

INSURANCE INSTITUTE for HIGHWAY SAFETY

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"COST" OF HIGHWAY LOSSES WITHIN DOT JURISDICTION?

When it passed the landmark highway safety legislation of 1966, did Congress intend that "cost" -- the economic penalties of highway crashes ranging from fender-benders to "totals" -- be a concern of the new laws?

According to a legal opinion issued on the eve of a new round of Senate hearings into auto repair issues, the answer is yes:

"It seems clear that the Congress intended, in the enactment of the Highway Safety Act of 1966, that such legislation would authorize the establishment of safety programs which would not only effect reduction in the high toll of personal injury and death but also the establishment of such programs to effect reductions in the costs of such accidents."

The opinion was issued by the American law division of the Library of Congress in response to a request from Senator Philip Hart (D-Mich.), chairman of the Senate Antitrust and Monopoly Subcommittee which for some time has been looking into issues involving the high cost of auto repair. In an August letter, Senator Hart had asked the division to research the congressional intent of the Highway Safety Act of 1966 as it pertains to repair costs and other economic penalties of highway crashes.

". . . the congressional hearings and debates clearly indicate that the Congress was well aware of the high cost of accidents and the programs contemplated were expected to effect reductions in such costs," the Library of Congress brief concluded in answering Senator Hart.

It quoted at length from a Senate Public Works Committee report and statements of individual members decrying the high cost of highway crashes and put particular emphasis on the floor statement of Senator Jennings Randolph (D-W. Va.), chairman of the Senate Public Works Committee, that the then-pending legislation was "predicated on the grounds that traffic safety research must be conducted from a total system's point of view," including economic losses incurred when the system fails to function.

If the Library of Congress' analysis is correct, according to some Senate observers, the Department of Transportation is charged under the Highway Safety Act of 1966 not only with carrying out programs to reduce highway death and injury, but also steps to lower

accident costs -- including standards or other means to reduce the susceptibility of motor vehicles to expensive damage, and the costs of performing post-crash repairs.

Senator Hart, apparently subscribing to that view, now has sent to DOT Secretary John Volpe a bundle of 4,000 letters from constituents complaining about high car repair costs and ease of damage to cars in low-speed crashes. He is expected to pursue the matter further during the upcoming auto repair hearings sessions due later this month.

SIZE-WEIGHT BILL PENDING

The House Public Works staff is completing a draft report on the truck size-weight bill which, if approved by the Subcommittee and full Committee, would move to the House floor for consideration.

Thus far, an increased amount of critical mail to Congressional offices, the prospects of a close House floor vote and the possible reluctance on the part of the Senate Public Works Committee to consider the size-weight bill have raised doubt as to the future of H. R. 11870.

In his recent testimony before the Roads Subcommittee of the House Public Works Committee, Francis C. Turner, Federal Highway Administrator, proposed numerous amendments in his overall approval of the bill. Some of Mr. Turner's proposals may run contrary to Committee thinking. The proposed elimination of the grandfather clause, which permits the operation of larger vehicles indefinitely on the roadways, will receive strong Committee scrutiny. Mr. Turner recommended that the grandfather clause be eliminated over a seven-year period.

Congressional experts hint that if the grandfather clause is retained the Committee will probably follow Mr. Turner's alternate proposal for continuance of existing special permit procedures, i. e., the elimination of blanket annual permits and the issuance of permits for "unusual, infrequent and non-recurring special circumstances on a one-trip" basis.

Also, Mr. Turner's proposed three-year delay for the effective date of any legislation authorizing size-weight increases in trucks and buses is expected to meet some opposition in the Committee. Congressional staffers feel that the Committee may recommend a shorter delay, possibly calling for a size-weight increase by January 1972.

Although the Federal Highway Administrator recommended a 65-foot limitation on vehicles, as opposed to the 70-foot length recommended in the proposed bill, the Committee is believed to be ready to support the 70-foot maximum length provision. Mr. Turner noted that the 65-foot length "was included as a recommendation in the 1964 Department of Commerce report and is also consistent with current American Association of State Highway Officials' policy, as their representative testified before the Subcommittee of Roads, in July 1969."

Representative Fred Schwengel (R-Iowa), long-time opponent of the increased size-weight limits, has criticized the FHWA for not opposing the bill.

BRENNER DEFENDS NHSB PROGRAM

Dr. Robert Brenner, acting director of the National Highway Safety Bureau, has defended the federal safety program in a letter replying to remarks made in an American Automobile Association policy speech by John de Lorenzi, managing director of public and government relations. An AAA affiliate, the Automobile Club of Michigan, asked Dr. Brenner to comment on Mr. de Lorenzi's remarks.

