

## MAJOR TITLE 4 MEASURES ARE THIRTY YEARS OVERDUE



*As demonstrated by the 10 chronologies that can be found on our Website, NHTSA and the auto industry have known about the risks areas addressed by Title 4 for more than thirty years.*

### CASE STUDY: ROLLOVER

Despite years of improving belt use, rollover fatalities are at their highest level in a decade, mostly due to the rising rates of rollover deaths.

- Vehicle rollovers cause more than 10,000 fatalities each year—a full *third* of vehicle occupant deaths.<sup>1 2</sup>
- The 2002 highway death toll was the highest in over a decade — and rollover crashes accounted for over 80 percent of these increased deaths.<sup>3</sup>
- SUV and pickup rollovers account for nearly half of the increase in annual occupant fatalities.<sup>4</sup>
- Sixty-one percent of sport utility vehicle occupant fatalities occur in rollover crashes,<sup>5</sup> and SUVs roll over in fatal crashes at 3 times the rate of cars.<sup>6</sup>
- Shockingly, more than 20 percent of people killed in rollover crashes *were restrained* by safety belts at the time of the crash.<sup>7</sup>

#### *Rollover: Stymied Efforts Since 1973*

In April 1973, NHTSA first proposed a rulemaking for a rollover resistance standard, which was never finished.

Thirteen years later, in September of 1986, Congressman Tim Wirth called on NHTSA to pass a life-saving rollover standard. His petition to the agency was denied. In 1988, Consumers Union and the Center for Auto Safety again asked NHTSA to act, as rollovers killed 9,500 people each year.

In 1991, Congress passed the Intermodal Surface Transportation Efficiency Act, which required NHTSA to address means of protecting motorists from “unreasonable risk of rollovers” in passenger vehicles.<sup>8</sup>

But in 1994, the agency terminated its work on a rollover propensity minimum standard, promising that a series of new standards for rollover crashworthiness and a consumer information program were forthcoming.<sup>9</sup>

**The rules promised in 1994 included: advanced window glazing to prevent ejections, and stronger roofs; in addition, NHTSA stated publicly that it would also require improvements in door latches and hinges and upper side-impact protection.**

**None of the promised regulations on rollover crashworthiness has since been issued, but all are contained in Title 4.**

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*The More Things Change...*

**The *New York Times* reported in September 2000 that:**

***[R]egulators have been studying rollovers for 27 years, but industry lobbyists have appealed to members of Congress from auto-producing states to block periodic efforts to adopt rules that would address the problem.***

## CASE STUDY: VEHICLE COMPATIBILITY

The design of light trucks — and large SUVs and pickup trucks in particular — with a high center of gravity, high bumpers, and steel bars and frame-on-rail construction, makes these vehicles act like battering rams in a crash.

The problem is a serious one:

- When an SUV strikes the side of a passenger car, the car driver is *22 times* more likely to die than is the driver of the SUV. When the striking vehicle is a pickup, the car driver is *39 times* more likely to be killed.
- NHTSA's Administrator estimated as long ago as 1997 that the aggressive design of light trucks kills 2,000 additional people needlessly each year.<sup>10</sup>
- Another analysis found that 1,434 passenger car drivers who were killed in collisions with light trucks would have lived if they had been hit instead by *a passenger car of the same weight as the light truck*.<sup>11</sup>

Yet, auto manufacturers continue to build ever-more heavy and aggressive SUVs and to market them as such. The chief designer of the 2006 Toyota Tundra recently bragged that his threatening design for the huge pickup truck is intended to highlight “the power of the fist.”<sup>12</sup>

Despite shocking highway statistics and mounting research, in its June report NHTSA focused on only the struck vehicle — *bulking up protection in cars, but ignoring the equally important challenge of changes to reduce the aggressiveness of pickups and SUVs*. While improving occupant protection is critically important, the total crash dynamic can and must be considered.

*Resisting Real Action: Promises, Promises by Manufacturers, Ratified by NHTSA*

In December 2003, auto manufacturers announced a voluntary initiative to address incompatibility and aggressivity. The plan, currently to be phased-in on *most* vehicles by September 2009, would add side-impact air bags and lower the bumpers of SUVs or add a barrier to prevent them from riding over cars.

Yet the Alliance makes no specific commitments to redesign vehicles to be less aggressive. *Moreover, there is no requirement that all vehicles become compliant with the plan, and no outside body will verify vehicle compliance*. Voluntary “commitments” violate core principles of democratic accountability and transparency by involving closed, secret deliberations, no procedural or judicial oversight, no mechanisms for accountability, and no baseline for safety.

Even this new set of promises is only the latest in a series on compatibility issues. In 1998, the auto industry promised NHTSA Administrator Dr. Ricardo Martinez that it would make modifications to achieve safer designs, mainly by adjusting vehicle suspension. The industry refused to provide any details of their plans *and there is little evidence that any substantial design changes were made*. Consequently, the latest set of industry promises also raises questions, as vehicles continued to be designed to be large and aggressive, and the highway carnage continues.

As NHTSA states in the conclusion to its report making vehicle compatibility one of its four major priority areas, “[v]ehicle compatibility has been a concern for NHTSA since the 1970s.”

**The time for action is now.**

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<sup>1</sup> *2002 Annual Assessment of Motor Vehicle Crashes*. Washington: NHTSA, July 2003. 64.

<sup>2</sup> *Initiatives to Address the Mitigation of Vehicle Rollovers*. Washington: NHTSA, 2003. 5.

<sup>3</sup> Hilton, Judith; Umesh Shankar. *Motor Vehicle Traffic Crash Injury and Fatality Estimates*. (DOT HS 809 586). Washington: National Center for Statistics and Analysis, 2003. 8.

<sup>4</sup> *Id.* at 1.

<sup>5</sup> *2002 Annual Assessment of Motor Vehicle Crashes*. Washington: NHTSA, July 2003. 60.

<sup>6</sup> *Characteristics of Rollover Crashes*. (DOT HS 809 4398). Washington: NHTSA, April 2002. 21.

<sup>7</sup> *Occupant Fatalities in Vehicles in Crashes with Initial Side, Rear, and Frontal Impact, and Rollover, by Year, Restraint Use, Ejection, and Vehicle Body Type. FARS 1992-2001 FINAL & 2002 ARF*. Data Request. Washington: NCSA, Sept. 2003.

<sup>8</sup> See the Intermodal Surface Transportation Efficiency Act of 1991: USCA § 1392 at sec. 2503.

<sup>9</sup> See 59 F.R. 33254, 33255 (June 8, 1994).

<sup>10</sup> Bradsher, Keith. *High and Mighty: SUVs-The World's Most Dangerous Vehicles and How They Got That Way*. New York: PublicAffairs 2002, at 193 (Referring to Hans C. Joksch, "Vehicle Design versus Aggressivity," (April 2000), DOT HS 809 194. p. 40-42).

<sup>11</sup> Joksch, Hans C. "Vehicle Design versus Aggressivity," at 41. Further calculations contained in an electronic mail communication between Public Citizen and safety researcher Hans Joksch stated: "In 1996, 890 car occupants died in collisions with SUVs. If the risk in collisions with cars of the same weight had been half as high, as estimated at that time, 445 deaths would not have occurred if SUVs had been replaced by cars of the same weight." Email from Hans Joksch to Laura MacCleery of Public Citizen, on Feb. 24, 2003 (on file with Public Citizen).

<sup>12</sup> Rehtin, Mark. "Toyota Concept Truck hints at next Tundra." *Automotive News* 4 Jan. 2004.

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