

# STATUS REPORT

FEDERAL ROLE  
IN  
TRAFFIC SAFETY

## INSURANCE INSTITUTE for HIGHWAY SAFETY

Watergate Office Building  
2600 Virginia Avenue, N. W.  
Washington, D. C. 20037

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### HOUSE SAFETY OVERSIGHT HEARINGS HELD

Two weeks of "oversight" hearings have made clear that members of the House Roads Subcommittee are dismayed at the lack of progress by the Department of Transportation, state governments, and the private sector in cutting highway death, injury, and economic losses.

The hearings, which produced little real controversy and little general news coverage, were held to review programs under the Highway Safety Act of 1966. While disagreeing on some specifics, subcommittee members and witnesses from the public and private sectors were in general accord that more funding and staffing resources, more innovative programming, and higher levels of public attention are needed for federal safety programs to begin making a serious dent in the highway loss problem.

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Dr. Robert Brenner, acting director of the DOT's National Highway Safety Bureau, testified on two elements of the national safety program -- a new concept in protecting vehicle occupants in crashes and public misunderstanding of the alcohol-highway safety problem.

Dr. Brenner said the so-called air-bag restraint system, in which plastic bags inflate in the first milliseconds of a crash and "cushion" occupants lurching forward, represent a "massive, major breakthrough." Bureau exploration of the techniques, which began last year may lead in the next few weeks to an "advance notice" that a vehicle standard is being contemplated by the NHSB, he said.

He estimated air bag restraint systems could be installed in all new cars by 1971 or 1972, "at small cost," and make a significant impact on crash survivability.

Dr. Brenner also said that one of the biggest obstacles to highway loss reduction was failure of the public and their leaders to realize that alcoholics and other problem drinkers, not ordinary social drinkers, constituted the bulk of the problem -- a point first demonstrated in DOT's 1968 Report to Congress on Alcohol and Highway Safety.

He urged a "broad gauge, all out effort" to inform the public of the basic issues, including the complex medical-social aspects of alcoholism, and he advocated strong immediate action to control the extent to which excessive drinkers drive automobiles.

Dr. Brenner said at one point in questioning by subcommittee members that the DOT was giving serious attention to the possibility of making block grants available to the states upon approval of their highway safety "work plan." He said such block grants apparently are legal under the Safety Act. With each state receiving a single annual apportionment of safety funds, the function of the NHSB would then be one of "helping the states implement the plan," he added.

Nine governors' representatives testified before the subcommittee and several others filed or indicated their desire to file statements. A "governor's rep" is an individual designated by his state governor to be responsible for coordinating and giving field leadership to the state's highway safety program.

The state representatives voiced a number of complaints about the safety program. Mr. Y. W. Whelchel, of Arkansas, speaking in behalf of a nine-member executive committee of the newly formed National Conference of Governors' Highway Safety Representatives, said "public apathy has been and is still the greatest deterrent to programs designed to reduce traffic crashes." He urged "dramatic actions" to "reach individuals" and warned that a significant part of the program's momentum had been lost because of staffing and funding limitations imposed on the NHSB.

The national organization made five recommendations, including more resources be made available to the NHSB, the NHSB be given more authority within the DOT, that fully authorized sums for highway safety grants be made available to the states, that planning and administration grants be larger, and that motor vehicle inspection programs be given greater emphasis.

### SAFETY 'TRUST FUND' URGED

A new federal trust fund to finance highway safety programs efforts has been urged by one of the Senate's leading safety advocates.

Sen. Gaylord Nelson (Dem. -Wisc.) says he will introduce a bill to establish the fund -- patterned after the Highway Trust Fund which sets aside gas taxes for roadbuilding -- and to earmark a portion of federal alcoholic beverage taxes for it.

Revenues from those taxes totalled \$4.3 billion in 1968, all of which went to the general treasury.

"Alcohol is the greatest single factor contributing to driver failure. The magnitude of the relationship of alcoholism to highway safety is just beginning to be realized," Sen. Nelson said in explaining the logic of his proposal.