"The National Highway Safety Bureau," Mr. de Lorenzi had said, "has set up standards for vehicle safety equipment and for state and local safety programs with little or no evidence of their effectiveness."

Dr. Brenner noted that "the objective of the NHSB has been to devise more rational and scientific approaches than have been used previously." The NHSB, according to Dr. Brenner, is basing its solutions on a "systematic and rational framework."

Mr. de Lorenzi had claimed that the auto industry had been working on the "air bag" for more than five years and indicated "it (the industry) is not satisfied with it as yet." "Actually," commented Dr. Brenner, "this type of restraint system has been under development by the industry for more than 15 years, and several manufacturers may install the device on selected 1971 car lines, a full year in advance of the deadline suggested in the Bureau's Advance Notice of Proposed Rule Making."

Dr. Brenner questioned Mr. de Lorenzi's "seemingly frivolous tack" after the AAA official, speaking on head restraints research, said that "the only comment made is that the insurance companies were alarmed over their large costs resulting from whiplash claims. Is this any kind of scientific evidence?" According to Dr. Brenner, scientific and technical research in the area of head restraints began some 15 years ago at the Institute of Transportation and Traffic Engineering at the University of California, in Los Angeles.

Dr. Brenner said certain highway safety mileposts provide a measure of encouragement. Independent studies on the effectiveness of safety standards reveal that:

-- "Safety belts are an estimated 50 to 80 per cent effective in preventing fatalities. Approximately 2,000 lives were saved in 1968 due to safety belts.

-- "A sample of crashes indicates that, prior to the introduction of the energy-absorbing steering assembly, fatalities occurred due to steering column impact at speeds as low as 20 mph. With the new energy-absorbing design, no fatalities were recorded with speeds up to 50 mph and injury severity was reduced comparably.

-- "Cornell Aeronautical Laboratory research shows that fatal head injury was reduced by 32 per cent and serious injury rate was reduced by over 65 per cent with the introduction of the new high penetration resistant safety windshield."

The NHSB's most serious failure has been the lack of communication, Dr. Brenner said. "We have not succeeded fully in disseminating the new findings made under the Bureau's sponsorship, and solicit your suggestions on how we might bridge this communication gap," he concluded.

ACCIDENT RATE "UNACCEPTABLE"

"Safety problems will continue to escalate under pressures of population growth, the introduction of new vehicles into our congested facilities, and the increases in speed in all modes of transportation," according to the National Transportation Safety Board's second annual report to Congress.

The NTSB's report, covering 1968, noted that as passenger totals rise and new transportation systems come off planners' drawing boards, the existing accident rate "will produce too many fatalities. The challenge is to reduce the rate."

The NTSB, which has been in existence for nearly two years, noted that although transportation accident statistics for the 21 months ending December 31, 1968, "had not shown significant reduction, great effort had been expended in improving our knowledge of what causes accidents."

The Board's work toward this basic goal included (1) using lessons learned from in-depth investigation of selected surface accidents; (2) emphasizing safety promotion efforts in surface transportation; (3) conducting special studies and using them as a springboard for safety promotion; and (4) making safety recommendations to government, industry and the public.

Evaluations of investigations conducted by the Bureau of Railroad Safety of the FRA and the Bureau of Motor Carrier Safety of the FHWA "indicate, in part, that investigators are lacking in training as accident investigators; that there is an emphasis on law or regulation enforcement factors in the accident investigations as distinguished from learning the basic causes for scientific accident prevention; that there is an absence of expertise in certain necessary fields, that investigations are too often an industry or local authority undertaking, with the federal investigator relying on their product for his basic findings," according to the report.

The NTSB made the following recommendations to the Department of Transportation:

- The Department form a minimum number of investigative "go teams" having the necessary areas of expertise to proceed immediately to the scene of selected accidents.
- Personnel of FRA and FHWA be given specialized training in accident investigation.
- Accident investigators be oriented toward accident prevention purposes as well as law enforcement objectives.
- Accident notification requirements be reviewed to assume timely receipt of information necessary to conduct a productive investigation.
- Procedures concerning preservation of evidence at the accident scene be reviewed, looking toward some method for assuring investigators an opportunity to examine the physical evidence.

FUTURE STANDARDS? -- The Federal Highway Administrator is considering numerous vehicle safety rules and amendments to existing rules. The proposed changes, published in the Federal Register, affect safety performance requirements in the following areas:

-- Power Windows -- Two proposals designed to minimize likelihood of injury to persons caught between closing power windows and the closure channel have been issued. They also are meant to ease escape under crash conditions from vehicles equipped with power windows. The National Highway Safety Bureau noted that "children left unattended in motor vehicles pose the primary problem. Playing with the controls of power-operated windows, they can cause death through strangulation and other types of injury." The Bureau warned of this in a public advisory last year.

