

The Cameron Gulbransen, Kids and Cars Safety Act

Safety Groups Respond to the Misleading Claims **By the Alliance of Automobile Manufacturers**

A number of important child safety issues were addressed in the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (2005). However, further legislation is needed to correct three specific problems that continue to cause tragic deaths and injuries to children.

Backover Safety: Each week at least 2 children are killed and nearly 50 hospitalized after being struck by vehicles in backover incidents. This occurs when drivers back up and cannot see children and other pedestrians because the vehicle “blind zone” blocks rearward visibility. The “blind zone” behind light trucks and larger sport utility vehicles is often 34 feet long or more, and can hide as many as 60 children from the driver’s view.

SAFETEA-LU required just a study of vehicle backover technology, and data collection on child injuries in noncrash incidents including backover, an first important step for understanding how to approach the safety problem. The technology study is complete and data collection is in progress, the next step is for Congress to direct the National Highway Traffic Safety Administration (NHTSA) to establish a safety performance standard for rearward visibility. Right now no such standard exists. A performance standard sets the minimum requirement for detecting an object/child behind the vehicle but allows auto manufacturers flexibility to determine what available technologies to use. S. 1948 and H.R. 2230 require a performance standard *but not* any specific technology or equipment, and logically follows up on the study provisions included in SAFETEA-LU.

Power Window Safety: SAFETEA-LU required all power windows to have the safer pull-up-to-close design, addressing one aspect of the threat posed to children by power windows. These safer switches reduce child injuries by preventing the unintended or accidental closure of power windows. However, the safer switch design will not eliminate deaths and injuries that result when someone pulls on the switch to close a power window closes without realizing that a child (or other passenger) has an arm, hand or head in the window path. A reasonable and cost-effective solution to preventing this common type of injury is adopting automatic reversal technology, the same technology used to stop and reverse closing garage doors. This technology is available in minivan sliding doors and SUV power back hatches in the U.S., and on most European-built vehicles. S. 1948 and HR 2230 require a performance standard – not any specific technology or equipment – to prevent child deaths and injuries.

Vehicle Roll Away: SAFETEA-LU did not address vehicle roll-away. The brake-transmission shift interlock (BTSI) is a basic safety feature for automatic transmission vehicles. It requires the driver to step on the brake pedal before the shift lever can be moved out of the “park” position. BTSI costs little and prevents children from shifting a vehicle into gear and causing it to roll-away, because children cannot reach the brake pedal. Despite the importance of this fail-safe device, about 20 per cent of model year (MY) 2006 vehicles do not have BTSI and in some vehicles with BTSI the brake interlock does not work in all ignition key positions. S. 1948 requires BTSI be included in the vehicle safety standards for all light vehicles and in all ignition key positions.

Despite widespread use of these lifesaving and cost-effective technologies by the auto industry, the Alliance of Automobile Manufacturers has circulated a document raising questionable objections to S. 1948. The attached chart lists their concerns and the response of consumer, health, and child safety groups that support these bills.

I. Backover Safety: Need for a Rearward Visibility Standard - S. 1948 § 2(b)

The Alliance Says . . .	The Safety Position Is . . .
<p>“Congress has already addressed the issue of backover incidents by requiring [in SAFETEA-LU] several studies on the magnitude of the problem and the potential effectiveness of different technologies in addressing the problem.”</p>	<p>Congress requested NHTSA to conduct 2 studies related to the backover issue and they are important, but studies alone do not save lives. That’s why more than 50 Republican and Democratic Members of Congress, including members who played a key role in enacting SAFETEA-LU, have sponsored S. 1948 and HR 2230 to direct federal action;</p> <p>NHTSA has already completed the study of the technology available that could be used to solve the backover problem required by SAFETEA-LU and must present that study to Congress (Nov. 2006);</p> <p>The other “study” requires data collection on backover incidents, in order to get an accurate picture of the total number of annual incidents. It is not necessary to delay NHTSA work on a safety performance standard while the data collection process is being completed. Safety groups and the Centers for Disease Control (CDC) have documented that preventable child deaths and injuries due to backover incidents are occurring daily with an unacceptable death toll.</p>
<p>“[S]ome of the same consumer groups that are advocating S. 1948 strongly praised the provisions [for studies in SAFETEA-LU].”</p>	<p>Praising the study provisions intended to gather data and information and directing NHTSA to begin the process of issuing a safety standard to prevent needless deaths and injuries are not at odds. Effective technology to save lives is already available and being sold by the auto industry so it is unacceptable to delay or defer action on a safety standard.</p>
<p>Providing drivers with a means of detecting the presence of obstacles behind a vehicle does not mean they will successfully do so.”</p> <ul style="list-style-type: none"> • Citing study results that show 33-65% of drivers detect surprise obstacles using rear vision system. 	<p>Data from KIDS AND CARS shows that no driver who has a rear view camera installed has ever hit a child.</p> <p>Denying drivers the capability to see into the “blind zone” <i>guarantees</i> that drivers <i>will not</i> successfully detect objects and children behind the vehicle;</p> <p>These auto industry-funded studies are based on “simulated” not real world driving conditions, and the test drivers were given little practice time;</p> <p>Even so, the result that 2 out of 3 drivers detected and avoided objects when backing is far better than 0% which is the case if no performance standard is adopted.</p>

