



SECTION 3

DISCUSSION: RULEMAKING AND THE EXPERIMENTAL SAFETY VEHICLE PROGRAM

Panel Members

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Mr. John A. Edwards, *Associate Administrator for Research and Development, Research Institute, National Highway Traffic Safety Administration, United States Department of Transportation*

Mr. Robert L. Carter, *Associate Administrator for Motor Vehicle Programs, National Highway Traffic Safety Administration, United States Department of Transportation*

Mr. Albert J. Slechter, *Assistant Director, Office of Experimental Safety Vehicle Programs, National Highway Traffic Safety Administration, United States Department of Transportation*

Mr. Elwood T. Driver, *Director, Office of Operating Systems, Motor Vehicle Programs, National Highway Traffic Safety Administration, United States Department of Transportation*

Mr. James E. Hofferberth, *Chief, Structures Division, Office of Crashworthiness Programs, Motor Vehicle Programs, National Highway Traffic Safety Administration, United States Department of Transportation*

Mr. Ralph T. Millet, *President of the Automobile Importers of America*

Dr. Gunther Brenken, *Executive Director, National Association of Auto Industries, Federal Republic of Germany*

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RULE-MAKING AND THE EXPERIMENTAL SAFETY VEHICLE PROGRAM

SECTION 3

PART 1

STATEMENT

MR. RALPH T. MILLET, *President*

Automotive Importers of America

I would like to preface my remarks today with some words of wisdom spoken by Secretary Volpe at the initiation of this conference last Tuesday. He said that a major objective of the ESV program was, and I quote, "to incorporate the safety features demonstrated by the prototype ESV's into requirements for mass production vehicles. I am sure you will all be interested in the session that has been scheduled at this conference to discuss the relationship of the ESV program to the safety standards we are working on for the near future. . . . All of the governments represented here today must begin to study the ways and means by which the work done on ESV's can be translated into production model requirements. We in the Department of Transportation are working on this now, and are prepared to exchange our ideas as to how this can best be accomplished with all of our ESV partners. At the appropriate time, I hope another international meeting can be held on this all-important topic to discuss how we can assure the maximum uniformity, on the international level, of vehicle safety standards."

AIA applauds this recognition by Secretary Volpe that as the ESV development programs proceed, it is becoming more and more obvious that the ESV results are leading to conflicts with the rulemaking actions that have been proposed in the Program Plan for Motor Vehicle Safety Standards. Since the final ESV specifications will be promulgated at the end of the year, the deadline for reconciliation is rapidly approaching.

The manufacturers' dilemma is this. We are expending as Secretary Volpe stated in his opening remarks "tens of thousands of scarce engineering man-hours on the ESV project," the announced purpose of which is to establish new and different regulations. The vague rulemaking proposal in the Program Plan Book also demands these scarce and limited engineering man-hours. In addition, and at the same time, these resources are severely burdened by

the requirements of current mushrooming DOT Regulations.

Even worse, rulemaking actions currently proposed and those contained in the Program Plan Book are not awaiting the results of the tremendous research effort being expended in the ESV Program but are proceeding rapidly along a divergent course.

Some of the specific conflicting areas are the requirements regarding injury criteria, energy management, visibility, exterior protection, and accident avoidance.

If this conflict continues, the public will suffer because the design of new, safer vehicles is unquestionably being delayed by uncertainty, diversion, and dilution of the design direction. Should we follow the uncertain Program Plans or should we target assumed results of the ESV Program?

The urgent need for synchronization is wisely signaled by Secretary Volpe's call for an International Conference to resolve the differences between the ESV specifications and rulemaking actions.

In the meantime it is perfectly clear that there should be a moratorium at least on program plan proposals in conflict with ESV findings.

In short, we applaud Secretary Volpe's recognition of these problems confronting manufacturers. We trust that his Department can lead us to a quick resolution of the collision course between the ESV program and the Program Plan Book. Without such a resolution, delay in the building of safer cars for the public will be inevitable.

