radanovich. Thank you very much. I yield back, Mr. Chairman.

Mr. Rush. The Chair thanks the ranking member. This concludes this portion of the testimony of Panel No. I. I certainly want to again thank you so much and applaud you for your fine work, and thank you for taking the time out from your busy schedule to share with us your important information and insight, and I certainly just want to say that we want to continue to work

very closely with both agencies as we proceed with the business of the subcommittee and the American people.

Thank you very much.

The Chair now calls to the witness table the second panel.

Good afternoon. The Chair certainly welcomes you to the hearing of this subcommittee, and the Chair wants to express to you the sentiments of the subcommittee as it relates to being grateful for you taking time out from your very busy schedule to share with us and help lead us and guide us along the way as we undertake these very important matters that confront the American people.

I want to introduce to those who are here the expert witnesses who appear before us. To my left is Mr. Robert Strassburger, who is the Vice President of the Alliance of Automobile Manufacturers.

Next to Mr. Strassburger is Mr. Steven L. Oesch, who is the Senior Vice President of the Insurance Institute for Highway Auto Safety.

Next to Mr. Oesch is Ms. Joan Claybrook, who is a board member of Advocates for Highway and Auto Safety.

And next to Ms. Claybrook is Ms. Janet, Janette rather.

Ms. Fennell. Janette.

Mr. Rush. Janette Fennell. She is the President of Kids and Cars.

And lastly we have with us Dr. Jeffrey W. Runge.

Dr. Runge. It is Runge, but that's close enough.

Mr. Rush. Dr. Runge is President of Biologue, Incorporated.

Welcome to this subcommittee. It is a new practice of the subcommittee to swear in witnesses. I ask that you stand and raise your right hand.

[Witnesses sworn.]

Please let the record reflect all the witnesses have answered in the affirmative, and now we want to recognize the witnesses for 5 minutes or thereabouts for the purposes of providing opening comments to the subcommittee, beginning with Dr. Strassburger.

STATEMENTS OF ROBERT STRASSBURGER, VICE PRESIDENT, VEHICLE SAFETY & HARMONIZATION, THE ALLIANCE OF AUTOMOBILE MANUFACTURERS; STEPHEN L. OESCH, SENIOR VICE PRESIDENT, INSURANCE INSTITUTE FOR HIGHWAY AND AUTO SAFETY; JOAN CLAYBROOK, BOARD MEMBER, ADVOCATES FOR HIGHWAY AND AUTO SAFETY; JANETTE FENNELL, PRESIDENT, KIDS AND CARS; AND JEFFREY W. RUNGE, M.D., PRESIDENT, BIOLOGUE, INC.

STATEMENT OF ROBERT STRASSBURGER

Mr. Strassburger. Certainly, Mr. Chairman. And actually it is only "Mr." I would like to take the title "Dr.", but that's not the case.

Mr. Rush. Well, that's all right.

Mr. Strassburger. Thank you for inviting me here. As we have heard already this afternoon, the Nation recorded its lowest traffic fatality rate last year. Some of its decline is the result of the reduction in vehicle miles traveled, or VMT, but not all of it.

The reasons are simple. More people are using safety belts and that saves lives. But equally important are the safety technologies that auto makers have developed and designed and made available to consumers.

Mr. Chairman, Alliance members are continuously reinvesting the automobile. We are working to make it safer, cleaner, and

more efficient. Every day auto makers engage in high tech research and work to implement new technologies that provide significant safety benefits. We can achieve more, faster, if government and industry work together.

One example, head protecting side curtain airbags. Seventy-six percent of new vehicles have these available today. This is well in advance of any when such systems might be required. Yet no matter how many changes we make in research that we do, some will always continue to claim that vehicle safety will only be advanced if we regulate.

As you work to reauthorize NHTSA, we urge you to resist calls to include mandating rulemakings and deadlines. Such mandates risk stifling innovation and may delay safety enhancements by forcing NHTSA and automakers to forego rulemaking and product decisions on higher priority items. There is a better way.

The Alliance recommends that Congress require that NHTSA set the safety agenda by periodically issuing a motor vehicle safety improvement priority plan. Creating such a plan would ensure that critical safety problems are being addressed on a priority basis and in an effective way. A well-crafted plan would also ensure that we are all working in tandem to obtain our national goals.

To establish a priority plan, NHTSA and safety researchers need robust data systems to assess current and future safety needs of adults and children. NASS therefore should be funded at a level sufficient to obtain its intended design size. NASS is the

only reliable means of identifying traffic safety issues, establishing priorities, assisting in the design of future safety systems, and for evaluating the performance of existing systems.

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Mr. Strassburger. The Alliance believes that $40 million annually is needed.

Finally, as a Nation, we will never fully realize the full benefits of vehicle safety technologies until we get people properly restrained and drunk drivers off the road.

The single most effective way to reduce traffic fatalities and injuries immediately is to increase the use of safety belts and child safety seats. Primary enforcement of safety belt use laws results in higher usage rates. The time has come to treat safety belt use with the same seriousness as impaired driving in sanctioned States that have failed to adopt a primary law in the same way Congress required States to adopt .08 laws.

Impaired driving remains our second most pervasive traffic safety problem. We have made progress over the last two decades. However, that progress has stalled. That is why the Alliance is working with MADD to eliminate drunk driving permanently.

We support MADD's campaign to eliminate drunk driving and its request for $30 million per year to develop advanced in-vehicle technologies that can unobtrusively detect a driver's blood alcohol concentration. Such technologies hold promise for keeping alcohol-impaired drivers off the road by preventing those drivers from operating a vehicle.

In conclusion, reducing injuries and fatalities from auto

crashes is a significant public health challenge. We appreciate the leadership shown by the members of this subcommittee to address these issues, and we share your goals. And we look forward continuing to work with you to make our roads the safest in the world.

Mr. Chairman, members of the subcommittee, I would be happy to answer your questions.

[The prepared statement of Mr. Strassburger follows:]

******** INSERT 2-1 ********

Mr. Rush. The Chair thanks the witness.

The Chair now recognizes Mr. Oesch for 5 minutes for the purposes of commentary and opening statements.

STATEMENT OF STEPHEN L. OESCH

Mr. Oesch. Thank you very much, Mr. Chairman.

The Insurance Institute for Highway Safety is a nonprofit research and communications organization that works to identify ways to reduce deaths and injuries on our Nation's highways. We are sponsored by automobile insurers here in the United States. We thank you for the opportunity to speak with you today about the emerging safety issues and what the National Highway Traffic Safety Administration can do to address those issues.

Research is the key to determining sound and effective motor vehicle safety programs. With this in mind, NHTSA needs to expand its research on improving vehicle crashworthiness, evaluating the new crash avoidance features that are being introduced in cars, and developing technologies that Mr. Strassburger just referred to to reduce alcohol-impaired driving. The agency also should increase the scope of its detailed database on crashes.

