

Ranking Member Nelson

The Takata Recall

- 1) At your hearing, I asked whether you would commit to requiring each automaker covered by the Takata recalls to post a public plan detailing the specific steps it will take to improve recall completion rates. You did not provide a clear “yes” or “no” answer to my request. Therefore, I ask you to require that all automakers covered by the Takata recalls to post a public, written commitment on NHTSA’s website by no later than June 30, 2018 that lays out all specific steps the automaker will take to meet or exceed the recall completion rate schedule set in the Third Amendment to the Coordinated Remedy Order, including, at a minimum, new outreach methods and incentives to help reach impacted vehicle owners and whether the automaker will provide rental or loaner cars, or another form of alternate transportation, to consumers while they are waiting for their vehicles to be repaired.

In addition, I would like to know what specific enforcement actions, including, but not limited to, civil penalties, you intend to take if automakers do not comply with this request or fail to meet recall completion targets.

RESPONSE: Yes, I will engage with each automaker affected by the Takata recalls on providing a [public plan](#) regarding the specific steps it will take to improve its recall completion rates. I share your commitment to transparency and NHTSA has made efforts to provide extensive information on these recalls on its website at www.nhtsa.gov/takata.

NHTSA maintains robust authority and oversight of these recalls and will not hesitate to take decisive action - including enforcement action - as warranted. As necessary and appropriate, NHTSA will use its available tools, which could include compelling additional information through special orders or subpoenas, issuing new orders requiring additional action authorized under the Vehicle Safety Act, or taking civil penalty action for violations of law.

I thank you again for all of your efforts to draw attention to this critical safety issue.

Suspected Carbon Monoxide Intrusion in Ford Explorer Vehicles

- 2) At the hearing, I asked you about the status of NHTSA’s investigation into carbon monoxide intrusion in 2011-2017 Ford Explorers. This investigation has now been underway for more than 22 months, and NHTSA has received thousands of complaints of carbon monoxide exposure, including dozens of reported injuries. In response, you said, “I’m happy to provide more information on that ongoing recall; they’ve made great progress, and I’m looking forward to sharing more information.”

Please provide a detailed update on the status of this investigation, including a description of what progress has been made and a timeline for its conclusion.

A recall has not been publicly announced. Does your reference to a recall at the hearing indicate that NHTSA plans to announce a recall, or are you referring to Ford's current "customer satisfaction program" for these vehicles?

If a formal recall is planned, please details the proposed scope and timing of such recall.

RESPONSE: It was my intention to highlight Ford's ongoing "customer satisfaction campaign," not any specific recall. Ford has had this campaign active since late last year to provide customers with a solution to complaints they (and NHTSA) have received. The campaign is targeted at both Explorers used by Police fleets as well as Explorers used by civilians. NHTSA investigation of this issue continues as we evaluate this solution. NHTSA has noticed a drop in consumer complaints in recent months since the campaign has begun.

Recall Completion Rates

- 3) Last year, as required by the FAST Act, NHTSA issued a report to Congress on safety recall completion rates that revealed that completion rates are far too low. In fact, only 67 percent of passenger motor vehicle recalls were remedied in 2014 according to the report. The FAST Act also required the agency to issue a final rule by August 2016 permitting consumers to receive notices of safety recalls via email to help increase recall completion rates. Yet, the agency has yet to complete this rulemaking.

Please provide an update on this rulemaking and the reason for the delay.

RESPONSE: NHTSA initiated a rulemaking in October 2012 to address the provision in Section 24104 of the FAST Act to allow electronic notification methods for vehicle recalls. An Advance Notice of Proposed Rulemaking was issued by the agency on January 25, 2016, and was followed with the publication of an NPRM on September 1, 2016. The agency is currently evaluating comments to determine next steps.

CAFE Standards

- 4) At the hearing, you answered a question from Senator Inhofe pledging to consider "economic practicality" when evaluating CAFE standards. However, the law directs NHTSA to set CAFE standards according to "maximum feasible average fuel economy." Economic practicality is only one component of that mandate. In addition, the Secretary is required to also consider technological feasibility, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy.

Please explain your concept of "economic practicability" and how you intend to evaluate CAFE standards pursuant to all elements of the statutory mandate.

RESPONSE: I intend to consider and NHTSA will seek transparent public comment in the forthcoming NPRM on all statutory factors including technological feasibility, economic practicability, the need of the nation to conserve energy, and other federal rules.

New Car Assessment Program

- 5) In December 2015, NHTSA proposed upgrades to the New Car Assessment Program (NCAP). These upgrades included provisions requiring more accurate test dummies and injury criteria, pedestrian protection ratings, and evaluations of vehicle safety technology, among many other improvements.

What is the current status of these proposed upgrades and when can we expect to see these improvements integrated in the NCAP system?

RESPONSE: NHTSA plans to continue our efforts to update NCAP by following our process for public engagement, including a public meeting during summer 2018. The timing and content of the rulemaking to add crash avoidance information to the Monroney label will be determined from the results of our public engagement process during the summer and fall of 2018.

Truck Safety

- 6) The National Transportation Safety Board has made several recommendations regarding underride guards that have not been completed. Every year, lives are tragically lost in truck crash accidents because trucks don't have side underride guards that prevent cars from going under the side of a truck. Further improvements to rear underride guards could also prevent cars from going underneath the back of a truck. Several families in Florida have experienced this tragedy because the life-saving technology is not in place.

Do you believe it is time to require trucks to have underride guards so no more precious lives are lost in such tragic accidents?

RESPONSE: The agency seeks to take an approach to reducing crashes involving passenger cars impacting the side and rear of commercial motor vehicles taking into account all available technologies. I am committed to a data driven approach to reducing these risks, including an examination of all options. This includes an examination of crash avoidance technologies, such as automatic emergency braking (AEB) and forward collision warning, to mitigate the severity of these crashes and to prevent them from occurring. NHTSA's research indicates that these technologies on light vehicles have the potential of reducing underride frequency and severity. Improvements to underride guard standards will be evaluated along with the expected changes to the vehicle crash environment.

What is your plan to require improvements to rear underride guards and the addition of side underride guards on commercial motor vehicles? When will DOT implement NTSB's recommendations? Please provide specific timelines.

RESPONSE: On December 16, 2015, NHTSA issued a Notice of Proposed Rulemaking (NPRM) for upgrading rear impact guards on trailers and semi-trailers. NHTSA is reviewing these comments and developing next steps.

On July 23, 2015, NHTSA issued an ANPRM for improved rear truck underride guards and conspicuity tape on single unit trucks. NHTSA estimates that rear guards are not cost effective for single unit trucks. NHTSA is considering next steps regarding rear impact guards and retroreflective tape for single unit trucks.

Regarding crash avoidance measures to reduce underride, per an agreement reached with automakers in 2016, AEB will be offered as a standard feature in virtually all new light vehicles by September 2022.

Some trailer manufacturers currently have retrofit kits available to strengthen existing trailers to enable them to meet the Institute for Highway Safety's ToughGuard standard. Given the availability of current technology to address this challenge, what steps can the agency now take to prevent passenger compartment intrusion and underride fatalities?

RESPONSE: NHTSA continues to monitor the development of this technology and will work with the Federal Motor Carrier Safety Administration (FMCSA) to ensure that truck and fleet operators are aware of safety considerations for trailer repairs. FMCSA operates roadside inspection programs for commercial motor vehicles and underride guards are inspected as part of these programs.

When will NHTSA release the results of the Texas A&M side underride study, which was completed at the end of 2017?

RESPONSE: The report has been released and is available [here](#).