RESPONSE

Mr. Toms, NHTSA: I am Doug Toms, and I would like to attempt a response to Ralph Millet and his presentation.

First, I would like to point out to all of us here, in particular for those of you who may not be aware



that Ralph does chair a very critical subcommittee on the National Motor Vehicle Safety Advisory Council, and Ralph's position as President of the AIA places him in a spot where he is particularly well informed and well advised. And I might compliment Ralph on the outstanding manner in which he carries out his duties.

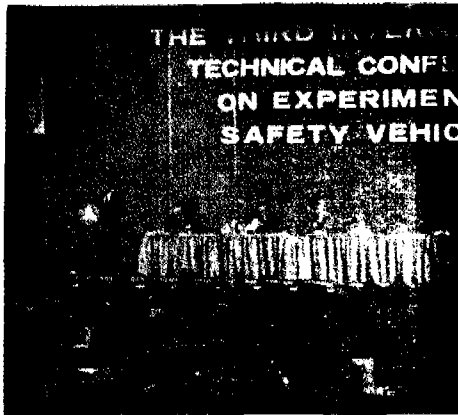
I guess the first thing that I would like to say in response to Ralph's request is that I don't know how quickly we can solve these problems. Secondly, I agree with all those who have expressed the need for an international conference. Obviously, we would not have encouraged Secretary Volpe to say that if we did not believe in it. Further, we would not encourage

such an international conference if we had all the answers. Clearly, we do not have all the answers. Clearly, much of the technical information that has been presented here at this conference this week is such that it challenges us to keep up with it, to properly assimilate it, and determine ways in which it can be translated into rules.

Ralph, I think that you are truly on-the-money when you lament the large number of engineering man-hours that have gone into ESV programs around the world and, indeed, it would be a shame if they did not get translated into useful programs that would benefit all mankind. So, we recognize that need.

I think the toughest question that Mr. Millet posed to us deals with the conflicts in our Program Plan and the specifications for our ESV. The most honest statement that I can make to all of you is that this is most difficult for us internally in the Department of Transportation. There are many disagreements among our scientists and our engineers as to how we can continue to assist you in your new model development, in your own corporate planning through the issuance of a program plan and how we can adapt this Program Plan to follow the guidance that is becoming evident from the Experimental Safety Vehicle Program.

Ladies and gentlemen, if I had a clear answer that I could give to you, rest assured I would state it. The best thing I can say is that it is very difficult; we recognize the problem, we solicit your suggestions and we will make a sincere effort to remain as open-minded on these issues as we possibly can.



RULE-MAKING AND THE EXPERIMENTAL SAFETY
VEHICLE PROGRAM

SECTION 3 PART 2

STATEMENTS AND QUESTIONS POSED

DR. GUNTHER W. BRENKEN, *Executive Director*

National Association of Auto Industries
Federal Republic of Germany

Experimental safety vehicles serve the purpose of establishing procedures to increase active and passive safety. After completion of all testing and an international exchange of information, a further improved cost/benefit analysis must be established and only then may a basic avenue for future standard setting be gained. The state-of-the-art of the ESV development already allows for recognition that only increasingly smaller benefits can be gained in contrast to sharply rising expenditures. It must also be considered that intended measures for environmental protection will have an additional negative effect on costs, and in reference to these costs we must consider the consumer.

At the insistence of the U.S. Government the ESV program has been raised to an international project. In contrast, it should be noted that present legislation in the U.S. was promulgated on an exclusively unilateral basis. The responsible committee in Europe for international motor vehicle legislation is the Working Party 29 of the Economic Commission of Europe (ECE) in Geneva.

Happily it has been noted that the U.S. representatives have lately become more active in the WP 29 and have been involved decisively in the completion of a number of regulations. This development is welcomed by the automobile manufacturers of the ECE member countries.