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<ul style="list-style-type: none"> • Drivers only use rear vision display at start of backing maneuver and do not detect objects that appear later. • Expectancy plays a key role in driver response to any warning. Studies of a rear backing warning system to support collision avoidance with obstacles that encroach into the vehicle path <u>after</u> the start of backing maneuvers showed that . . . drivers still hit the obstacle in 75% of the cases.” 	<p>Consumer Reports tested vehicles with rear visibility cameras and found that drivers use the cameras continuously (but also scan around the vehicle) while backing;</p> <p>Consumer Reports found that where a child is in motion and cameras are in continuous use, none of the drivers failed to see the child.</p> <p>If this statistic is accurate, it means that at least 25% (one quarter) of all current backover incidents where a child, without warning, runs into the vehicle path could be prevented – a very high success rate;</p> <p>If the Alliance is seriously concerned about the effectiveness of backover prevention systems, manufacturers would not install cameras, even as options, in some high-end models, promote their use in expensive advertising campaigns, and charge consumers higher prices – rear view cameras are an option on many new vehicles;</p> <p>Millions of taxpayer dollars have been spent to develop vehicle radar systems for crash avoidance as part of the Intelligent Transportation System and Intelligent Vehicle Initiative. It’s time to put this technology to use to protect children.</p>
<p>“The most effective way to help prevent backing non-crash incidents is to urge the driver to check around the vehicle <u>before</u> backing.” (Emphasis added).</p>	<p>Checking around the vehicle <i>before</i> driving is only one part of the solution. Since children can quickly move into the path of backing vehicles the driver needs to have either direct visual or other confirmation that there is no object or child in the path of the vehicle <i>during</i> the backing maneuver;</p> <p>The Alliance’s advice directly contradicts their own claim, supported by safety groups that many backing incidents result from a “surprise” when children move into the path of the vehicle <u>after</u> backing has started and <u>after</u> the driver has checked around and behind the vehicle;</p> <p><i>You cannot avoid hitting what you cannot see.</i></p> <p>Many firsthand accounts of backover tragedies confirm that the drivers did in fact <u>check behind the vehicle</u> before starting the engine. This advice alone is simply not sufficient to address the root cause of the safety problem – lack of driver information about what and who is in the vehicle “blind zone” when backing up.</p>

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<p>“Spot the Tot” national awareness campaign “provides a few simple tips for adults and kids to make sure the area around the vehicle is safe <u>before</u> driving away.”</p>	<p>S. 1948 and HR 2230 include funds for education programs to increase awareness. However, education is no substitute for providing the driver with a direct view of the area immediately behind the vehicle;</p> <p>Also, awareness campaigns are not effective in changing the behavior of children too young to understand or retain the message;</p> <p>There is a need for a federal safety standard which allows drivers to see directly behind their vehicle into the area currently hidden by the “blind zone.”</p>

II. Power Window Safety: Automatic Reversal to Protect Children - S. 1948 § 2(a)

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<p>The power window standard was recently amended in April 2006 in response to SAFETEA-LU to require that “ ‘a power-operated window must operate by pulling away from the surface in the vehicle on which the device is mounted [i.e., ‘pull-to-close’ switches]’ .”</p>	<p>In 2006 NHTSA required “pull to close” power window switches instead of see-saw or rocker type switches that are pressed down to activate window closure. This change is an important safety advance but addressed only a portion of the child injury problem, accidental closures caused by children leaning on power window switches with their feet, knees, elbows, etc. Pull-to-close switches have long been required in Europe and Japan;</p> <p>This rule change did not deal with the power window injury problem caused when another person closes a power window without realizing a child or other passenger is caught in the window path, or when a child activates the power window by pulling on the switch while playing.</p>
<p>There have already been two recent rules on power window switch safety, the SAFETEA-LU required rule replaced and superceded a weaker version that NHTSA adopted in 2004.</p>	<p>The fact that a safety standard was recently revised to improve safety is not a bar to making further necessary improvements, especially for safety standards where delays in making improvements result is the loss of life;</p> <p>Congress realized that the earlier 2004 NHTSA rule did not fix the problem because the agency did not require “pull-to-close” switches in the earlier rule;</p> <p>The performance standard for power windows in S. 1948 deals with a different type of safety issue that goes beyond that addressed by “pull to close” switches;</p> <p>NHTSA has authority to provide auto manufacturers with sufficient lead- time and to phase-in rules to ease economic burdens on the industry.</p>
<p>“Nearly 20% of 2004 model year vehicles had automatic reversal systems available.”</p>	<p>This shows that automatic reverse systems are technologically feasible and can be produced in large numbers and mass production would lower per vehicle costs.</p>
<p>“Snow, ice, dirt buildup around the window opening may cause the window to unintentionally reverse due to obstruction.”</p>	<p>Many European-built vehicles have automatic reverse and in cold climate countries this has not been a problem; Cleaning windows, like scraping ice off the windshield, can resolve such problems.</p>

