

## **RELEASE THE REAR VISIBILITY STANDARD**

*Since 2008 Law Was Passed More than 1,100 Needless Deaths and 85,000 Injuries in Backover Incidents—Rule is More Than Two Years Overdue*

### **THE PROBLEM:**

Every week in the United States at least 50 children are backed over by a vehicle; 48 are treated in hospital emergency rooms and at least 2 children die, according to KidsAndCars.org. There are approximately 228 fatalities and 17,000 injuries per year in backover incidents according to the National Highway Traffic Safety Administration (NHTSA). The predominant age group of victims of this tragic epidemic is most commonly children, specifically between 12 and 23 months old. In over 70% of these incidents, the person behind the wheel of the car is a parent or close relative.

### **THE SOLUTION:**

#### *Law Passed in 2008 Requiring Rule by 2011*

In response to this growing and preventable public health problem, in February of 2008, Congress passed and President George W. Bush signed the **Cameron Gulbransen Kids Transportation Safety Act** (Pub. L. 110-189). Former Senators Hillary Clinton (D-NY) and John Sununu (R-NH) and current Representatives Jan Schakowsky (D-IL) and Peter King (R-NY) were the primary sponsors of the legislation which garnered strong bi-partisan support in both the House and Senate, having over 80 co-sponsors. There was also support from the auto industry, parents and families affected by backover incidents, and the safety community including KidsAndCars.org, Advocates for Highway and Auto Safety, the American Academy of Pediatrics, Public Citizen, Consumers Union, Center for Auto Safety, Trauma Foundation and others.

#### *Rule 2 Years Past Due*

The law requires the NHTSA to expand the driver's rearward field of view in order to allow drivers to detect pedestrians who are in, or who may be entering, the area behind the vehicle and avoid striking them. A crash in which a vehicle, moving in reverse, strikes a non-occupant, that is a child, pedestrian or cyclist, is called a backover crash. ***The final rule required by this law has yet to be issued and is now more than two years overdue.*** The bill was signed into law on February 28, 2008, and required the Department of Transportation (DOT) to issue a rule by February 28, 2011. The final rule has been delayed 4 separate times by DOT, with the latest delay of an additional 18 months – until January 2015 – ordered by Transportation Secretary Ray LaHood on June 20, 2013. These actions mean the rule will not be issued until nearly four years after the deadline originally set by Congress. This delay is unacceptable and has contributed to a continued tragic and unnecessary loss of life. Since the law was passed, NHTSA reports that there have been over 1,100 deaths and 85,000 injuries in backover crashes.

#### *Number of Lives Which Could be Saved is Underestimated and Undervalued*

The benefit-cost analysis performed by NHTSA undercounts the number of lives that have the potential to be saved by the technology. The databases on which the agency relies to estimate the number of individuals injured or killed in backover crashes may not be accurately capturing all events. Previous agency analyses of heart stroke deaths using the same databases used in the

backover analysis were found to have missed 33% of fatalities when compared with a database of incidents gathered from victims' families, news and police reports.

Additionally, NHTSA recently released an updated estimate of the Value of a Statistical Life (VSL) of \$9.1 million. This figure is 50% greater than the VSL NHTSA used in the Preliminary Regulatory Impact Analysis of \$6.1 million in 2010. Moreover, children under the age of 5 account for 44% of those killed in backover incidents. NHTSA has acknowledged that the strict benefit-cost analysis does not account for the difficulty in quantifying the premium that the public places on preventing the injury or death of a child.

#### **THE LITIGATION:**

##### ***Safety Delayed is Safety Denied***

The lawsuit is being brought in federal court in New York by Dr. Greg Gulbransen, whose child was killed, and Sue Auriemma, whose child was injured, in backover crashes along with Consumers Union, Advocates for Highway and Auto Safety and KidsAndCars.org. The case was filed in New York because Dr. Gulbransen and Ms. Auriemma are residents of New York State, where Consumers Union also has its headquarters. The lawsuit petitions the Second Circuit United States Court of Appeals to issue an order directing the Secretary of Transportation to comply with the provision in the Cameron Gulbransen Kids Transportation Safety Act that requires DOT to issue a backover safety rule.

**For More Information contact Advocates for Highway and Auto Safety, 202-408-1711.**