NHTSA has established a program for the continued development of technical regulations, and the requirements contained therein have often been changed or made more stringent, with the leadtimes being shortened or lengthened. This has created great uncertainty among the automobile manufacturers. By this procedure, additional costs, including the cost of ESV development — providing they were based on production vehicles — which amount up to several hundred million dollars, have been created. An especially sharp increase in the additional costs for production type vehicles will be noted when the

leadtime of effective dates of future rule making will be shortened. With more stringent technical requirements longer leadtimes of five to seven years are realistic. This statement can be true only for new vehicle models, since modifications on production models or on vehicles already in operation, generally is out of the question.



It must be determined that the ESV Program stresses the technical aspect of the vehicle too much and neglects the other factors in traffic situations, such as the driver and the road. In addition, an internationally acknowledged anthropomorphic test device for determination of injury criteria is still missing. The cost/benefit analysis of safety measures can lead to results for evaluation only, when each of the three factors — vehicle, driver and road — are fully considered.

We therefore present the following six questions to NHTSA:

1. Does NHTSA think that consideration for setting new legal requirements can be given only after completion of all ESV tests in 1974, and after the intended exchange of information, and a thorough cost/benefit analysis?

2. Does NHTSA Intend to also conduct biomechanical investigations for a uniform determination of injury criteria and test devices?
3. Is NHTSA willing to make available to the competent agencies the knowledge gained from the ESV program for the protection of all people of all nations, as a basis for international, or at least consistent legislation in all countries, and to refrain from exclusively individual efforts in rule-making?
4. May the technical requirements and the effective dates contained in the new NHTSA Program Plan be considered final and binding over a longer time period (until 1980)?
5. Does NHTSA acknowledge that most of the more stringent technical requirements can be achieved only after appropriate long leadtimes and only for new vehicle models?
6. What are NHTSA's intentions in regard to incorporation of the two other factors of highway traffic -- the driver and the road -- into the evaluation of the ESV results and into the considerations concerning future rule-making?

Answer -- Mr. Toms, NHTSA: I will attempt to answer each of your six questions as concisely and as directly as I can. I hope that you will recognize that I may not be able, due to the breadth of some of the questions, to give you complete and thorough answers, but for the sake of time I will do my best.

I would further like to compliment you on very thoughtful questions and obviously very important questions to us all.

I will go through and give you a short answer and then I will go back and elaborate briefly.

My answer to number one would be, yes, in part. In other words, yes in some parts and perhaps no on others. We are aware of the importance of completing the testing and we are taking into consideration cost benefit.

On number two, yes.

On number three, yes, in part.

On number four, that one is both yes and no. Principally, I say yes and no because the Program Plan changes regularly; in other words we try hard to keep abreast of developments.

On number five, yes, but five to seven year lead time would not be accommodated by us under all conditions.

My answer on six is basically yes.

Now I will go back through and try to elaborate a little bit and give my colleagues a chance to add their comments.

Starting with number one, there have been a great many questions about cost -- benefit ratios. We had developed cost-benefit studies on most of our major rulemaking actions. I am constantly asked why we do not publicly present these cost-benefit ratios. There has been a considerable technical and scientific argument in the United States about the assumptions that center around cost-benefit relationships. Such things as how much is a life worth. We find very little agreement on what that figure should be. There is considerable disagreement as to the average income of a man during his lifetime in how many of the indirect costs should be considered in such a calculation. We were hopeful that some of these could be resolved before we attempted to make our cost-benefit ratios public. We are not ashamed of them, but we do recognize that a great many people do not agree with them due to these differences on the assumptions.

In regard to completing our testing before we rule-make, I rather view the situation that we rulemake all the time and we test all the time and the two processes must complement one another. I would pause for my colleagues to add comments if they would like.

Mr. Carter, NHTSA: I might just comment on the benefit-cost studies. One of our big problems there is in obtaining accurate cost data from the industry. So we exercise our best judgment and we would like to enlist your support in coming up with actual costs.

Mr. Toms: Yes, you fellows are really not very helpful on that subject.

