



**U.S. Department
of Transportation**

Assistant Secretary
for Governmental Affairs

1200 New Jersey Avenue, SE
Washington, DC 20590

Office of the Secretary
of Transportation

June 12, 2019

The Honorable Frank Pallone, Jr.
Chairman, Committee on Energy and Commerce
U.S. House of Representatives

Dear Mr. Chairman:

Thank you for your April 17, 2019, letter regarding the lifesaving activities and research of the National Highway Traffic Safety Administration (NHTSA). The mission of NHTSA is to save lives, prevent injuries, and reduce the economic costs of traffic crashes.¹ This mission permeates the work and commitment of every NHTSA employee—people who conduct research, develop programs, investigate crashes, and educate the public.

During the past year, NHTSA launched an initiative to combat drug-impaired driving through public education campaigns, grants for local law enforcement, and support for state traffic safety programs. NHTSA also advanced safety by launching a compliance assistance program that facilitates engagement with NHTSA experts, particularly for small business manufacturers, on any safety compliance issue.

NHTSA adheres to a rigorous, risk-based process to evaluate potential vehicle safety issues. Over the past year, this process has led to data- and engineering-based risk reviews of tens of thousands of vehicle safety complaints and records relating to millions of warranty repairs and crashes. These achievements coincide with a notable acceleration in the rate of repair of defective Takata airbags—the largest and most complex vehicle safety recall in the history of the United States.

The Department of Transportation and NHTSA appreciate the opportunity to provide you an update on our work to enhance motor vehicle and roadway safety for all Americans.

Enforcement and Investigations

NHTSA is committed to effective enforcement and investigations that contribute to increased safety. The Office of Defects Investigation (ODI) had 51 open investigations and 6 pending defect petitions as of April 2019. ODI also receives consumer complaints, which are used on an ongoing basis; there is no formulaic association between the number of complaints received and

¹ *NHTSA's Core Values*, NAT'L HIGHWAY TRAFFIC SAFETY ADMIN., <https://www.nhtsa.gov/about-nhtsa/nhtsas-core-values>.

the decision to open an investigation. Every complaint is reviewed by ODI screening staff, and complaints are escalated and further evaluated as risks and trends are identified. ODI constantly reviews consumer complaints, both old and new, in ongoing consideration of whether to open investigations in the evolving vehicle fleet. Enclosed is an attachment indicating (1) the number of vehicle safety complaints received per year, and (2) the number of related complaints at the time an investigation was opened.

As of April 2019, the Office of Vehicle Safety Compliance (OVSC) was working on approximately 110 import eligibility determinations and customs related inquiries, over 50 inconsequentiality petitions, and over 23,000 Canadian conformity packages from registered importers establishing that Canadian vehicle imports comply with U.S. safety standards. Four enclosures to this letter provide further details about investigations and enforcement activities by ODI and OVSC.

The Office of Odometer Fraud Investigation was engaged in 26 active criminal investigations of large-scale odometer fraud schemes as of April 2019. The status of these cases ranges from the preliminary fact-finding phase to pursuing the extradition of suspects from foreign countries. NHTSA does not control the pace of cases following referral to the Department of Justice for prosecution.

Research and Rulemaking

As a safety-driven agency, quality research and objective information form the foundation for other work at NHTSA. This is particularly true with respect to innovative technologies, including self-driving cars, that are in the testing and development stages. Objective information on these types of vehicles and systems still is extremely limited, and a variety of technological hurdles remain prior to widespread use in the United States. At the most basic level, a safe automated vehicle must be able to achieve four performance goals: avoid crashes, obey traffic laws and norms, safely complete an intended travel mission, and protect occupants without causing harm to other road users. NHTSA is conducting research focused on supporting these goals and aims to develop a safety framework for automated vehicles, component and cybersecurity safety, and passenger and other road user safety.

NHTSA also is considering establishing a pilot program for collaborative research with industry on motor vehicles with high or full driving automation. The Advanced Notice of Proposed Rulemaking comment period on the proposed program closed in December 2018, and NHTSA is currently considering next steps. As driving automation technology develops, NHTSA will continue to work with innovators to ensure safe testing and development before these vehicles are available for sale to consumers. More detailed information about advanced vehicle technology research at NHTSA is enclosed.

The Office of Vehicle Safety Research (VSR) is working on projects in crashworthiness, advanced safety technologies, alternative fuels vehicle safety, and vehicle electronics and emerging technologies. VSR has 49 active awards in Fiscal Year (FY) 2019, another 43 procurements in progress awaiting award, and 249 purchases for support services and goods. Projects often culminate with a report for publication. As of April 2019, VSR had 45 reports in

agency review or comment resolution, and had sent 30 reports to our Office of Communications and Consumer Information for publication in FY 2019.

