

methods could delay or even prevent vehicle manufacturers from equipping their vehicles with advanced vehicle technologies for reducing rollovers, such as Electronic Stability Control.

Based on the foregoing, if the proposal were adopted as a final rule, it would preempt all conflicting State common law requirements, including rules of tort law.

G. National Technology Transfer and Advancement Act

Under the National Technology Transfer and Advancement Act of 1995 (NTTAA) (Pub. L. 104-113), "all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments." As discussed in Section V, we evaluated the Society of Automotive Engineers (SAE) inverted drop testing procedure, but decided against proposing it. We were unable to identify any other relevant technical standards. The agency requests comments on other relevant technical standards.

H. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. NHTSA has reviewed this proposal and determined that it does not contain collection of information requirements.

I. Plain Language

Executive Order 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public's needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that isn't clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?

If you have any responses to these questions, please include them in your comments on this proposal.

J. Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

XVI. Vehicle Safety Act

Under 49 U.S.C. Chapter 301, *Motor Vehicle Safety* (49 U.S.C. 30101 *et seq.*), the Secretary of Transportation is responsible for prescribing motor vehicle safety standards that are practicable, meet the need for motor vehicle safety, and are stated in objective terms.¹¹⁰ "Motor vehicle safety standard" means a minimum performance standard for motor vehicles or motor vehicle equipment. When prescribing such standards, the Secretary must consider all relevant, available motor vehicle safety information.¹¹¹ The Secretary must also consider whether a proposed standard is reasonable, practicable, and appropriate for the types of motor vehicles or motor vehicle equipment for which it is prescribed and the extent to which the standard will further the statutory purpose of reducing traffic accidents and associated deaths.¹¹² The responsibility for promulgation of Federal motor vehicle safety standards is delegated to NHTSA.

In proposing to improve roof crush resistance, the agency carefully considered these statutory requirements.

First, we believe that this proposal will meet the need for motor vehicle safety because the proposed applied force requirement would lead to stronger roofs and reduce the roof crush severity observed in real world crashes, thus better protecting front seat occupants.

Second, we believe that the roof crush resistance standard subject of this proposal is performance oriented because it requires only that the vehicle roof be able to withstand a certain amount of applied force. The standard does not specify the means by which the vehicle must meet the standard.

Third, this proposal was preceded by a Request for Comments, which facilitated the efforts of the agency to obtain and consider relevant motor vehicle safety information. We

anticipate receiving an even more comprehensive array of relevant information in response to this proposal. Further, in preparing this document, the agency carefully evaluated previous agency research and vehicle testing that was relevant to this proposal. We also conducted additional testing in support of this document. Finally, the agency conducted a detailed statistical analysis in order to estimate risks of death or injury associated with roof crush, and to determine the relevant target population and potential costs and benefits of our proposal. In sum, this document reflects our consideration of all relevant, available motor vehicle safety information.

Fourth, to ensure that requiring greater roof crush resistance is practicable, the agency tested a number of vehicles and found that many already comply with the proposed requirements, while others could comply with relatively inexpensive modifications to their roof structure. In response to the request for comments, the agency received no indication that the proposed roof crush resistance requirements were impracticable. However, based on the latest information from the manufacturers and our own testing, we are proposing to amend the test procedure for vehicles with raised or altered roofs to provide additional assurance of practicability.¹¹³ To improve practicability still further, the agency also proposes to revise the tie-down procedure. Because we are especially concerned with practicability of this proposal as it applies to vehicles manufactured in two or more stages, we are proposing to allow the certification of these vehicles to the roof crush requirements of FMVSS No. 220. In sum, we believe that this proposal to improve roof crush resistance is practicable.

Fifth, the proposed regulatory text following this preamble is stated in objective terms in order to specify precisely what performance is required and how performance will be tested to ensure compliance with the standard. Specifically, a large steel test plate would be forced down onto the roof of a vehicle. If the displaced roof structure does not contact the head or neck of the dummy seated inside the vehicle, the vehicle passes the test. The agency believes that this test procedure is sufficiently objective and would not result in any uncertainty as to whether a given vehicle satisfies the proposed roof crush resistance requirements.

¹¹⁰ 49 U.S.C. 30111(a).

¹¹¹ 49 U.S.C. 30111(b).

¹¹² *Id.*

¹¹³ The agency previously adopted a "secondary" test procedure for vehicles with raised or altered roofs which proved to be an impracticable solution.