

NHTSA Seeks Highway Safety Rule Changes

The National Highway Traffic Safety Administration has proposed a complete overhaul of its highway safety program standards. Although the changes are more structural than substantive, the agency has proposed several new requirements that it says "modernize" the current standards.

The one certain to attract increasing public attention is a requirement that states enact legislation requiring the use of safety belts.

Basically the agency's proposals would consolidate the current 15 standards for state and local loss reduction programs into eight revised standards. The reshuffling would combine like elements of several existing standards into single standards. For example, requirements for educational programs that now appear in standards governing driver education, motorcycle safety, pedestrian safety and pupil transportation safety would all be combined into one proposed standard entitled, "Traffic Safety Education."

In addition to consolidating the standards and adding a few new proposals to each standard, the agency has proposed one totally new standard area. It would establish guidelines for states to follow in planning, coordinating and evaluating highway loss reduction programs.

Up to now the Department of Transportation has issued 18 highway safety standards under the Highway Safety Act of 1966. The standards are requirements and guidelines for states to follow in setting up their highway loss reduction programs that qualify for matching federal financial aid under the act. Responsibility for implementing the 18 standards is divided between the NHTSA and FHWA. The safety administration is wholly responsible for administration of 14 of the standards. FHWA is responsible for seeing that states implement three of the standards. The two agencies share responsibility for administering provisions of the current pedestrian safety standard.

The revisions would affect only those standards administered by the safety administration. The three standards under FHWA jurisdiction are not included in the revision. They deal with identification and surveillance of accident locations, highway design, construction and maintenance and traffic control devices. (According to an FHWA official, that agency is "not pushing" any revision of its standards. FHWA has drafted a set of revisions but is "in no hurry to implement them," he said.)

The eight proposed standards are scheduled to become effective in April, 1973.

Inside

- Vermont Gets Change In Safety 'Report Card' Score . . . page 5
- NHTSA Graded On Promises, Not Deeds, FHWA Official Says . . . page 6
- Pennsylvania Tallies Underride Deaths, Voices Concern . . . page 6
- Second Council Member Resigns In 'Excalibur' Dispute . . . page 7

Copies of the proposed standards are available from the General Services Division, National Highway Traffic Safety Administration, Washington, D. C. 20590.

Comments on the proposals should be sent to the Docket Section, Room 5221, at the same address.

Following are the eight proposed standards and the major changes that each would include:

PROGRAM ADMINISTRATION AND EVALUATION (N-1)

The first proposed standard would establish a framework for implementing state highway loss reduction programs.

This standard would require states to create or designate an agency to coordinate its highway loss reduction program (as mandated by the Federal-Aid Highway Act of 1970). The state safety agency would be responsible for driving records, manpower development, program coordination and evaluation. The agency would also have to develop a public information program "for maintaining a high level of public awareness of the need for continuing highway traffic safety improvement."

TRAFFIC LAWS AND REGULATIONS (N-2)

This proposed standard would replace the current highway safety program standard on codes and laws (306). It contains elements that are now included in standards on motorcycle safety (303), alcohol in relation to highway safety (308), accident investigation and reporting (318) and pupil transportation (317).

According to the agency, lack of uniformity in traffic laws "within and among states . . . is a continuing problem."

The standard proposes that states bring their laws governing "rules of the road" into conformance with those set forth in the Uniform Vehicle Code. In addition, it would seek:

- Uniform laws that would allow "right-turns-on-red lights."
- Legislation mandating the *use* of whatever restraint system is required by federal standard. "NHTSA believes that such a provision is important even in view of the development of passive restraint systems, since for many years a large percentage of the vehicle population will continue to be equipped with only the seat belt system," the proposal says.
- "Severe sanctions" against persons convicted of driving after their licenses have been revoked or suspended. The penalty could include possible forfeiture to the state of the vehicle being driven.
- *Per se* laws making it "illegal for a person to drive or be in actual physical control of a motor vehicle when he has 0.10 per cent or more by weight of alcohol in his blood." (Nebraska, Delaware and Minnesota already have such laws. Oregon and New York have similar laws, but set 0.15 per cent and 0.12 per cent respectively as illegal limits.)
- Laws requiring drivers to take a "preliminary breath test upon request of an officer who has reason to believe that the person has alcohol in his body." Positive results from that test would lead to "a further test to confirm the result and determine the blood alcohol level more precisely." Refusal to submit to the tests could result in a suspended or revoked driver's license, depending on state law.
- Pre-sentence investigations in alcohol-related cases to determine "the existence and the extent of the drinking or other drug problem." The proposal would require courts to commit "a medically diagnosed or drug addict" to treatment and "driver rehabilitation" programs.