On number two, yes, we do have a great deal of biomechanical research underway because this is directly in John Edwards' program and I think John would like to comment in detail.

Mr. Edwards: We have currently approximately six projects underway within our own organization; that is in our in-house Safety Systems Laboratories. We have a two year program to develop improved performance requirements for dummies. The current effort is directed toward improvement of the head-neck combination. The work in terms of human tolerance levels in the biomechanics area is being pushed. It is being funded at increasingly higher levels each year and has been a program that is not in need of initiation because it has been underway for some three years, at least four years to date, and the level of effort in this area is going up. Our level of effort for the present year is at about a million dollars. So, I feel that we are actively pursuing the research activity in that area.

Mr. Toms: I think that a word needs to be stated, John, about human testing.

Mr. Edwards: We wish to expand this much further and we have presently been conducting human tests. We are open to any suggestions from the automobile industry worldwide as to how that human testing may be expanded. We would be willing to utilize our military resources for human volunteers to expand that testing in different sites and perhaps under different conditions. I rank as a very high priority a program that would crash regular automobiles with various restraint systems into the barrier and into other cars with human volunteers inside. I think it is very important that we get to such a program as quickly as we possibly can; and within the limits of how you protect people, in other words, you do not wish to hurt people in this testing, how to protect them, how to deal with the liability, and how to instrument humans in these tests, any answers or any suggestions that people would wish to pose would assist us in moving more quickly in this direction. I think that all of you appreciate how enormously difficult human testing is and how precarious that type of testing is. But even in light of the difficulty of it, we count it as very important and one of the necessary steps to establish what the human tolerance levels are in crashes.

Mr. Toms: If there be no challenges to that response, I will proceed with number three.

I think that international rulemaking is enormously desirable and I have said repeatedly in my public statements worldwide that I would do everything in my personal power to cooperate and participate in any kind of international rulemaking. I have had a number of talks with Mr. Poggi on the subject; talked about it this week. Further, I would pledge that any and all ESV data available to us in the government would be made available to any international rulemaking body that were properly recognized.

I added the word "in-part" to my first answer because I realize that there are different needs in different nations, both in terms of geographical terrain, climate, economy, and a host of other variables. Therefore, many countries may not, due to the prosperity of their economy, or their geography, wish to participate in international rulemaking; but within those limits we would be pleased to do everything we can to engage in international rulemaking. I am on record as saying that at any time we adopt a rule and a recognized international body adopts a rule that runs counter to it, and the information is persuasive that we should change, that I will immediately enter into negotiations to try to accommodate those changes.

Now, I say the information is persuasive, I can recognize that sometimes international bodies would rulemake in such a manner that would not be in the public interest of the American motorist. That is possible and with that caveat I would certainly enter into any kind of international rulemaking. Would my colleagues wish to respond further to item three?

John reminds me that a part of your question did deal with national rulemaking and I think the answer to that, John, was in part dealt with in my statement that we would go back and revise, that we would not withhold rulemaking while waiting for international activity. It is my openly expressed feeling that international rulemaking, because of the variable needs of the nations, is very slow and cumbersome. We would not want to withhold safety from our people while waiting for international rulemaking. We will go back and make amendments or modifications to be in conformity with international rules.

Are there any challenges to our answers on item three or a need for further clarification?

On item four, is our Program Plan obligatory? Well, that is a tough one. Yes and no. Certainly, if you want to sell your cars in our country, you have to meet our national standards. By the same token, we recognize that we are not always right, in that we can make mistakes. We recognize that very often, cars may be designed and components developed that would be superior to the rules that we have set for our country. I would urge you that any time you feel that there might be better products available, or better systems available that might be in conflict with our standards, to please communicate with us. One of the very good things about the Safety Act in the United States is that we can respond instantly to changing needs. I am looking at Don Randall, representing members of the Congress here, any time our Congress initiates these things as law, it is difficult to make quick changes; but when administrative discretion is given to the Secretary of Transportation, we can make rapid adjustments. I can assure you that any time the data are persuasive, we would be willing to make these adjustments. So, I don't want to cause you to follow our Program Plan blindly. We encourage your in-puts and, in particular, we would wish that other governments and auto manufacturers in other countries would indicate where their planning might be in disharmony or out of synchronization with the Program Plan so that we may consider ways that we could improve the Program Plan.

