
CENTER FOR AUTO SAFETY

1825 CONNECTICUT AVENUE NW SUITE 330 WASHINGTON DC 20009-5708
202-328-7700 ◆ www.autosafety.org

April 23, 2004

Docket Management
U.S. Department of Transportation
Room PL-401
400 Seventh Street SW
Washington DC 20590

Re: DOT DMS Docket No. 2003-16128, "Reforming the Automobile Fuel Economy Standards Program"

The Center for Auto Safety (CAS) submits this policy comment on the issues raised in the ANPRM. CAS will submit more detailed comments on the factual underpinnings of the policy issues at appropriate stages in the future.

The single best thing NHTSA can do for both safety and fuel economy is to set a long term standard of 40 MPG for passenger and non-passenger automobiles (NPA's) also known as light trucks, vans and sport utility vehicles (SUV's). Regardless of whether Congress changes the underlying EPCA provisions to provide for a single standard for a combined fleet, NHTSA can accomplish the same outcome by ramping up both passenger and NPA CAFE standards with NPA CAFE increased more.

By following this policy path, NHTSA avoids the pitfall of what is and what is not a passenger automobile because in the end, both must obtain the same CAFE levels. All efforts to decide what is, and what is not, an NPA are capable of evasion by an industry intent on evading higher CAFE levels of a passenger automobile. Questions like, "Is an NPA one with a flat floor 60 inches or longer behind the passenger seat or one with some unknown ratio of cargo to passenger space or is over 6000 pounds GVW with 4 out of 5 characteristics including approach and break over angles?" is like asking how many angels dance on the head of a pin. Perhaps a better matrix is that ultimate determinant of passenger capability -- how many cupholders does a vehicle have? Any NPA with more than 2 cupholders is immediately suspect of being a passenger vehicle. Any vehicle with 5 or more cupholders can't possibly be a NPA.

Running throughout the ANPRM is an inaccurate view of passenger car fuel economy history on which NHTSA inaccurately projects the NPA future. NHTSA erroneously states CAFE led to small passenger cars getting lighter and less safe. To the contrary, EPA's Fuel Economy Trends Reports show small passenger cars got heavier and safer. The passenger cars that got lighter were the large heavier passenger cars. And as GAO

reports show, even the down weighted large cars improved in safety as measured by per vehicle death rates. The passenger car fleet as a whole homogenized around the 3500 pound EPA inertial weight class with the small cars getting heavier and large cars getting lighter. One of the reasons for this is that NHTSA discounts in its analysis the fact that CAFE is based on a harmonic average of the fleet which means an auto maker gets a better fleet CAFE by improving the fuel efficiency of a large car by 5 MPG than by improving the fuel economy of a small car by 5 MPG. Fully 90% of the passenger car fleet fuel economy improvement from 1975 to 2004 came from technology improvements versus weight loss.

The same effect will occur if NHTSA increases the CAFE standards for NPA's -- the manufacturers will increase fuel efficiency by utilizing improved technology such as hybrid engines in all NPA's and reduced weight in the largest SUVs'. At the same time that the manufacturers redesigned their NPA fleet to improve fuel economy they can install new safety improvements such as wider track, energy absorbing front ends, stronger roofs and side curtain airbags to improve safety. The result of the change for NPA's will be the same as the result for passenger autos -- a safer and more fuel efficient fleet.

NHTSA's analysis on safety by looking to the past to project the future is simply wrong. All NHTSA has to do to demonstrate it's model is wrong is to go back and redo the first model run in 1987 with what actually happened. I.e., instead of assuming every vehicle lost a 100 pounds with a corresponding decrease in track width, run the model with actual vehicle and vehicle mix. The result will not agree.

In 1989, NHTSA issued a new dynamic side impact standard (FMVSS 214) that projected by the mid to late 1990's the average vehicle would weigh 3000 pounds and have a bumper height of 21 inches by looking to the past to project the future. Instead due to the influx of SUV's and much larger light trucks, the average vehicle was 500 pounds heavier and inches higher. NHTSA got it wrong on FMVSS 214 then by relying on a model for future safety and vehicle product mixes just as NHTSA has it wrong now for projections on how manufacturers will respond to CAFE increases. If NHTSA moves to a 40 MPG CAFE standard for all vehicles up to 10,000 pounds GVW, CAFE and safety will increase. If NHTSA relies on some arbitrary metric such as a weight based standard, safety and fuel economy will be left to be improved by other measures such as oil shortfalls, Congressional action and product liability litigation.