

STATUS REPORT

FEDERAL ROLE
IN
HIGHWAY SAFETY

INSURANCE INSTITUTE for HIGHWAY SAFETY

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

Vol. 5, No. 12

July 21, 1970

BPR: \$820 MILLION TO REMOVE INTERSTATE HAZARDS

Correcting highway safety hazards already built into the Interstate System is going to cost \$820 million — that is, \$335 million more than the \$485 million that DOT's Bureau of Public Roads estimated in 1968 for Interstate "boobytrap" removal.

And, BPR says, that figure doesn't include much "major work" in the hazard removal area, such as bridge widening, regrading and geometric redesign.

In a 1970 revised estimate, BPR concluded that the \$820 million is needed for "removal of unsafe roadside obstacles, sign supports, installation of median protection, bridge widening, guardrail modification or installation at bridge abutments and other safety elements" along the 30,000 miles of existing Interstate. A BPR spokesman attributes the cost increase to rising "unit prices and additional completed mileage (since 1968)" of the Interstate System.

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The BPR estimate is a compilation of individual state estimates. BPR instructions to states for preparing cost estimates for correcting roadside hazards state that "cost should be included for correction on completed sections of the Interstate System of all those features, except those requiring major work, that are identified as hazardous. . . ."

BPR defines "major work" as "bridge widening, extensive regrading or redesigning of existing basic geometrics." Such projects were to be included in the state estimates only when it was "established that there is definite hazard based on accident experience and that expenditure of funds to correct the hazard is supportable on a cost effectiveness basis."

States were instructed that "work which is feasible, low in cost and is planned to be undertaken within the remaining years of the Interstate program, should be included in this cost estimate. The general rule is to concentrate on and eliminate the isolated and least safe features of an existing Interstate highway which readily can be corrected without a large expenditure of funds."

State estimates for correcting Interstate hazards vary from North Dakota's \$748,000 to \$94,124,000 for Texas. The variation is due to the age and extent of Interstate highway mileage in each state, BPR officials say.

In a study of roadside hazards, the BPR reported that single-vehicle "run off the road" crashes accounted for 57 per cent of all fatal crashes on certain sections of Interstate highway during the last six months of 1966, and 78 per cent of the cars in those crashes struck "one or more fixed objects."

BUMPER BILL BECOMES BUMPER LAW

Florida has the country's first "bumper law." Introduced in April, the bill, which forbids sale of cars that can be damaged in low-speed crashes, easily passed the state's House and Senate and then automatically became law after a waiting period of 15 days during which Gov. Claude Kirk neither signed nor vetoed it.

The law (#70-420) requires that automobiles manufactured after January 1, 1973, and sold in the state, be equipped with bumpers capable of withstanding impact into a standard barrier at five miles per hour without damage. As of January 1, 1975, the no-damage speed is increased to ten miles per hour.

Similar bills are now pending in Michigan, California, Indiana and Ohio.

COURT TELLS NHSB IN DEFECT CASE: TRY HARDER

A federal court has faulted the National Highway Safety Bureau for failing to pursue its 1969 investigation into possible safety defects in a large number of General Motors 3/4-ton truck wheels.

The decision was handed down in the first court case involving section 113 of the Traffic and Motor Vehicle Safety Act of 1966, which is the section requiring that manufacturers notify purchasers by certified mail when safety-related defects may be present in their vehicles.

Ironically, the Bureau was on the defending end of this first court test rather than — as had been expected by many observers — in the role of plaintiff against an auto manufacturer that had resisted a notification campaign. The suit was brought by private citizens

groups, including Ralph Nader who was instrumental in bringing claims of the GM truck wheels' safety defects to the Bureau's attention in the first place.

In its decision in the GM wheel case, the U. S. District Court for the District of Columbia held the Bureau at fault for announcing, in a press release issued October 9, 1969, the "termination" of its investigation into possible safety defects in 15 x 5.50 disc wheels on GMC and Chevrolet 3/4-ton trucks of the 1960-65 models. The release had indicated that the Bureau was allowing GM to agree to replace the challenged wheels on camper-type and other special-body vehicles in the group, and that GM would not be required to issue a notification of a safety defect under Section 113 to purchasers of all trucks equipped with the wheel.

The Bureau's apparent acquiescence in GM's failure to issue a notification was not well founded, the court suggested. "Whereas the October 9, 1969, announcement stated that the government engineers found no safety hazard in cases where the General Motors trucks were equipped with (the) three-piece 15 x 5.50 disc wheels but were not equipped with campers or other special bodies, those engineers actually concluded that all the vehicles involved presented a safety hazard," it said.

The court ordered the Bureau to reopen the investigation and report back to the court on September 16, 1970, as to the results. It also directed that NHSB allow one of the plaintiffs, attorney Larry J. Silverman, to participate in future proceedings in the probe — an arrangement he had sought but had been denied by the Bureau.

In addition to Silverman and Nader, plaintiffs in the case were the Center for Auto Safety and the Physicians for Automotive Safety.

BMCS: CARRIES BIG STICK . . .

Despite opposition by the organized trucking industry, the Department of Transportation's Bureau of Motor Carrier Safety has issued a rule requiring safety belts for truck and bus drivers. Not only must trucks and buses be equipped with safety belts in the driver position — drivers are required by the rule to use them.

The rule is a product of a joint effort between the Bureau of Motor Carrier Safety and the National Highway Safety Bureau. Later this month NHSB will officially require that seat belts be installed in driver and outboard passenger positions of trucks and the driver position of buses manufactured after June 30, 1971, by amending safety standard 210.

