

STATE GOES AFTER 'COOKIE-CUTTER' SCHOOL BUSES

Maryland has become the first state to adopt a safety standard aimed at strengthening school bus structures, which the National Transportation Safety Board has criticized as breaking apart into sharp edges that act like "cookie cutters" in crashes.

The Maryland action came only 11 months after the NTSB issued detailed recommendations following its investigation of two Alabama school bus crashes. (See Status Report, Vol. 5, No. 15, Sept. 1, 1970.)

In that report the NTSB urged the National Highway Traffic Safety Administration to adopt a school bus structural strength standard. The NHTSA has not yet acted on the recommendation. It has proposed a state program standard for pupil transportation, which is now pending review by the House Public Works Committee, but that standard covers operational rather than structural features of school buses.

The Maryland standard is based almost completely on a model standard adopted in January by the Vehicle Equipment Safety Commission (VESC), a 10-year-old interstate compact agency. Both standards incorporate key provisions urged by Henry H. Wakeland, director of the NTSB's Bureau of Surface Transportation.

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Wakeland told Status Report that the quick action by Maryland on the VESC's proposal has turned the commission into "a viable force." And, in a June address to a regional conference of the American Association of Motor Vehicle Administrators, Wakeland said the VESC's role in adopting a school bus standard when no other agencies had acted "has shown that the VESC can act in a leaderly way."

While the Maryland standard covers a wide range of school bus

parts and equipment, two of its provisions particularly are considered breakthroughs: requirement of glare resistance on the hood and other surfaces affecting the driver's vision and specifications for the strength of structural joints.

The latter provides that "all structural joints" in school bus bodies have "at least 60 per cent the tensile strength" of the thinnest part being joined. Wakeland estimated that in many present school buses the strength of joints was only between five and eight per cent of the strength of the joined material.

Thomas Widerman, Maryland's Director of Motor Vehicle Safety and Reciprocity, estimated that the new strength requirement could mean tripling the number of rivets used to fasten panels and other structural members of school buses — "maybe even more."

The Maryland standard is to become effective on school buses manufactured after Dec. 31, 1972. Prior to its enactment the only school bus standards in the state were drawn up and administered by the Board of Education, which had jurisdiction over the almost 5,000 used by public schools. The new standard now also covers 775 school buses used by private and parochial schools.

Safety Director Widerman said it is likely the new standard will be amended and new specifications added before its effective date. These are to cover such items as suspension systems, brake area-to-weight ratios and engine power-to-weight ratios.

BILL SEEKS TACOGRAPHS FOR BUSES, TRUCKS

Recently introduced legislation would require that all commercial trucks and buses manufactured on or after Jan. 1, 1974, be equipped with tacographs — devices to keep permanent records of travel speeds and distances, duration of travel and rest stops, and other data.

The bill, introduced by Rep. Paul Findley (R-Ill.), also would require that, beginning Jan. 1, 1976, all commercial trucks and buses in use be equipped with the devices, whether manufactured before or after the 1974 manufacturing deadline.

Equipment required under the legislation would have to include a non-resettable odometer, a warning signal when a specified speed is exceeded and devices to keep an automatic "permanent visible record" of the vehicle's speed, distance traveled, driver changes (if any) and "the number and length of periods during which the vehicle was not operated." It also would have to be kept under a lock or seal and be designed to automatically record each opening.

Under terms of the act the Department of Transportation would be required to publish specifications for the devices within 180 days of enactment. According to Rep. Findley, several states already require tacographs on buses, and bills were introduced this year to require them in Massachusetts, Connecticut and Rhode Island.

STATE FUNDING WOES: A TEAPOT TEMPEST

Officials of state level safety programs raised a cry of alarm recently after the Washington-based Highway Users Federation for Safety and Mobility sent out an alert that the White House Office of Management and Budget might be planning to cut federal funding of their programs in half for the current fiscal year.

The alert proved to be a short-lived tempest in a teapot, however.

HUFSAM issued it after the federal budget office told the Federal Highway Administration to release only half of its funds allocated to the three and a half state safety programs it administers (Identification and Surveillance of Accident Locations; Highway Design, Construction and Maintenance; Traffic Control Devices, and part of the Pedestrian Safety program).

The OMB's action was based on the administration's contention that the second half of the fiscal year would be funded under its proposed "Transportation Revenue Sharing" package if that is adopted by Congress — a contingency now considered unlikely. The federation warned the state safety officials that it had learned from "reliable sources" that the same would happen to the twelve and a half programs funded by the National Highway Traffic Safety Administration and that "the lack of guaranteed federal funding" would force states to cut back or abandon their annual work programs on highway safety.

Some state highway officials took up the cry. For instance, the executive director of the Michigan Office of Highway Safety Planning, Noel C. Bufe, was quoted as remarking, "At this point I don't see how we can allocate money for any kind of project for six months and leave either state agencies or local governments stuck with a project; we would have to, I think, cut all projects in half. We certainly can't start any new ones."

Only a few days after Bufe's remarks were published in the Traffic Safety for Michigan newsletter, NHTSA was telephoning states to assure them they had full-year funding of its programs. The NHTSA had gone directly to the White House budget office and received its approval.

