

STATUS REPORT

FEDERAL ROLE
IN
HIGHWAY SAFETY

INSURANCE INSTITUTE for HIGHWAY SAFETY

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'OLD' VS. 'NEW' MONEY CONFLICT SURFACING

Two powerful House committees with strong influence over National Highway Safety Bureau pursestrings are in sharp disagreement over the propriety of the Department of Transportation's formula for making dollar aid available to states under the Highway Safety Act of 1966.

The House Public Works Committee believes that the formula, known as the "old money" formula, is entirely proper. In fact, it thinks that DOT has not applied the formula broadly enough.

But the House Appropriations Committee, backed up by a report from the General Accounting Office, is holding that the "old money" formula is improper and inequitable. It wants NHSB to stop using the formula.

The law provides, in section 402(d) of the Highway Safety Act of 1966, that federal highway safety aid be granted to states on the same basis as federal primary highway construction aid -- that is, on a 50-50 matching basis -- "except as determined by the Secretary to be inconsistent with this section."

DOT's "old money" formula for applying the section allows a state to use on-going highway safety spending for purposes of obtaining matching federal funds under the act. This practice has been vigorously defended by the House Public Works Committee which, in a recent report and also in a letter to the Federal Highway Administration, insists that a state should be "permitted to apply its existing expenditures as a credit against the matching requirement."

The committee complains, however, that the Bureau has "been too restrictive in determining what part and how much of a state's current expenditure is available for that credit against matching."

An opposite view is held by the House Appropriations Committee, which concluded in its report to Congress on DOT's budget for the current year that:

". . . funds spent in this area should be for the federal share of new highway safety programs in the states . . . federal funds should not be utilized to fully fund new programs

by the acceptance of on-going state highway safety programs as the state contribution in this area. "

The committee cited a report issued June 19, 1969, by the General Accounting Office, entitled "Problems Arising From the Manner and Extent to Which Federal Funds Are Granted for State Highway Safety Programs. " In the report GAO found that as a result of its policy, DOT was making "improper" use of federal funds to "pay for the full cost of additional state highway safety efforts . . . some states were obtaining full reimbursement for the cost of federally approved additional highway safety activities undertaken, while other states were sharing in the cost of their additional highway safety activities. "

It is "our understanding that the Bureau of the Budget is also concerned about the administration of this program and we hope that improvements will be made in this area before next year's hearings" on highway safety assistance funds, the House Appropriations Committee told Congress.

DOT CHECKS AUTO DEALERS FOR CONSUMER INFO

The Department of Transportation has asked all governors' highway safety representatives and Federal Highway Administration field offices to cooperate in a nationwide survey of automobile dealer compliance with the new DOT consumer information requirements. Results are due within two weeks.

A DOT telegram asked that state reps and FHWA field personnel visit "at least one dealer of each major automobile manufacturer" in their respective cities and obtain answers to the following questions:

-- "Did you receive from the manufacturer the consumer information materials concerning vehicles sold at the dealership for examination by prospective purchasers ?

-- "If answer is yes, may I see a copy? (Ascertain that copy is available.)

-- "If answer is no, why not?

-- "Did you receive any instructions from the manufacturer for dissemination of the material ?"

The DOT survey follows on the heels of independent surveys by the Insurance Institute for Highway Safety and the Center for Auto Safety.

As reported in the January 15 issue of Status Report, the Institute's spot check, conducted in the Washington area, revealed that only seven of 25 dealers interviewed had the required information available for customers. The Center for Auto Safety's telephone survey of 15 Washington area dealers found that only six had the information and could quote from it.

Shortly after the survey results were made public Secretary Volpe, in an address to the National Automobile Dealers Association, reminded manufacturers that by law they are required to make consumer safety information available to prospective buyers, and

urged dealers to cooperate. "Safety is imposed by regulation from the top. The degree of this imposition rests, however, on the amount of safety achieved voluntarily by industry and the public," Secretary Volpe told NADA members.

Under DOT's Motor Vehicle Safety Regulation -- Consumer Information, Part 375 -- effective January 1, 1970, all auto manufacturers are required by law to provide safety information on their new automobiles' stopping distances, acceleration and passing ability, and tire reserve loads to all "prospective buyers."

SAFETY EVALUATION NEEDED, POSSIBLE

"Highway safety dollars are too limited to justify continued support of any programs except those which work and work well. I would prefer not to be responsible for supporting a program whose impact is so mild as to be hardly even measurable."

So stresses B. J. Campbell, director of the University of North Carolina Highway Safety Research Center in an article in the January issue of the Northwestern University Traffic Institute's Traffic Digest and Review.

