

**Oral Comments of Consumers Union to the  
National Highway Traffic Safety Administration on the  
New Car Assessment Program; Public Meeting**

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Consumers Union, the advocacy division of Consumer Reports, welcomes the opportunity today to provide comments on the New Car Assessment Program (NCAP).

Our comments today come down to two points. First, with more than 37,000 people dying on U.S. roads in each of the last two years, NHTSA must do much more to fulfill its core mission to save lives on our roads. Second, NCAP is an essential, trusted, life-saving consumer information program that must be strengthened and improved.

Through its comparative data on the safety of new vehicles, NCAP provides a clear way to leverage the power of the market to improve safety and save lives. NHTSA should seize that opportunity, and expand on it, by making significant enhancements so that NCAP is a challenging, straightforward, and dynamic program. Consumers are depending on it.

NCAP has demonstrated its ability to create a powerful market-based incentive for automakers to make the latest life-saving technologies available on more vehicles more quickly, providing a substantial safety benefit to consumers. And, while tests by the Insurance Institute for Highway Safety have supplemented NCAP for more than two decades, they have not replaced it. Consumer Reports depends on NHTSA's ratings to get a full picture of a vehicle's safety when assigning scores for the around 50 vehicles our testers evaluate each year. CR purchases every car we rate, to ensure we are looking at the same vehicles consumers buy every day, and we simply cannot afford to buy the number of repeat vehicles it would take to crash-test them ourselves.

It's clear, through previous official notices, that NHTSA staff understand NCAP's considerable value. In 2015 – when the agency put forth a sensible, safety-first proposal to upgrade NCAP – the agency said that it is important for NCAP “to provide a continuing incentive for vehicle manufacturers to further improve the safety of the vehicles they manufacture,” and that, for its part, NHTSA “must continually strive to expand and improve the safety information that is conveyed to consumers and continually increase the effectiveness with which that information is communicated.” We applauded this commitment to NCAP's continual enhancement. Today, we encourage NHTSA to once again stand firmly in support of a stronger NCAP.

NHTSA's dedication to NCAP's improvement is particularly important because – unfortunately – NCAP has been permitted to languish. In recent years, almost all vehicles have been receiving four-star or five-star ratings, reducing NCAP's ability to differentiate for consumers the safest vehicles from those that provide an average or lower level of safety. Substantial upgrades to the program are long overdue, so that the five-star safety ratings keep up with the development of auto safety technologies. NCAP must also be made more readily

updatable so that it again becomes – and remains – the world leader in safety information that it used to be.

## **Consumer information and the rating system**

Consumer information is core to a free market. For consumers to be the “rational agents” in the marketplace that Adam Smith envisioned them to be, they need to have clear, trustworthy, and meaningful information. Such information is necessary for consumers to evaluate costs and benefits, determine their preferences, and choose the best course of action for themselves. Historically, NHTSA has led the world in providing consumer information about vehicle safety, and the agency’s work has inspired others around the world to follow its lead and set up their own NCAPs.

Today, NCAP, as a consumer information program, is generally straightforward for consumers. The five-star safety ratings system provides clear, readily understandable information, and it is trustworthy by virtue of being an unbiased, independent scoring system that is backed by the government and applies across the marketplace.

There’s room for modest improvements in the presentation of NCAP’s information, of course -- in particular, for the detailed, model-specific, test-based performance ratings on NHTSA’s website to be presented in a more granular, sortable, and readily comparable manner. Nevertheless, as more crashworthiness testing and more advanced crash avoidance technologies are incorporated into NCAP, it will be important for the five-star safety ratings system to keep its essential arrangement – simple and straightforward topline scores, with the possibility to do a deeper dive on *SaferCar.gov*.

At the same time, and as the agency envisioned doing in 2015, NHTSA should take a new approach to determining a vehicle’s overall five-star safety rating. The rating should thoroughly incorporate both crashworthiness and crash avoidance, and better account for the safety of pedestrians, who, according to NHTSA’s own data, accounted for about one-half of the increase in roadway fatalities between 2009 and 2016. It also would be helpful to break out the overall score into at least the two categories of crashworthiness and crash avoidance, and to prominently provide star ratings for these categories while keeping individual test-based performance ratings publicly available on *SaferCar.gov*. To preserve flexibility, we urge NHTSA to ensure that any updated rating methodology allows the agency the flexibility to add or change technologies over time.

Regarding pedestrian safety, in keeping with the sensible recommendations made last week by the National Transportation Safety Board, NCAP scoring also should include pedestrian crashworthiness and pedestrian collision avoidance systems. The program should give sufficient weight to pedestrian elements of the scoring to address the alarming increase in pedestrian deaths on our roads, which, we reiterate, rose 46% between 2009 and 2016, again according to IIHS.

Critically, NCAP changes like these would build on the existing essential success of NCAP in gaining broad consumer understanding and trust. U.S. taxpayers have spent significant sums on NCAP over the years, and the return on their investment has been sizeable, in the form

of saved lives, fewer injuries, and reduced economic costs associated with crashes. To capitalize on these investments and continue NCAP's record of safety gains, NHTSA should clearly commit to make the program more meaningful and up-to-date for consumers.

### **Crash Avoidance**

Regarding crash avoidance, NHTSA should fully incorporate appropriate technologies into NCAP ratings. However, to provide the greatest incentive for manufacturers to add crash avoidance technologies at all price points, we urge NHTSA to only award points for technologies that are standard equipment. Awarding credits for optional equipment would dilute the rating and would be inconsistent with the idea of NCAP once again becoming a world leader. Euro NCAP, for example, generally requires its test variant vehicles to have safety equipment fitted as standard in order for that equipment to be evaluated.

### **Crashworthiness**

Regarding crashworthiness, Consumers Union encourages NHTSA to continue the full frontal rigid barrier crash test and side impact test, and add a new frontal oblique crash test, which is important for providing consumers with an enhanced understanding of a vehicle's frontal crashworthiness. To ensure automakers design vehicles to protect all occupants – not just the driver – we urge NHTSA to randomize and keep confidential the side or corner of a vehicle that will receive impact until after the test has occurred. We also support the development of crash-test dummies that contain more advanced instrumentation and biofidelic properties.

In addition, NHTSA should take new steps to evaluate rear-seat crashworthiness in NCAP, and incorporate rear seat testing into the program as broadly and as expeditiously as possible. The rear seat safety benefit relative to front seat performance does not have the differential it once had, and it is now more important than ever to devote additional effort to rear seat safety improvements.

### **Conclusion**

NCAP is a tool with nearly unparalleled potential to move the auto marketplace toward greater safety by informing and empowering consumers. It must be kept up to date with changing vehicle capabilities and technologies, and be flexible enough to be changed as needed. If NHTSA is to truly put safety first, it needs to implement substantial upgrades to the program -- upgrades that are as strong as possible in providing consumers meaningful safety information and incentivizing the adoption of life-saving features across vehicle fleets. We would look forward to working with the agency to help put such a plan into action.