



# NHTSA

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

## The Rulemaking Process



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# NHTSA's Rulemaking Authority

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- *NHTSA has congressional authority to establish Federal Motor Vehicle Safety Standards (FMVSS) for motor vehicles & items of motor vehicle equipment.*
- ***FMVSS have the force of law.***
  - No person may manufacture or import a vehicle or item of motor vehicle equipment unless it complies with applicable FMVSS.
  - Manufacturers must self-certify compliance.
  - Manufacturers are required to initiate recall of vehicles or equipment that do not comply with relevant FMVSS.

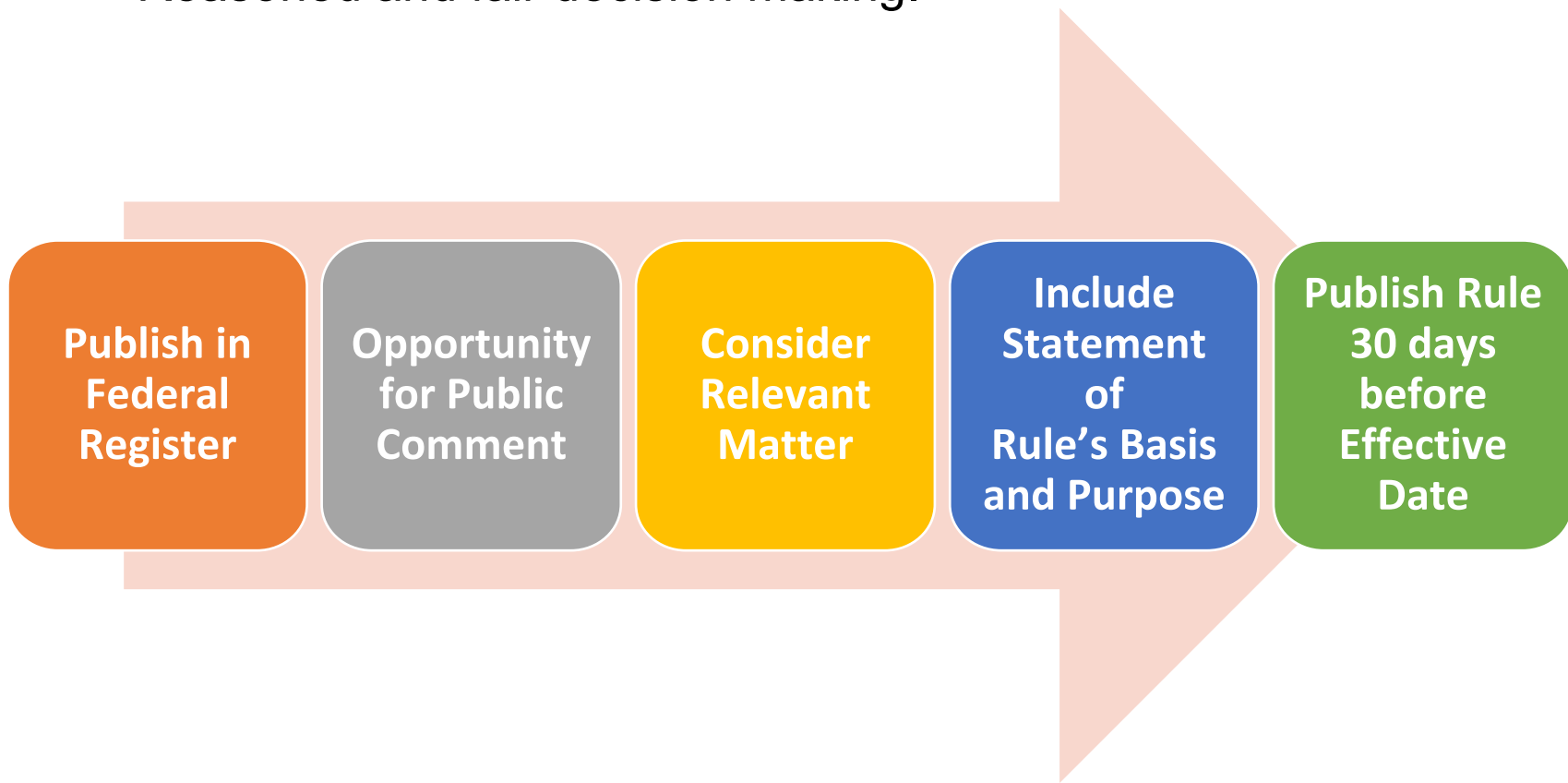
# Rulemaking Governance

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## *Administrative Procedures Act (APA) of 1946*

**Establishes informal rulemaking process which requires:**

- Transparency and openness.
- Reasoned and fair decision making.