-- Vehicle Warning Device -- The Federal Highway Administrator may issue a federal motor vehicle safety standard that would require installation of and establish performance requirements for horns and other audible warning devices on passenger cars, multipurpose passenger vehicles, trucks, buses and motorcycles. It is anticipated that the standard will be applicable to motor vehicles manufactured on or after September 1, 1971. Interested persons have until December 1, 1969, to comment. Comments should be addressed to: Docket Section (Docket No. 69-14), FHWA, Room 514, 400 Sixth St., S. W., Washington, D. C. 20591.

-- Windshield Retention -- The passenger car windshield retention standard that is to become effective on January 1, 1970, may also apply to multipurpose passenger vehicles, trucks and buses, and to forward-facing windows in slide-in campers, pickup caps, pickup canopies and pickup covers, if an amendment now under consideration by the FHWA is adopted. The passenger car windshield standard establishes the retention requirements for passenger car windshields in their mountings and is part of an integrated program aimed at accomplishing the widely accepted goal of keeping occupants within the confines of the passenger compartment during a crash. Comments are due on the proposal by December 15, 1969. Comments should be sent to the same address as the aforementioned proposal (Docket No. 69-29).

-- Safety Belts for Trucks and Buses -- Notices of proposed rule making have been issued for three proposed standards that would extend present requirements in passenger cars for safety belts and shoulder harnesses, seat belt anchorages, and seating systems to other types of vehicles including multi-purpose passenger vehicles, trucks and buses. The proposed changes in existing standards 207, 208 and 210 would be effective January 1, 1971. Comments should be submitted to: Docket Section, Federal Highway Administration, Room 512, 400 Sixth St., S. W., Washington, D. C. 20591, by December 19, 1969.

-- Vehicle Lighting -- An amendment has been proposed to the vehicle safety standard on lamps, reflectors and related equipment on passenger cars, multipurpose passenger vehicles, trucks and buses of less than 80 inches overall width. If approved, the change would require that parking lamps be activated simultaneously with headlamps, effective January 1, 1970. It would also change minimum candlepower for parking lamps, effective January 1, 1971. The intent is to give pedestrians and oncoming drivers additional means of determining a vehicle's direction of travel in the event of headlamp failure.

HIGHWAY SAFETY GRANTS -- The Department of Transportation has announced grants to assist 23 local communities in upgrading safety programs and initiating highway safety programs. The grants are for the purchase of safety equipment and training of personnel.

In addition, six highway safety grants were awarded on a state-wide basis. The states, amount of the federal contribution and nature of the projects are as follows, with total project costs in parentheses where appropriate: ALABAMA -- to strengthen the Alabama Public Safety Department's selective enforcement program, \$225,650 . . . MASSACHUSETTS -- to purchase 10 videotape recorders, \$32,413 . . . RHODE ISLAND -- to conduct seminars in supervision of highway operations, \$2,550 . . . SOUTH CAROLINA -- to train 500 enforcement officers in the use of the breathalyzer to test the blood alcohol level of drivers, \$100,000 (\$200,000) . . . WEST VIRGINIA -- to purchase 40 radar speed timing devices, \$34,010 (\$86,640); for planning and administration of State's highway safety program, \$75,000 (\$150,000) . . . WISCONSIN -- to enable Wisconsin Patrol Academy to conduct two 8-week courses for 40 men each session in law, accident investigation and traffic law enforcement, \$80,000 (\$160,000).

RAIL CROSSING SAFETY -- Eighty per cent of the 255,000 rail crossings in the United States lack protective devices to warn motorists of approaching trains. And, according to a report prepared by the Department of Transportation Action Group on Grade Crossing Safety, less than 1 per cent of the 180,000 crossings lacking special warning devices are being improved or eliminated annually.

The report points out that grade crossing deaths and injuries have climbed since 1958, except during the past two years, when they fell slightly. There were 1,546 persons killed and 3,774 injured in 1968, a decrease from 1967's 1,632 deaths and 3,812 injuries, it says. The Action Group concludes that "grade separation and grade crossing protection programs have resulted in a marked decrease in casualties" and that "more effort is now necessary to bring about a reduction of casualties in the face of rapidly increasing motor vehicle traffic."

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STATUS REPORT

FEDERAL ROLE
IN
HIGHWAY SAFETY