He cited the 1968 DOT "Report to Congress on Alcohol and Highway Safety." The report focused Congressional and public opinion on both the prevalence and severity of fatal highway crashes involving heavily drinking drivers.

Nelson said that Federal highway safety programs initiated in 1966 have been "crippled from the very beginning by a serious lack of funds." His proposed trust fund would "provide a secure source of revenue" vital to the success of the program, he said.

### BOARD CONCERNED ABOUT "AIRSPACE" SAFETY

The National Transportation Safety Board has studied the use of airspace above and below Federally aided highways and made several safety-related recommendations to the Secretary of Transportation.

Premium land values along new freeways, especially in urban areas, have produced a rapid increase in the use of freeway airspace for public buildings, motels, public parking, parks, playgrounds and other purposes. There are now 100 such uses and about 200 new applications being examined by the Federal Highway Administration's Bureau of Public Roads.

In the study transmitted to Transportation Secretary John A. Volpe by Safety Board Chairman John H. Reed, two photographs illustrate one of the "catastrophic" type hazards to which airspace structures are exposed. The first photo shows melted railings and warped structural steel in a bridge over

Chicago's Dan Ryan Freeway after a truckload of magnesium had burned beneath it. The second shows a restaurant occupying airspace over the Illinois Tollway at Chicago, and the report points out that a comparable disaster under that structure would have caused considerable death and injury.

"Highway transport of certain commonly transported liquid fuels, industrial chemicals, toxic liquids, and gases create foreseeable hazards to the occupants of highway airspace... Also, panic is an ever-present hazard in a major fire or explosion, or where a known possibility of exposure to various types of contaminants exists, where large numbers of people are confined in fixed structures or space," Mr. Reed said in a letter to the Secretary.

"Public statements by Federal officials and others, and a number of illustrated promotional brochures, have publicized the advantages of an intensive development of highway airspace facilities, for a greater variety of purposes, but the nature and degree of the hazards to be encountered by users and occupants of such facilities are de-emphasized or ignored," Mr. Reed wrote.

He pointed out that although the Federal Highway Administration has no authority over state operation of Federally aided highways, it may require specific safety elements as a condition of use of grants involving airspace projects.

The Board made the following recommendations:

1. That the Federal Highway Administration establish interim specifications concerning the safety of airspace facilities above and below Federally aided highways, pending the completion of studies to determine permanent regulations.
2. That the DOT's Federal Highway Administration and Urban Mass Transportation Administration initiate full-scale studies of the hazards and sources of potential catastrophe involved in the use of highway airspace.
3. That the interim and permanent rules and the results of the studies be disseminated to state, county, and city authorities for guidance in providing adequate safety for highway airspace development not subject to Federal aid.

#### FOR-HIRE DRIVER RULES MAY CHANGE

The Federal Highway Administration says it wants a "sweeping revision" of rules governing commercial drivers' safety qualifications.

Announcing the proposed rules changes, Highway Administrator Francis C. Turner gave interested members of the public until September 5 to comment on them. The planned changes were published in detail in the June 7 Federal Register.

Under the changes, the FHWA's Bureau of Motor Carrier Safety would require that:

--Prospective truck and bus drivers submit detailed histories of driving and licensing experiences.

--Employers give prospective drivers "an adequate written test and road test" to assure understanding of federal motor carrier safety rules.

--Annual rather than once-every-three-year physical exams be given drivers. The latter is now the rule.

--New criteria be applied "for the removal from service of those drivers who become a threat to the safety of the motoring public."

Meanwhile, the American Trucking Associations, which represents a large segment of the commercial trucking industry, has urged FHWA to be wary of "promulgating broadscale regulations which could possibly do more harm than good." ATA said in a release that research was needed to determine the safety value of contemplated federal standards on the "uphill performance" of trucks, anti-jackknife devices, coupling systems, and brake performance under load.

"We have noted with considerable alarm an array of nostrums whose purveyors glibly state that their gimmicks will solve all the problems," ATA said.