NHTSA presented VSR research at the Society for Automotive Engineers (SAE) Government/Industry Meeting in April 2019 and plans to participate in the Enhanced Safety of Vehicles (ESV) conference in June 2019. In preparation for these two events, VSR staff produced 17 presentations for SAE and 9 technical papers for ESV. In addition to the materials development and technical paper presentations, NHTSA is strongly involved in the planning, sponsorship, support, and execution of both conferences. During this fiscal year, VSR also has produced three reports to Congress: *Automated Vehicles*, *In-Vehicle Alcohol Detection Device Research Annual Report*, and *Tire Identification Study and Report*. Copies of these reports are enclosed. Two additional reports—*Seat Belts* and *In-Vehicle Alcohol Detection Device Research* (produced annually)—are in progress.

NHTSA has been working diligently on the 69 rulemakings, technical research projects necessary for regulatory actions, reports to Congress, technical studies, grant program changes and regulations, guidance documents, and data system changes mandated in both the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Fixing America's Surface Transportation Act (FAST Act). To date, NHTSA has completed 40 of those mandates, and 9 mandates are either not yet due or are ongoing in nature. Of the remaining 20 mandates, 19 are rulemakings which require additional time and resources—particularly when they involve public safety and highly complex, technical products. NHTSA is always mindful of the potential for unintended adverse safety consequences, the responsibility to engage in robust public dialogue under the Administrative Procedure Act, and the need to promulgate rules supported by data and measurable safety benefits in accordance with law. The remaining mandated rulemakings are in varying stages of completeness, and NHTSA looks forward to publishing some of them soon. Status updates on all MAP-21 and FAST Act mandates are enclosed.

Other Offices and Activities

Other offices within NHTSA generate critical safety data and provide useful information to consumers. The National Center for Statistics and Analysis (NCSA) is working on the 2017 Fatality Analysis Reporting System (FARS) Final File, the 2018 FARS Annual Report File, the 2018 Crash Report Sampling System (CRSS) file, and 2017 and 2018 Crash Investigation Sampling System (CISS) files. NCSA also is engaged in data collection activities related to 2019 FARS, CRSS, and CISS files, and is carrying out the 2019 National Occupant Protection User Surveys (NOPUS) and the National Survey of the Use of Booster Seats (NSUBS). NCSA will conduct 6 traffic records assessments this year and responds to approximately 60 data requests per month from internal, government, media, and public entities. NCSA has published 8 of 16 annual factsheets with 2017 FARS data and expects to publish the remaining 8 factsheets soon. NCSA also maintains the Problem Driver Pointer System (PDPS), which receives over 10 million interactive driver licensing inquiries per month from states and approximately 500 Privacy Act related information requests per month from individuals. NCSA typically responds to these inquiries within a few days of receipt. Finally, the NCSA Crash Investigation Division had 139 active crash investigations underway as of April 2019, which is consistent with its historical work load.

The Office of Consumer Information manages four high visibility enforcement (HVE) paid advertising campaigns each year. Topics include seat belt use, drug- and alcohol-impaired driving, and distracted driving. In addition, the office manages four Ad Council public service announcement campaigns on child seats, “tween” seat belt use, buzzed driving, and underage drinking, resulting in millions of dollars of donated media. Smaller awareness campaigns focus on heatstroke, vehicle recalls, the New Car Assessment Program, and tire safety.

The Office of Communication Services supports the media and publishing requirements of NHTSA. On average, the office processes 20–30 new requests each week for preparing research reports, extensive web updates, graphics and exhibit support. The office also manages the NHTSA Hotline, which serves as a central point of contact for the public and is primarily intended to receive and respond to consumer complaints on possible safety defects in motor vehicles and motor vehicle equipment. Hotline information is then evaluated by NHTSA investigators to determine if serious safety problems exist. The Hotline handles approximately 4,500 phone inquiries, 150 emails, and 50 chats weekly. Hotline agents document approximately 200 Vehicle Occupants Questionnaires weekly related to safety defects. Approximately 30 percent of inquiries received are related to Takata airbag recalls.

The Office of Digital Strategies manages the agency’s four websites—NHTSA.gov, TrafficSafetyMarketing.gov, 911.gov, and EMS.gov. The Vehicle Identification Number (VIN) recall search tool, a prominent feature of the recently redesigned NHTSA.gov, was used more than 12 million times by consumers looking for important safety information on their vehicles between March 2018 and March 2019. In addition, the office produces Spanish-language presentations for all consumer-facing information on NHTSA.gov and maintains a social media presence to amplify awareness of NHTSA’s many safety initiatives.