Finding ways to reduce crash deaths and injuries begins with collecting comprehensive data of good quality that identifies the driver, the vehicle, and environmental factors contributing to

crashes and injuries.

In 1979, NHTSA set up the National Accident Sampling System, NASS, to collect information on in-depth crash investigations. When that system was first set up, it was envisioned that there would be 75 locations throughout the United States where there would be in-depth crash investigations. Unfortunately, we currently only have 24 of those locations nationwide.

The teams investigate about 5,000 crashes annually, but, unfortunately, this produces an inadequate sample. So, clearly, this is one -- because the NASS data are so critical to our understanding of crash problems, NHTSA needs to increase the number of crashes being investigated.

Particular attention should be placed on crashes involving injuries to children so we have a better idea of what is causing those injuries. NASS should also be expanded to include information on any crash-avoidance features in the vehicle so we will get a better idea of how well these technologies are working to prevent crashes. More work is needed to identify the types of crashes in which people are dying and to develop new test procedures to address injuries in those cash crashes.

Even though motor vehicle designs have improved because of both Institute and NHTSA tests, these improvements have been offset because of increases in travel speeds, cell phone usage, and, until recently, increases in vehicle miles traveled. So, regretfully, about 29,000 people still die in passenger vehicle

crashes each year.

IHS research shows that serious injuries and death are still occurring in frontal cashes of vehicles that are good performers in our frontal offset crash test. People continue to also die in crashes involving center lane impacts, such as with a pole or with a tree, or in the so-called "small offsetters," slight minor offset, where vehicles are striking and the structure is not lining up.

We are currently conducting tests -- or doing research to develop tests to address those problems, and we encourage NHTSA to look at other crash modes in which people are continuing to die and to develop tests to address each of those situations.

In addition, we believe improvements of the existing Federal standard on rear underride guards for large trucks and trailers can reduce deaths and injuries in the passenger vehicles that strike the trucks and the trailers.

Finally, IHS has been long involved in discussions about how to improve fuel economy while preserving occupant safety. The conflict is that small vehicles use less fuel but do a relatively poor job of protecting their occupants in crashes. Thus, fuel conservation policies that encourage vehicle downsizing have tended to conflict with motor vehicle safety policies, but they don't have to.

Congress and the Energy Independence and Security Act required stricter fuel economy standards for 2011 through 2020

model vehicles. The law authorizes NHTSA to use a size-based system for both cars and trucks, and the agency's new standard for 2011 models uses such a system. That approach reduces the incentives for automakers to downsize their lightest vehicles. The new system also forces manufacturers to use vehicle and engine technologies to improve fuel economy. The result will be to promote fuel economy without compromising safety.

One consequence of recent Federal efforts to reduce carbon emissions may be to require vehicles to meet even more stringent fuel economy requirements. While reducing carbon emissions is an important societal goal, it needs to be accomplished so as to avoid any conflict with the size-indexed fuel economy approach NHTSA has adopted. This can be done if automakers change or are required to change how they use engine technology, which they have been using to increase horsepower.

The performance capability of new cars has been increasing for 30 years. Between 1985 and 2005, average horsepower climbed 64 percent. Research has shown that increases in vehicle horsepower are associated with a higher frequency of crashes. By using engine technology to increase fuel economy rather than to increase horsepower, manufacturers can offer mid-size and larger vehicles that achieve higher fuel economy and also potentially reduce the frequency of crashes and injuries.

I want to thank the committee very much for its attention. I would be very pleased to answer any questions that you have.

[The prepared statement of Mr. Oesch follows:]

******** INSERT 2-2 ********

Mr. Rush. The chairman thanks the gentleman.

Ms. Claybrook, you are recognized for 5 minutes.

STATEMENT OF JOAN CLAYBROOK

Ms. Claybrook. Thank you so much, Mr. Chairman.

I would like to mention I am also a former administrator of NHTSA under the Carter administration. I am still around, actually. I just wanted to mention that.

Prevention is the word that has been used by the President in his efforts to help cut the cost of health care; and, among other things, improvements in safety on the highways can make a great contribution to that.

In 2005, Congress, under the leadership of Senator Trent Lott and this committee, secured enactment of SAFETEA-LU , which was a law that instructed NHTSA to address the 10,500 annual deaths from rollover. And this is very important, as the NHTSA acting administrator has testified. This was a priority of the agency, but not much had been finished or accomplished, and this law set deadlines for action by the agency.

It included reducing rollover crashes and their severity, reducing full or partial ejection from these crashes, improving the roof crush to prevent lethal injuries to the head, and completion of rulemaking that was initiated by Dr. Runge when he

was NHTSA administrator in the 2000 period on enhancing occupant protection in side-impact crashes.

The side-impact standards we're quite pleased with; the others we're not. Because we believe that NHTSA, instead of issuing one rollover crash protection standard, has divided it up into roof crush and ejection, and we think it should have been one dynamic test for both. Plus it would have also, at the same time, tested safety belts. There is no existing motor vehicle safety standard for the performance of safety belts in rollover crashes; and, as a result, belts often reel out, and they do not protect you, and that leads to ejection and partial ejection.

So this is a huge area of loss that we experience every year; and there are some 17,000 serious and disabling injuries -- paraplegic, quadriplegic, brain damage, and so on -- as well as the 10,500 deaths. And it's an area where we could really make huge improvements because rollover crashes take much longer to occur, which means that the forces of the crash are not as harmful, but when the vehicle containment is intruded -- that is, by roof crush, or you're allowed to escape from it by ejection through window breakage and so on -- that's when the injury occurs. So there's an opportunity here for dramatic savings in improved rollover protection.

So, at this moment, the agency has issued the roof crush standard, which we are very upset about because it's a static test. It just pushes the top of the vehicle. And it also does

not measure the structure of the vehicle, the dynamics of the roll of the vehicle. If the vehicle is square, it's going to roll in a much different way than if it's a rounded top and has much more impact on the occupants inside. And it also doesn't include a dynamic test for ejection with it. And so we're hoping that the committee will consider this and that the agency, when they issue the ejection rule, will also reconsider how they're testing these vehicles.

The test for the roof really measures the B pillar, which is over your shoulders. And where you're really injured is at the A pillar, because what happens is you go forward in the crash. And the A pillar is not really tested in the static test very well. So we hope that that will be certainly reconsidered as we move forward.

The agency's own rule made it clear that only 135 deaths would be prevented in the roof car standard. That's out of 10,500. So they themselves have identified the inadequacy of this rule.

There has a lot of development and ingenuity that's gone on in the private sector on testing for roof crush, and we hope that that will be added to it. Consumer groups, with a foundation grant, actually tested dynamically 10 of the same vehicles that the agency testified statically, with just a pushing on the roof, and we found dramatic differences. And we've submitted that to the agency.