Even had only half-year funding been approved, safety administration sources in the field already were assuring some state officials that the remainder of the money would be coming as well, but that the administration had to proceed as though it would, in fact, receive congressional enactment of its transportation revenue sharing package. Under that proposal, state and local safety programs would have to vie with other transportation programs for their share of each state's slice of the transportation revenue sharing pie.

The three and a half programs funded by the highway administration, meanwhile, also received a full-year go-ahead by the OMB. Both the FHWA and NHTSA have so notified their field offices of the action in a joint memo.

End of tempest.

NADER CALLS NHTSA CRASH-DAMAGE INFORMATION SCHEME IRONIC

Attorney Ralph Nader has criticized as "ironical" the Department of Transportation's proposal to limit its authority in crash-damage activity to a consumer information program, since, he says, "for over two years" DOT has failed to make any use of "the broad consumer information provisions in the present law."

In a recent letter to National Highway Traffic Safety Administrator Douglas Toms, Nader pointed out that he has repeatedly asked the safety administration to broaden its consumer information program by issuing consumer information regulations with each motor vehicle safety standard. Under such a system, the NHTSA would require manufacturers to disseminate through dealerships, and to report to DOT, performance data on their autos and components in each field that is covered by a safety standard; the compiled data could then be published by DOT in comparative tables as consumer information.

The NHTSA now issues such consumer information in only three fields: braking, tire reserve loads and acceleration and passing. In his letter to Toms, Nader questioned the inconsistencies between statements by administration officials.

- On March 10, 1971, a letter to Nader from NHTSA consumer affairs officer Gilbert Watson said he "supported . . . in large degree" Nader's recommendation for joint safety standards and consumer information regulations but felt that some safety standard areas "almost defy the assignment of performance indices and ranking" and "could result in undermining the safety standard because of consumer . . . misunderstanding." (Nader's most recent letter asked which safety standards those would be.)

- By July 9, 1971, Toms himself testified before the Senate Commerce Committee that the safety administration was concentrating on development of safety standards rather than consumer information regulations because "we have determined that . . . (both are) just as difficult and time consuming." Nader asked why both could not be done concurrently since both involved basically the same workload.

- The administration's counter-proposal to Michigan Sen. Philip A. Hart's bill (which would give the NHTSA authority to set performance standards for vehicle crashworthiness) would instead limit NHTSA activity in reducing crash damage to collection of data from auto makers, auto insurers and its own research and testing and to disseminate information on the damage susceptibility of cars.

Nader said in his letter, "In view of the fact that you have not used the broad consumer information provisions in the present law, it is ironical that you should propose to the Congress . . . a request for additional authority in this area."

One provision of the administration bill would renew crash testing of vehicles, which, Nader said, "you discontinued some 18 months ago" and which Federal Highway Administrator Frank Turner in December 1969 "explicitly promised Senator (Vance) Hartke (D-Ind.) would be resumed." (The safety program was within FHWA at the time.)

Nader also criticized the administration bill for its timetable that would not require a report to Congress on the "feasibility" of issuing consumer information regulations on crashworthiness until almost two years from now — which, he said, could mean that the first such regulations would not go into effect until "1976 or so."

Meanwhile, he said, other "important and long-pending candidates" for consumer information regulations have yet to be acted upon. He listed vehicle interior flammability, side impact protection, roof intrusion and field of view.

"None of these important items are outside the range of current standards or rulemaking," Nader said in his letter, adding, "Could you also explain why these types of regulations cannot be issued with little additional effort whenever the equivalent standard is proposed and issued?"

CALIFORNIA BUMPER LAW ENACTED: MAY ESCAPE PREEMPTION

The California legislature has enacted a law requiring that, beginning Sept. 1, 1973, all passenger cars sold or registered in the state be equipped with bumper systems that protect them from "any property damage" in five mile per hour test crashes front and rear into a barrier.

The law permits only "abrasions to surfaces at the point or points of contact of the vehicle with the test barrier." Exempted from its provisions are motorcycles, "house cars," "specially constructed vehicles," four-wheel-drive vehicles, trucks, vehicles operating for hire or profit (buses, taxis) and models that sell fewer than 2,000 a year in the state.

One provision of the law represents a departure from similar legislation enacted earlier in Florida and Maryland. It is designed to circumvent the issue of state law preemption by the National Highway Traffic Safety Administration's recent "bumper" safety standard. The California law states that it is the "intent" of the legislature that it relates to "property damage . . . and not to vehicle parts or surfaces affecting safe operating of vehicles regulated by any federal standard."

The issue of preemption arose when the federal safety administration issued a standard earlier this year which critics contend would still permit considerable amounts of structural damage to vehicles in low speed crashes. The Department of Transportation contends in an in-house legal memorandum that its standard preempts state "bumper laws." (See Status Report, Vol. 6, No. 8, April 26, 1971.)

Auto makers have used this as a major argument in attempts to get several state legislatures to reject proposed bills to require better bumpers on cars.

At a recent press conference Transportation Secretary John Volpe was asked specifically about the California legislation. He said that auto manufacturers "have the obligation to meet those state standards if different from those we set" but added that the auto makers "could sue for relief" from the state standards if they wanted to.

