

STATUS REPORT**FEDERAL ROLE
IN
TRAFFIC SAFETY****INSURANCE INSTITUTE for HIGHWAY SAFETY**

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WITNESSES AIR VEHICLE SAFETY PROBLEMS

Hearings before a House subcommittee have shown the federal vehicle safety program, launched three years ago on the first waves of heightened concern about public safety and consumer protection, to be foundering in the high seas of bureaucracy, budget cuts, and inadequate sponsorship.

Two conclusions were apparent during six days of testimony before the Subcommittee on Commerce and Finance of the House Interstate and Foreign Commerce Committee. First, the National Highway Safety Bureau has not been given the resources to accomplish its huge vehicle safety regulatory task. Secondly, the entire program is currently trapped in the transition between the Johnson and Nixon administrations.

All of the witnesses who appeared lined up in support of the vehicle safety program and for continuing its spending authorization past June 30.

But comment by individual members of the subcommittee indicated misgivings over whether authorizations should exceed those provided in a "working" bill submitted by Rep. Harley Staggers (D-West Va.), chairman of the parent committee. As the hearings recessed March 26 it was conjectural as to how much, if any, alteration there would be in the sums under discussion for fiscal 1970-72 of \$23 million annually for vehicle safety and \$1,450,000 for tire safety. (A more liberal bill is pending in the Senate.)

Virtually everyone who appeared before the panel spoke of the need for more money, more personnel, and more program by the NHTSA to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966.

But most witnesses were not prepared to say how much more money or how many more personnel. And, generally speaking, those who did were unable to produce the facts and figures to document their case before the budget-conscious lawmakers.

This included the principal spokesman for the Department of Transportation, Dr. Robert Brenner, acting director of the Bureau. Dr. Brenner was cast in the position of trying to answer questions on behalf of a new administration that has not fully developed a posture or spending recommendation vis-a-vis the safety program.

It also emerged during the testimony that while, in title, Dr. Brenner is head of the NHTSB, actual control has passed into the hands of a "management council" of three officials of the Federal Highway Administration of which Dr. Brenner is one.

One witness, Dr. William Haddon, Jr., former director of the NHTSB and now president of the Insurance Institute for Highway Safety, described the setup as "an emasculation and control device."

Dr. Haddon urged that the entire NHTSB be removed from the jurisdiction of the FHWA and be positioned in a special safety agency directly responsible to the Secretary of Transportation. Although he praised the overall program of the FHWA, Dr. Haddon said by virtue of the huge dollar disparity involved in the highway construction and safety programs it was inevitable, as in any situation of this type, "that the big fish will eat the little fish."

Among major points developed by witnesses were (1) that the vehicle safety program is inseparable from the parallel federal-state effort under the Highway Safety Act, (2) the current personnel "freeze" extending back to last summer has been particularly damaging to an NHTSB still in the formative stage, and (3) there is no forceful, effective constituency to push highway safety.

The hearings also produced evidence of the NHTSB's growing pains and some of the difficulties encountered in administering the vehicle safety program. For example:

-- Time and time again it was pointed out that for statutory, manpower, and other reasons, there is no satisfactory program for detecting sub-standard or defective tires, for warning owners about them or for initiating recalls. Although Dr. Brenner said five tire lines involving four different manufacturers had been found to be in noncompliance with federal standards and recalls initiated, penalty provisions of the Vehicle Safety Act had not yet been invoked. James W. Hall, Jr., tire dealer and operator of an Atlanta automotive service and a member of the National Motor Vehicle Safety Advisory Council, raised eyebrows when he said there was some research evidence that the "belted" fiberglass tires now being widely advertised and reportedly slated for use by the Detroit manufacturers on 1970 models, can, while in apparent good condition, blow out suddenly and without warning.

-- Only about seven of the approximate 500 vehicle make-model combinations currently offered for sale to the public have been crash tested for compliance with federal vehicle safety standards. The reason given was the tight money and personnel situation in the NHTSB. "I personally don't think that is an adequate program, and I don't think it is adequately serving the public," Dr. Haddon said.

-- The growing popularity of vehicles weighing under 1,000 pounds, exempt from federal standards under a ruling by the DOT, is creating a ticklish problem involving safety and economics. Films produced by the NHTSB and screened before the subcommittee showed the smaller cars faring badly in crashes with larger cars.

-- The Rev. Robert J. McEwen, S.J., another member of the Advisory Council, noted a "good law containing provisions for consumer protection can easily become a dangerous fraud and deceit on the public if it is not backed up with adequate budget and staff for the enforcement of its provisions." It emerged from various testimony that the results of vehicle and tire testing are not publicized by the DOT and an originally-contemplated broad consumer information program has for the present been reduced to requiring information on tire reserve load, acceleration and passing ability, and braking. The three requirements are scheduled to take effect September 30, but segments of the auto industry have questioned certain provisions and there is the possibility of further revision or delay.

-- Some members of Congress are encouraging corollary efforts from private interests, for example, the automobile insurance industry, to supplement the government program. Representative Moss told Dr. Haddon, who was making his first public appearance as president of the IIHS: "You are dealing in the insurance field with actual accidents, not theoretical ones, not failure under tests in a laboratory or on a test wheel, but failure in actual use. And it seems that this great resource, this private resource, should be made available so that, one, the public is protected, two, the manufacturer is alerted, and, three, the insurance companies might start to reduce materially the rates which continue to escalate so alarmingly . . ." Dr. Haddon said he planned to explore with the insurance industry such areas as providing vehicle crash data and achieving the "quick surveillance" of pay-off from vehicle safety standards.

