

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 841

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IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2010

Referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## AN ACT

To direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Pedestrian Safety En-  
5 hancement Act of 2010’.

6 **SEC. 2. DEFINITIONS.**

7        As used in this Act—

8            (1) the term “Secretary” means the Secretary  
9 of Transportation;

10           (2) the term “alert sound” (herein referred to  
11 as the “sound”) means a vehicle-emitted sound to  
12 enable pedestrians to discern vehicle presence, direc-  
13 tion, location, and operation;

14           (3) the term “cross-over speed” means the  
15 speed at which tire noise, wind resistance, or other  
16 factors eliminate the need for a separate alert sound  
17 as determined by the Secretary;

18           (4) the term “motor vehicle” has the meaning  
19 given such term in section 30102(a)(6) of title 49,  
20 United States Code, except that such term shall not  
21 include a trailer (as such term is defined in section  
22 571.3 of title 49, Code of Federal Regulations);

23           (5) the term “conventional motor vehicle”  
24 means a motor vehicle powered by a gasoline, diesel,

1 or alternative fueled internal combustion engine as  
2 its sole means of propulsion;

3 (6) the term “manufacturer” has the meaning  
4 given such term in section 30102(a)(5) of title 49,  
5 United States Code;

6 (7) the term “dealer” has the meaning given  
7 such term in section 30102(a)(1) of title 49, United  
8 States Code;

9 (8) the term “defect” has the meaning given  
10 such term in section 30102(a)(2) of title 49, United  
11 States Code;

12 (9) the term “hybrid vehicle” means a motor  
13 vehicle which has more than one means of propul-  
14 sion; and

15 (10) the term “electric vehicle” means a motor  
16 vehicle with an electric motor as its sole means of  
17 propulsion.

18 **SEC. 3. MINIMUM SOUND REQUIREMENT FOR MOTOR VEHI-**

19 **CLES.**

20 (a) **RULEMAKING REQUIRED.**—Not later than 18  
21 months after the date of enactment of this Act the Sec-  
22 retary shall initiate rulemaking, under section 30111 of  
23 title 49, United States Code, to promulgate a motor vehi-  
24 cle safety standard—

1           (1) establishing performance requirements for  
2           an alert sound that allows blind and other pedes-  
3           trians to reasonably detect a nearby electric or hy-  
4           brid vehicle operating below the cross-over speed, if  
5           any; and

6           (2) requiring new electric or hybrid vehicles to  
7           provide an alert sound conforming to the require-  
8           ments of the motor vehicle safety standard estab-  
9           lished under this subsection.

10 The motor vehicle safety standard established under this  
11 subsection shall not require either driver or pedestrian ac-  
12 tivation of the alert sound and shall allow the pedestrian  
13 to reasonably detect a nearby electric or hybrid vehicle in  
14 critical operating scenarios including, but not limited to,  
15 constant speed, accelerating, or decelerating. The Sec-  
16 retary shall allow manufacturers to provide each vehicle  
17 with one or more sounds that comply with the motor vehi-  
18 cle safety standard at the time of manufacture. Further,  
19 the Secretary shall require manufacturers to provide, with-  
20 in reasonable manufacturing tolerances, the same sound  
21 or set of sounds for all vehicles of the same make and  
22 model and shall prohibit manufacturers from providing  
23 any mechanism for anyone other than the manufacturer  
24 or the dealer to disable, alter, replace, or modify the sound  
25 or set of sounds, except that the manufacturer or dealer

1 may alter, replace, or modify the sound or set of sounds  
2 in order to remedy a defect or non-compliance with the  
3 motor vehicle safety standard. The Secretary shall promul-  
4 gate the required motor vehicle safety standard pursuant  
5 to this subsection not later than 36 months after the date  
6 of enactment of this Act.

7 (b) CONSIDERATION.—When conducting the required  
8 rulemaking, the Secretary shall—

9 (1) determine the minimum level of sound emit-  
10 ted from a motor vehicle that is necessary to provide  
11 blind and other pedestrians with the information  
12 needed to reasonably detect a nearby electric or hy-  
13 brid vehicle operating at or below the cross-over  
14 speed, if any;

15 (2) determine the performance requirements for  
16 an alert sound that is recognizable to a pedestrian  
17 as a motor vehicle in operation; and

18 (3) consider the overall community noise im-  
19 pact.

20 (c) PHASE-IN REQUIRED.—The motor vehicle safety  
21 standard prescribed pursuant to subsection (a) of this sec-  
22 tion shall establish a phase-in period for compliance, as  
23 determined by the Secretary, and shall require full compli-  
24 ance with the required motor vehicle safety standard for  
25 motor vehicles manufactured on or after September 1st

1 of the calendar year that begins 3 years after the date  
2 on which the final rule is issued.

3 (d) REQUIRED CONSULTATION.—When conducting  
4 the required study and rulemaking, the Secretary shall—

5 (1) consult with the Environmental Protection  
6 Agency to assure that the motor vehicle safety  
7 standard is consistent with existing noise require-  
8 ments overseen by the Agency;

9 (2) consult consumer groups representing indi-  
10 viduals who are blind;

11 (3) consult with automobile manufacturers and  
12 professional organizations representing them;

13 (4) consult technical standardization organiza-  
14 tions responsible for measurement methods such as  
15 the Society of Automotive Engineers, the Inter-  
16 national Organization for Standardization, and the  
17 United Nations Economic Commission for Europe,  
18 World Forum for Harmonization of Vehicle Regula-  
19 tions.

20 (e) REQUIRED STUDY AND REPORT TO CONGRESS.—

21 Not later than 48 months after the date of enactment of  
22 this Act, the Secretary shall complete a study and report  
23 to Congress as to whether there exists a safety need to  
24 apply the motor vehicle safety standard required by sub-  
25 section (a) to conventional motor vehicles. In the event

1 that the Secretary determines there exists a safety need,  
2 the Secretary shall initiate rulemaking under section  
3 30111 of title 49, United States Code, to extend the  
4 standard to conventional motor vehicles.

5 **SEC. 4. FUNDING.**

6 Notwithstanding any other provision of law,  
7 \$2,000,000 of any amounts made available to the Sec-  
8 retary of Transportation under under section 406 of title  
9 23, United States Code, shall be made available to the  
10 Administrator of the National Highway Transportation  
11 Safety Administration for carrying out section 3 of this  
12 Act.

Passed the Senate December 9, 2010.

Attest:

NANCY ERICKSON,

*Secretary.*