

making that would result in amending 49 CFR Part 371, Federal Motor Vehicle Safety Standards, by adding a new Standard: Rear Underride Protection—Trailers and Trucks With Gross Vehicle Weight Rating Over 10,000 Pounds. An advance notice of proposed rulemaking was published in the FEDERAL REGISTER of October 14, 1967 (32 F.R. 14279). Comments received in response to that advance notice have been carefully considered.

Responses to the advance notice and other information have confirmed that the under-riding of rear ends of trucks and trailers by passenger vehicles in the course of a rear end collision constitutes a major hazard to life and limb of the occupants of the striking vehicle. The great majority of comments in response to the advance notice supported the need for rear underride protection. Accident reports indicate that rear end collisions in which underride occurs are much more likely to cause fatalities than collisions generally.

The proposed Standard requires that underride protection be provided but it need not be accomplished by means of an identifiable member (an "Underride guard"), if the vehicle otherwise meets the configuration and strength requirements. The requirement of a specific member would raise difficulties of definition and application, such as the problem of describing the class of vehicles that by their inherent configuration do not need such a member. Instead, the proposed Standard requires that, at a height of no more than 18 inches from the road surface, the vehicle have a continuous structure that is capable of withstanding a large static load when tested at any one of three specified points. Vehicles such as heavy cargo trailers whose beds normally are above that level would be expected to meet the requirement by having a guard, while those vehicles such as moving vans whose rear ends are within 18 inches of the ground may meet the requirement by ascertaining that the structure at the lower edge of the rear end is capable of withstanding the specified test load.

It is recognized that the proposed Standard does not deal with possible safety hazards that may be caused by sharp protrusions at the rear of vehicles. It is furthermore, possible that—since no minimum height or vertical configuration is specified for the guard line, a conforming guard may be attached that is so close to the ground that it is ineffective, since another vehicle could override it while underriding a higher rear structure. If these problems are found to be significant, they may be countered either with further elaboration of the Standard proposed herein or with a separate Standard in the area of bumper height and effectiveness (Dockets Nos. 1-9 and 1-10, 32 F.R. 14279). Comments are specifically invited in regard to these questions.

Several comments expressed concern that the installation of a guard would interfere with the freedom of operation of some large vehicles during off-road operations. The interests of safety dictate, however, that this protection should be present on public highways where there is extensive mingling of passenger cars with large vehicles. If necessary, the required structure may be made movable or removable for off-road operations.

It is anticipated that the proposed Standard will be amended, after technical studies have been completed, to extend the requirement for underride protection to the sides of large vehicles. It is also anticipated that mobile homes will not be included in the Standard. The Administrator is presently considering rule making that could declare them not to be "motor vehicles" within the coverage of the Act, or could put them into a separate category (Docket No. 26, 33 F.R. 11604).

Interested persons are invited to participate in the making of the proposed reg-

ulation by submitting written data, views, or arguments. Specific information and comments are particularly invited in regard to the cost of compliance. Comments should refer to the docket and notice number, and be submitted in 10 copies to: Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received before the close of business on June 2, 1969, will be considered by the Administrator. The proposal contained in this notice may be changed in light of comments received. All comments will be available in the docket at the above address for examination both before and after the closing date.

In consideration of the foregoing it is proposed to add to 49 CFR Part 371, Federal Motor Vehicle Safety Standards, a new Standard as set forth below. Because of the design and development work that may be necessary to provide economical compliance with this Standard, it is proposed to make it effective January 1, 1971.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), and the delegation of authority by the Secretary to the Federal Highway Administrator, 49 CFR Part 1, § 1.4(c). Issued in Washington, D.C., on March 13, 1969.

JOHN R. JAMIESON,
Deputy Federal
Highway Administrator.

REAR UNDERRIDE PROTECTION—TRAILERS AND TRUCKS WITH GROSS VEHICLE WEIGHT RATING OVER 10,000 POUNDS

S1. Purpose and scope. This standard establishes the requirement that the rear end of heavy vehicles be constructed so as to reduce the probability of underride in rear-end collisions.

S2. Applicability. This standard applies to trailers and to trucks. It does not, however, apply to pole trailers, truck tractors, or any vehicles with gross vehicle weight rating of 10,000 pounds or less.

S3. Definitions. "Rearmost part of the vehicle" means that point, on the portion of the vehicle that is not more than 66 inches above the road surface, that is farthest to the rear when the cargo doors, tailgates, or other closing devices are in the normal closed and locked position.

"Rear surface of the vehicle" means that portion of the exterior surface of the vehicle that would first be intersected by rays parallel to the direction of travel of the vehicle emanating from a source behind the vehicle.

"Guard line" means the lowest intersection of a horizontal plane with the rear surface of the vehicle that forms a continuous line that (1) extends to within 6 inches of each side of the vehicle and (2) has no portion more than 15 inches forward of the rearmost part of the vehicle.

S4. Requirements.

S4.1 Each vehicle shall have a guard line that is no more than 18 inches from the road surface when the vehicle is unloaded.

S4.2 Each vehicle shall be capable of meeting the displacement test of S5.

S5. Displacement test.

S5.1 Position the vehicle on a level surface, restrained to prevent forward, upward, or lateral motion.

S5.2 Prepare a test block of rigid material with a plane surface in the form of a square 4 inches on a side ("the surface").

S5.3 Position the test block so that—

(a) The surface is vertical and facing forward in the direction of travel of the vehicle,

(b) The lower edge of the surface is in the same horizontal plane as the guard line,

(c) The center of the surface is at any one of three points: 15 inches inboard from either side of the guard line, or at the center of the guard line, and

(d) The surface is in contact with the rear surface of the vehicle.

S5.4 Apply a static force of 75,000 pounds in the forward direction to the test block, parallel to the direction of travel of the vehicle, with the block restrained from lateral or vertical movement.

S5.6 Required result: The test block shall not move more than 15 inches forward of the rearmost part of the vehicle. Each vehicle must be capable of meeting the test at the three contact points (center and each side) specified in S5.3(c), but a given vehicle need not meet the requirements of this standard after being tested at one of those points.

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Mr. STAGGERS. Mr. Chairman, will the gentleman yield further?

Mr. VANIK. I yield further to the distinguished chairman.

Mr. STAGGERS. I am sure that the Secretary is listening to the gentleman's words and I am sure that there will be some action taken.

Mr. MIKVA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to commend the committee and its distinguished chairman for the entire bill but particularly for section 4 with reference to tire safety. This takes us out of what I think has been a dream world by assuming that tire manufacturers were voluntarily going to recall defective tires under the procedure which has heretofore been mandatorily applied to the recall of automobiles.

Mr. Chairman, to carry forward what the gentleman from California has spoken about, some 42,000 tires were involved in the batch which failed the test, and less than 500 of those tires were recalled, which means that there is somewhere around 41,500 or more tires which are quite likely to blow out while being used on automobiles in this country.

Mr. Chairman, the fact of the matter is that the tire is just as important a component part of an automobile as everything else connected with it. Simply because it is manufactured by someone else does not make it less important. We can no longer let the manufacturer of the tire escape his responsibility for recall purposes.

In a bill which I introduced early in the year that dealt with tire safety exclusively, provisions were included for extended testing. I think, ultimately, we will have to move to a much more extensive testing system by the Secretary and by the Department if we are going to make that long step forward toward automobile safety in this country.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I wish to commend the gentleman from Illinois for his interest in this legislation and for his proposal.

I do not know whether the Members of the House know it, but about three-fourths of all the tires made are used for replacement. We are trying to get some uniformity all along the line and certain standards that will apply to all of these matters. I just wanted the gentleman