Mr. Carter: I think that most of the industry would realize that the Program Plan as we published it is considered to be a planning document. We

constantly have questions from the industry as to what are you thinking about next year? What are you thinking about five years from now? Well, obviously, the further you go out in time, the more flexible or the less certain we would be of the dates in that Program Plan. It is intended to provide you with some insight into our current thinking and the way our programs are being directed and to provide you with an overall plan from which our research program develops.

Mr. Toms: The dias recognizes Mr. Pocci.

Mr. Pocci: I apologize but I must once more speak to point three. I was not able to ask for the floor before. Mr. Chairman, you have spoken of international regulations and the possible influence that the ISO standards could have on national enactments. You know that I have been asked to represent this organization here in the framework of this conference and, therefore, I would like to be allowed to raise — and quite officially raise a question with regard to the Committee 29 ACE one and further annotated and commented by the European committee when it had examined its work in program. The Economic Committee for Europe has recognized that the international initiative that has engendered the new technologies, advanced and sophisticated technologies, that could give safety characteristics of an improved sort to vehicles up to now unknown or unforeseen. One recognizes — one may believe that within a term that is not too far in the future, one will have interesting results of both human and financial resources from certain industries and certain governments. We did not speak here of the organization itself but it is already implied and we speak here that these new improvements will certainly benefit all nations and all industries in all countries, even those that have not participated. Some have not participated because of economic reasons in the scientific research, for such improvements must know neither language, political, social nor economic barriers.

Certainly, this is a difficult task, but I believe that the good and high intentions of the Economic Committee for Europe certainly should entrust this high task to the present conference. Having said this, I would also interject some other words which seem to be somewhat directed against the international corporation but which are very close to what you, yourself, Mr. Chairman, have said. Sometimes, one cannot wait until international regulations have already been enacted to enact national regulations. This is regrettable but at least we achieve certain results. We get certain results. But, at least, it also pushes the interested countries to find solutions. One, sometimes, is too cautious and one is afraid and one finds

an excuse in international corporation not to enact national regulations. Furthermore, and while I'm fully in agreement, while such enactments are being applied on the national level, one can find better applications on the international level. What one can recommend, therefore, to the governments, those very governments that for political reasons, sometimes, are forced to enact national regulations, that certain juridical norms are such that one may then rapidly change these in view of new information. I believe that I should point out that this is a draft resolution of the European committee.

Thank you, Mr. Chairman.

Mr. Toms: Thank you, Mr. Pocci and I certainly agree and thank you for those remarks. If there are no other questions on items one, two, three and four, we will address ourselves further to number five.

The Chair recognizes microphone number eight. Professor Fiala from Volkswagen. Are you going to speak English or German?

Professor Fiala: I'll try English. Thank you. I am coming back to the question of the Program Plan. What we would like to know is what is the probability that this notice will become a standard, even in percent. So, we have an idea, for example, that this new vision angles — is very far away and the probability that a standard will follow the notice is — I don't know say 15 percent. There are some other things in the Program Plan, I feel have a probability of 98 percent. So, I think it would be a good thing, if you could state in the Program Plan what the probability is of this becoming a standard. You could give us the probability for every specific point. This would help us to know how sure you are that this specific point is very important or not. Thank you.

