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April 11, 2007

Margaret O'Brien
Chief Information officer
National Highway Traffic Safety Administration
400 7th Street, SW
Washington, DC

RE: Technical Information Services Reading Room

Dear Ms. O'Brien:

Thank you for taking the time to meet us on April 2 regarding the TIS Reading Room. While we appreciate the meeting, we have been frustrated by the lack of response from your office. It has taken nearly 6 months for you to meet with us — especially now that an upcoming move is only weeks away.

We are further frustrated by the fact that there is still uncertainty about whether a Reading Room will be maintained at the new building. Your March 16 letter indicated that there will be space allocated in the new building for a Reading Room. However, you also indicated at our meeting that there were no guarantees the room will remain open. We are also deeply concerned about type of materials and resources that the agency plans to eliminate from TIS. We have already witnessed the loss of important documents and indices as well as a general neglect for maintaining those resources.

The current relevance of historical materials should not be underestimated. A review of the regulatory and enforcement issues current today reveals that many of these issues have been explored in detail at another point the agency's history. An historical understanding of a regulation or enforcement activity and its development is critical to formulating future improvements. The continued loss of historical documents simply undermines the public and the safety community's ability to understand and formulate new responses to the most significant causes of unintentional death and injury in the U.S.—motor vehicles and their use.

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Pursuant to your request, attached is an overview of the important Reading Room issues, which includes specific examples of documents and resources that are no longer available and details the importance of these materials and why they are relevant today.

To reiterate our primary concerns, we feel that the agency needs to retain a reading room, and that this reading room should maintain the regulatory, enforcement, and vehicle safety materials and indices that are currently held. The study and analysis of these public safety issues are ongoing daily, thus necessitating that public access copies remain accessible.

Sincerely,

Sean E. Kane

CC Nicole Nason, Administrator
Anthony Cooke, Chief Counsel
Gregory Walter, Sr. Associate Administrator, Policy & Operations
Calvin L. Scovel, DOT Inspector General
John Donaldson, Asst. Chief Counsel for Legislation and General Law
Kevin Mahoney, Corporate Customer Services
Kevin Ball, TIS Director



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NHTSA Technical Information Services Reading Room

A unique and critical source of public safety information threatened

Overview:

The TIS Reading Room serves a vast community of users, including: public interest / advocacy organizations, researchers, legal and public health communities, members of the press, the general public, and NHTSA itself. The documents maintained in the TIS Reading Room include both agency and non-agency generated materials related to motor vehicle safety issues. The TIS Reading Room also maintains important bibliographies, indices, databases and reference tools.

Some of the documents available from the TIS Reading Room, which spans decades, may be located in other libraries or archives. However, the ability to locate and access these materials from other sources severely restricts public accessibility. Other resources and reference tools such as bibliographies, indices, card catalogs and databases are unique to TIS and allow users to locate documents that may not be identified through other sources. These unique historical materials are vitally important to understanding regulatory and enforcement actions and as the basis for formulating safety improvements.

TIS resources serve as a network of systems that allows research on a wide array of motor vehicle safety materials. Eliminating components of this system will hamper the ability to identify and locate many important materials. While the total number of users at TIS may appear small, those users represent hundreds, and likely thousands, of organizations and individuals who seek the materials maintained within Reading Room. Furthermore, FOIA requests for difficult to locate materials or those requiring specialized understanding of the substance of the materials often yield no results for the requestor. The loss of the Reading Room leaves no other direct access point to many important materials and represents further erosion of public access.

The loss of the TIS Reading Room does not represent a savings to NHTSA as once-accessible information will require increased FOIA requests and additional staff to handle the already significant number of requests. The costs of operating the Reading Room and maintaining its important resources pale compared to cost to the public of loss of the agency regulatory and enforcement history. In fact, the value of past regulations and enforcement activities that provide the basis for safety improvements is immeasurable, because policy mistakes are costly and tend to have long legacies.

Already countless materials once located in TIS are no longer available—and cannot be located by the agency or other transportation libraries and archives. The continued loss of historical documents undermines the public and the safety community’s ability to understand and formulate new responses to the most significant causes of unintentional death and injury in the U.S.—motor vehicles and their use.

Loss of Documents and Resources from the TIS Reading Room

Following are some examples of lost documents and resources previously available from TIS.

Loss of historically significant documents: These include policy-related letters once available through TIS Reading Room (and in some instances “certified”) that the agency can no longer find. Following are just a few examples of historically significant documents relevant to recent safety issues and policies that are now missing:

- Letter from Administrator Claybrook dated November 28, 1980 to various vehicle manufacturers regarding vehicle safety philosophy.
- Letter from Administrator Claybrook dated August 9, 1979 to vehicle manufacturers regarding feasibility of inside trunk release designs. While recognition of the hazards associated with trunk entrapment started in the 1970s, inside trunk releases were first mandatory in new vehicles beginning September 1, 2002. NHTSA issued its most recent report on trunk entrapment in 2004 and new reports related to this problem continue today.
- June 26, 1996 Petition from the U.S. and Japanese vehicle and child seat industries requesting uniform child restraint anchorages. Regulations regarding uniform child seat attachments first took effect on September 1, 2002 and are currently under evaluation for change.