NHTSA values the input of the Office of Inspector General (OIG) for the Department of Transportation and has fully implemented each of the OIG recommendations referenced in your letter. Regarding Recommendation 6, NHTSA provided an outline of planned and completed actions taken by the target action date of December 3, 2018, and provided requested supplemental information to the OIG on April 18, 2019. On May 21, 2019, the OIG notified NHTSA that it had closed Recommendation 6. Due to the lapse in appropriations, NHTSA was unable to submit documentation regarding Recommendations 4 and 5 by the original target action dates. Once government operations resumed, NHTSA established a new target action date for Recommendations 4 and 5 of February 28, 2019, and submitted documentation for those recommendations prior to that date. On March 5, 2019, the OIG responded to NHTSA and indicated they had closed Recommendation 4. On March 27, 2019, the OIG requested additional information regarding Recommendation 5. NHTSA submitted the requested supplemental information, and received confirmation of closure of Recommendation 5 from the OIG on May 21, 2019. NHTSA submitted documentation to the OIG outlining the steps NHTSA has taken to implement Recommendation 1 on May 10, 2019, and documentation outlining the steps NHTSA has taken to implement Recommendations 2 and 3 on May 16, 2019. NHTSA continues to communicate with the OIG to ensure its planned and completed actions are responsive to the OIG’s specific concerns.

NHTSA Workforce

NHTSA employees strive to carry out the mission to save lives, prevent injuries, and reduce the economic costs of traffic crashes, and the Department is committed to fostering a skilled and effective workforce. In particular, NHTSA has prioritized building in-house expertise, including motor vehicle and traffic safety experts, enhancing employee training, and offering other career-advancing opportunities.

Of the NHTSA divisions you specified, NHTSA has an overall vacancy rate of 14 percent, and 8 offices within those divisions have no vacancies. The Office of the Associate Administrator for Vehicle Safety Research and the Office of the Associate Administrator for Rulemaking, for example, are both fully staffed. I am providing additional information about the NHTSA workforce in an enclosure.

Because NHTSA is at its best when it draws upon the talents of Americans of all backgrounds, NHTSA has multiple initiatives to promote diversity. For example, the Association of Schools and Programs of Public Health Fellowship and the Summer Transportation Internship Program for Diverse Groups both provide opportunities for students and young professionals from diverse backgrounds to gain experience and develop valuable skills. From 2015 to the present, minority individuals comprised 11 of the 23 fellows (48 percent) and 2 of the 4 fellows hired by NHTSA for full-time jobs after completing their fellowships. NHTSA also has participated in career fairs at minority-serving institutions. An enclosure provides more detailed information about the diversity initiatives NHTSA has implemented.

Throughout its work, NHTSA is committed to ensuring transparency and sharing information with Congress and the public. NHTSA now makes some information regarding the testing and development of automated driving technology, such as company voluntary safety self-assessments and exemption petitions, readily available to the public on the NHTSA website. Moreover, each year since 2016 NHTSA has increased the percentage of Freedom of Information Act (FOIA) requests granted either in full or in part.² Additional data on FOIA requests received by NHTSA between 2016 and 2019 is enclosed.

In light of the many efforts NHTSA is making to promote safety, it is encouraging that traffic fatalities appear to be declining.³ As new challenges arise—including driver distraction, pedestrian safety, cybersecurity, and broader social acceptance of drug use—NHTSA will continue to advance safety through research, public education, rulemaking, and partnerships with states.

² In 2016, NHTSA closed 162 FOIA requests and granted 80 in full or in part (49 percent). In 2017, NHTSA closed 306 FOIA requests and granted 153 in full or in part (50 percent). In 2018, NHTSA closed 328 FOIA requests and granted 193 in full or in part (59 percent). As of May 3, 2019, NHTSA had closed 97 FOIA requests in 2019 and granted 60 in full or in part (62 percent).

³ See NAT'L HIGHWAY TRAFFIC SAFETY ADMIN., 2017 FATAL MOTOR VEHICLE CRASHES: OVERVIEW (2018), <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812603>; NAT'L HIGHWAY TRAFFIC SAFETY ADMIN., EARLY ESTIMATE OF MOTOR VEHICLE TRAFFIC FATALITIES FOR THE FIRST HALF (JAN-JUN) OF 2018 (2018), <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812629>.

The Honorable Frank Pallone, Jr.

Page 6

A similar response has been sent to Subcommittee Chair Schakowsky. If you have any questions about this response, please contact the Department's oversight staff at 202-366-4702.

Sincerely,



Adam Sullivan
Assistant Secretary
Governmental Affairs

Enclosures

cc: The Honorable Greg Walden, Ranking Member, Committee on Energy and Commerce

The Honorable Cathy McMorris Rodgers, Ranking Member, Subcommittee on Consumer Protection and Commerce, Committee on Energy and Commerce