



August 30, 2010

U.S. Department of Transportation
1200 New Jersey Avenue SE
West Building Ground Floor
Room W12-140
Washington, DC 20590-0001

Via Electronic Submission
www.regulations.gov

Re: *Federal Motor Vehicle Safety Standards; Occupant Crash Protection – Request for Comments*

Dear Sir or Madam:

Consumers Union,¹ the non-profit publisher of *Consumer Reports*®, appreciates the opportunity to comment on the petition submitted by Public Citizen and Advocates for Highway and Auto Safety, seeking revision of the Federal Motor Vehicle Safety Standard No. 208 to require automobile manufacturers to install seat belt reminder systems for rear designated seating positions in light passenger vehicles. Consumers Union strongly believes that this proposed revision will increase rear seat belt use, thus decreasing the number of rear seat injuries and fatalities. As a result, we would encourage NHTSA to grant this petition.

Seat belt use in the United States has risen to record levels in the past year, and the National Highway Traffic Safety Administration (NHTSA) reports that as of 2009, 84 percent of front-seat drivers chose to buckle up. The increased usage of seat belts has

¹ Consumers Union of United States, Inc., publisher of *Consumer Reports*®, is a nonprofit membership organization chartered in 1936 to provide consumers with information, education, and counsel about goods, services, health and personal finance. Consumers Union's publications and services have a combined paid circulation of approximately 8.3 million. These publications regularly carry articles on Consumers Union's own product testing; on health, product safety, and market place economics; and on legislative, judicial, and regulatory actions that affect consumer welfare. Consumers Union's income is solely derived from the sale of *Consumer Reports*®, its other publications and services, fees, noncommercial contributions and grants. Consumers Union's publications and services carry no outside advertising and receive no commercial support.

saved an estimated 75,000 lives from 2002 to 2006. In 2008 alone, it is estimated that 13,250 lives were saved by the use of seat belts.

Rear seat belt use, however, continues to lag, with NHTSA reporting that in 2008, only 74 percent of rear-seat occupants used seat belts. NHTSA estimates that seat belt use by rear-seat passengers would reduce the risk of fatal injury by 44 percent. For rear seat passenger van and sport utility vehicle occupants, seat belts would reduce the risk of fatal injury by 73 percent. As a result, it is imperative that NHTSA act swiftly to encourage rear seat belt usage rates through enhanced seat belt reminder systems (SBRs). NHTSA studies on front seat belt SBRs indicate a 3 to 4 percent increase in the seat belt use rate for vehicles equipped with reminder systems. The same technology is likely to increase rear seat belt use as well.

Consumers Union believes that a SBR is most effective when equipped with continuous, repetitive auditory signals. NHTSA's own research suggests there is a strong positive correlation between subjective effectiveness and annoyance. Systems with more aggressive reminder displays and more frequent repetition patterns have been perceived to be the most effective. Conversely, visual notification alone may not be sufficiently disruptive or annoying to prompt passengers to buckle up. We believe that putting the onus on the driver to observe the visual signal and then determine how many passengers are seated in the rear of the vehicle greatly decreases the effectiveness of the SBR. A small visual signal on the console can be easily ignored. An audible signal alerts all occupants of the vehicle that certain passengers have not secured their belts.

In addition, we would encourage NHTSA to require that any rear seat SBRs notify the driver of seat belt non-use not only at the beginning of a trip, but also during the course of a trip, if the belt is later unbuckled. This feature may reduce the risk of injury to children by alerting the adult driver that the child has unbuckled his or her seat belt. An audible signal would also be much more effective in this situation, as drivers operating a moving vehicle may not immediately notice a visual alert on the console. As a result, we support a SBR system that incorporates both visual and audible warnings.

We also prefer that any SBRs be connected to some form of occupant detection technology, alerting the driver to seat belt non-use by occupants in the rear seats. The lower cost SBRs described in the Notice, which would provide the driver with only a visual notification of the number of latched seat belts, is once again not sufficiently alarming or disruptive to prompt action.

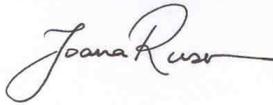
We do recognize that there is some concern regarding child restraints and their interaction with such systems. Specifically, occupant detection systems may detect empty child restraints or those installed with LATCH as being a non-belted condition. The same may hold true for other items placed in the rear seats. Each of these conditions could potentially trigger the occupant sensors, thus creating a "false positive" and ultimately reducing such systems' overall effectiveness. Despite these concerns, we simply do not believe that visual notifications alone would be as effective at increasing rear seat belt use. We hope that NHTSA will be able to explore emerging technologies that would

permit an occupant detection system to differentiate between an empty child restraint and an actual person, or to determine that a child restraint is installed with LATCH and would not require the addition of the belt.

In addition, we encourage NHTSA to evaluate whether SBRs could potentially be used to notify parents and caregivers that their child has been left unattended in the vehicle. This year alone, around 40 children have died after having been left unattended in hot cars. While SBRs may not be the best technology to deal with this issue, we hope that NHTSA will address this crucial hazard as swiftly and directly as possible.

In conclusion, Consumers Union encourages NHTSA to grant the petition discussed above. We support a SBRs system for rear seats that incorporates both visual and audible warnings. In addition, we encourage NHTSA to require some form of occupant detection system in conjunction with the SBR. Thank you again for the opportunity to provide comments on this matter. Should you have any questions or concerns, please do not hesitate to contact me at (202) 238-9247.

Sincerely,

A handwritten signature in black ink that reads "Ioana Rusu". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ioana Rusu
Staff Policy Assistant
Consumers Union, non-profit publisher of *Consumer Reports*®
1101 17th St. NW
Washington, DC 20036
(202) 462-6262 – phone
(202) 265-9548 – fax
rusuio@consumer.org