In ejection, there are 54,000 people ejected every year in passenger vehicle crashes. That's just horrific. And it's a terrible experience to be ejected from a vehicle in the course of a roll. And there are 7,300 deaths annually from this and, as I said, horrible injuries.

I would like to turn to the unfinished agenda. And I would like to say to my friend from the Alliance of Motor Vehicle Manufacturers that the issues that we have raised before Congress and asked you to issue mandates for are the agency's priorities. It's just that they haven't happened, and so that's the reason that we have pushed to get some deadlines for their activity.

Pedestrians and bicyclists are the forgotten victims of motor vehicle crashes. There are more than 5,300 deaths each year in this regard. And we want to encourage adults to leave their cars at home, we want to encourage kids to walk and ride on their bikes, but we don't want them to be dead as a result of doing that.

So in recent years NHTSA has considered this. It issued a global technical regulation that addresses pedestrian safety impact, but it is an exceptionally weak regulation. And, unfortunately, the work that has been done abroad in Europe -- and particularly in Japan, and by Honda, particularly, is one of the companies that's concerned about this -- have really done a lot to improve the exterior protection of the vehicle. And believe it or not, there are lots of things you can do. You may not think so,

but when a pedestrian is hit, there are lots of things you can do to mitigate the likelihood of death and injury.

I was really interested to read, actually, that there is a company that has invented an exterior airbag that goes around the windshield area. So if you hit a pedestrian, they land on the airbag rather than landing on the harsh windshield and metal parts of the car.

And also the Japanese and their new car assessment program, which is the program which tests vehicles and evaluates them, have introduced some pedestrian head injury requirements and tests for that as well. So it is clear that we are lagging behind, and it is something that we need to come to grips with.

Also, there is another issue, which is compatibility of vehicles, the small vehicles and large vehicles and ones of very different weight. The agency has been working on this for some time but has not done very much, and it is a clear issue where you could reduce deaths and injuries. So we are hoping that the committee will certainly consider that issue.

And then there is the issue of motor --

Mr. Rush. Ms. Claybrook.

Ms. Claybrook. Am I running out of time?

Mr. Rush. Yes. You ran out of time a few minutes ago. I am just enthralled by your testimony, but I have to be fair to the other witnesses, so would you please summarize?

Ms. Claybrook. Well, motor coach safety, which you've heard

from the National Transportation and Safety Board is a crucial issue, and there have been terrible crashes, lots of recommendations to the agency. And we hope that because there are a lot of safety standards that apply to vehicles but not to motor coaches that the committee will talk a look at that and enhance that. And there is legislation pending that we hope you might incorporate into your report.

I would just say the last thing is that EOBR is the electronic onboard recorders, and the EDRs, which are like the black boxes, the event data recorders, are very important on these vehicles as well as large trucks; and they also could address an issue that was raised by other witnesses here, which is data. They would give us great data that is very hard to collect and very expensive to collect, and this would make it much cheaper and much easier to do.

So thank you so much. I hope that the budget of the agency will also be increased as you do this. We endorse the $40 million even more for increasing the data --

[The prepared statement of Ms. Claybrook follows:]

******** INSERT 2-3 ********

Mr. Rush. Thank you very much.

Ms. Fennell, you are recognized for 5 minutes, thereabouts.

STATEMENT OF JANETTE FENNELL

Ms. Fennell. Mr. Chairman, members of the subcommittee, good afternoon. My name is Janette Fennell, and I am the Founder and President of the national nonprofit organization KidsAndCars.org. We are an agency dedicated to improving the safety of children in and around motor vehicles.

I wish to thank you and the members of the subcommittee for inviting me to appear before you today to testify on the important issue of child safety.

I come here today because enacting sound policy will save the lives of thousands of people each year but in particular to express our views on the issue of transportation as it relates to children.

I would like to share a bit of my background with you so you can better understand why I personally have dedicated my life to the issue of vehicle safety.

My family and I were victims of a trunk entrapment incident in 1995. My husband and I were ordered at gunpoint to get into the trunk of our car while our 9-month-old son was asleep in his car seat. We were taken in the trunk of our car to a remote area

where we were abducted, where we were robbed, assaulted, and left to die. Miraculously, we were able to escape the confines of the trunk only to find our son was no longer in the back seat of our car. Fortunately, our son was found outside of our home in his car seat unharmed. We worked extremely hard to ensure car trunks were escapable from that moment forward.

A Federal regulation was written that requires all motor vehicles beginning with model year 2002 to have a phosphorescent truck release handle inside the trunk of a vehicle. Since the implementation of this regulation, there has not been one, not one fatal trunk entrapment incident in a vehicle that has this escape mechanism. So please never doubt the importance of the significance of the interventions implemented by this committee. I can tell you this small change has saved countless lives.

The fundamental idea I would like to communicate today is that children, mechanically, psychologically and socially, are not small adults. Therefore, their special, unique, and specific needs deserve to be examined and dealt with in a manner different than that from the adult population.

Vehicles are designed for the average-size adult male. Children's size and relative proportions vary greatly throughout the pediatric age range and are very different from the average size of an adult man.

Unfortunately, children are an afterthought during the vehicle design process. Children are an afterthought when we

figure out how to safely transport them in vehicles. Children are an afterthought, and that is why we have so many troubles securing them safely. Don't get me wrong. We have made tremendous progress. But a piecemeal approach means that things have to be done and redone constantly. It's almost impossible to keep up with. But, yet, motor vehicle injuries are still the leading cause of deaths and acquired disability for children after the age of one in the United States. Many of these deaths can be prevented.

I have provided a summary of statistics in my written testimony, so I won't use this precious time to go over them again. But, needless to say, any way you look at these numbers, children are being injured and killed at unacceptably high rates.

There are many transportation issues related to children. I will only highlight a few.

The first one is the progress of the Cameron Gulbransen Kids Transportation Safety Act. NHTSA has done an excellent job meeting the deadlines prescribed in the Act and published its first report utilizing the virtual system about incidents that take place off our public roads or highways. The Not-in-Traffic Surveillance system reported in January an overall annual estimate of over 1,700 fatalities and 841,000 injuries. As evidenced by these significant numbers, these issues just added to the overall toll of deaths and injury dealing with motor vehicles in this country. These numbers are all in addition to any statistics

quoted today by any panel member.

Power windows, how are we doing there? It's a decades-old convenience feature that most drivers take for granted. Millions of parents use them every day but few know the dangers these devices can have to children when they're not equipped with the proper safeguards.

Power windows have repeatedly been the instruments of death and/or serious physical injury to children and others. How much pressure can a power window exert? These excessively overpowered windows exert 50 to 80 pounds of pressure and have enough power to lift and strangle a child between the glass and upper window frame.

