



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

Scheiner
Memorandum

cc: Felrice
Hitchcock
Williams

Subject: Comments on Draft Evaluation --
Congressman Wirth Petition to
Limit Rollover Propensity

Date: APR 14 1987

From: Adele Spielberger
Associate Administrator for
Plans and Policy

Reply to
Attn of

To: Barry Felrice
Associate Administrator for
Rulemaking

First, we would like to commend Rulemaking for producing a highly comprehensive evaluation report in response to the Wirth petition. This type of report is necessary to allow the agency to respond to a complex and difficult subject. The report presents a strong counter-argument to the Robertson/Kelley report findings, which provided the basic support for the petition.

However, the Robertson/Kelley report, the agency's evaluation report, and the other reports cited, all recognize that utility vehicle rollover rates are high enough to warrant further action. Further, the Robertson/Kelley report and the agency's evaluation report both recognize that there is some correlation between the petitioner's proposed stability factor and rollover. While the stability factor may not be the answer, it may play a role as part of some combination of factors that could be used as a future regulation or guideline. Accordingly, we believe that the petition should be granted. The notice of grant could describe the analysis which leads to the preliminary conclusion that the stability factor is not the answer. It should also go on to describe what the agency believes is an appropriate plan for evaluating rollover propensity. The discussion on page 11 of the NRM Draft Evaluation, could form the basis of such a plan.

We believe that it will be particularly troublesome for the agency to justify denying the petition following on the heels of sending the "Light Truck and Van Safety" Report to Congress, which documents that the MPV fatality rate in rollover crashes is 196 percent above the average for light trucks and passenger car combined. The report also documents that MPV's roll over 2 to 3 times more often than passenger cars and states that the higher center of gravity of these vehicles is a contributing factor.

If you disagree with our recommendation to grant the whole petition, then we believe the whole petition should be denied. We do not believe the action requested by Item 4 should be granted in part. While the approach taken to notify CJ owners may have played an important role in reducing rollover rates, the high negative publicity that was given to these vehicles at about the same time may also have been a significant influence. Thus, if the same type of rationale is being used to deny other parts of the petition, i.e., they do not seem to be the answer, it would seem appropriate to deny the notification proposal on the same grounds.

cc: Chief Counsel
AA/Enforcement
AA/Research and Development