



**AUTO ALLIANCE**  
**DRIVING INNOVATION®**

November 26, 2019

Mr. James Owens  
Acting Administrator  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue S.E., West Building  
Washington D.C. 20590-0001

**Re: 49 CFR Part 571; Federal Motor Vehicle Safety Standards; Occupant Crash Protection Docket No. NHTSA-2019-0093; 85 FED REG. 51076, September 27, 2019**

Dear Mr. Owens:

On behalf of the members of the Alliance of Automobile Manufacturers (Alliance) who are, BMW Group, Fiat Chrysler automobiles, Ford Motor Company, General Motors Company, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche, Toyota, Volkswagen, and Volvo Cars this responds to the Federal Register notice referenced above which seeks comments on an ANPRM to amend FMVSS 208 to install seat belt reminder systems (SBRS) for rear designated seating positions in light passenger vehicles.

Seat belt reminder systems voluntarily installed by Alliance members for front row occupants are effective at changing behavior and increasing the use of seat belts for the front row occupants, especially those with enhanced auditory and visual warnings.

The Alliance and industry have long championed increasing seat belt usage, which is the single most effective crashworthiness countermeasure on motor vehicles. This history includes campaigning for mandatory seat belt laws since the 1980's and efforts by manufacturers to install front seat passenger seat belt reminder systems. We believe our actions have significantly contributed to raising front seat belt usage to 89.6 percent<sup>1</sup> and rear seat belt usage to 80.6 percent<sup>2</sup>.

As noted in the subject notice, starting in September 2019, the Economic Commission for Europe (ECE) Regulation No. 16 (UN Reg. R16-07) will require a rear seat belt warning. This includes, among other things, a visual warning indicating any rear seating position in which a seat belt is unfastened. It also includes an audiovisual change in status warning.

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<sup>1</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812763>

<sup>2</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812463>

The Alliance has examined the R16 rear seat requirements in detail and believe they will provide; significant safety benefits, appropriate levels of consumer acceptance, promote further international harmonization, and help minimize compliance cost burdens. The Alliance believes that such harmonization will accelerate the introduction of Seat Belt Reminder systems in the US and does not see the need for/or additional benefit of a system that is unique for the US.

In order to realize additional cost reduction benefits from enhanced international harmonization, the Alliance also recommends that NHTSA also adopt the UN Reg. R16-07 requirements applicable to front outboard seating positions.

The benefits for international harmonization can be substantial. A recent Peterson Institute study<sup>3</sup> evaluated the UN ECE 1958 agreement' economic benefits and found that joining the 58 agreement (which harmonizes automotive regulations for nations with type-approval certification systems) boosts automotive trade by more than 20 percent. While harmonization of a single standard will not achieve this level of benefit, it is a step in that direction.

However, once harmonization is obtained it is important to maintain it. Therefore, the Alliance recommends that NHTSA work through WP29 to ensure that any further updates to UN Reg. R16 be conducted under the 1998 agreement.

As is typical for the promulgation of new regulatory requirements, the Alliance recommends that adequate lead-time and phase in be provided. In addition, for the front seat requirements the Alliance considers both the UN Reg. R16-07 and corresponding FMVSS requirements to be safety neutral. As a result, compliance with either of these requirements should be permitted for a sufficient period of time to permit the orderly phase-out of current models with long product refresh cycle durations. Since this notice is an ANPRM, the Alliance will provide more specific lead-time and phase-in recommendations as part of our response to any subsequent NPRM.

As in the UN Reg. R16-07, vehicles such as ambulances, hearses, police cars, fire services, etc. do not require SBR. The Alliance would like to have harmonized exemptions for these types of vehicle as in UN Reg. 16-07. Additionally, the requirement should only apply to vehicles under 10,000 pounds GVWR.

Removable, suspension and folding seats add complexity, reliability and technology readiness concerns. Therefore, removable and folding seats should be exempted from the requirements until practicable technologies are identified and an appropriate phase-in period is established.

Our responses to the specific questions posed in the ANPRM are contained in Appendix A.

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<sup>3</sup> Gains from Harmonizing US and EU Auto Regulations under the Transatlantic Trade and Investment Partnership, Peterson Institute International Economics, Caroline Freund and Sarah Oliver, June 2015.

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The Alliance welcomes any opportunity to meet with members of your staff to clarify or expand upon these comments.

Sincerely

A handwritten signature in black ink, appearing to read "Scott Schmidt", with a stylized flourish at the end.

Scott Schmidt  
Senior Director  
Safety & Regulatory Affairs  
Alliance of Automobile Manufacturers

Attachment

## Appendix A

### Response to Questions Posed in ANPRM

#### ***A. Potential Specifications for a Required Rear Belt Warning System***

*1. Should the warning be visual-only, audible-only, or audio-visual?*

The Alliance prefers audio-visual.

*2. Triggering conditions for rear seat?*

Triggering conditions should be harmonized with UN Reg. R16-07

*3. Alternative warning systems?*

The Alliance believes that audio-visual warnings are adequate. Customers are used to audio visual and any added complexity will be distracting and confusing.