#### FHWA MUM ON STATE ASSESSMENTS

Some forty-one states reportedly have received "provisional approval" from the Secretary of Transportation for their highway safety plans. But so far, the DOT's Federal Highway Administration has resisted requests that its evaluations of the state plans be made public.

The Highway Safety Act requires the Secretary to "approve" each state's program before December 31 of this year or, if a state's program is inadequate, to penalize it by withholding 10 percent of its federal-aid highway money.

DOT's Federal Highway Administrator, Francis C. Turner, recently told Congress, "At the present rate of progress, we are reasonably confident that all States will have submitted acceptable programs by the end of the year and, therefore, no occasion should arise to invoke the penalty provisions."

At the same time, FHWA has rejected requests for public inspection of its evaluation of each state's highway safety plan, and is even withholding evaluation summaries.

This policy generated a critical article in Booth Newspapers, which had sought to inspect the federal evaluation report on Michigan's highway safety plan. The article, appearing in the eight Booth newspapers, said:

"The U. S. Department of Transportation is trying to spark a nationwide drive to improve highway safety, but refuses to tell the public what states need to do. The Department's FHWA has clamped a secrecy lid on state studies.

"The state reports, together with FHWA evaluations of them, are described by agency spokesmen as 'internal documents' not subject to the Freedom of Information Law passed by Congress two years ago..."

Both Booth and the Insurance Institute for Highway Safety have filed formal requests with DOT for access to the evaluations under the Freedom of Information Act.

## MORE SAFETY BILLS FILED

Although bills with highway safety implications continue to be filed in both House and Senate, only two major safety items are definitely slated so far for serious consideration by this Congress.

One is for future spending authorization for the National Traffic and Motor Vehicle Safety Act, and is in committee in both houses following earlier hearings. Current authorizations expire June 30. The second is legislation to require tire manufacturers to notify individual tire buyers of possible defects in tires purchased in the replacement market. The Vehicle Safety Act now requires such notification only for tires purchased as equipment on new vehicles -- only about 25 percent of all tires manufactured in 1938.

Possibly some amendments to the Highway Safety Act could be attempted following "oversight" hearings by the public works committees of each house. Some senators, for instance, are trying to get the location and status of the NHSB upgraded (see later item).

Recently filed bills include:

--One by Rep. John M. Murphy (D-N. Y.) that would authorize the federal government to set "design" standards for motor vehicles, enlarging the authority that now exists only for "performance" standards.

--A bill by Rep. Orval Hansen (R-Ida.) that would make it a federal offense for anyone to alter the mileage on an odometer.

--A bill sponsored by five House members to amend the Omnibus Crime Control and Safe Streets Act to provide grants to states for the establishment, equipping, and operation of emergency communications centers, and to make "911" a nationwide emergency telephone number.

While introducing no bill, Rep. Frank M. Clark (D-Pa.) recently suggested in a House speech that the federal government consider requiring cars to be ringed with a sturdy steel and rubber "hoop" to protect occupants in crashes.

NEW FORMULA -- One item of business before the current Congress is to come up with a new formula for apportioning safety funds to the states for the fiscal years 1970 and 1971. The present method of apportionment -- 75 percent on the basis of population and 25 percent at the discretion of the Secretary of Transportation -- will expire June 30. The Highway Safety Act directs the Secretary to recommend a new "nondiscretionary" formula for the ensuing years and former Secretary Alan Boyd suggested one based on a state's percent of highway deaths over a three-year period. In a recent Congressional appearance Federal Highway Administrator Francis C. Turner said the death rate formula had been criticized as "subject to negative interpretations" and the FHWA planned to make a new recommendation. So far, very little Congressional hearings attention has been directed to the question of a new formula.