Mr. Toms: Professor Fiala raises an excellent point in a very valid criticism of the Program Plan. In way of an explanation, I guess in the early days of rulemaking, we often went out with an ANPRM and solicited information from the automobile industry and got very little back. So, as a result, we probably fell into a circumstance where the Program Plan did not indicate our interest in this proposal in terms of a future rule. In other words, we did not say we are dedicated to this proposition and come heck or high water so many years from now it will become a rule; versus this is a rule that we really do not think has very much merit but we think it important to put it before the industry and the public to find out if there is something that we overlooked. We did not make those differences and I think that is bad that we did not or that we do not.

Whether we can, indeed, come up with a percentage formula, such as you suggest, I don't know. I,

personally, like that approach and think it would be very helpful to you and would help place our efforts in better perspective. But, I would like to defer to my colleague who toils in the vineyards on this problem all the time and get his reaction; and this will be unrehearsed. He and I have not discussed this percentage proposition.

Mr. Carter, NHTSA: Obviously, it would be quite nice if we could attach some percentage or some probability figure to a notice becoming a rule. I would like to expand a little bit on what Doug said.

In the past we have gone out many times with a so-called advance notice and more often than not we got very little response from the industry. Not only that, when we followed that with a notice, many times we got little response from the industry. So we would go ahead and establish an effective date for the rule and then the industry would sort of take the position well, it looks like it's for real; we better check into it. In the process of checking into it, they uncover problems which we all were unaware of until this particular bit of work had been done. Now, to try and avoid that, we are making a very conscious effort of having much more dialogue with the industry prior to the issuance of a notice of proposed rulemaking. We are trying to learn as much as you know about this or what you think about it prior to the issuance of the notice. We are making some progress along these lines. But, again, the industry generally does not respond until sometime after the notice is issued. While we might say, well, this has a 99 percent probability of becoming a rule, it could very well be that we overlooked something that the industry overlooked as well and then we would have to delay or change the requirements as a result of work that was either done or reported after the issuance of the notice.

Mr. Toms: We would be very willing, very pleased, to work hard at the possibility of some kind of a percentage or an indication and will assure you that we will address ourselves to that proposal and attempt to make some public statement on it in the future as to what the merits and demerits of such a plan might be.

In the interim, Professor Fiala, we are always pleased to meet with members of the industry, either individually or in groups, and try to the best of our ability to answer questions of that type.

Professor Fiala: Another question concerning question number one — the cost-benefit. I think it is really very difficult to express the value of a human life in dollars. But, I think this is not the most important thing because we are not interested so much in the absolute value of cost-benefit but in the

relative value of cost-benefit ratio of different safety standards. The one thing we would like to do is to find the right order and do the more important things before we do the not so important things. So, I think you should go ahead and say that these are only relative figures.

Mr. Toms: I agree one hundred percent. I think that we are getting closer to releasing our figures even if you do disagree with the value in terms of dollars. This does give you the chance to look at the priority with a relationship from one to another.

Professor Fiala: If you present these figures, we can discuss with you and there also the question of the precise figures of the costs will come up. Also, I think, this figure must not be very precise because I have the feeling that the cost-benefit ratio of different things is within one of a hundred and we must not discuss ten or twenty percent.

Mr. Toms: One of the reasons that we have been reluctant — some of the early discussions were so emotional and the cautions that you have just mentioned, that they cannot be very exact, were not respected in our early discussions and people nit-picked over very small amounts and caused us to back away. It is my hope that perhaps we can overcome those problems and we can come out shortly with these values.

Mr. Carter: I might expand just a little bit there, Doug. We hope to have the next issue of the Program Plan out about this fall or early winter. There will be some additions to the plan. One section will be an appendix which will give you in detail our method of conducting benefit-cost studies. We will follow that up with the detail study on a few of our rules. We will then ask you for a criticism of our technique and how it can be improved.

Mr. Toms: Are there other questions about our answers? If not, we will attempt to address ourselves to item five which dealt with lead time and our answer is basically yes, but I said that we cannot always wait for a five to a seven year cycle.