Ninety percent of vehicles on the road in Europe are equipped with the power window auto-reverse feature, and many times these are the same vehicles that are sold in America without that feature. Are European children more precious than American children? I think not. If you purchase a Ford Focus in Europe, auto-reverse power windows are a standard feature. If you purchase a Ford Focus here, not only does it not have an auto-reversing feature, you can't even get that as an option.

These deaths are 100 percent preventable. After four decades of deaths and dismemberment, we need a final rule. Just like trunk entrapment, let's eliminate this as a cause of death in our country.

Rear visibility. In March, NHTSA published an Advanced

Notice of Proposed Rule Making regarding rear visibility, and excellent comments have been submitted to the docket. It's imperative for NHTSA to keep focused on reducing the blind zone behind our vehicles, because at least 50 children are backed over in this country every week. Forty-eight of those children end up in hospital emergency rooms, but at least two children die. I cannot emphasize enough that in over 70 percent of these incidents it is a direct family member who is responsible for the death of that child. Said a different way, the people who love them the most are suddenly responsible for their death, and that's a burden no one should have to carry for the rest of their lives.

We would like to see rear seatbelt reminder systems. The importance of seatbelts in saving lives is indisputable. We should do everything possible to get people to buckle up. Seatbelt reminder systems should be available for all designating seating positions to remind the driver and each passenger to buckle up their seatbelt.

On August 28, 2007, safety groups filed a petition with NHTSA requiring that seatbelt reminder systems be required in the rear seats and in the second and third row of seats in multipurpose passenger vehicles, including minivans and sport utility vehicles. Though NHTSA is required to respond to petitions within 120 days, the agency has not yet responded to this petition. I submit the 2007 petition to my testimony, as it cites multiple studies and provides every justification needed to move quickly on this

proposal.

The top reasons we need rear seatbelt reminders are: requiring seatbelt reminders would save hundreds of lives each year, a large percentage of which would be children. Multiple studies have proven that rear seatbelt use would increase significantly if rear seatbelt reminders were required. Government, industry, and safety groups all agree seatbelts save lives.

The reminder systems, once they're in place, to put your seatbelt on could very easily help people to be reminded if a child is left alone in a vehicle. There was a riveting article called "Fatal Distraction" that was published in the Washington Post Magazine in March of this year. The author, Gene Weingarten, did a phenomenal job bringing together the many complicated and misunderstood reasons how children can be inadvertently left alone in a hot car and why these unthinkable deaths continue to happen. He explains how our brain and memory function and how lack of sleep and stress can change in the routine and have devastating consequences. And it conveys a powerful message and tells a heartbreaking story of how parents have lost young children so tragically. I submit this article to the record.

[The information follows:]

******** INSERT 2-4 ********

Ms. Fennell. As we all remember, during the 1980s there were many reports caused by airbags to children. The airbag campaign changed forever how Americans transport their children in motor vehicles, and we know that a child is safer in the back seat. But today we are suffering an unintended consequence of moving children to the back seat.

Is that the 5 minutes?

Mr. Rush. Ms. Fennell, your remarks have been quite interesting.

Ms. Fennell. Please refer to my written testimony for other important announcements.

[The prepared statement of Ms. Fennell follows:]

******** INSERT 2-5 ********

Mr. Rush. Thank you so very much.

Dr. Runge, you are a very patient man.

Dr. Runge. Mr. Chairman, I'd like the balance of their time, if that's okay.

Mr. Rush. You are recognized for your 5 minutes and thereabouts.

STATEMENT OF JEFFREY W. RUNGE, M.D.

Dr. Runge. You're very charitable. Thanks.

I do have a more exhaustive written testimony that I've submitted for the record, with your permission.

I also, like these people on the panel, have devoted my life to road safety, first as an emergency physician, teaching in a residency program in North Carolina, culminating with my 4 years as administrator. I have been away for about 3 years working on issues of Homeland Security, but it's a pleasure to be back.

I want to take a little bit different tack here with you all because I would like to ask you do something that you haven't been doing, and that is, NHTSA's safety programs come out of grant funding that has been funded through the Highway Trust Fund. But I would like you to consider, Mr. Chairman, that motor vehicle safety is inextricably linked to health care and that you can't have a discussion about health care in this country without

recognizing the importance of road safety. It is inextricably linked to the well-being of our society. We love the autonomy and the mobility that it provides us, but there's is a tax on that privilege.

We've made strong gains in belt usage. We've made some gains in impaired driving, but we are still a long way from where we need to be. Certainly, there's more to do in making motorcycle transportation safer; and we need better support from this committee for our emergency medical services systems across the country.

Now I understand that you are dealing basically with NHTSA's organization of vehicle safety programs, but I would like to appeal to you to take a little bit more activist role in the safety programs which have been funded out of the Highway Safety Trust Fund.

You can't talk about the cost of health care without talking about the cost of road traffic injuries. Once a crash has occurred, its victims are then part of the health care system. They are picked by the EMS. They go through expensive acute care, through expensive rehabilitation. There are work loss days, there is disability, and the Nation's productivity suffers.

America has invested in prevention programs and safer vehicles, but this investment still pales in comparison to other investments for other illnesses. So I believe that Congress should take the opportunity to be motivated by the opportunity for

health care cost savings and reprioritize crash injury and its economic burden on society.

We did a study in 2003 looking at health care cost burden in the year 2000. The health care cost alone would be $40 billion in today's health care dollars. This is a disease in which prevention works, and prevention is essential.

As Congress looks everywhere that it can for savings across the health care system, I would urge you to consider the value of lowering that number through data-driven prevention programs. Decreasing the cost of vehicle-related trauma should be as important a consideration for you as the discussions around changes in the vehicle.

I would like to address a couple of issues dealing directly with the vehicle safety program and their important adjuncts.

First of all, safety belt use. We did make great strides in belt use, about 10 full percentage points during my time at NHTSA thanks to the nationwide Click it or Ticket program, which we estimate saved about 3,000 lives a year. But the fact that they are still only 50 percent effective in preventing fatality has been a vexing problem for me for a long time, and I would like to echo Ms. Claybrook on this. Shouldn't a belt be required to perform as well in a rollover crash as it does for frontal impact? Should belt pretentioners be mandatory in every vehicle?

So, Mr. Chairman, I would like to advocate turning up the research pace on safety belt design and acceptability, wearability

and comfort. It's still the best vaccine we've got against this particular type of illness.

Secondly, I would like the committee to support whatever we can do with vehicle technology to reduce alcohol-impaired driving. Like folks at the Alliance, I believe that the time has come for technology to be part of this tool kit. But I think that Congress should really step in with some incentives for car companies who step up to the plate.