The BMCS rule states that "a (commercial) motor vehicle which has a seat belt . . . shall not be driven unless the driver has properly restrained himself with the seat belt assembly." It also calls for:

- Retrofitting by July 1, 1972, of seat belts on all vehicles manufactured after January 1, 1965;
- Installation of restraint systems to prevent ejection of sleeper berth occupants in a crash.

During the rule-making process, the American Trucking Association filed a statement with BMCS opposing seat belt requirements because of "cost to the industry" and a number of other objections, including an argument that ". . . seat belts would be apt to pose a tripping and falling hazard to drivers in getting out of a cab."

In issuing the rule, BMCS Director Dr. Robert A. Kaye said, "The universal installation and use of seat belts will have a high payoff in terms of lives saved and injuries prevented or mitigated These conclusions justify the cost of compliance with the new requirements."

. . . KAYE SPEAKS SOFTLY

On June 18, 1970, in his first public remarks as BMCS director, Dr. Robert A. Kaye spoke softly of the Bureau's relationship to the industries it is charged to regulate. He told the American Trucking Association's Council of Safety Supervisors that "some mistakenly interpret the Bureau's role as a watchdog over the motor carrier industry, waiting to lower a club on violators. As I see it, this will not (Kaye's emphasis) be our role. We will seek and encourage voluntary compliance by the motor carrier industry."

Kaye said the rule will "improve the driver's control of his vehicle in emergency situations." Citing Bureau driver ejection studies, he said, "Intensive research during recent years has conclusively demonstrated that the proper use of occupant restraints in motor vehicles produces a marked increase in the safety of occupants and other highway users."

JURIES TO SET SAFETY STANDARDS?

Greyhound Lines has asked the U. S. Supreme Court to decide the validity of a California Superior Court decision that would permit a jury to decide if the bus company was negligent in not providing seat belts for its passengers.

In a personal injury case arising out of a 1964 bus crash, a California lower court ruled that a jury is entitled to determine if a common carrier is negligent in not providing seat belts for passengers — even though seat belts for bus passengers are not required by law.

The lower court decision was upheld by the California Appeals Court which noted, "Until such time as the legislature may choose to adopt supervising safety regulations, the toll of highway injury and death is such that judicial policy should be against deferment to legislative inaction and in favor of having juries pose on questions of whether a common carrier's failure to provide seat belts for its passengers amounts to negligence."

The U. S. Supreme Court has not yet decided whether it will hear the case.

TEXAS GETS VIETNAM-STYLE AMBULANCE — Emergency medical assistance for automobile crash victims is being provided by U.S. Army helicopters in a test program sponsored jointly by the Transportation and Defense departments.

The program, operating in a ten-county area near San Antonio, Texas, utilizes a team of Army medical corpsmen and one UH-1 "Huey" helicopter (capable of transporting three stretcher and four sitting patients) on 24-hour call.

Transportation Secretary Volpe has urged that emergency medical assistance techniques developed for combat in Vietnam be used to aid highway crash victims.

The test project is part of the DOD funded Military Assistance to Safety and Traffic (MAST) effort. Five additional test projects are planned: one is planned for Washington State, another for Colorado.

ROAD CRACK-UP PROBE URGED — Rep. Fred Schwengel (R-Ill), a long time opponent of proposals to liberalize legal sizes and weight limits, has offered a bill (H. R. 15051) to establish a commission to "make a full and complete investigation and study of all effects on highway safety and the expense . . . resulting from any changes in the weight" of vehicles using the highways.

The bill was prompted by a Government Accounting Office report saying that improper design, bad weather and the weight of heavy trucks are responsible for major deterioration of Interstate Highways. GAO investigators label trucks as the main contributors to pavement breakup.

The American Trucking Association has denied GAO claims that trucks are the primary reason for the deterioration.

ALCOHOL BILLS HAVE TROUBLE IN MICHIGAN — A bill to initiate alcohol pre-arrest testing in Michigan, reported earlier this session by the state's House Judiciary Committee, now has been tabled on the House floor with "slim" chances that it will go any further, Traffic Safety for Michigan reports.

Reported out of committee without recommendation, the bill (Michigan House Bill 4523) introduced by Rep. James Heinze, is patterned after the Baton Rouge, La., ordinance allowing police to test the blood alcohol content of suspected drunk drivers who have been charged with a moving violation, or have been in a crash, before arresting the driver for DWI.

Also relating to the abusive alcohol use-driving problem, Michigan state legislators have failed to reduce the presumptive drunk driving level from 0.15% to the proposed 0.10%, and are not expected to do so during the current session.

NEW GROUP PUSHING AIR BAGS — "Professionals for Auto Safety," a new advocacy group backed by Ralph Nader, is asking doctors, lawyers, engineers and other professionals interested in reducing vehicle hazards to urge President Nixon and Secretary of Transportation John Volpe to require air bag restraint systems in all vehicles after January 1, 1973 — including retrofit of air bags in vehicles made before that date.

If the system were required in all vehicles operating on the road as of January 1, 1973 the group says in a circular letter to highway loss reduction activists, a projected saving of "20,000 lives (and tens of thousands of serious injuries) could be realized that year."

In an accompanying flier, Professionals for Auto Safety says that it is "in the process of being incorporated and an advisory board of able citizens deeply concerned with auto safety is being chosen."

Meanwhile on the air bag front, Massachusetts Registrar of Motor Vehicles, Richard E. McLaughlin, has called on all state agencies to "seek installation of automatic air bags or passive restraint devices on state vehicles, and especially on police vehicles, as a test measure of their effectiveness." McLaughlin is a member of the Presidentially appointed Highway Safety Advisory Committee, which recently urged states to adopt air bags for their government vehicles.

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WATERGATE OFFICE BUILDING

2600 VIRGINIA AVENUE, N.W. • WASHINGTON, D.C. 20037

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