While it is thus unlikely that the DOT itself would sue, it would probably reiterate its in-house legal opinion that state bumper laws are preempted by the federal standard if asked to join in a court case initiated by others.

Also recently, an attorney member of the Motor Vehicle Safety Advisory Council, which advises the secretary of transportation on vehicle safety issues, told a west coast meeting that, in his opinion, settlement of preemption disputes ought to consider that "while there may be a need for uniformity with regard to this area, there also exists a vital need for experimentation."

Sol Edidin, vice president and general counsel of Hertz Corporation, added that, "There is, after all, nothing wrong with Florida determining to rule on the question of bumpers or California on the question of noxious materials from the exhaust systems of vehicles, where no inconsistent standard or no standard at all exists at the federal level." He was addressing a west coast area briefing session conducted by the advisory group in San Francisco.

BMCS PROPOSES 'NO-TAMPERING' RULE

The Bureau of Motor Carrier Safety is considering a change in regulations that would prohibit users of all vehicles in interstate commerce from altering manufacturer-installed equipment required by federal motor vehicle standards.

The proposed amendment to Part 393 of the Motor Carrier Safety Regulations would prevent:

- Modification of a vehicle so that it "does not perform in the manner specified in a federal motor vehicle safety standard applicable to the vehicle when it was manufactured" and
- Removing, destroying or impairing the "effectiveness of any system, part, item of equipment or accessory" installed in compliance with a federal standard.

One result of the regulation would be to effectively nullify a major reason cited by the National Highway Traffic Safety Administration in deciding to abandon its proposed standard to require underride protection on trucks of 10,000 pounds or more. In a summary of its cost-benefit study on the underride proposal the NHTSA commented that, "since we have no control over the vehicles after they are sold, it can only be assumed that certain operators will remove the underride guard." The BMCS proposed regulation would prohibit such removal.

The underride standard dropped by NHTSA would have required that large truck rear-ends be designed or equipped to prevent impacting cars from riding under the heavier vehicles' structures. (See Status Report, Vol. 6, No. 13, July 12, 1971.) Many of the large trucks that would have been covered by the NHTSA rule are engaged in interstate commerce and thus also would be covered by the BMCS proposal.

The BMCS plans to enforce its proposed rule through its 104 field investigators authorized to conduct inspections through road and plant checks.

Presently there is nothing in the Motor Vehicle Safety Standards or the National Traffic and Motor Vehicle Safety Act of 1966 that prevents users of any vehicle from altering manufacturer-installed equipment required by safety standards.

Comments should be sent to Docket No. MC-30, Bureau of Motor Carrier Safety, Room 4134, 400 Seventh St., S.W., Washington, D.C., 20591, before the close of business on Oct. 15, 1971.

NHTSA BUDGET APPROVED — Compromising between a House version and a slightly higher Senate version of the National Highway Traffic Safety Administration's budget for fiscal year 1972, Congress has given the agency a total of \$105.9 million to work for the year.

It also agreed with the Senate to leave out a House-proposed limitation on the amount of federal assistance to state safety programs that can be obligated (committed now for payment later) to the states.

The resulting ceiling on NHTSA's obligating powers this fiscal year thus will be at least the \$80 million planned by the agency in its initial budget draft, rather than the lower \$75 million proposed by the House. Presumably NHTSA could obligate even more if it chose — up to the limits of spending levels for state aid that were authorized in the 1970 Highway Act. (See Status Report, Vol. 6, No. 1, Jan. 18, 1971.)

The full congressional approval came after a House-Senate conference committee worked out differences between the two versions. (See Status Report, Vol. 6, No. 14, July 26, 1971.) The result gives the safety agency \$9.6 million for construction of its long-planned compliance and testing facility — the figure it had requested; \$69.3 million for "traffic and highway safety," which includes all motor vehicle safety work and a contribution to other research, development and administration costs of NHTSA, and \$47 million in "liquidating cash" to pay back state-aid money obligated earlier.

TOMS CONFIRMED AS NHTSA HEAD

The Senate has confirmed the nomination of Douglas Toms as administrator of the National Highway Traffic Safety Administration. The confirmation is considered a formality since Toms had been confirmed earlier as director of the National Highway Safety Bureau and continued in the capacity of acting administrator when the bureau was elevated to the level of an administration last year. (See Status Report, Vol. 6, No. 1, Jan. 18, 1971.)

NHTSA GETS RESEARCH OFFICE — The Office of Vehicle Systems Research has been renamed the Safety Systems Laboratory and has been transferred from the Department of Commerce's Bureau of Standards to the National Highway Traffic Safety Administration.

The four-year-old office was established to conduct research for the Department of Transportation's development of safety performance standards for motor vehicle tires, braking systems and occupant restraint systems. Effective with the transfer it reports directly to NHTSA's associate administrator for research and development.

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INSURANCE INSTITUTE for HIGHWAY SAFETY

WATERGATE SIX HUNDRED

600 NEW HAMPSHIRE AVENUE, N.W. • WASHINGTON, D. C. 20037

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