I can tell you -- and Mr. Strassburger probably can't say because he represents them all -- but we've seen evidence of corporation responsibility in certain of the companies in various areas, but it's very difficult for one of them to step up to the plate and introduce a new technology because it puts them at a potentially competitive disadvantage. So if there is any way, Mr. Chairman, that you could recommend building incentives in for these new technologies -- and I would ask you to start with alcohol detection technology -- I think it would be a really great thing for this country.

I am very happy about our side-impact tests. We now have a regulation in place which we think will save about a thousand lives a year. And I am very happy that the agency finally issued the rule on electronic stability control, which does level the playing field for all the manufacturers in the country to deliver this also lifesaving technology. These are two examples of technology which save thousands of lives.

And I don't want to diminish any activity that would help children or would solve the problem of dozens or scores of people. That would be inappropriate. But I do want to call your attention to the fact that this is pretty much a zero sum game for the agency. At their current level of funding and their current rulemaking agenda, I asked them, when I was administrator, to tackle the big stuff first.

I actually sympathize with the committee and did associate somewhat with your holding them to task to get things done on time. I think that timelines, although nobody likes them, are necessary for us all to get our work done. But I would encourage you to require the agency also to demonstrate that that regulatory agenda is data-driven, is generated by public participation, and is a good value for the dollar spent. And I would encourage you to hold them accountable for their regulatory agenda, for their timelines, and for the automakers as well not to petition for delays and delays and delays. I do believe that we perform better when we are a little bit under the timeline gun.

And then, finally, I would ask you to consider two things that are probably even more outrageous than getting jurisdiction over the grant programs; and that is I would like you to consider how to build in incentives for automakers to bring in new crash-avoidance technologies, that they wouldn't do just one company at a time.

I remember in 2005 GM announced that they were going to put

electronic stability control in all of their SUVs by 2009. I thought that was a big deal. That's millions of vehicles. Other manufacturers had already done that without the fanfare. But it was important that the companies that stepped up, that the vehicles don't cost another $300 than the vehicle down the street.

If we are going to have these technologies in, we really do need a playing field. But before we can get rules out the door -- which sometimes takes years -- incentives could be put in place which incentivize manufacturers to do things earlier, even before the rules come out. I know that's outrageous, but I think it's worthy of consideration.

And then, finally, your Cash-for-Clunkers program, which is being talked about in Congress right now for fuel economy, Mr. Chairman, these little clunkers, many of them are not very safe. I would love to see families with marginal incomes be incentivized to be able to go out and buy a -- get out of their two-star-rated rollover SUV that they're hauling their kids around in with a high center of gravity and get into a new crossover vehicle with a low CG, with better crash performance, and side curtain airbags. That, to me, would be a benefit for society well above anything that we could get for cars that have marginal better CAFE standards.

So with that, I will stop. I know this committee has a lot on its plate. You're worried about carbon out. I am very pleased that the Insurance Institute is taking my position, and one that I

helped pioneer, that we shouldn't have to give up the safety of our children to save gas. I do believe that manufacturers can do both. They can make safer vehicles that provide better fuel economy if they're given the flexibility to do so.

Thank you very much.

[The prepared statement of Dr. Runge follows:]

******** INSERT 2-6 ********

Mr. Rush. Well, the Chair really thanks all the witnesses for your very invigorating and interesting testimony. The Chair feels inspired by the testimony of this panel of witnesses. Unlike the previous panel that appeared before the subcommittee, you really made some remarkable and provocative commentary and suggestions; and the Chair really wants to commit himself and the subcommittee to look at each and every one of your recommendations.

I recognize myself for 5 minutes for questioning.

I asked questions of the first panel about the relationship between Congress and NHTSA, and I noted that Congress has stopped trusting NHTSA to issue needed safety standards in a timely manner and begin mandating timelines for NHTSA to issue standards that have otherwise been delayed or ignored. And each one of you please respond -- some of you have already responded, but if you want to elaborate on this relationship, I want to know, is this relationship repairable? Will we ever be able to rely on NHTSA to issue necessary safety standards in a timely manner without intervention from the Congress, congressional mandates? And how do we get there?

Would you care to respond, Mr. Strassburger? And just go down the line.

Mr. Strassburger. Thank you, Mr. Chairman.

It was actually Dr. Runge, when he was NHTSA administrator,

published what I believe was the first priority plan for the agency; and I think, as we heard from the first panel this afternoon, that that was a very valuable tool to the agency. It was also a very valuable tool to the industry as well. It signaled a direction that we needed to go in. It allowed us to begin making product decisions, research decisions, planning decisions in advance of rulemaking. And I think it's, in part, the reason why we're seeing the implementation of advanced technology well in advance of any mandate to do so.

And it's exactly for all of those reasons that I have recommended that the agency adopt that practice -- that you direct the agency to adopt that practice on an ongoing basis. They should develop that priority plan. It should ensure that we're spending the resources to get the maximum "bang for the buck" -- to quote Ron Medford -- and it is an excellent tool for you to exercise oversight over the agency. But it also signals a direction for all of us to follow.

Mr. Oesch. Thank you very much, Mr. Chairman.

I think it is very appropriate -- in fact, it is the responsibility of Congress -- to set the mandates for the agency to give them the broad directions that they should be working on.

I think that Dr. Runge's point about everyone performs better when you have a timeline, but I also think that it's important -- we do have a very talented staff at NHTSA; and if they're given the general directions, I think they will march in the correct way

to try and achieve the benefits that we all want to have.

And one of the things that has dramatically changed, certainly in my experience -- I first became involved in highway safety in the 1970s, and at that time the motor vehicle industry and the insurance industry, aided by consumers, were at loggerheads on the issue of airbags.

What's happened now is that we now have the vehicle manufacturers that are implementing technologies far quicker than they are mandated by the Federal rules, for example, the side-impact airbags provide head protection. There isn't a Federal rule -- or there wasn't until recently a Federal rule that had those in place. In part, those are coming about -- I would like to take some credit for the work of the Insurance Institute for Highway Safety. We have our own test program that has promoted the development of that technology.

But, beyond that, I think there are many steps that the manufacturers are voluntarily taking because they recognize now safety sells, and they want to be able to compete in the marketplace. We see that in our own affairs in that we have what we call our "top safety pick," and that is your car has to do good in our frontal test, good in our side test, good in our rear test, and it has to have electronic stability control. Next year, we will also put in a requirement that it has to do well in our roof crash test. The manufacturers are actually coming to us and asking for us to test vehicles to get that top safety pick rating,

because they know that it will help them in the marketplace.

So, again, yes, it is entirely appropriate for Congress to set the general mandates, but I do think that, with the change in the attitude among the vehicle manufacturers, that we will see much more movement voluntarily towards achieving many of these goals.

Thank you, sir.

Mr. Rush. Ms. Claybrook.

Ms. Claybrook. Thank you very much, Mr. Chairman.

I have been a strong advocate since the early 1990s of the Congress setting deadlines for the agency to act because there was such a large backlog of unattended-to matters. And the Congress has done that, and it has made a huge difference.