Noting that the day-to-day decisions of state highway safety officials -- to whom the article is principally aimed -- affect public survival on the highway, Dr. Campbell cautions them that "if you decided to lend support to some highway safety program that in fact has no effectiveness, then you took away the lives that could have been spared had that support been given to a program that really works." Thus, any program justified solely on the basis that "if I save just one life, it is worth the cost," in fact may take lives rather than save them, he warns.

Program evaluation must measure effectiveness in proportion to program costs, Dr. Campbell emphasizes. Yet, he notes, today many programs proceed on the basis of unproved assumption or the support of misleading statistics. Among them: written driver license exams, motor vehicle inspection, selective enforcement, driver education.

Proper evaluation not only can show how effective a program is, but it can also lead to improvements, Dr. Campbell stresses. He lists four principles to guide evaluation:

-- ". . . criteria for success should be the particular part of the accident total that the particular program can reach.

-- "Define in advance what accident subclasses might be affected by the program, and address the comparison to this subclass.

-- ". . . the group exposed to the program should, except for that exposure, be as much as possible like the group not exposed to the program.

-- "Procedures for effectiveness evaluation should be a routine part of advance planning before any program innovation is introduced."

Of the many "tricks" that can be applied to evaluation, "the main thing is to engage the professionals early in the process," he says.

Dr. Campbell sees evaluation, in spite of its being difficult to achieve, becoming more prevalent in the future for two reasons: (1) federal standards require evaluation, and (2) money can be budgeted for it. He concludes that, "Program evaluation is the most important missing element" in most state and local highway safety programs.

NADER QUESTIONS DOT POLICIES

Is DOT planning to abandon its long-standing policy against giving safety research contracts to auto manufacturers? And, why did the agency grant Checker Motor Company a six-month exemption from windshield retention standards that went into effect on January 1 for all other manufacturers?

Attorney Ralph Nader has asked Secretary Volpe for answers to these questions. In a letter to the Secretary, he also urged that "the long sleep that has embraced the auto safety standards process" be brought to an end now that the National Highway Safety Bureau directorship, vacant for nearly a year, has been filled by Douglas Toms.

The letter called the Checker exemption "unique . . . unprecedented" and asked for a "written legal justification" for the action, in which DOT granted Checker an extra six months to meet the standard because of the company's claimed difficulties in complying with the new rules governing vehicle retention of windshields in crashes.

"Giving one manufacturer such an extension is not, in my judgement, supportable in law," the letter said.

As to reports that DOT will award contracts to auto manufacturers for construction of experimental safety cars, the letter said that, "This is such a dismaying bit of news and one that is so essentially self-defeating and contrary to the public interest that an explicit denial or affirmation by the Office of the Secretary is in order." In the past, departmental policy has ruled out awards of National Highway Safety Bureau contracts to manufacturers because they are regulated by the same agency.

DOT spokesmen said that a reply to the Nader letter is being drafted. They also pointed to a DOT press release concerning contracts for construction of experimental safety car prototypes -- issued after receipt of the Nader letter -- which says the agency "intends to award a contract for at least one of the prototypes outside the automobile industry." Two prototypes are planned.

NAMBO CHALLENGES TIRE REGROOVING, OTHER RULES

The National Association of Motor Bus Owners has filed suit in federal court challenging the validity of the DOT Bureau of Motor Carrier Safety regulation governing tires regrooved.

NAMBO said the regulation "is beyond the authority of the administrator under the National Traffic and Motor Vehicle Safety Act of 1966."

NAMBO was joined in the suit by the American Trucking Associations and the

American Transit Association in contesting the regrooved tire regulation, which became effective on April 1, 1969, and limits the sale, offering of sale, introduction for sale and delivery for introduction into interstate commerce of regrooved tires.

According to the NAMBO suit, "The National Traffic and Motor Vehicle Safety Act was not intended and does not provide for regulation by the administrator of the use to which consumers put motor vehicles and motor vehicle equipment. It regulates manufacturers, distributors, dealers or any person who is in the business of supplying motor vehicles or items of motor vehicle equipment to consumers . . . the history of the legislation resulting in the Act shows that the provisions of the statute on regrooved tires were not intended for commercial operators. "

Bus owners also are currently questioning other federal safety proposals:

-- Responding to a BMCS proposal requiring installation of safety belts for bus drivers and passengers, NAMBO said equipping buses with belts without inconvenience to the carriers and the public "would require about 24 months from the time final regulations are published. " Although not otherwise contesting the proposal, NAMBO cautioned that a majority of its drivers might "be reluctant to use seat belts if only consideration of personal safety were involved. " BMCS believes that safety belts would increase the drivers' handling ability during evasion maneuvers and crash situations, thus decreasing the possibility of passenger injury.