Databases: HSL and Wang databases. These two important databases are no longer operational (and have been non-operational since the fall of 2006) and there are no plans to repair these systems.

Wang database: This database allowed searches related to standards, dockets, and docket indices. This is not a comprehensive database. However, it is an important tool frequently used in conjunction with other resources, to locate early docket submissions. This database also offers the ability to search for materials related to a standard, the name of the submitter, or docket number. There are no other mechanisms that include this type of search capability. Without this resource, one is required to manually sort through notices to locate references to related material, a method that can leave significant gaps. Other systems like

Hein Online offer keyword searching but are not OCR-corrected which limits the systems accuracy and ability to locate material. The agency claims that there were concerns about updating the Wang database to incorporate current security protocol; however, the system was never available online, nor did it appear to be connected to the agency intranet systems, or ARTEMIS. One potential solution is to make the system available as a stand-alone available to TIS Reading Room users.

Highway Safety Literature (HSL): This database catalogued and contained copies of thousands of technical reports, studies and papers. HSL includes NHTSA and non-NHTSA materials. At least 2,000 documents (those cataloged under HS808*** through HS809***) are no longer accessible through TIS because the microfiche backups are missing. While it is likely some of these materials are available from other sources, there are potentially thousands of additional records maintained in the HSL that are not.

Vehicle Owner Questionnaires (VOQs): VOQs are reports from the public about motor vehicle related problems. They are often the basis for agency enforcement activities. VOQs are coded into the “Complaints” database which is available online with limited search capabilities. Because the complaints are abstracted into a database, the database record does not contain all of the information that may be contained in the actual VOQ, which can necessitate retrieval of the actual VOQ. Thousands of VOQs, which were previously available through an electronic system at TIS are missing and no longer available.

Federal Register notebooks: These notebooks contained Federal Register notices that were published by NHTSA. These notebooks were important to rulemaking research when references are incomplete—a frequent occurrence. NHTSA notices were organized chronologically in these notebooks covering more than 30 years of agency rulemaking. These notebooks were destroyed. Now it is nearly impossible to browse the FR for relevant safety standard information, since there is no yearly index published. One would have to look at each daily FR publication table of contents. Combined with the loss of the Wang system there is no other method for allowing a search or review of early NHTSA docket publications. These notebooks disappeared without notice.

How is historic information relevant to current motor vehicle safety issues?

The basic principles of motor vehicle safety have been in operation for decades. They evolved during the 1960s as the nation was coming to grips with the increasing carnage associated with motor vehicles. The passage of the National Traffic and Motor Vehicle Safety Act of 1966 was the result of the public health and regulatory reform movement that defined the National Highway Traffic Safety Bureau (NHTSB), later renamed the National Highway Traffic Safety Administration (NHTSA). The Act gave the agency the ability to promulgate regulations that would require manufacturers to provide increased pre-crash, crash and post-crash safety performance and to promote crash avoidance. It

also gave the agency the authority to adjudicate recalls and repairs related to motor vehicle safety.

An historical understanding of a regulation and its development is critical to formulating future improvements. As rule changes are proposed, the regulated industry and the public provide substantive comments to the agency for consideration. Informed comments frequently consider the origins of a rule, the supporting studies and reports from prior submissions, and the rationale previously relied on to shape new regulations. It is exceedingly rare that the past regulatory actions or supporting materials don't play a role in current issues. One needs to look no further than some of the current regulatory proposals for evidence:

- Roof Strength – Last updated 34 years ago, currently considered changes still center on test methods and mechanisms of injury to occupants in rollover crashes—the very same issues that were at the center of the original regulatory debate.
- Designated Seating Position – NHTSA proposal to close loopholes in the definition of Designated Seating Position, which determines the number of seatbelts required in a vehicle, is being revised 27 years after the prior rulemaking attempted to close those same loopholes.
- Tire labeling – The Tire Identification Number (TIN) has a 38-year history of rulemaking in which the issues have focused on three main areas: (1) the contents and the purpose of the TIN; (2) its location; and (3) the record keeping associated with matching recalled tires to purchasers. These issues are still central to current rulemaking, rules that will take effect in the next couple of years and others still being debated.

In the area of enforcement, an historical understanding of past agency investigations and outcomes can dictate whether a current potential safety-related defect gets investigated and whether a recall is likely. Issues like stalling, transmission Park-to-Reverse, handling / stability, steering force, tire tread separation, and many others, are investigated based on a number of key factors, one of which is how the agency has responded to these matters in the past. Since the agency's enforcement activities began in the 1960s, access to past investigation materials are essential to understanding NHTSA's current actions or the likelihood of potential actions as precedents guide current and future decisions.