

**STATEMENT OF
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BEFORE THE

**SUBCOMMITTEE ON COMMERCE, MANUFACTURING AND TRADE
COMMITTEE ON ENERGY AND COMMERCE
U.S. HOUSE OF REPRESENTATIVES**

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Motor Vehicle Safety Provisions in House and Senate Highway Bills

Madam Chairman, Members of the Committee, thank you for this opportunity to testify on vehicle safety issues related to the surface transportation reauthorization. As you know, prior to my appointment to the National Highway Traffic Safety Administration (NHTSA), I was on the staff of the Senate Commerce Committee and I was able to work on the last surface transportation reauthorization, SAFETEA-LU. I appreciate the hard work that is involved with crafting such legislation and I look forward to working with this Committee and the Congress to shape this important reauthorization.

According to NHTSA data, last year the nation continued a 25-year downward trend in traffic related fatalities. In 2010, there were 32,885 motor vehicle related fatalities, a 24 percent reduction compared to 2005, and the lowest level since 1949. However, 32,885 fatalities is an unacceptable toll and is indicative of how far we still have to go.

We continue to face ongoing challenges to safety. Alcohol-impaired driving accounts for 32 percent of the nation's traffic-related fatalities. Approximately half of occupant fatalities in traffic crashes are unbelted. Along with these more familiar issues, there are emerging threats. Distracted driving is an increasing concern, as is the importation of defective motor vehicles and motor vehicle equipment. At the same time new significant technologies are emerging that represent great potential opportunity to avoid crashes in the first place.

Improving NHTSA's statutory authority would permit the agency to better address these and other vehicle safety issues.

Improved Authority

The Senate has included several helpful provisions that would strengthen the agency's capabilities. These include:

- Increased authority to address safety hazards caused by some imported motor vehicle equipment;
- Protection for consumers affected by safety defect or non-compliance recalls from manufacturers who file for bankruptcy;
- Increases in the total amount of civil penalties NHTSA can seek for safety related violations.

Together, these enhanced authorities would permit NHTSA to ensure motor vehicle and equipment safety on a broader basis than we can today. The Senate bill also includes a number of rulemakings that the agency has underway. For

example, we published the Notice of Proposed Rulemaking for keyless ignition systems last December and expect to issue a final rule in the near future. We are also considering Notices of Proposed Rulemaking for Brake Override and Event Data Recorders and conducting research on Pedal Placement.

The Senate bill also includes additional safety requirements for motorcoach drivers and companies. The bill would require safety belts and stronger seating systems to protect occupants of such buses, improve driver training, and require anti-ejection glazing on windows to prevent passengers from being thrown out of motorcoaches. The Department recently published the Motorcoach Safety Action Plan, which takes a comprehensive approach to address safety—considering the driver, its passengers, and the motorcoach itself. Our sister agency, the Federal Motor Carrier Safety Administration, is looking at improving driver performance and motorcoach operations. NHTSA is responsible for developing safety regulations and standards for the motorcoach vehicle. To that end, in the summer of 2010, we issued a Notice of Proposed Rulemaking that would require safety belts on motorcoaches and are moving towards finalizing that rulemaking. We have completed our research on motorcoach structural integrity, including roof strength, and are now considering regulatory action. We continue to research motorcoach evacuation and motorcoach fire safety. Finally, NHTSA is working with the Federal Motor Carrier Safety Administration to ensure that its rules on motorcoaches apply to the appropriate categories of buses.

To strengthen our safety mission even further, we would seek additional authority in the following areas:

- Authority to require action by used car dealers or rental companies with regard to recalled vehicles;
- Clarification of authority over the safety-related aspects of portable electronic devices in vehicles to address the clear and serious distraction hazard they pose;
- Clarification of authority over devices external to vehicles that will be essential to ensure the safety, security, and effectiveness of vehicle-to-vehicle communications in order to realize the enormous safety benefits these systems may bring; and
- Direct appellate review of recall orders to ensure that manufacturers have the opportunity to challenge orders while avoiding lengthy district court trials during which time no recall is in effect to protect consumers.

We believe these are straightforward clarifications of authority that would enable us to address timely safety concerns on our roadways. For example, the authority to notify consumers of recall issues before they purchase a used vehicle or rent a car is something that could easily protect consumers and provide real safety benefits. Additionally, vehicle-to-vehicle communications hold the promise of significant safety advances by enabling inter-vehicle communications to reduce the likelihood of many types of crashes. The safety and security of such communications systems are likely to depend on electronic devices external to the vehicles working in concert with in-vehicle devices. Although the agency believes its authority over motor vehicle equipment would extend to such devices, clarification of that authority could prevent delays in implementing these safety-enhancing systems. The agency recently proposed visual-manual driver distraction guidelines. These guidelines are designed for vehicle manufacturers to consider as they integrate in-vehicle electronic devices. However, the agency needs clarification of its authority concerning the safety aspects of external devices that can also distract drivers inside the vehicle. Here again, clarification of the agency's authority to do so is an important element in furthering the safety of those devices.

Rulemaking

The Senate bill includes numerous rulemaking provisions, some with very short deadlines. However, I appreciate the inclusion of a provision that would allow an extension of a timeframe, when necessary, with an explanation to the committees of jurisdiction. This will permit the agency to continue to prioritize its regulatory work based on its available resources and its judgment of the likely safety benefits and costs.

While the agency is currently working on some of the safety challenges identified in the Senate bill, some provisions include subjects not currently on our agenda. We develop our research and rulemaking priorities by focusing on the most significant safety risks, particularly risks associated with vulnerable populations and high occupancy vehicles. The agency looks forward to working with this Committee and the Congress to share our thinking on rulemaking priorities, and to developing a rulemaking agenda that will address risks to the driving public.

Post-Employment Restrictions

There is a provision in the Senate bill that would impose stricter post-employment restrictions on NHTSA employees. The Obama Administration has set forth some of the most comprehensive ethics rules of any administration. The Secretary holds the staff of the entire Department to the highest ethical standard. However a DOT Inspector General report dated April 4, 2011 found that NHTSA had adequate

controls in place to ensure employees' compliance with ethics requirements, found no evidence of undue influence, and made no recommendations for changes in NHTSA's ethics policies, procedures, and practices. The agency looks forward to the opportunity to discuss effective and federally consistent ethics process improvements.

I thank the Committee and staff for devoting your resources and time to the important safety issues that NHTSA confronts and I look forward to continue working with the Committee to address some of the issues discussed here today. Thank you again for the opportunity to offer these comments. I am happy to answer any questions you may have.