-- The highway crash problem, despite its massive human and property losses, is still not a national priority issue. Members of the subcommittee noted that pressures brought on by the Vietnam War, inflation, and city problems were far from eased and it was unlikely the federal safety program could expect any dramatic increase in funding. Dr. Haddon commented in this respect that as a nation "we are not recognizing this as a matter of national urgency, and the deaths and injuries will continue until we do so."

In addition to the administration delegation headed by Charles D. Baker, deputy undersecretary of transportation, and Dr. Robert Brenner, those appearing before the subcommittee during the six days were Dr. Haddon, Dr. Thomas F. Malone, senior vice president of the Travelers Insurance Companies, and chairman of the National Vehicle Safety Advisory Council, Council members the Reverend McEwen and Mr. Hall, and Ralph L. Tabor, assistant director for federal affairs of the National Association of Counties.

DEMONSTRATION PROJECTS PLANNED IN ARIZONA, COLORADO

The Federal Highway Administration has announced agreement with Arizona State University for a \$304,000 federally-financed demonstration project to conduct a one-year air medical evacuation system to serve rural and remote areas of Arizona.

The funds will provide for the leasing of two helicopters with highly-trained rescue crews. One team will be on ground alert, and the other on airborne surveillance over highway routes which have a high accident history.

Other demonstration projects aimed at improving the emergency rescue of highway crash victims are being conducted in Nebraska and in the cities of Detroit, Los Angeles, and New York.

Also announced by the FHWA was the award of a \$65,800 contract to the state of Colorado for a demonstration project to improve the administrative of driver licensing examinations in rural areas of the state. The project will include the use of a mobile van containing automated equipment.

BIDS SOUGHT ON FIVE CONTRACTS

The National Highway Safety Bureau has invited outside contractors to bid on five research and development projects that will:

(1) Assist in the establishment of methods and quality levels for the repair and restoration of passenger car tires by factories, recappers, garages and service stations, with the objective of eventually issuing a federal standard.

(2) Determine what some of the problems are in high-speed chases, to help in the preparation of guidelines for law enforcement agencies.

(3) Conduct a test program to identify some of the dynamics of motorcycle crashes and what to do about them.

(4) Survey current efforts by the states and localities to enforce driver licensing laws, particularly related to "refusals, revocations, and suspensions," to determine their level of success.

(5) Determine the feasibility of installing restraint systems in used cars that may not already have them.

Inquiries about the contracts should be made to the Contracts and Procurement Division, Federal Highway Administration, 1717 H Street, N.W., Washington, D.C. 20591.

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A CONGRESSMAN'S WOES -- Depending upon how you look at it, Rep. John E Moss (D-Calif.) was either the right man or the wrong man to be presiding over the recent House hearings on vehicle safety. He had some personal familiarity with the tire safety problem, he noted, as the result of a cross-country trip for which he bought four "premium grade" tires. "Between Washington and California all four of them blew out," he commented wryly. In an exchange with a witness about the effectiveness of California's random inspection of motor vehicles, he observed it had "a remarkable built-in ability to duplicate itself." During one 2 1/2-month period in California,

he said, his car was inspected three times and each time it was a "superficial" job. And regarding the shoulder harnesses now required in new vehicles, he said it took him five minutes to put it back after use and the awkward design suggested "an undercurrent of determination to prevent me from using it."

'UNDERRIDE' PROPOSAL -- The Federal Highway Administration published in the March 19 Federal Register a proposed standard aimed at overcoming the situation in which small vehicles "underride" when crashing into the rear of larger ones, often with serious results to the occupants of the smaller vehicle. The FHWA would require trailers and trucks with a gross vehicle weight of more than 10,000 pounds to have a strong rear end structure extending to within 18 inches of the road surface. The proposed effective date is January 1, 1971, and interested parties have until June 2 to comment.

MALONE URGES 'GOALS' -- Dr. Thomas F. Malone, chairman of the National Motor Vehicle Safety Advisory Council, proposed to the House subcommittee conducting hearings on the Vehicle Safety Act, that national goals be set for the national highway-vehicle safety program. He enunciated the same goals as recently suggested by the Council and its close corollary, the National Highway Safety Advisory Committee, to the state governors and their safety representatives: a reduction by one-half by 1980 in the number of lives lost, disabling injuries, and dollar loss from crashes. Dr. Malone said such a saving would amount to 500 lives per week, 5,000 disabling injuries per day, and \$16 million in economic waste per day.

SPOT IMPROVEMENT STUDY -- A recent study by Daniel J. Minahan of the University of Michigan's Highway Safety Research Institute contains some candid observations about the "spot improvement" program in which the federal government and the states participate jointly. One of the observations in the 87-page final report is that "spot improvement programs in different states vary considerably in scope, standards, and progress attained," and "highway safety design criteria have generally evolved from hindsight." The report says more effective ways are needed to identify hazardous locations, to establish correction priorities, and to select more suitable corrective procedures. In recent months, the Bureau of Public Roads has acted to improve the spot improvement program, particularly the correction of high accident locations.

SENATE HEARINGS -- The Senate Commerce Committee will hold hearings April 14 and 15 on a bill introduced by Sen. Warren Magnuson (D-Wash.), and reflecting the views of the previous administration, on continuing the authorization for the National Traffic and Motor Vehicle Safety Act. A House subcommittee examining the same authorization (see first item) has recessed until mid-April. Since the spending authorization for the vehicle safety program will expire June 30 unless renewed, there is urgency in the congressional process. Congressional leaders have been putting pressure on the Nixon administration to make its position known.

ACCESS TO ACCIDENT REPORTS -- Federal Highway Administrator Francis Turner has denied a request from motor carriers and their associations that a January 17 FHWA regulation making motor carrier accident reports available to the public be revoked or modified. He also refused to change the March 31 effective date. At the same time, Mr. Turner noted in an official notice dated March 27 that a provision in the Interstate Commerce Act prohibits the accident reports from being used in litigation.

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