On the other hand, I also started, when I was at the National Highway Traffic Safety Administration in the late 1970s, something called NCAP, the New Car Assessment Program. What that does is provide consumer information for manufacturers who exceed the standards, because the NCAP test is five miles an hour higher than the standard. So those manufacturers who stood out then got kudos for doing that; and the Insurance Institute for Highway Safety, with its own design test, has also enhanced that as well.

So I certainly do believe that public information works, but the problem is that most people don't have this information. So in the 2005 law there was a provision put in that requires this information to be on the price sticker. So now the consumer is

getting that information -- they're not getting the Insurance Institute information, but they are getting the test information from the National Highway Traffic Safety Administration, and we have actually made some recommendations to the agency to improve that program and make it easier for people to understand. So I agree with all that.

But I will say that there were decades where, for example, in roof crush -- a great area -- where, with the onset of SUVs, the number of deaths and rollovers just zoomed up and the agency didn't act. And the roof crush standard then at issue was in 1971, and it hadn't been improved yet all these years. And, finally, in 2005, the Congress said enough is enough, and you're going to have to take some action.

On the motor coach area, the NTSB has made these great recommendations, and they've been ignored for years and years and years. And the most recent evaluation -- I don't think it was mentioned as clearly in the testimony -- the NHTSA said that the agency, NHTSA, was responsible for some of the deaths in these cashes because it had refused to take any action.

And the last thing I would say is on voluntary standards. I do think that voluntary standards are confusing to the public. I think the manufacturers have, for example, undertook a compatibility voluntary standard. They never finished it, and it kind of disappeared. And the problem is is that some manufacturers will comply, some won't. No one knows which ones

do, which ones don't.

I do think that if there's a need for a standard, it ought to be one that the public can participate in as the Federal Government considers it and issues it, and then everyone complies. It's a minimum standard. It's not a maximum standard. It's a minimum standard. And so if the companies want to do better, as Honda is doing with pedestrian safety, then they can, and they can boast about it. But I think that the standards ought to be for all cars.

Mr. Rush. It seems that my time is ending.

The Chair recognizes the ranking member for 5 minutes for questioning the witnesses.

Mr. Radanovich. Thank you, Mr. Chairman.

Dr. Runge, thanks -- as well as to everybody -- for being here for the testimony today.

You mentioned, Doctor, that this committee should have a more direct role in the jurisdiction of safety grant programs, which I'm not clear I understand why you're recommending that. But it would seem to me, too, that the committee that has within its jurisdiction the setting of CAFE standards also ought to be considering automobile safety as well. Is that the point that you are making, or it is a different one as well?

Dr. Runge. That actually is one of the points. I'm a little bit biased here because of my relationships with getting certain things done on the Hill. This committee, I think, has a very

comprehensive view of the job of motor vehicle safety and separating the grant programs, having -- let me step back a second.

I actually was very grateful only to have two really strong committees of jurisdiction in the House of Representatives. In Homeland Security, I had 89. So it's a lot better over here.

But, nonetheless, I think you have health care reform on your plate, you have health care costs on your plate, you have CAFE on your plate. You can't really separate safety belts, impaired driving, primary safety belt law, incentive grants, EMS grants, traffic records grants -- which go to the States to have better information come into the NHTSA so that the vehicle safety regulations can have a good foundation. It actually just makes sense for some shared jurisdiction here among these different programs. At least that's one man's opinion.

Mr. Radanovich. Thank you.

Can you tell me which, in your opinion, would have the most immediate impact on reducing driver fatalities? Would it be behavioral changes, technology improvements, or improved driver ed and skill requirements?

Dr. Runge. I think all of those are important, sir. Unquestionably, the largest delta to be gained right now is by increasing safety belt use, still. We still have 15 States that have secondary enforcement laws. We saw gains in our impaired driving numbers because of increases in safety belt use.

So a continuation of the -- I think it's the 406 RAMP program, which incentivizes States to pass primary belt laws, and I said in my written testimony -- and I know this may seem heretical from a Republican, but I think it's time that we consider a progression to a sanction similar to what Congress did with the .08 law. It just provides some top cover for State legislators to do the right thing, and I think we've seen evidence where that would be needed.

Mr. Radanovich. Behavioral changes.

Dr. Runge. Behavioral changes would be, by far, the largest delta. Although the others are important. And I do believe that educating people on how to drive and enforcement of laws about how they drive is important to make sure the operator can actually operate the safe vehicle.

Mr. Radanovich. Thank you.

Mr. Strassburger, on the issue of CAFE mandates, how do you think -- if those are increased, how do you deal with the safety mandates that might be accommodated with it?

Mr. Strassburger. Well, the CAFE mandates have been increased. The way they have been dealt with is the way in which was described here, with an attribute-based system that provides a disincentive for downsizing or down-weighting vehicles; and that was the system that we have endorsed as the Alliance to preserve safety while enhancing motor vehicle efficiency.

Mr. Radanovich. Thank you.

Mr. Oesch, I do have a question. The Auto Manufacturers Fund and the Insurance Institute for Highway Safety --

Mr. Oesch. It's the auto insurer, sir.

Mr. Radanovich. I'm sorry. The Auto Manufacturers Fund, the Insurance Institute for Highway Safety. Am I right?

Mr. Oesch. No. We are funded exclusively by automobile insurers. We do not receive any Federal monies; we do not receive any moneys from the automobile insurers.

Mr. Radanovich. Got it. Well, the Auto Alliance and the Insurance Institute voluntarily agreed to improve vehicle compatibility in 2005 and filed such an agreement with NHTSA. Why weren't those Bumpers-for-Life trucks part of the agreement?

Mr. Oesch. This is covered in my written testimony; and you've raised a very, very good point. Because we have a situation where the existing bumper standard only applies to passenger cars. There is no requirement for SUVs. There is no requirement for pick-up trucks. There is no requirement for vans. So, clearly, one of the things that we could do that would certainly eliminate a lot of unnecessary property damage in low-speed collisions is to require a uniform bumper height for those classes of vehicles. It would also have a safety benefit as well to try and assure that the structure of the vehicles match better in the event of an impact.

One of the things that did come out of that voluntary agreement is that manufacturers did agree on the larger vehicles

-- the SUVs and the pick-up trucks -- to add some additional structure lower than their existing bumpers to try and ensure that uniformity. But, clearly, if we had a mandated bumper standard for all vehicles to ensure a uniform height, that would help both for property damage as well as for safety.

Mr. Radanovich. Thank you very much.

I yield back, Mr. Chairman.

Dr. Runge. May I make a comment on that as well, just to get it on the record, Mr. Chairman?

I just want to make sure that the committee understands that the Federal Motor Vehicle Safety Act is probably a misnomer. It should be the Federal People Who Operate Motor Vehicles and Ride in Them Safety Act. It's not really there to deal with property damage.