# Rulemaking Governance

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- **Executive Orders**

- E.O. 12866 – Regulatory planning and review
- E.O. 13132 – Federalism
- E.O. 12988 – Civil justice reform

- **Acts**

- National technology transfer and advancement act
- Regulatory flexibility act
- Paperwork reduction act
- National environmental policy act
- Unfunded mandates reform act
- Congressional review act

# General Requirements for FMVSSs

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## ***Motor Vehicle Safety Act (§ 30111 49 U.S.C. 301)***

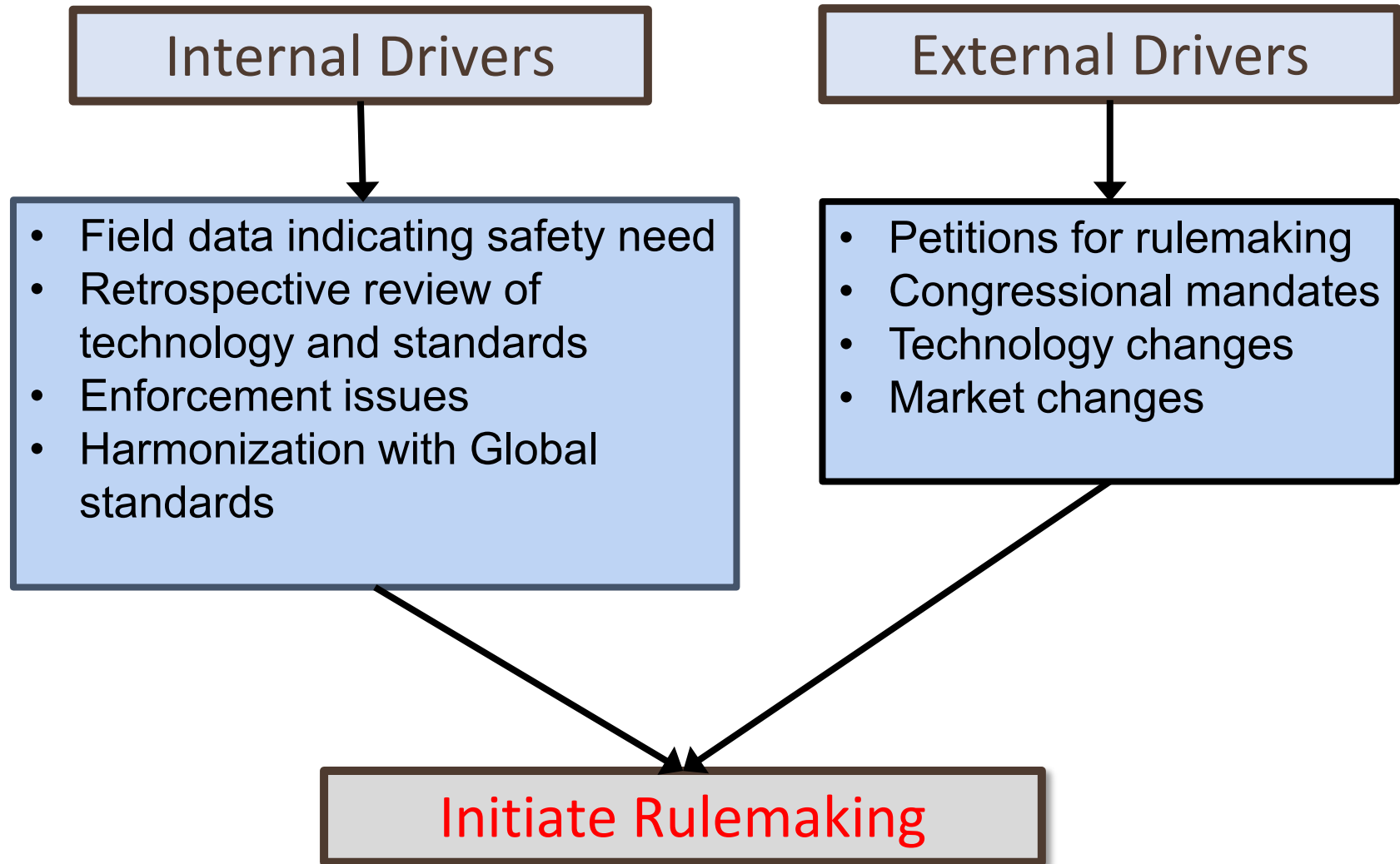
- Must meet a safety need.
- Be practicable (technologically and economically).
- Performance-oriented (not design restrictive).
- Objectively measurable compliance.
- Appropriate for each vehicle type.

## ***E.O. 12866***

- Designed in a cost-effective manner to achieve regulatory objective.
- Based on best available scientific, technical, and economic data.

