



MEMORANDUM

May 20, 2019

To: Subcommittee on Consumer Protection and Commerce Members and Staff

Fr: Committee on Energy and Commerce Staff

Re: Hearing on “Summer Driving Dangers: Exploring Ways to Protect Drivers and Their Families”

On **Thursday, May 23, 2019 at 10:00 a.m. in the John D. Dingell Room, 2123 of the Rayburn House Office Building**, the Subcommittee on Consumer Protection and Commerce will hold a hearing entitled, “Summer Driving Dangers: Exploring Ways to Protect Drivers and Their Families.”

I. BACKGROUND

Despite new safety technology, the number of vehicle-related fatalities has been relatively stagnant over the past few years. The National Safety Council estimates that vehicle-related fatalities—including traffic and non-traffic—exceeded 40,000 in both 2017 and 2018, which represents a steep increase after a downward trend between 2005 and 2014.¹ Nearly 4.6 million people in the United States were injured in motor vehicle traffic crashes in 2018.² A 2015 report by the National Highway Traffic Safety Administration (NHTSA) estimated the annual economic cost of traffic crashes at \$242 billion, and the total value of societal harm from motor vehicle crashes in 2010 was \$836 billion.³

II. VEHICULAR HEATSTROKE

Heatstroke is one of the leading causes of non-crash-related fatalities among children.⁴ It can occur when a child is left or becomes trapped in a vehicle and the temperature in the car rises

¹ National Safety Council, *Injury Facts: Motor Vehicle* (injuryfacts.nsc.org/motor-vehicle/overview/introduction/) (accessed May 14, 2019). Non-traffic deaths are those that occur in parking lots, private roads, and driveways.

² *Id.*

³ National Highway Traffic Safety Administration, *The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised)* (May 2015) (crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812013).

⁴ National Highway Traffic Safety Administration, *Child Safety* (www.nhtsa.gov/road-safety/child-safety#35941) (accessed May 15, 2019).

causing core body temperature to rise.⁵ Since 1998, 802 children died from vehicular heatstroke in the United States.⁶ The number of deaths peaked last year at 52.⁷

NHTSA has run an annual public education campaign, “Where’s Baby? Look Before You Lock,” for the past eight years to share tips to help prevent deaths.⁸ Technology that alerts drivers to check the backseat for children, pets, or others exists but is not yet widely available.⁹

In the 115th Congress, Reps. Schakowsky (D-IL) and Ryan (D-OH) introduced H.R. 2801, the HOT CARS Act of 2017, which would require the U.S. Department of Transportation to issue a final rule requiring vehicles to be equipped with a system that alerts the driver to check the rear seat after a car is turned off. A version of that bill passed out of the House in 2017 as part of H.R. 3388, the SELF DRIVE Act.

III. ADVANCED SAFETY TECHNOLOGIES CURRENTLY AVAILABLE

Various advanced safety technologies are already being offered in vehicles currently on the market.¹⁰ Blind spot detection, lane departure warning, and rear automatic braking have all been shown to reduce crashes and injuries.¹¹

Vehicles equipped with front crash prevention systems, which consist of forward collision warning (FCW) and automatic emergency braking (AEB), have been shown to reduce

⁵ National Highway Traffic Safety Administration, *Help! Too Many Children Are Dying in Hot Cars* (www.nhtsa.gov/save-kids-stop-heatstroke) (accessed May 15, 2019).

⁶ Noheatstroke.org, *Heatstroke Deaths of Children in Vehicles* (May 13, 2019) (noheatstroke.org/index.htm).

⁷ KidsandCars.org, *Heatstroke* (www.kidsandcars.org/how-kids-get-hurt/heat-stroke/) (accessed May 15, 2019).

⁸ Department of Transportation, “*Where’s baby? Look before you lock*” Campaign Warns about the Dangers of Heatstroke for Kids in Cars (Apr. 3, 2012) (usdotblog.typepad.com/secretarysblog/2012/04/wheres-baby-look-before-you-lock-psa-warns-about-the-dangers-of-hyperthermia-in-cars.html#.XNwaulJKiUk); National Highway Traffic Safety Administration, *Where’s Baby? Look Before You Lock* (www.nhtsa.gov/campaign/child-safety) (accessed May 15, 2019).

⁹ *Could New Technology Help Prevent Hot Car Deaths?*, NBC News (June 22, 2016) (www.nbcnews.com/tech/innovation/could-new-technology-help-prevent-hot-car-deaths-n597191).

