



**Consumer Federation of America**

Testimony of

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Before the

National Highway Traffic Safety Administration

Public Hearing on Rear Visibility

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Administrator Strickland, Senior Associate Administrator for Vehicle Safety, Daniel Smith, and Director of Office of Crash Avoidance, Nathaniel Beuse, I am Rachel Weintraub, Director of Product Safety and Senior Counsel for Consumer Federation of America (CFA). CFA is a non-profit association of approximately 300 pro-consumer groups, with a combined membership of 50 million people that was founded in 1968 to advance the consumer interest through advocacy and education. Thank you for the opportunity to speak today.

### **Introduction**

As the Director of Product Safety for CFA and as a mother of three young children, I applaud NHTSA's Proposed Federal Motor Vehicle Safety Standard for Rear Visibility. Improving rear visibility is critically important. Drivers need better tools to detect pedestrians in the areas behind their vehicles to minimize the likelihood of a collision with a person when the vehicle is moving backwards. Whenever I am backing out of a spot in the parking lot of my children's preschool, I am very aware of the extensive blind spot that limits my view of the area behind my vehicle. I am cautious as I walk into the school with my children and require physical contact with them until we get to school because I know that other drivers in backing vehicles can't see my children just as I can't see theirs. This new standard will make school drop off and pick up less stressful and vastly safer. It will reduce the numbers of deaths and injuries from backing incidents in parking lots, driveways and streets across the United States. It will save lives.

The proposed rule seeks to expand and strengthen the current rear visibility requirements for all passenger cars, multipurpose passenger vehicles, trucks, buses, and low speed vehicles with a

gross vehicle weight rating (GVWR) of 10,000 pounds (lb) or less by specifying an area behind the vehicle that a driver must be able to see when the vehicle is in reverse gear.

## **Background**

Congress required NHTSA to develop a database of fatalities and injuries to document the annual number of child and other pedestrian deaths occurring in backover crashes.<sup>1</sup> A backover is defined as “a crash which occurs when a driver reverses into and injures or kills a nonoccupant such as a pedestrian or bicyclist.”<sup>2</sup> NHTSA, therefore, created the Not-In-Traffic Surveillance (NiTS) system to compile data about non-traffic crashes, fatalities and injuries that are not otherwise recorded in NHTSA’s Fatality Analysis Reporting System (FARS). The NiTS data shows that there is an annual toll of nearly 500 deaths and an estimated 48,000 injuries in light vehicle backing crashes.<sup>3</sup>

Many of the deaths and injuries that occur as a result of backing crashes involve children who are located in a “blind zone” behind light vehicles where they cannot be seen through normal use of the vehicle mirrors. The NiTS data showed that many people, especially children, located in the area immediately behind the vehicle could not be seen by the driver. While the size of the “blind zone” varies by vehicle, all light vehicles have a “blind zone.” To address the hazards posed by backover collisions, Congress passed section 2(b) of the Cameron Gulbransen Kids Transportation Safety Act of 2007<sup>4</sup> which requires NHTSA to expand the driver’s rearward field of view in order to allow drivers to detect pedestrians who are within the “blind zone” of the

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<sup>1</sup> Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), § 2012, Pub. L. 109-59 (Aug. 10, 2005).

<sup>2</sup> *Fatalities and Injuries in Motor Vehicle Backing Crashes*, NHTSA, DOT HS 811 144, November 2008, p. 1.)

<sup>3</sup> 75 FR 76191.

<sup>4</sup> Pub. L. 110-189 (Feb. 28, 2008).

vehicle. NHTSA responded to this law by issuing the proposed rulemaking we are discussing today.