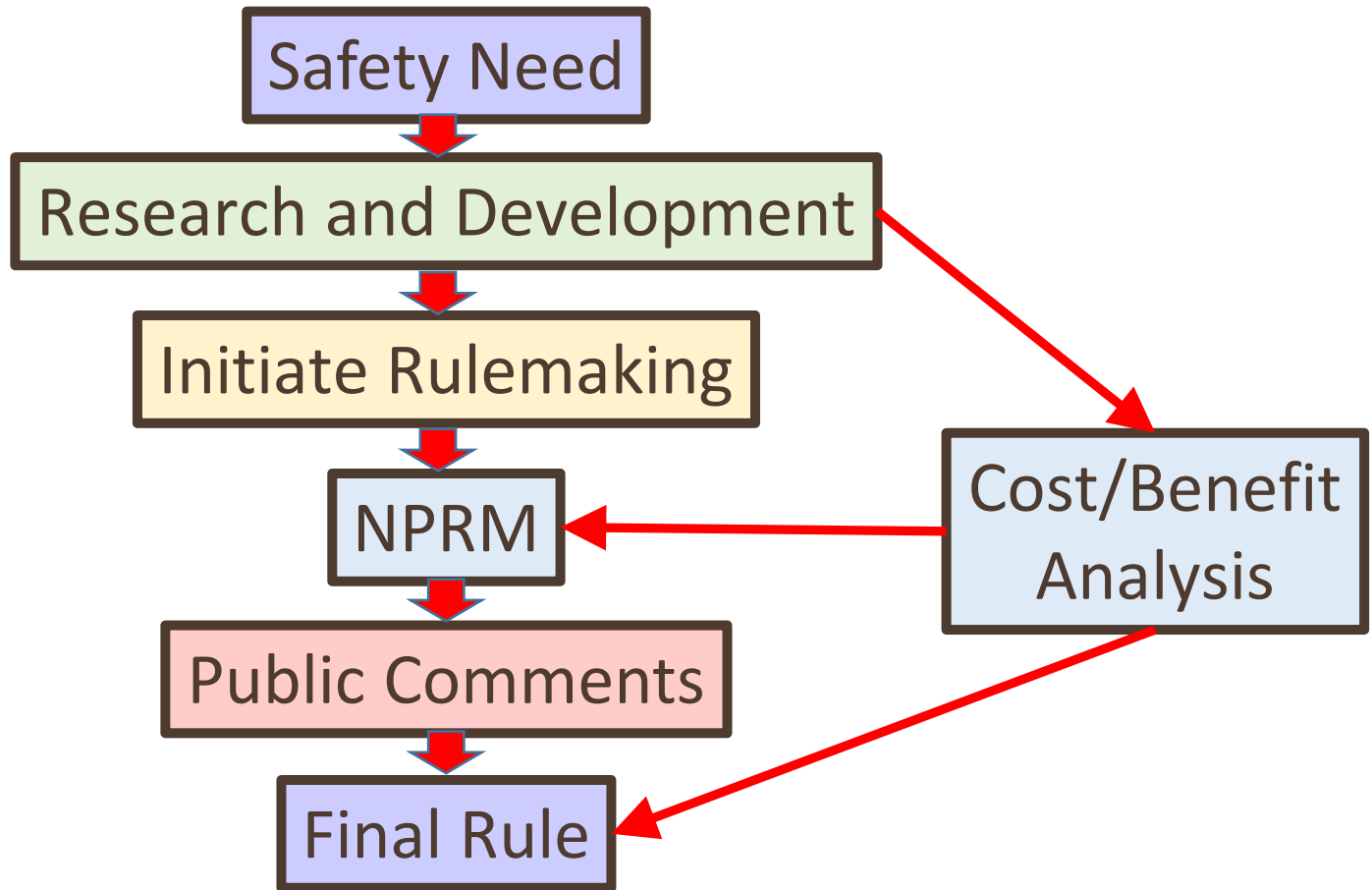
# Drivers for Initiating Rulemaking

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# Simplified Rulemaking Process

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# Federal Motor Vehicle Safety Standards

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*Currently, there are 64 FMVSS:*

- 100 series = crash avoidance standards
- 200 series = crashworthiness standards
- 300 series = fuel system integrity standards, flammability
- 400 series = platform lifts, truck release standards
- 500 series = low speed vehicle standards



**49 CFR Part 571**

# Example – Electronic Stability Control (ESC)

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- **Safety Need:** Over 8,500 killed annually in single vehicle rollover crashes (2000-2004).
- **Drivers for Rulemaking:**
  - Internal: 2003 Comprehensive Response to Rollover – improve vehicle stability, ejection mitigation, and roof crush resistance.
  - External: 2005 SAFETEA-LU Congressional Mandate (Sec. 10301).
- **Research & Development:**
  - Evaluate various ESC technologies for technical feasibility.
  - Develop relevant and objective test procedures and performance requirements.
  - Test ESC technology in existing fleet.
  - Evaluate human factors aspect of ESC effectiveness.

# Electronic Stability Control – (cont.)

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- **Effectiveness of ESC:** Determined through analysis of NHTSA crash databases, vehicle test data, and publications.
- **September 2006:** NPRM proposing a new FMVSS No. 126, “Electronic stability control systems for light vehicles.”
  - Require ESC meeting specific test requirements on new light vehicles.
  - 17 public comments received
- **April 2007:** Final rule promulgating FMVSS No. 126 requiring ESC on all new light vehicles by Sept 2011.
- **Cost/benefit Analysis:**
  - Would save 5,300-9,600 lives and prevent 156,000–238,000 injuries annually.
  - Cost effectiveness of rule: \$0.18M-\$0.45M per equivalent lives saved.



Questions?

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