

INSURANCE INSTITUTE for HIGHWAY SAFETY

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YEAR OF DOWNS AND UPS FOR NHSB ENDS

For the federal government's still formative highway and motor vehicle safety programs, 1969 began on a note of uncertainty, plunged to a state of near-despair and then -- at the eleventh month if not hour -- began to take on a new and heartening look.

Highway safety proponents were breathing easier over the National Highway Safety Bureau's future as the year came to a close because of a quick succession of events in which:

-- Douglas W. Toms, former motor vehicle administrator for the State of Washington, was named by President Nixon as the new NHSB Director, thus filling a top government health post that had been vacant for more than nine months.

-- DOT Secretary John Volpe agreed to recommendations by Mr. Toms, the Presidentially appointed Highway Safety Advisory Committee, and other safety advocates that NHSB be separated from the predominantly roadbuilding-oriented Federal Highway Administration and placed directly under the Secretary -- thereby rejecting a lengthy report from his own staff recommending the NHSB be absorbed even more deeply into FHWA.

-- Strong Senate bills to provide modest funding increases for NHSB and substantive improvements in one of its enabling statutes, the National Traffic and Motor Vehicle Safety Act, seemed to be gaining over weaker House versions. At this writing both House and Senate were rushing to complete their work by year's end, and final action was awaited on the safety authorizations and appropriations bills.

For NHSB, Mr. Toms' appointment was the welcome end to a long and painful period without leadership. Thrust into the role of interim caretaker had been Dr. Robert Brenner, deputy director of the Bureau, who served tirelessly as acting director from the time Dr. William Haddon, Jr., NHSB's first director, resigned in February. The problems generated for the program by its lack of a permanent head had been aggravated by rumors that the Bureau was slated for downgrading within the DOT organizational structure.

But as the year closed, NHSB's affairs seemed clearly on the upturn, largely due to Mr. Toms' appointment and the decision to free the Bureau from its ties to FHWA.

Appearing at a press conference and then a Senate Commerce Committee confirmation hearing, Mr. Toms was emerging as a protagonist of the "balanced" approach to highway safety program development with a distinct leaning toward seeking improvements in the vehicle component of the driving system to accommodate driver and passenger safety needs.

The area of research that promises the highest payoff potential in lifesaving on the roads, he told the Senate hearing, is the "second generation" of passenger crash packaging in vehicle design, "hopefully so that it eliminates the need for safety belts" through provision of passive restraint systems.

Mr. Toms pointed out that although "manufacturers have known of the need" for much safer vehicles than are now available, not enough progress has been made in the area of developing experimental safety vehicles. He indicated that the Bureau will press forward under the experimental vehicle mandate of the National Traffic and Motor Vehicle Safety Act to develop a safety car "designed outward from the driver... a shell as impenetrable as possible..."

In the hearing and the press conference, Mr. Toms also covered these points in answer to questions from Senators and newsmen:

-- NHSB will move quickly to look at the need for greatly improved bumpers and lateral impact structures, rear lighting systems ("They are not now intense enough, particularly in twilight"), rollover protection for open-top as well as hardtop cars, antiskid devices ("...perhaps better than trying to teach everyone how to drive in a skid"), and brakes ("I have personally felt that disc brakes are superior...").

-- Air bag restraint systems must be "failsafe" before they can be permitted or required on vehicles -- but in general he has "long felt that passive restraint systems are best."

-- He is a "firm believer" that the operations of a public agency should be open to public scrutiny and that "when you have information of use to the public, it should be made known."

-- The search for better ways to identify the abusive drinker who drives, remove him from the roads, and rehabilitate him will be of highest priority for the Bureau.

-- Despite a lack of resources, the Bureau already has done "many excellent things in compliance enforcement."

-- The possibility of resuming car crash tests, broken off by the Bureau early this year after public release of films involving small car crashes, will be reviewed by the Bureau in terms of "costs, what kinds of cars should be crashed... whether industry crash tests are usable or even available... the need to avoid overlapping and duplication." Sen. Vance Hartke (D-Ind.), who was highly critical when FHWA suspended the tests, told Mr. Toms in the hearing that, "I hope you can get industry help to resume the tests."