*4. Occupant detection technology?*

Harmonize with UN Reg. 16-07 in which it is optional for rear seats.

*5. Enhanced warning systems?*

The Alliance believes that the current UN Reg. R16-07 requirements represent a “sweet spot” of safety benefits, appropriate levels of consumer acceptance, international harmonization, and minimization of compliance cost burdens. As such, the potential for reduced consumer acceptance and increased cost associated with enhanced warning systems is not warranted.

*6. Belt use criteria?*

Ok to retain.

*7. Seat occupancy criteria?*

Follow UN Reg. 16-07 for the rear row and outboard seating positions for front row.

*8. Making the system resistant to intentional and inadvertent defeat?*

System will become overly complex with minimum benefit. Technology, including vision systems, are not proven out yet. For short and long-term deactivation, follow UN Reg. R16-07. Certain vehicles might require exemption, e.g. police vehicles and ambulances.

*9. Electrical Connection Requirements?*

Removable, suspension and folding seats add complexity, reliability, durability and technology readiness concerns. If technology beyond that required for UN Reg. 16-07 is required,

significant lead-time will need to be provided. (Note – Highly Automated Vehicles (HAV's) not considered in this response.)

*10. Owners' manual/label requirements?*

More research is required to find the best way to communicate due to a multitude of warnings already in vehicles.

*11. Interaction with other vehicle warnings?*

Yes, there are conflicts with other warnings. Seat belt warning should be higher priority.

*12. Harmonization with regulatory requirements or new car assessment programs in other markets?*

As stated previously, the Alliance strongly recommends harmonization with UN Reg. 16-07.

*13. Visual warning location?*

Should be, as a minimum, in driver's visual field and the audio should be able to be heard throughout the vehicle.

*14. What type of information should the warning convey?*

Adopt warning information requirements in UN Reg. R16-07

*15. Telltale Characteristics?*

Accept other colors and symbols for rear seat. The front row telltale already common between UN Reg. 121-00 and FMVSS 101.

*16. Minimum duration. With respect to audible warnings, we seek comment on the following?*

Adopt UN Reg. R16-07.

*17. Minimum duration?*

Adopt UN Reg. R16-07.

*18. Other audible signal?*

Adopt UN Reg. R16-07 sound requirements.

## **B. Applicability**

19. NHTSA seeks comment on the vehicles to which any proposed rear seat belt warning requirements should apply. We also seek comment on whether any vehicles within the broad applicability criteria should be exempt?

Exempt vehicles above 10,000 GVWR. Police Vehicles and or special use vehicles such as ambulances, hearses, police cars, fire services, etc. should be exempted.

## **C. Effectiveness**

20. NHTSA seeks comment on the effectiveness of rear seat belt warning systems.

Not enough data for rear seat is available, but probably close to front seat (total belt use increase of 3% to 4%) effectiveness.

## **D. Consumer Acceptance**

21. NHTSA seeks comment on potential consumer acceptance concerns with a proposed seat belt warning system.

Further studies are required as enough data are not available.

## **E. Technological and Economic Feasibility**

22. NHTSA also seeks comment on the technological and economic feasibility of alternative rear seat belt warning systems.

The Alliance believes that the current UN Reg. R16-07 requirements represent a “sweet spot” between safety benefits, appropriate levels of consumer acceptance, international harmonization, and minimization of compliance cost burdens. As such, the potential for reduced consumer acceptance and increased cost associated with the development enhanced warning systems is not warranted.

## **F. Benefits and Costs**

23. The agency has presented a wide variety of different potential alert systems, all with different cost and effectiveness profiles, and is not at this time conducting a cost-benefit analysis on any particular approach. However, many of the technologies discussed in this ANPRM are currently in use, either for front seat passengers or, in more limited models, rear seat passengers. NHTSA, therefore, seeks comment on the potential benefits and costs of the different types of rear seat belt warning system discussed in this notice, including those that provide a warning similar to the kinds of seat belt warnings that are provided in current- production vehicles in the United States or elsewhere in the world, as well as other potentially novel approaches.

The Alliance has not conducted any cost benefit analysis.

### **G. Safety Act Criteria**

*24. MAP–21 instructs NHTSA to initiate a rulemaking proceeding for a rear seat belt warning system and to issue a final rule if it would meet the requirements in section 30111 of the Safety Act. NHTSA seeks comment on whether a proposed rear seat belt warning system would meet the requirements and considerations of 49 U.S.C. 30111.*

The Alliance believes that harmonization with UN Reg. 16-07 would fulfill the requirements of 49 U.S.C. 30111.

### **H. Non-Regulatory Alternatives**

*25. If commenters believe that a proposed seat belt warning system would not meet the requirements and considerations of 49 U.S.C. 30111, NHTSA seeks comment on whether it should consider any non-regulatory approaches to address this issue.*

See answer to question 24.

*26. NHTSA also seeks comment on removing the driver's seat belt warning audible signal duration upper limit.*

Harmonize with UN Reg. R16-07.