Now, this is the Consumer Protection Subcommittee, and I think that if you wanted to look at those additional mandates for the agency, accompanied by the authorities and the appropriations, it might be appropriate then to venture into this area. But when NHTSA sets its regulatory agenda, it looks at fatalities and injuries, not necessarily at property damage. And it may cost $3,000 for a fender-bender, which is unfortunate and could be, certainly, done better; and certainly in the eyes of the insurance industry that's not the agency's mandate. So just please keep that this mind.

Secondly, it's not about the bumper height. It's about the

places where the force is delivered vehicle to vehicle, not necessarily the bumper. The bumper is there for property damage control and to let you know that you've hit something.

Ms. Claybrook. Mr. Chairman, if I could just comment on that. There is a separate statute that NHTSA does administer dealing with property damage and that deals with bumpers. Dr. Runge is correct, that what you want to have is the cell of the vehicle be the thing that's impacted, not just the bumper. So I agree with that. But there is an opportunity for property damage.

Mr. Rush. The Chair recognizes now the gentleman from Maryland, Mr. Sarbanes.

Mr. Sarbanes. Thank you very much, Mr. Chairman.

I apologize for coming as late as I did to the hearing; and I apologize to the panelists, although I did get to hear a little bit of the testimony on television before I came over.

I have two sort of conceptual questions, and I invite anybody to answer them.

The first is, of course, right now, the auto industry in this country is undergoing a radical transformation which we are viewing primarily through the lens of sort of fuel efficiency standards and those kinds of things, with great expectations that what will emerge from this period of transition will be something that kind of gets us on the cutting edge.

And what I was curious about is whether you view an opportunity in this -- and if this has been asked, I apologize --

but whether you view a similar kind of opportunity in this retrenchment that's going on, this remaking of the industry with respect to safety standards and perhaps, you know, consolidating a bunch of safety issues that have accumulated over time where there is now a chance to kind of push forward in a quantum way. So is there anything about this transitional period that you see as offering opportunities?

You might, alternatively, tell me that it actually poses new challenges for the kinds of progress you are trying to see made. But I would like to put it in that context and see what you have to say.

Ms. Claybrook. Well, I'm sure the Alliance would like to come in on this. They probably know more about the cost issues.

But I do think that when vehicles are being dramatically redesigned, that's the greatest opportunity, designed in safety. And what we're talking about here is designed in safety. And in terms of, for example, roof crush and ejection from the automobile, where 10,500 people are killed every year, that's not a big technology cost. It's really a design issue: a little bit more strength in the roof, a priority on the A pillar over the windshield and not just the B pillar, and so on. So you can really make some dramatic improvements.

There is also an opportunity to improve the belts. Belts are not tested for rollover. You could do that.

There is an opportunity to put in some of the child safety

things that are very small in terms of just reminders for the rear seat. Today, the reminders are only for front-seat passengers.

So there are a lot of issues to adjust, small things that could be incorporated into this dramatic redesign that's going on for safety and fuel economy and also in the crush protection of the vehicle and in the compatibility of these vehicles because we're not going to have the same kind of differential with SUVs and cars. So as we redesign these vehicles, we can think forward about the compatibility of these vehicles. So that's why we would like to see a standard.

Dr. Runge. As another former administrator -- I'm a has-been. I don't speak for the agency. But I can tell you that what you've raised here does raise a formidable challenge for the agency, and that is that vehicles have essentially become electronic systems. A lot of the rules don't apply.

In the year 2002, I suggested that we needed a quadrennial review of all the rules to make sure that when we talk about bulbs that it recognized the fact that they were LEDs and this sort of thing. That quadrennial review turned into a 7-year review for reasons that are beyond the scope of this discussion. It is important, but it is a very difficult thing for an agency that is fully employed to take this additional endeavor on.

I never said when I was administrator that the agency didn't have enough money to do its work. But the fact is is that Ms. Claybrook had -- what -- 1,100 people or so to do this work.

I had 600. And so it is a zero sum game for the agency. And if they are to step back and take a more comprehensive view, there is a certain cycle of activity that's going on every day just focusing on the regulatory agenda. To step back and take a larger view would really require additional resources, but I do think it's a very valuable question.

Mr. Strassburger. If I could, please. Obviously, the agency should have adequate resources to do its job, but there is no higher priority among Alliance members than to reinvent the automobile to make it cleaner, safer, and more efficient. And that's where we are investing our effort, and the results show every day. There are a number of things that we are doing voluntarily to improve the product and improve safety performance. And I would argue that the marketplace is only now catching up with its demands for more efficient vehicles to the demands that have been there already for the last 10 years or more for safer vehicles.

So the real challenge is you're going to get a lot of input here today and as you go forward as to how to reauthorize the agency. And I keep coming back to the fact that the agency is well equipped to evaluate and vet, prioritize all the suggestions that you are going to get and set a priority plan and set the direction for the country; and I think that's really the best way to proceed.

Mr. Sarbanes. Well, part of the reason I asked the question

was to sort of scold myself. Because I realize that, given the other issues that the larger committee has jurisdiction over, I've gotten myself very focused on this sort of fuel economy dimension of this dramatic transition that is occurring. But, clearly, the safety and other elements are as important if we're going to have a strategic approach and an efficient response to this opportunity that's presented.

So I appreciate the response. Thank you.

Dr. Runge. One follow-up, too, sir. I think that the agency is concerned about what are the effects of these more fuel -- I avoid the word "efficiency" because you can have a very efficient big light truck. But vehicles that have greater fuel economy, we're starting to see a lot of these small, sporty, nice-looking, consumer-attractive vehicles coming into the marketplace. And I think the agency and engineers and certainly the folks in the industry are concerned about the crash pulse from these very -- what are probably going to be stiffer vehicles coming onto the marketplace.

Every time you do something good, it seems like there's a Newtonian opposite effect; and I think that the agency is really struggling and grappling to try to figure out what those engineering tradeoffs are, as I know that the industry and safety folks are as well. And I appreciate your attention to that. It's very important as the committee talks about what the agency should do, keep in mind that they have to deal with these tradeoffs just

constantly.

Ms. Claybrook. I would say there is one other tradeoff, if I could, Mr. Chairman, and that is the question about whether or not there is any relationship between the huge amount of money that's being invested in the industry and any kind of payback, if you would, from the industry by adopting these requests as opposed to opposing them.

Because often there is a disagreement in the rulemaking process; and that's one of the reasons it takes such a long time, is that the industry has been resistant to a lot of this. And some companies have bounced ahead, some have resisted on different standards, different ways. But I do think that there ought to be more of a nexus between the money that's going into the industry and these public needs.