-- Motor vehicle inspection, operated with modern techniques such as electronic diagnostic equipment, can assist consumers in judging vehicle deficiencies, repair needs, and "perhaps even repair costs." In answer to a question from Senator Hartke, he said NHTSB would "review the law" to see whether it has authority to regulate or otherwise influence vehicle design and manufacture so as to reduce repair costs. But he said he would want to look hard at the idea, mentioned by the Senator, of federal inspectors to insure quality control in vehicle production plans as a way to reduce recalls of vehicles for correction of safety defects.

Meanwhile, Secretary Volpe disclosed at the press conference that NHTSB's transfer from FHWA to a spot directly under the Secretary "ought to take place within a month," that is, by late January. He added that "delineation of the respective components" involved in the transfer was still to come -- meaning, it was learned, that decisions are yet to be made on whether NHTSB shall have its own legal, public affairs and administrative staff rather than relying on staff provided by existing FHWA or DOT offices.

The transfer will not include the FHWA's Bureau of Motor Carrier Safety. That bureau, which oversees commercial motor vehicle safety practices, is located by law in FHWA and cannot be removed without submission to Congress of a Presidential reorganization plan.

FTC CHALLENGES FIRESTONE ADS, AS...

"It's built lower, wider. Nearly two inches wider than regular tires. To corner better, run cooler, stop 25% quicker," claim Firestone Tire and Rubber Company advertisements for the "Super Sports Wide Oval" tire.

The Federal Trade Commission says such advertisements are "false, misleading and deceptive." Firestone "had not established through adequate scientific tests that any car equipped with Firestone Super Sports Wide Oval tires could be stopped 25% quicker..." when compared with other manufacturers' tires under the same conditions, the FTC said.

FTC released a proposed formal complaint stating that it has "found reason to believe" that federal trade law has been violated by Firestone. Firestone reportedly has responded to the FTC, but agency officials declined to reveal the nature of the Firestone communication. Firestone has the opportunity to negotiate a settlement with FTC officials, or it may contest the charge.

Other advertisements, implying that every Firestone tire is "a safe tire," were challenged by the FTC because the buyer "is not assured of receiving a tire which will be free from any defects in material or workmanship." The FTC also questioned Firestone's use of the name "Safety Champion" in identifying various lines of its tires. The use of such terminology leads the consumer to believe that the tires have "unique construction or performance features which render them safer than other tires," says the FTC.

The FTC said that Firestone ads for its "Spectacular July Tire Offer" featuring "low, low prices" and its "Pre-Labor Day Tire Sale" including "slashed prices" also were misleading. The Commission charged that the tires were not being offered at "significantly reduced" prices.

...LAWMAKER QUESTIONS NHSB TIRE TEST VALIDITY

Rep. William H. Ayers (R-Ohio) has warned DOT's National Highway Safety Bureau and the news media to keep tire safety test reports in "proper perspective" lest Congress "take another look at what is actually happening under legislation we passed."

The Ohio legislator, who represents the Akron area, termed the NHSB's recently-released tire safety compliance tests as "nothing but raw, unevaluated data" based on a few tests. In a statement in the Congressional Record, he said newspaper headlines which stated, "Tires Failed 25 Per Cent of Tests for Safety, U. S. Reports," were "scare headlines" and "utter nonsense." Such reports, he said, give the "unfortunate impression, whether intended or not, that 25 per cent of the tires on the road today are unsafe." In "99 per cent" of tire failure cases the results are due to the fact that tires have been "worn too thin" or are "completely bald," he said.

Representative Ayers questioned the validity and news reporting of NHSB tests conducted on tires manufactured by the Armstrong Rubber Company, Firestone Tire and Rubber Company, B. F. Goodrich Company and Goodyear Tire and Rubber Company. The tests indicated that 6.1 per cent of the tires failed to meet minimum federal safety standard requirements. An additional 22.7 per cent of the tires reportedly failed a special Bureau test in which further examinations were conducted on specific makes of tires.

The NHSB has emphasized that the initial compliance tests by contract testing laboratories and the Bureau "comprise important parts, but not necessarily the totality of the information the Bureau uses" to decide whether equipment complies with federal safety standards.