-- NAMBO has asked that intercity buses be exempt from DOT's proposed standards to reduce personal injury from inadvertent closing of power-operated windows. No intercity buses presently have power-operated windows at passenger seat locations and such windows are not contemplated in the future, NAMBO said.

-- DOT's intent to include buses under the requirements of Federal Standard 212, which establishes criteria for windshield retention in crashes, is being questioned by NAMBO. The bus owners feel that the "safety of bus occupants would be seriously compromised" by solid windshield mountings. " . . . to minimize the possibility of the windshield's becoming dislodged on impact would maximize the possibility of passenger imprisonment, " NAMBO said. It claimed that the possibility of passenger ejection through windows in bus crashes is "extremely remote. "

NHSAC MEMBERS APPOINTED

President Nixon has appointed 12 members to the National Highway Safety Advisory Committee, created by the Highway Safety Act of 1966 to advise, consult with and make recommendations to the Secretary of Transportation on matters relating to the activities and functions of the Department under the Act. The 34-man Committee is chaired by the DOT Secretary. The new Committee members, whose terms of office extend to March 15, 1972, are: John Bruce, director of engineering, City and County of Denver, Colo.; Alan F. Burch, director, safety and accident prevention, International Union of Operating Engineers; William T. Cassels, Sr., president, Southeastern Freight Lines, Inc.; Francis G. Dwyer, chairman, Rhode Island Bridge & Turnpike Authority; DeWitt C. Greer, chairman, Texas Highway Commission (reappointed); Dr. Robert L. Hess, director, Highway Safety Research Institute, University of Michigan; Maj. Gen. Richard E. McLaughlin, Mass.

registrar of motor vehicles (reappointed); Louis Pettito, Byron Construction Co., Inc., Clarksburg, W. Va.; Dr. Basil Scott, director, Office of Program Development, New York State Department of Motor Vehicles; Kenneth W. Smith, director, Department of Traffic, Alexandria, Va.; Dr. Julian A. Waller, Professor, Department of Community Medicine, University of Vermont, and Archie Floyd Weaver, Knoxville, Tenn.

Those whose terms of office expired in 1969 were: Bernard L. Boutin, director, Corporate Information and Engineering Support Services, Sanders Associates, Inc., Nashua, N. H.; Harold J. Gibbons, vice president, International Brotherhood of Teamsters, St. Louis, Mo.; James M. Hare, Secretary of State of Michigan; Norman R. Howard, Oregon House of Representatives; Joseph F. Kerigan, vice president and group executive, Chrysler Corporation; Dr. Norvin C. Kiefer, Chief Medical Director, Equitable Life Assurance Society; Jeffrey O'Connell, Professor of Law, University of Illinois; Ray F. Reavley, executive secretary, Montana Automotive Wholesalers Association, and Mrs. Norma O. Walker, former mayor, Aurora, Colo.

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PROPOSED VEHICLE SAFETY STANDARDS -- DOT has announced it is considering new vehicle safety standards, or amendments to existing standards, that would affect the following requirements:

Safety Defect Recall Campaigns: A proposed regulation of the National Highway Safety Bureau would require manufacturers to file a comprehensive recall report within five days after discovery of a safety-related defect. The report would estimate the number of vehicles involved, describe the defect and its impact on the car, and evaluate the risk of crash or injury resulting from the defect. The manufacturer also would be required to submit quarterly reports indicating the number of vehicles inspected as a result of recall campaigns, and the number found defective, as well as copies of all communications with dealers relating to defect, whether safety-related or not.

Side Door Strength: The proposal would require manufacturers of passenger cars to provide consumers with information on the side door strength of the occupant compartment. It would affect cars manufactured on or after September 1, 1970. Testing procedures and methods also would be prescribed.

Seat Belt Assemblies: An Advanced Notice of Proposed Rule Making (ANPR) proposes to strengthen Motor Vehicle Safety Standard 209 dealing with seat belt assemblies. The ANPR would add dynamic test procedures to the standard to gauge how well safety belts will behave under actual crash conditions. Presently, safety belts undergo static tests to determine compliance. The National Highway Safety Bureau is interested in data regarding the availability of dynamic test facilities and the ability of such facilities to produce accurate and repeatable results.