Dr. Runge. One quick follow-up. I have found out that sometimes all you got to do is ask. The belt reminders that people are talking about, the things that drive you crazy in your car if you don't buckle up -- and I know some of you are guilty -- were put in there because I asked them to do it. I knew that a rule would take God knows how long and that we would get petitioned up the wazoo. And I just said, look, would you guys just do this? And they said, yeah, we think we can work that out. And they did it.

So the thing that drives you nuts if you don't buckle your belt is not a mandate. It's something that they agreed to do

because we asked them. And some of these other things that are not on the regulatory agenda but on the agenda of our advocate friends actually may be done if they work together.

Mr. Oesch. Could I add one point to that? This is something that actually is directly within Congress' power. That is, back in 1974, Congress put a limit on the length of time that a belt reminder could be sound within a vehicle. It can't sound more than 8 seconds. And just as Dr. Runge was referring to, we've done research of the systems that the manufacturers have voluntarily installed that have longer signals and that we have found that those have been very effective in increasing the belt usage. So there is an impediment, if you will, to the agency being able to require those because of congressional legislation. So it's certainly something that you may wish to consider.

RPTS DEAN

DCMN BURRELL

[4:00 p.m.]

Mr. Rush. Thank you.

Ms. Claybrook. It was in 2005 that this got eliminated.

Mr. Rush. Thank you very much. The Chair will entertain the second round of questioning and recognize himself for another one additional question. Each member will receive one additional question.

Dr. Runge and Mr. Oesch, and Ms. Fennell, your recent comments really is a perfect segue to the question that I have, and that is whether or not there is any anti-driver distraction technology that exists? I was on my way to the airport for this hearing and the lady that was in the car in front of me was driving as she was applying her makeup, and there are so many examples of individuals on cell phones and text messaging and a whole array of different things that are distracting. Is there something that we can do or the industry could look at to remind people that you're taking your life in your hand? You look pretty good without the makeup. So, you know, is there something that could be -- some kind of technology that could be utilized or implemented?

Mr. Oesch. There certainly -- one way to approach this is through the enactment of State laws that ban the use, for example, of cell phones or texting while driving. And we're seeing more

and more jurisdictions that have begun to take those steps.

But one of the keys to that, and this also goes to belt usage and why we had laws on the books for a number of years but it was only at the point at which we began high visibility enforcement of those laws that we began to see the seatbelt usage rise. Just like in this instance, if States but the laws on the books, for example, on cell phone use or texting, they also have to ensure then that there is active enforcement of those laws. Otherwise it's not going to have much effect.

Dr. Runge. If I could echo that, Mr. Chairman, this boils down to the cop on the beat, you know. We can make the safest vehicle in the world, we can do anything we need to do, essentially it is the operator that determines whether or not a crash occurs. So enforcement of traffic laws is extremely important, and I think again I get back to these grant programs. You know, we got permission from the Congress to use, I believe it was $80 million of grant funds to soup up the enforcement for safety belt use by getting money to the States to do certain things, including providing saturation patrols for traffic enforcement. That has beneficial effects way beyond safety belts and impaired driving. These enforcement opportunities. We get the data every year and it turns out they find people with outstanding warrants, they find fugitives, they find -- this really is criminal law enforcement. Traffic safety is criminal law enforcement. Most of the interface with the police and the

public occurs through traffic stops, and they catch a lot of bad guys doing this.

So I think the Congress has to continue to support the funding that NHTSA gives to States to enhance traffic enforcement. It is really a critical thing.

Ms. Claybrook. Maybe what we could have some technology that every time you take one hand off the wheel then it buzzes in your ear. So there are -- I'm not suggesting we do that, but I'm suggesting that's a possibility of some kind of technological response to -- because it is very, very difficult. It is very difficult for the police to enforce the law when we are talking about putting on lipstick or talking on a cell phone.

Mr. Rush. A voice reminder or recording.

Ms. Claybrook. It could be if you take both hands on the wheel you get a little voice reminder that says watch out.

I would like to correct the record for one second, and that is that as much as I admire Dr. Runge he is not the first person who issued a safety plan for the agency. The first ones were issued many years before Dr. Strassburger -- Mr. Strassburger got involved and included by myself. I have issued one every year, but so did the agency every year back in the early seventies.

Mr. Rush. The ranking member suggested that we were thinking along the same lines. So I asked this question so he doesn't have any additional questions.

The Chair recognizes the gentleman from Maryland for one

additional question.

Mr. Sarbanes. Can I follow up on your question before I ask that other question or make a comment? I find that the barrier to this issue of improving safety with respect to the use of cell phones is not the talking part of it; it is the dialing part of it. So it just occurs to me from a technology standpoint, you know, we may want to move to where cars come already equipped with voice activated opportunity to make calls, because -- and maybe that's already underway, but you're fighting a losing -- I mean, people know they can't have something in their hand when they come into the District, but at some point they've got to dial the thing if they haven't got a voice activated technology in place. And cars could provide that, I would imagine, right?

Ms. Claybrook. Well, the research shows it is the use of your brain.

Mr. Sarbanes. Well, okay. Fair enough.

Ms. Claybrook. But you could slightly reduce it by allowing for automatic dialing.

Mr. Sarbanes. But at least the visual disconnect that happens when -- I'm giving away too much of my own driving habits here, clearly. The observation I just wanted to make was the struggle must be with respect to these safety issues to evolve to a kind of strategic approach over time, and I know there's so many episodic things that occur, you know, litigation, high profile accidents, other things that push the industry and the agencies

that regulate the industry in different directions. And navigating that while maintaining a strategic approach over time that kind of builds on the safety measures that have already been developed must be a challenge, with funding concerns only adding to the task. But I imagine that's the goal that we all seek and hopefully in this reauth we will be able to achieve more of that.

So thank you all very much.

Mr. Rush. The Chair really thanks this panel of witnesses. Again, you have been very, very helpful to us to guide us along our way for reauthorization. Your commentary and ideas and suggestions will be taken seriously by this Chair and by the subcommittee, and we look forward to working with you again.

I want to also really reiterate my expression to you that we are so gratefully to you for taking your time out from your busy schedule to be with us today, and we want to let you know that our time for questioning has concluded and so you are respectfully dismissed from the witness table there.

The Chair, before he adjourns this committee, asks for unanimous consent to enter into the record a statement submitted by the Mothers Against Drunk Driving. And also there have been some extraneous materials, including articles and reports that were brought to this committee by Ms. Fennell, and the Chair asks for unanimous consent that these and any other extraneous material be submitted into the record.

Hearing no objection, so ordered.

[The prepared statement of Ms. Mooney follows:]

******** INSERT 3-1 ********

[The prepared statement of Public Citizen follows:]

******** INSERT 3-2 ********

Mr. Rush. Thank you very much, and it has been a pleasure working with you.

[Whereupon, at 4:10 p.m., the subcommittee was adjourned.]