DOT APPROVES MORE STATE SAFETY PROGRAMS

The Department of Transportation has released 11 more evaluations and approvals of state highway safety program submissions under the 16 national highway safety standards. The agency is scheduled to release final evaluations for each state program by early next year. Any state which does not have a DOT-approved program may lose, under the so-called "penalty provision" of the Highway Safety Act of 1966, up to 10 per cent of its federal-aid highway funds starting next year.

Earlier issues of Status Report covered the first two state program approvals released by DOT -- Tennessee and Texas. Those wishing to inspect the complete evaluations of those programs and the ones summarized below should inquire at the

the Records Management Branch, Department of Transportation, Washington, D. C. 20591. (Note that the term "program" as used in the DOT evaluations does not necessarily mean that the state's planned highway safety activities have in every case been implemented already.)

Idaho: Initial program submission has been "significantly strengthened," but Identification and Surveillance of Accident Locations, Highway Design, Construction and Maintenance, and Police Traffic Services are "weak" and need more local government participation. Weak Motorcycle Safety and Driver Licensing programs are expected to receive legislative attention in 1970. Idaho passed 24 highway safety measures in 1969, including the .10 per cent BAC law, and is giving high priority to local safety programs.

Iowa: Program shows strength in Driver Education, Driver Licensing and Alcohol in Relation to Highway Safety, where the .10 per cent BAC and implied consent laws have been passed. Conversely, the State "has refused to commit itself" in the passage of standards involving the driving environment. Weaknesses in Motorcycle Safety and Periodic Motor Vehicle Inspection are evident, but attempts to pass such legislation are "promised for 1970."

Kentucky: With the exception of the Alcohol in Relation to Highway Safety standard, Kentucky's program is weak in almost all standards, and in Traffic Control Devices it is adjudged to be "totally deficient." The state is planning to make an intensified effort to involve local governments and increase legislative action in the future. Program passed based on "intent and the prospective performance indicated" by the State.

Louisiana: State's resubmission of highway safety program has strengthened most areas, particularly Driver Education, Driver Licensing, Codes and Laws, Traffic Courts and Pedestrian Safety. Increased local government involvement is needed in safety programs and the State indicates efforts in this direction are under way.

Maryland: Resubmission of program has brought "improvements in all program areas." Significant highway safety legislation, including Alcohol in Relation to Highway Safety, was passed in 1969. "Planned legislation" in 1971 should correct deficiencies in Periodic Motor Vehicle Inspection.

Massachusetts: Program "is weak in most areas with the notable exception of its Traffic Courts." In 1970, legislative action will be sought to improve several standard areas, including Motorcycle Safety and Alcohol in Relation to Highway Safety. Although the State recognizes the need, a substantial amount of local government involvement is needed in Driver Education, Identification and Surveillance of Accident Locations, Highway Design, Construction and Maintenance and Police Traffic Services programs.

Minnesota: Program shows strength and "balance." Glaring deficiency lies in Periodic Motor Vehicle Inspection, where proposed legislation failed in 1969. State is "a leader in the nation in its Alcohol in Relation to Highway Safety program

implementation," but legislation is needed in Motor Vehicle Registration, Motorcycle Safety and Traffic Courts.

New Hampshire: Resubmission improved State's highway safety program but "some weaknesses in local government programs remain." A "considerable amount" of legislation is required in Motorcycle inspection, Codes and Laws, Alcohol in Relation to Highway Safety and Emergency Medical Services before full compliance with the 1969 Highway Safety Act is attained.

North Dakota: Supplemental submission has corrected significant deficiencies, including Alcohol in Relation to Highway Safety. Major weaknesses lie in Periodic Motor Vehicle Inspection, which does not demonstrate acceptable progress..." More active local government involvement is planned for future. Program is acceptable and moving toward effective implementation.

Oklahoma: "Program is weak in most standard areas:" However, the State's awareness of deficiencies and its commitment to remedial actions make the overall program acceptable. Retrogressive measures have weakened the Periodic Motor Vehicle Inspection and Motorcycle Safety Standards. "Legislation is needed in Motor Vehicle Registration and Alcohol in Relation to Highway Safety." Assistance to local governments should be given high priority.