Vehicle Lighting and Signaling Systems: Two Advanced Notices deal with revisions of Federal Vehicle Safety Standard 108. The first would add new requirements for rear lighting and signaling systems, forward illumination systems, performance and durability of lamp bulbs, sealed units, lenses, lamp assemblies, reflex reflectors, flashers, and

switches associated with lighting equipment and marking and identification of lighting equipment. Comments concerning the proposal should specify performance levels which manufacturers could meet as of January 1, 1972, and January 1, 1973. The second amendment would place individual replacement equipment items under the same category as original equipment, effective January 1, 1971.

Fire in Motor Vehicle Interiors: A Notice of Proposed Rule Making would create a new Federal Motor Vehicle Standard aimed at minimizing the chance of serious fire in cars, multipurpose passenger vehicles, trucks and buses. The proposed standard would specify burn resistance requirements for materials used in significant quantity in vehicle interiors, effective for motor vehicles manufactured after January 1, 1971.

For additional information or to submit comments relating to the above proposals, interested persons may write to Docket Section, Room 4223, 400 Seventh St., S.W., Washington, D.C. 20591.

LOW-SPEED VW CRASH COSTS DESCRIBED -- Volkswagen of America, Inc., has transmitted to Sen. Philip A. Hart (D-Mich.), chairman of the Senate antitrust and monopoly subcommittee, results of single-car tests it held to determine a 1969 VW sedan's repair costs under low-speed crash conditions.

The company's president, J. Stuart Perkins, indicated in a letter to Senator Hart that the tests were conducted under conditions intended to be identical to those used by the Insurance Institute for Highway Safety in its low-speed barrier crash tests of four 1969 standard four-door domestic sedans. Details of the Institute's barrier crash tests were given to the subcommittee during hearings in October, 1969. Results of later Institute tests involving two-vehicle crashes were released in Washington January 27.

According to Mr. Perkin's letter, VW's tests resulted in the following estimated repair costs (models and repair estimates in parentheses are from the Institute's barrier tests):

5 MPH Front End Into Barrier: VW Sedan, \$160.12 (Plymouth Fury I, \$134.35; Ford Galaxie 500, \$174.30; Chevrolet Impala, \$187.15; American Ambassador SST, \$305.15).

5 MPH Rear End Into Barrier: VW Sedan, \$57.53 (Plymouth Fury I, \$134.40; Ford Galaxie 500, \$173.70; Chevrolet Impala, \$195.80; American Ambassador SST, \$352.55).

10 MPH Front End Into Barrier: VW Sedan, \$450.98 (Ford Galaxie 500, \$485; Plymouth Fury I, \$644.15; Chevrolet Impala, \$665.80; American Ambassador SST, \$814.90).

CORRECTION -- The December 18, 1969, issue of Status Report, summarizing the DOT's evaluation of North Dakota's safety program submission, said: "Supplemental submission has corrected significant deficiencies, including Alcohol in Relation to Highway Safety." Through a typographical error the sentence misquoted the evaluation, which actually said that the supplemental submission corrected "significant deficiencies in almost

all areas, " but added that North Dakota's alcohol-highway safety programs have been "almost totally implemented due to recent enacted legislation. " The editors regret the error.

NTSB AGAINST SIZE-WEIGHT BILL -- The National Transportation Safety Board has told Congress it opposes passage of pending legislation to ease ceilings on truck sizes and weights. In a letter to the House Appropriations Committee, the Board pointed to "risks involved in increasing sizes and widths of trucks, which could adversely affect highway safety. " It added that amendments offered by the Federal Highway Administrator during hearings late last year to soften the safety deficiencies of the bill "are not sufficient to cure the inadequacies of the legislation, which is not in the public interest. "

Whether the bill passes or fails, the Board said, DOT should develop safety standards to require "underride guards to prevent smaller vehicles from being demolished and their occupants injured when the smaller vehicles pass under the high frames of large trucks, " control the "overturn stability of trucks, " and "control the splash and spray generation of heavy trucks on wet roads. " An underride guard standard presently is being considered by DOT.

DOT OFFICIALS SHIFT -- Dr. Paul Cherington is resigning his post as Assistant Secretary of Transportation for Policy and International Affairs to return to Harvard Graduate School of Business. Dr. Cherington's replacement will be Charles D. Baker, presently Deputy Under Secretary of Transportation. In addition, Theodore N. McDowell, former general manager of news and public affairs and secretary of The Evening Star Broadcasting Company of Washington, has been appointed director of information for DOT. The deputy director of information, Oscar O. Griffin, Jr., has been acting director since May, 1969.

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