The existing safety data shows the compelling need for a strong and effective safety standard addressing rear visibility. Based on NHTSA's assessment of available safety data, every year there are on average 292 fatalities and 18,000 injuries, of which 3,000 are incapacitating, as a result of backover crashes.<sup>5</sup> Of those, 228 deaths and 17,000 injuries were attributed to backover incidents involving passenger vehicles.<sup>6</sup> In analyzing the data, NHTSA found that: 1) many of the incidents occurred off public highways, in areas such as driveways and parking lots and involve parents or caregivers accidentally backing over children; 2) children under five years old represent 44 percent of the deaths; and 3) when a pickup truck or multipurpose passenger vehicle strikes a pedestrian in a backover collision, the incident is four times more likely to result in a fatality than if the vehicle were a passenger car.<sup>7</sup>

In this proposed rulemaking, NHTSA proposes to: 1) institute a test to ensure a driver's ability to see an image / display of a specified area immediately behind a vehicle when the vehicle's transmission is in reverse; 2) institute performance standards for the display /image provided to the driver in the required test; 3) institute durability testing of devices installed to meet the proposed test; 4) define a phase-in schedule to ensure 100% market compliance by September 1, 2014; and, 5) define phase-in reporting requirements. The proposed rule would apply to all

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<sup>5</sup> Federal Motor Vehicle Standard, Rearview Mirrors; Federal Motor Vehicle Safety Standard, Low Speed Vehicles Phase-In Reporting Requirements; Proposed Rule; 49 CFR Parts 571 and 585, Department of Transportation, National Highway Traffic Safety Administration; Federal Register, Volume 75, No. 234; Tuesday, December 7, 2010; at 76187.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

passenger cars, trucks, multipurpose passenger vehicles, buses, and low-speed vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or less. NHTSA indicates that a rearview visibility system, consisting of a rear mounted camera system and an in-vehicle visual display, will be necessary in order to meet the requirements of the proposed rule. Consumer Federation supports NHTSA's rulemaking.

### **Strengths of the Proposed Rule**

CFA supports this rulemaking for numerous reasons. CFA supports the proposed rule because it will save lives and prevent injuries caused by backover collisions. It is estimated to prevent over 7,000 injuries and to save the lives of approximately 100 individuals every year, many of which will be children.

In addition, the scope of the proposed rule is appropriate since it will apply to all light vehicles including both passenger cars, which account for a large proportion of the population of backover crashes, and SUVs and LTVs, which are associated with an elevated rate of occurrence.

Further, the rule includes an effective technical solution to address the occurrence of backover collision. This strategy rejects an approach that relies solely on efforts to train and warn very young children and drivers about hazards posed by backover collisions. Education and training alone will not prevent these collisions. Rather, technical solutions, such as those that this proposed rule includes, will go far to reduce deaths and injuries from these collisions.

This proposed rule will also be beneficial because it acknowledges the effectiveness and necessity of rearview video systems for preventing backover collisions as compared to sensor based systems which have been proven ineffective.

Additionally, the proposed rule establishes an adequate required coverage area which will address many regions behind the vehicle with the highest risk of occurrence of backover. The proposed rule will also require small children to be observable across most of the coverage area thus reducing the risk of backover.

Finally, NHTSA has taken into consideration the societal emphasis on saving the life of a child as part of the cost benefit analysis. The agency acknowledged the elevated value placed on the life of a child and the personal anguish experienced by friends and family with the loss of a child, especially in the case of backovers where they are often the cause of a child's death.

### **Recommendations for Further Strengthening the Proposed Rule**

While CFA strongly supports the proposed rule, we also have four suggestions for further strengthening the rule.

First, while the proposed rule establishes an adequate required coverage area or "blind zone," we are concerned that the proposed rule allows an area (.3 meters) of non-coverage near the bumper of the vehicle and may not protect pedestrians who are closest to the rear of the vehicle, where the risk of backover is highest. Thus, CFA recommends that the coverage zone eliminate this gap.

Second, NHTSA's testing procedure for system performance does not include a low light or night time test. Such a low light or night time test should be included to accurately test for real world use conditions.

Third, the proposed rule provides for a 2 second response time for the rearview image to be displayed on backing- assist devices. If technologically feasible, CFA supports reducing this time to give drivers critical information within adequate time to avoid a backover collision.

Fourth, the average image size requirement may be too small to provide a useful image to some drivers. We suggest increasing the image size and no longer relying upon the 50<sup>th</sup> percentile male as the standard occupant used to calculate image size.

### **Conclusion**

In conclusion, CFA strongly supports the proposed rule which will vastly increase driver rear view visibility and decrease deaths and injuries caused by backover collisions.