

H-272-

NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

ISSUED: April 22, 1980

Forwarded to:

Honorable Joan Claybrook
Administrator
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

SAFETY RECOMMENDATION(S)

H-80-29 through -35

The National Transportation Safety Board has conducted a safety effectiveness evaluation of the rulemaking process of the National Highway Traffic Safety Administration (NHTSA). That evaluation has reviewed the rulemaking processes used for Federal Motor Vehicle Safety Standard (FMVSS) 121: Air Brake Systems; FMVSS 208: Occupant Crash Protection; and the current rulemaking of the NHTSA. These factual reviews have been published in three case histories which have been forwarded to you previously. The analysis and conclusions of the evaluation are contained in a separate report 1/ which is being forwarded to you concurrently with this communication.

In reviewing the NHTSA's safety standard rulemaking process, the Safety Board has taken into account the constraints of the NHTSA's limited staff and resources, the inherently controversial nature of motor vehicle safety regulation, and the importance of reducing crash losses on our nation's highways. The Safety Board also recognizes that there has been substantial reform in the NHTSA's rulemaking process during the past 3 years. Nevertheless, it is the conclusion of the Safety Board that significant improvement still can be made in the NHTSA's rulemaking process, and that the recommended improvements should be instituted as rapidly as possible.

Therefore, the National Transportation Safety Board recommends that the National Highway Traffic Safety Administration:

Revise NHTSA Order 800-1 to require that the precise nature and magnitude of the safety problem to be affected by a proposed Federal Motor Vehicle Safety Standard be defined no later than the Notice of Proposed Rulemaking stage, and that data analysis, research reports, demonstrations, and other information in support of the problem identification be included or specifically referred to in the Notice; and that the data be of the level of detail "necessary to an evaluation of the standard by competent technical personnel," as called for in the legislative history of the Safety Act of 1966. (Class II, Priority Action) (H-80-29)

1/ "Safety Effectiveness Evaluation of the National Highway Traffic Safety Administration's Rulemaking Process, Vol. 4—Analysis, Conclusions and Recommendations," April 15, 1980 (NTSB-SEE-80-3).

Revise NHTSA Order 800-1 to require that, in the development of proposed Federal Motor Vehicle Safety Standards, detailed consideration be given to and analysis be made of all significant and practicable alternative approaches, and that they be described in the Rulemaking Support Paper, with specific references to research reports or demonstrations which detail the preliminary evaluation of those alternatives. (Class II, Priority Action) (H-80-30)

Revise NHTSA Order 800-1 to require that Rulemaking Support Papers contain detailed plans for the evaluation of safety standards after they are issued; the revised Order 800-1 should give specific guidelines for such postimplementation evaluation plans. (Class II, Priority Action) (H-80-31)

Revise NHTSA Order 800-1 to specifically revoke the procedures formerly followed for Project Plan Descriptions and to require that the development of the Five-Year Plan for Motor Vehicle Safety and Fuel Economy Rulemaking be a continuing process. (Class II, Priority Action) (H-80-32)

Revise NHTSA Order 800-1 to require that the issuance of, and comment periods for, Notices of Proposed Rulemaking be coordinated with other pending Notices of Proposed Rulemaking on related safety standards. (Class II, Priority Action) (H-80-33)

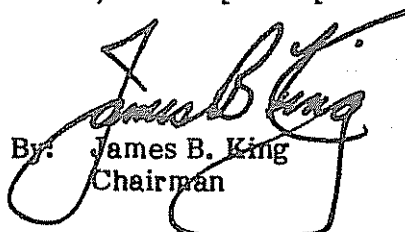
Establish written procedures which will formalize the safety standard research and development decisionmaking process to require:

- (a) At least annual review of the Research and Development program, including summaries and analyses of work accomplished on specific issues;
- (b) documentation of specific decisions on the direction of future research, including decisions not to proceed in a given direction, or to explore a given issue; and
- (c) that these documents be made available to the public.

(Class II, Priority Action) (H-80-34)

Develop and implement a system for the collection, storage, and rapid retrieval of research reports and related material derived from or related to the safety standard research and development program for use by the NHTSA and other interested parties. (Class II, Priority Action) (H-80-35)

KING, Chairman, McADAMS, GOLDMAN, and BURSLEY, Members, concurred in these recommendations. DRIVER, Vice Chairman, did not participate.

By: 
James B. King
Chairman