**CAR REPAIR DILEMMA** -- According to a study released June 2 by Sen. Philip A. Hart (D-Mich), chairman of the Senate Antitrust and Monopoly Subcommittee, the odds are one out of three that you don't get your money's worth out of car repairs. The study, done by the Automobile Club of Missouri at its independent diagnostic clinic in St. Louis, was presented to the subcommittee as part of its investigation of auto repairs. Based on inspection of 10,000 cars, the report showed 50 percent of the then-current model cars (1968's) had potentially dangerous defects. The figure rose to 90 percent on cars five years old. A recheck of 2,000 cars after repair showed only 65 percent of the work paid for was done satisfactorily. The most common defect found in the St. Louis study was in wheel alignment, as measured by camber and toe-in. Brakes came next on the list. Another recent survey studied by the subcommittee showed fewer than one percent of cars rechecked by a Denver diagnostic clinic after repair had been properly corrected. A California diagnostic center study showed 26 percent of cars with dangerous brake problems and 16 percent with potentially dangerous brakes.

**CONSUMER INFORMATION** -- The Federal Highway Administration has altered consumer protection regulations slated to go into effect October 1 and postponed the effective date to January 1, 1970. The affected regulations were issued earlier this year. They require the auto manufacturers to make information on vehicle stopping capability, tire loads, and acceleration and passing ability available to new car purchasers. The consumer and safety advocates of such information contend it is virtually impossible for a car buyer to "shop for safety" because of a paucity of understandable vehicle safety information. The changes made in the regulations will give the manufacturers more flexibility in grouping vehicles, eliminate a requirement to provide information on 30 mile-per-hour stops (60 mile-per-hour stopping information is still required), chart information on passing ability, and simplify the procedure for measuring tire "reserve" for loaded vehicles.

**REED NAMED** -- John H. Reed, former governor of Maine and a member of the National Transportation Safety Board since it was organized in May 1967, has been designated chairman by President Nixon. He succeeds Joseph J. O'Connell.

**CHILD SEATING PROPOSAL** -- The Federal Highway Administrator has extended until June 24 the deadline for interested parties to comment on a proposal related to child seating systems in motor vehicles. The government, which is seeking to develop a standard on child seating, said it extended the deadline to get the input from nearly concluded research and impending scientific meetings.

**MOTORCYCLE HELMET PROVISION** -- Included in Administration-backed safety authorization bills that are in committee in the House and Senate is a provision that would extend the DOT's power to set motor vehicle equipment standards to include motorcycle helmets. The DOT's NHTSB has issued a standard on motorcycle safety that urges the states to require the wearing of helmets by motorcycle riders, but does not have authority to set standards for the helmets themselves. As a result, at least four non-official "standards" now exist for helmets, none of which has official NHTSB sanction.

COUNCIL OPENS MEETINGS -- The National Motor Vehicle Safety Advisory Council by a 10 to 7 vote at a recent meeting decided to open its sessions to the press and the public. The motion to open the meetings was made by new Council member Ralph Nader.

### BUREAU REPORTS ON TRUCK SAFETY CHECKS

The Bureau of Motor Carrier Safety (BMCS) has reported that it made roadside inspections of 53,067 cargo-carrying trucks, tractors, and trailers in 1968 and found 22.3 percent of them unsafe. It said the unsafe vehicles were ordered "out of service" at the checkpoint until needed repairs could be made.

Because of limited personnel, it is the Bureau's stated practice to "concentrate inspection efforts on those (vehicles) which appear, upon cursory observation, to be the least well maintained." Thus, the percent of unsafe vehicles is not necessarily a true gauge of the condition of all commercial vehicles using the highways at a given time.

### AGENCY STATUS SOUGHT

Sen. Abraham Ribicoff (D-Conn.) has followed up his plea for more autonomy for the NHTSB by introducing a bill, co-sponsored by Sen. Gaylord Nelson (D-Wis.), that would remove it from the jurisdiction of FHWA. The measure would create a separate "Federal Motor Vehicle and Highway Safety Administration" responsible directly to the Secretary of Transportation. All current motor vehicle and highway safety functions of the NHTSB and the activities of the Bureau of Motor Carrier Safety would be transferred into the new agency. Sen. Ribicoff said the current NHTSB lacked adequate funds, personnel and good organization, in part because of its dwarfed status in the FHWA. Sen. Nelson said the NHTSB "is at a critical crossroads." He added that it had made "little substantive progress in the three years of its existence in combating the highway death toll" largely because of its "low status" in the DOT.

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