¹⁰ *On the Road to Autonomous, a Pause at Extrasensory*, New York Times (Oct. 25, 2013).

¹¹ Insurance Institute for Highway Safety and Highway Loss Data Institute, *Real-World Benefits of Crash Avoidance Technologies* (Apr. 2019) (www.iihs.org/iihs/topics/t/automation-and-crash-avoidance/topicoverview).

rear-end crashes and to lower the injury rate in such crashes.¹² Consumer advocates petitioned NHTSA to require FCW and AEB as standard equipment and that they be implemented as soon as possible.¹³ Instead, in 2016, a voluntary agreement was entered into, among NHTSA, the Insurance Institute for Highway Safety, and 20 automakers. This agreement committed the automakers to making AEB standard on model year 2022 cars.¹⁴

Adaptive headlights, which rotate to help drivers see around curves and sense oncoming cars or pedestrians and automatically adjust to avoid glare without reducing brightness, may reduce crash damage and injuries.¹⁵ Adaptive headlights are available in Europe, Japan, and other international markets, but they are not yet legal in the United States.¹⁶ NHTSA issued a notice of proposed rulemaking to modify the headlight safety standard, but the proposed performance standards and compliance tests would require automakers who offer adaptive headlights in other countries to modify them for the United States.¹⁷

IV. NEW CAR ASSESSMENT PROGRAM – NHTSA 5-STAR SAFETY RATINGS

NHTSA launched the New Car Assessment Program (NCAP) in 1979 to provide consumers with meaningful comparative safety information and encourage manufacturers to improve the safety of their vehicles beyond minimum safety standards.¹⁸ Through the program, NHTSA provides star ratings for vehicle performance in crash and rollover tests.¹⁹ One star is

¹² Jessica B. Cicchino, *Effectiveness of Forward Collision Warning and Autonomous Emergency Braking Systems in Reducing Front-to-Rear Crash Rates*, Accident Analysis and Prevention (Feb. 2017).

¹³ Letter from Harvey Rosenfield, Of Counsel, Consumer Watchdog; Clarence Ditlow, Executive Director, Center for Auto Safety; and Joan Claybrook, President Emeritus, Public Citizen to Mark Rosekind, Administrator, National Highway Traffic Safety Administration (May 23, 2016).

¹⁴ National Highway Traffic Safety Administration, *U.S. DOT and IIHS Announce Historic Commitment of 20 Automakers to Make Automatic Emergency Braking Standard on New Vehicles* (Mar. 17, 2016) (press release).

¹⁵ Insurance Institute for Highway Safety and Highway Loss Data Institute, *Adaptive Headlights Help Drivers Spot Objects Earlier; Glare Not Excessive* (Oct. 9, 2014) (www.iihs.org/iihs/sr/statusreport/article/49/7/3).

¹⁶ Insurance Institute for Highway Safety and Highway Loss Data Institute, *NHTSA Opens Door to Adaptive-Driving-Beam Headlights* (Nov. 29, 2018) (www.iihs.org/iihs/sr/statusreport/article/53/8/2).

¹⁷ *Id.*

¹⁸ National Highway Traffic Safety Administration, *The New Car Assessment Program Suggested Approaches for Future Program Enhancements* (Jan. 2007).

¹⁹ National Highway Traffic Safety Administration, *Ratings* (www.nhtsa.gov/ratings) (accessed May 15, 2019).

the lowest rating; five stars is the highest.²⁰ Some automakers, suppliers, and safety advocates have been urging NHTSA to update the 5-star ratings to at least be consistent with international NCAP programs. In 2015, NHTSA sought comment on proposed updates to the NCAP that it believed would “provide the agency with significantly enhanced tools and techniques for better evaluating the safety of vehicles . . . which the agency believes will result in even lower numbers of deaths and injuries.”²¹ In 2018, NHTSA sought additional comment but has yet to update the program.

V. WITNESSES

Janette Fennell

President and Founder
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Miles Harrison

Father of Chase Harrison

Jason Levine

Executive Director
Center for Auto Safety

Gary Shapiro

President and CEO
Consumer Technology Association

²⁰ *Id.*

²¹ Department of Transportation, NHTSA, New Car Assessment Program, Request for Comments, Federal Register, Vol. 80, No. 241 at 78523 (2015).