

Automakers Agree to Add Brake to Shift Interlocks
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Washington, D.C. – In an effort to fend off legislation, 19 of the largest automakers have voluntarily entered into an agreement with the National Highway Traffic Safety Administration to install brake-to-shift interlock (BTSI) systems. BTSI's require drivers to depress the brake pedal before shifting an automatic transmission out of Park. The feature gained many adherents in the late 1980s following a rise in sudden unintended acceleration events in late 1980s as a way to reduce driver error. The feature also helps to reduce incidents of inadvertent activation of the shift lever by children—a long-standing problem that can result in vehicle roll-away incidents and crashes.

Under the terms of the accord, manufacturers ranging from Ford Motor Company to Maserati, pledge to design their automatic transmission passenger cars and light trucks so that a service brake must be depressed before the transmission can be shifted out of park. The agreement begins this month, with participating manufacturers agreeing to disclose which models have a brake-to-shift interlock system. By next November, carmakers will also disclose what percentage of the previous year's production includes a brake-to-shift interlock. Manufacturers would also voluntarily self-certify the system to NHTSA.

Currently, about 80 percent of 2006 vehicles with automatic transmissions are already equipped with a brake to shift interlock. Automakers expect 98 percent of the 2009 model year vehicles to be so designed. The agreement calls for participating manufacturers to have their entire vehicle line comply by September 1, 2010.

Data from the safety advocacy group KIDS AND CARS shows that since 1998, vehicle-set-into-motion-by-children incidents have caused more than 100 fatalities. But that number is likely an undercount, says Janette Fennell, founder and president of KIDS AND CARS.

The agreement comes as a bi-partisan effort to require NHTSA to promulgate brake-shift interlocks was gathering steam. The Cameron Gulbransen KIDS AND CARS Safety Act has been proposed in memory of Cameron Gulbransen, a two-year-old who was killed when his father inadvertently backed over him in the family SUV. The Senate bill, (SB-1948) sponsored by Sen. Hillary Clinton (D-NY) and Sen. John Sununu (R-NH) directs NHTSA to issue standards in several other non-traffic motor vehicle safety areas: a regulation to require power windows and panels to automatically reverse when they detect an obstruction and a rearward visibility performance standard, with a means of detecting the presence of a person behind the vehicle. (A separate U.S. House bill of the same name does not include the BTSI provision, but proposes a measure requiring a system to remind drivers if a child has been left in the back seat.)

Safety advocates have pressed the bill because NHTSA has failed to promulgate rulemaking in these areas. While the agency issued a power window switch requirement in April 2006, the standard stopped short of requiring power window reversing mechanisms. There are currently no regulations requiring BTSIs although NHTSA has recommended the feature since the late-1980s. Similarly, there are no rear visibility

requirements despite shrinking views in current vehicles and a rise in back-over injuries and fatalities. Congressional intervention has been the driving force behind a number of critical NHTSA requirements ranging from the introduction rear seat lap/shoulder belts to revamped tire standards.

“It’s interesting that agency, whose job it is to regulate, would cut a side deal with industry. It has always been voluntary. That’s the reason it’s a problem,” Fennell said. “If a manufacturer decides to they take the feature off, NHTSA has no power to tell them to do it. There’s reason upon reason why this is not the best way to do it.”

Manufacturers with new entries into the market, from China for example, will have no obligation to include a BTSI, she says. The agreement has other weaknesses. For example, it does not require the brake to shift interlock to work regardless of the key position, that means that the BTSI may not work when the key is in the accessory position for example. Another issue, says Fennell, is that consumers don’t know which vehicles do not have a BTSI.

“The sad thing is that people just assume that their vehicle has it,” Fennell said.

As the passage of S.1948 began to look likely, the industry undertook a strategy to undercut the need for a Congressional mandate. Given the anti-regulatory environment, NHTSA watchers were not surprised by the agency’s willingness to accommodate the industry’s plan. But, says Fennell, the effort to pass the bill will continue.

“It has always an uphill battle and you have to educate people why voluntary agreements don’t work and have never worked,” Fennell says. “We haven’t given up hope. We are still pushing hard to make this bill happen in the 109th Congress.”