Washington: "State's highway safety program is promising in its intent of prospective performance in almost all areas..." Periodical Motor Vehicle Inspection, Motorcycle Safety and Emergency Medical Care standards are not being implemented; remedial legislation is "promised" in Motorcycle Safety. Local government involvement needs intensification, particularly in Traffic Control Devices and Police Traffic Services

VOLPE HIDES 'OVERLY HESITANT' AUTO INDUSTRY

The automotive industry has been "overly hesitant about putting safety items on the road," according to a DOT press release report of remarks by DOT Secretary John Volpe to the National Motor Vehicle Safety Advisory Council at a recent meeting.

"Rather than waiting for optimum development... first or second generation safety items could be saving lives today," the Secretary was reported as telling the council.

He also told the council that "one vital area which needs a great deal of work quickly is the setting of safety standards for used motor vehicles," the DOT statement said. And, "Noting that America's youth is becoming increasingly concerned with the serious problems affecting the quality of our environment," it added, "Volpe said he hoped some of this zeal could be channeled into the struggle for highway safety."

The meeting was the last of the Presidentially appointed council as currently constituted. Council chairman is Dr. Thomas F. Malone, senior vice president and director of research for the Travelers Insurance Companies.

STANDARDS SUBSCRIPTION SERVICE -- A newly announced service from the National Highway Safety Bureau will provide subscribers with a looseleaf book of all federal vehicle safety standards, all regulations and interpretations issued to date by NHTSB under the National Traffic and Motor Vehicle Safety Act and -- for one full year from date of subscription -- automatic mailed notice of future standards, amendments and other changes. The service, believed to be the first of its kind available for those wishing to keep current on a federal regulatory agency's issuances, is available for \$8 by writing to the U.S. Government Printing Office, Washington, D. C., 20402, and requesting the "Federal Motor Vehicle Safety Standards and Regulations" service.

MORE TEST DATA RELEASED -- NHTSB has released additional groups of safety compliance test results compiled from independent laboratory reports. The Bureau began weekly releases of the data in November and will continue until the original backlog of 800 reports has been made public. The vehicle test data most recently released, covered braking abilities of 22 autos manufactured by American Motors Corporation, Checkers Motor Corporation, Chrysler Corporation, Ford Motor Company, General Motors Corporation and Rover Company, Ltd., and performance characteristics of tires made by Armstrong Rubber Company, Firestone Tire and Rubber Company, B. F. Goodrich Company and Goodyear Tire and Rubber Company.

Copies of the documents may be purchased from: Clearinghouse for Federal, Scientific and Technical Information, 5285 Port Royal Road, Springfield, Virginia 22151. The reports are also available for inspection on the 4th Floor of the Donohoe Building, 400 6th St., S.W., Washington, D. C.

CONSUMER SAFETY DATA AVAILABLE -- The Department of Transportation has released safety performance data supplied by domestic and foreign auto manufacturers. Under a recently adopted DOT rule, the safety data will be made available at dealer showrooms to allow prospective car buyers to compare acceleration and passing ability, tire reserve load and stopping distances of the various new car models.

The new consumer information policy becomes effective January 1, 1970. The Bureau is planning to publish the consumer information data in a single volume, which may be available in January.

'ADVOCATES' ON DRUNK DRIVING -- National Educational Television's prime-time public issues show, "The Advocates," will devote its December 28 show to problems associated with drunk driving. The show will be aired on all educational television channels in the country at 8 p. m. Eastern Standard Time.

UNIFORM CODE PUBLICATIONS -- The National Committee on Uniform Traffic Laws and Ordinances has announced that two resource documents-- "1969 Annual Supplement" to the Code and "Inspection Laws Annotated"--now are available for \$6.00 and \$5.50, respectively. For information write to the committee at 525 School St. S.W., Washington, D.C. 20024.

REAR VIEW MIRRORS RAPPED -- Dunlap and Associates, a California research firm, says that today's auto rear view mirrors are inadequate. Reporting on a study it undertook for the NHTSB, Dunlap called for a "wide angle 90 to 100 degree over-the-top rear view system" to replace those now on cars. The "eventual goal," it said, should be "to provide the driver with the entire 360 degree field" of vision. Systems to do this must be "designed into the vehicle at the outset, not bolted on afterwards," it said. Dunlap's report is available from the Cleryhouse for Federal Scientific and Technical Information, 5285 Port Royal Road, Springfield, Virginia 22151. The reports are also available for inspection on the 4th floor of the Donohoe Building, 400 6th St., S.W., Washington, D.C.

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STATUS REPORT

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