

**DEPARTMENT OF
TRANSPORTATION
National Highway Traffic Safety
Administration
49 CFR Part 571
[Docket No. NHTSA–99–5737]
Federal Motor Vehicle Safety
Standards**

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: In this document, we deny a petition for rulemaking submitted by Marie E. Birnbaum, a private individual. The petitioner asked us to initiate rulemaking to require passenger cars and light trucks to be equipped with “black boxes” (data recorders) analogous to those found on commercial airliners. We agree with the petitioner that the recording of crash data can provide information that is very valuable in understanding crashes, and which can be used in a variety of ways to improve motor vehicle safety. However, we are denying the petition because the motor vehicle industry is already voluntarily moving in the direction recommended by the petitioner. Further, we believe this area presents some issues that are, at least for the present time, best addressed in a non-regulatory context.

FOR FURTHER INFORMATION

CONTACT:

For non-legal issues: Mr. Clarke Harper, Chief, Light Duty Vehicle Division, NPS–11, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366–2264. Fax: (202) 366–4329.

For legal issues: J. Edward Glancy, Office of Chief Counsel, NCC–20, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366–2992. Fax: (202) 366–3820.

SUPPLEMENTARY INFORMATION:

We received a petition for rulemaking from Marie E. Birnbaum, a private individual, asking us to initiate rulemaking to require passenger cars and light trucks to be equipped with “black boxes” (data recorders) analogous to those found on commercial airliners. The petitioner stated that the purpose of the devices would be to record speed and possibly other data in order to (1) improve public safety by encouraging responsible driving, and (2) provide records of precrash speed and possibly other information. Ms. Birnbaum stated that this pre-crash information would work to improve driver accountability through better crash investigation, enforcement and adjudication. We note that we received Ms. Birnbaum’s petition just after we had denied another petition making essentially the same request. Price T. Bingham, a private individual, had asked us to initiate rulemaking to require air bag sensors to be designed so that similar information is recorded during a crash and can be read by crash investigators.

In responding to Mr. Bingham’s petition, we noted that the safety community in recent years has shown considerable interest in the concept of crash event recorders. Such recorders can, in conjunction with air bag and other sensors already provided on many vehicles, collect and record a variety of relevant crash data. These data include such things as vehicle speed, belt use, and crash pulse.

While we agreed with Mr. Bingham that the recording of crash data can provide information that is very valuable in understanding crashes, and which can be used in a variety of ways to improve motor vehicle safety, we nonetheless denied the petition. One reason for denying the petition was the

fact that the motor vehicle industry is already voluntarily moving in the direction recommended by the petitioner. Another was our belief that this area presents some issues that are, at least for the present time, best addressed in a non-regulatory context. We issued our denial of Mr. Bingham's petition on November 3, 1998, and published it in the November 9, 1998 edition of the **Federal Register** (63 FR 60270). Ms. Birnbaum's petition was dated November 7, 1998. After reviewing Ms. Birnbaum's petition, we conclude that our reasons for denying Mr. Bingham's petition are also applicable to her petition. A full explanation of those reasons is provided in our November 9, 1998 **Federal Register** notice, which we incorporate by reference.

The November 1998 notice included a discussion of ongoing work in this area by NHTSA's Motor Vehicle Safety Research Advisory Committee (MVSAC). The agency noted that MVSAC had set up a working group on event data recorders under the Crashworthiness Subcommittee and that the first meeting of the working group

had taken place in October 1998. Since publication of the November 1998 notice, another working group meeting has been held, and a third meeting is planned for this summer. The Event Data Recorder Working Group is considering a wide variety of subjects related to crash event recording devices and anticipates producing a report by the end of calendar year 2000. Minutes of the Event Data Recorder Working Group meetings are being placed in the public docket. The public may access these materials via the Web. The Docket Management Web site is at "<http://dms.dot.gov>". You should search for Docket number 5218. For the reasons discussed above, we are denying Ms. Birnbaum's petition for rulemaking.

Authority: 49 U.S.C. 30162; delegations of authority at 49 CFR 1.50 and 501.8. Issued on: May 27, 1999.

L. Robert Shelton,
Associate Administrator for Safety Performance Standards.

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