Alliance OF AUTOMOBILE MANUFACTURERS

March 19, 2004

Mr. Stephen R. Kratzke
Associate Administrator for Rulemaking
National Highway Traffic
Safety Administration
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, DC 20590

Dear Mr. Kratzke:

Re.: Docket No. NHTSA-2003-15715

The Alliance of Automobile Manufacturers (Alliance), a trade association of nine automobile manufacturers including BMW Group, DaimlerChrysler, Ford Motor Company, General Motors, Mazda, Mitsubishi Motors, Porsche, Toyota, and Volkswagen, formally requests that NHTSA extend the comment period on Docket Number NHTSA-2003-15715 for an additional 90 days.

On February 3, 2004, NHTSA published in the Federal Register (69 FR 5108) a Request for Comments on whether the agency should propose a high speed offset frontal crash test requirement. In the Request for Comments, NHTSA stated that its preliminary estimate of the benefits from such a crash test could be an annual reduction in approximately 1,300 to 8,000 MAIS 2+ lower extremity injuries. However, NHTSA also raised concerns that there may be safety disbenefits from such a test. The agency noted that, in vehicle-to-vehicle crash tests conducted by NHTSA, design changes that improved some vehicles' performance in high speed frontal offset crash tests "...may also result in adverse effects on the occupants of their collision partners" (69 FR 5108).

The Alliance commends NHTSA for providing an opportunity for public input at an early stage in NHTSA's regulatory decision-making process. When the agency is faced with a regulatory decision potentially involving both safety benefits and disbenefits, it is appropriate and desirable to seek public input as early as possible to enhance NHTSA's knowledge base before deciding to go forward with a formal regulatory proposal. However, the 60-day comment period provided in this notice is inadequate for thoughtful, complete public submissions.

As noted above, NHTSA's Request for Comments provides preliminary annual benefits estimates of 1,300 to 8,000 MAIS 2+ lower extremity injuries for a high speed fixed offset deformable barrier crash test. This same analysis appears to be the basis for the statement (at 69 FR 5113) that "...approximately 77 percent of the benefits of a high speed frontal offset regulation would accrue to passenger car occupants." At the close of the Request for Comments, NHTSA poses 10 specific questions for commenters to address. Question 1 includes, "Are NHTSA's anticipated safety benefits from a fixed offset deformable barrier crash test requirement... realistic?" However, NHTSA has not placed its preliminary safety benefits analysis in the public docket; therefore, the public cannot address this issue. The Alliance requests that NHTSA promptly docket this analysis, with any supporting data, and provide adequate time for subsequent public review and analysis.

NHTSA also notes in the Request for Comments that it is performing additional vehicle-to-vehicle crash tests to acquire data to further understand the issue of potential safety disbenefits for a high speed offset crash test. The agency stated (69 FR 5113), "We anticipate this will occur during the comment period for this notice." To date, the agency has not completed the submission of these additional crash tests to the docket. The public should have an adequate period of time to evaluate and comment on these test results after they have been submitted to the docket. These actions cannot occur within the currently-specified 60-day comment period.

In addition, Alliance member companies would like to provide the agency with additional data and analyses on issues discussed in the Request for Comments, which would contribute substantially to NHTSA's decision-making process on this issue. However, we require an additional 90 days to compile and analyze this information. These data and analyses would include:

a. Reviewing field data on the causes and sources of lower-extremity injuries (including new field data not previously available to the agency);

b. Gathering and evaluating manufacturer crash test and dummy lower-extremity injury data (including frontal offset and full-frontal barrier crash tests, sled tests, and crash test simulations), and;

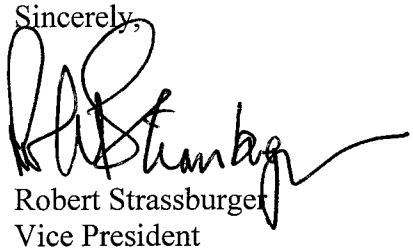
c. Evaluating existing crash test alternatives to the fixed offset deformable barrier tests to assess both lower-extremity safety benefits and potential crash-compatibility safety disbenefits.

This work will necessitate the thoughtful assessment of a number of potential design and testing alternatives for multiple classes of vehicles, as it is likely that no single approach will work for all vehicle types or classes. In addition, the process of performing these assessments may require new simulations or tests by Alliance member companies

to better understand the alternatives. Finally, the agency has asked manufacturers to consider certain vehicle class exemptions and/or weight limitations. Evaluating these exemptions and/or limitations, and considering possible crash-compatibility effects associated with each, cannot be completed within the current 60-day comment period.

Thank you for considering this request. We support NHTSA's efforts to understand the complete safety consequences of a potential offset frontal crash test requirement. Extending the existing comment period by 90 days will provide Alliance members the opportunity to present substantial additional data and analyses to help the agency address the issues identified in the Request for Comments.

Sincerely,



Robert Strassburger
Vice President
Safety and Harmonization