It is observed in the government that our domestic manufacturers are generally extending the time period between total model changes and perhaps some of our overseas companies might be shortening the time periods between some of their model changes. But, nevertheless, I think that it would be our opinion that we could not look toward five to seven year intervals and we would not wait that long for implementation of most rules. Now, I will concede, that if we were to rulemake on really substantive issues like chassis or body, that we may give a longer lead time than on something that wasn't quite as difficult to modify. I might relate to a knob

on the instrument panel or something that might relate to tires, perhaps bulbs or lights; things of this order.

Any questions on the answer to question five?

The Chair recognizes Monsieur Clavel on microphone number one.

Monsieur Clavel: Mr. Chairman, Mr. Carter has just announced to us a new addition of the Program Plan for the autumn or the winter of this year. In connection with question five, to which you have so ably replied, I would like to raise the following question. In this new issue of the Program Plan, we should like to see, we the industry, some indications regarding the technological orientation of the contents of each of the standards that you envisage. To further elaborate on the question of lead time, what do you think of the method that may consist of indicating in advance in this Program Plan, in this new issue, not an application date of the standards, but a fixed delay that may be expressed either in months or in years, counted from the time when the requirements have truly been refined and determined?

Mr. Edwards: If I understood the question basically, it was one of instead of putting the effective date for the standard, that you would want I guess you would say, technical justification for the standard and have the date being sometime after that was developed. Was that basically your question?

Monsieur Clavel: Not quite, Mr. Chairman. Of course we would like to see an orientation of the technological contents of this plan, but we fully realize that you cannot give us in advance in this Program Plan a full and precise text of the envisaged standard. If one were to know it in advance, then you could enact and publish it immediately. This wasn't the question. My question deals with the manner in which you would determine the lead time which would be granted to us. Presently, the Program Plan indicates for a certain date each of the standards. For instance, October 1975 as a deadline but we do not know at which moment the technological requirements will be actually determined. That is why I asked what would you think of the method that would consist of indicating in the Program Plan not a deadline date but instead a delay which would be indicated in either months or years which would be counted from that moment when the technological requirements are truly defined.

Mr. Carter: I think the answer to that would relate back to some of Doug's earlier comments. In developing any plan, we believe you have to exercise some judgment factor as to when technology will be developed and will be available. This we have attempted to do in the plan. We think that this is

mandatory; otherwise we would experience what we would consider to be undue delays in the implementation of the standard. Now, this does not mean of course, that should our judgment be wrong and the technology not develop as we thought it would, that the standard would not be delayed. In other words, we are exercising a judgment factor as to when something can be developed or when the technology will be available. If we are wrong we would extend the effective date of the standard. That again, is one of the purposes of the Program Plan and updating it from time to time as we plan to do this fall or early winter.

Mr. Toms: I think that you point to what will probably be an on-going problem. It will always be in the financial best interests of an automobile producer to delay major modifications as long as possible; and we recognize this. We have to weigh these problems that you have financially against the public interest in terms of more efficient transportation and lives saved.

I think that you are justified in asking that we do a better job in estimating what the lead times should be and what the priorities of various rules might be within a given time period and perhaps try to relate this better to the state of the technology and do a better job of defining what might be involved in such a rule and the incumbent changes and the times that we project. I think that we can say that we will get better at doing that and we would solicit additional questions and comments from you and I can assure you that we appreciate the thoughtfulness of some of these concerns. As you communicate with us we will do a better job of meeting your needs.

If there not be another question on item five, I will talk about item six.

This is perhaps the broadest question of the six that have been posed. In the Department of Transportation, the Federal Highway Administration has the jurisdiction over our roadway system. For those of you who are close to our program, you are aware that just recently three and one-half of our state and community standards were transferred to the Federal Highway Administration. So the National Highway Traffic Safety Administration has very little jurisdiction over the roadway; for that reason, I would prefer not to trespass on my esteemed fellow administrator's ground.

Let us say that we do communicate regularly and in great depth with the Federal Highway Administration. The Highway Administration and other modal units in the Department of Transportation are clearly aware of the great need to improve our highways to make them safer.