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<p>“NHTSA denied petitions for rulemaking requesting that automatic reversal systems be mandated for all new vehicles equipped with power windows[,]” because:</p> <ul style="list-style-type: none"> • “The agency still believes that these systems still might not meet the requirements of S5 of the rule relating to protection of very small appendages, such as a child’s fingers” • “The cost per vehicle of these systems is significant (\$40 to \$50 per vehicle (or \$600 to \$800 million annually)” • “This rule by mandating an automatic reversal system might save one additional life per year, on average, according to NHTSA” 	<p>The petition was erroneously denied based on misinformation:</p> <p>There is no basis to believe that a performance standard for auto reverse of power windows would not work. Such a standard would most likely be based on the amount of force or resistance detected by the window sensors, not necessarily on the width of an object such as a child’s finger;</p> <p>The technology is already in use in Europe and other countries. Cost estimates from “real world” use is only \$10-\$12 a window. Mass production as standard equipment would likely reduce costs even further. Even these cost figures are low compared to the cost of nonessential, non-safety options such as chrome wheels, GPS, satellite radio and DVD systems.</p> <p>In 2004 alone, at least 8 children were reported killed when strangled by a power window;</p> <p>NHTSA estimated that there could be 499 hospitalizations annually (Research Note, May 1997); small children are often victims, losing fingers and even limbs;</p> <p>Especially because unprotected children predominantly suffer these deaths and injuries, classic cost/benefit analysis should be considered in light of the population at risk from power windows.</p>
<p>“For some customers, automatic closure reversal is undesirable from the standpoint of security concerns.”</p> <p>A criminal act through an open window can be thwarted with window closure; an automatic reversal of the closure prevents the full closing of the window to mitigate the act.”</p>	<p>There is no data to support this claim;</p> <p>Claims of security concerns are undercut by the fact that manufacturers made automatic reverse systems available on 20% of MY 2004 vehicles;</p> <p>Car jackings and other crimes of vehicle occupants occur now despite existing power window designs that do not include automatic window reversal;</p> <p>Similar automatic reverse technology now in widespread use to prevent injuries from garage door closings have not led to an increase in crime statistics for burglaries and home invasions.</p>

III. Preventing Vehicle Roll Away: Brake Transmission Shift Interlock - S.1948 § 2(c)

The Alliance Says . . .	The Safety Position Is . . .
<p>Auto manufacturers signed a voluntary agreement to install BTSI in covered motor vehicles by September 1, 2010 (MY 2011 vehicles)</p> <ul style="list-style-type: none"> • The voluntary agreement states that it is a “Commitment for Continued Action by Leading Automakers” • Under the voluntary agreement auto manufacturers disclose which vehicles have BSI 	<p>The voluntary agreement permits millions of new vehicles to be built each year between now and MY 2011 (Sept. 1, 2010) without BTSI;</p> <p>Not all vehicle manufacturers signed the voluntary agreement and vehicles without BTSI may still be sold after Sept. 1, 2010;</p> <p>The voluntary agreement only commits vehicle manufacturers to provide information about which of their vehicles have BTSI. Under the terms of the agreement the manufacturers do not have to disclose to NHTSA or the public which vehicle makes and models <i>do not</i> have BTSI or <i>do not</i> have BTSI that works in all key positions;</p> <p>This critical piece of safety information is denied to consumers who need it to make an informed decision about which vehicle to purchase for their families.</p>
<p>The voluntary agreement is only a commitment of those auto manufacturers that signed the agreement.</p>	<p>A voluntary agreement is exactly that – purely voluntary. The agreement is <i>not</i> a legal commitment and is <i>not</i> enforceable by NHTSA. Any manufacturer can decide not to fulfill its commitment for any reason and there is no legal action that can be taken to prevent it;</p> <p>NHTSA has no oversight responsibility for a voluntary agreement to ensure it is carried out;</p> <p>Unlike a safety standard, the voluntary agreement lapses and after the MY 2011 there is no continuing commitment to install BTSI after that model year.</p>
<p>Under the voluntary agreement, manufactures have to comply by 2011.</p>	<p>20% of the MY 2006 vehicles sold in the U.S., over 3 million vehicles, do not have BTSI. Detroit News (Aug. 17, 2006); Also, the Chevrolet Suburban is equipped with BTSI but it does not function when the ignition key is turned to the “accessory” (acc.) position, and 4 million Suburbans have been sold in the past 10 years;</p> <p>By 2011 many more vehicles will be sold that do not have BTSI in all key positions.</p>