VEHICLE REQUIREMENTS (N-3)

This standard would combine elements of current standards on periodic motor vehicle inspection (301), motor vehicle registration (302), motorcycle safety (303) and pupil transportation safety (317). The proposal is intended to “relate primarily to the motor vehicle.”

It would seek to have states:

- Require a “certificate of title” before a vehicle could be registered.
- Prohibit removal or alteration, “in such a manner as to render it less effective,” of safety equipment regulated by federal motor vehicle safety standards.
- Develop a “vehicle history file” including data on crashes and inspections of all registered vehicles. The agency says that the file “would hopefully be expanded to include information on defects announced by the manufacturers and on thefts.” Earlier drafts of the proposals would have required that states make use of DOT’s defect information in their inspection and registration procedures by checking whether defects had been corrected. However, several state officials objected to such requirements because of cost burdens, according to an NHTSA official.

An NHTSA official told the agency’s highway safety advisory committee, “We talked to the Automobile Manufacturers Association, and they weren’t at all hopeful that the recall program, whether it was tied in with the inspection (standard) or tied in with registration, was the right path to take. As a result, we have omitted reference to the recall program in terms of vehicle requirements.” The official told *Status Report* that AMA objected to the defect information requirements because “dealers don’t get defect recall information fast enough” to handle all the vehicles that would be brought in.

TRAFFIC SAFETY EDUCATION (N-4)

The proposed traffic safety education standard would revise the present driver education standard (304), adding elements from current standards on motorcycle safety (303), pedestrian safety (314) and pupil transportation safety (317). The proposal is supposed to “reflect the changing emphasis” in driver education “from the traditional secondary school approach to an expanded traffic safety approach covering . . . pedestrians, bicyclists and special classes of drivers.”

The preamble to the standard blames “the lack of adequate program supervision and administration for the failure of efforts to improve driver education.”

The proposed standard would require states to establish “in-school” motorcycle driving courses. The instruction would have to consist of “on-cycle” training. This proposal, which was not mentioned in the safety administration’s press release that announced the proposed standards, or in the preamble to the proposal, is bound to cause controversy among highway loss reduction advocates. Glen Carmichael, chief of the agency’s standards revision effort, said that the agency expects difficulty in convincing states to implement motorcycle driving programs. “We don’t know if we can get that far,” he said. “But we’re going to try.”

The proposal would also discontinue the current requirement that first aid instruction be a part of driver education. According to Carmichael, the requirement was dropped because of “added emphasis” on driver performance in “preventing a crash.” He added that first aid instruction “hasn’t been of proven value,” largely because driving instructors “don’t know much about” the subject.

The proposal would require that each state:

- Establish traffic safety education programs directed at automobile drivers and passengers, bicyclists, school bus drivers and passengers, motorcyclists, pedestrians and drivers of “special purpose vehicles such as ambulances, police vehicles and fire trucks.”
- Set standards for public and private “organizations providing traffic safety education.” All driver education programs would have to be approved by each state’s “chief state school officer.” Such a requirement will limit the use of instructional materials to those approved by the state. The proposal provides guidelines for setting up all traffic safety education courses.
- Require that professional driving schools be licensed.
- Establish five phases of driver education, including “beginning,” “pre-licensing,” “post-licensing” (for “rehabilitation or re-education”), “special class” (for ambulance drivers, etc.) and “adult beginning” driver education courses.
- Establish 16 or 18 as a minimum age a person must reach before he can be licensed to drive. The age would depend upon the level of driver education a person had received.

DRIVER LICENSING (N-5)

The proposed standard for driver licensing would cover requirements for “examination, re-examination, licensing and improvement of drivers, as well as the development and maintenance of a driver information system.” It is basically the same as the current standard governing driver licensing (305).

The proposed standard would “improve driving performance by insuring that only persons physically and mentally qualified will be licensed to operate a motor vehicle,” according to the agency.

New elements of the standard would include:

- Requirements that each person successfully complete one of the pre-licensing courses outlined in the traffic safety education (N-4) standard before receiving a license.
- Mandatory review of driver’s qualifications, including re-examination, whenever the driver has been convicted of two hazardous traffic law violations within one year.
- Comprehensive records on all drivers. The records would include notations of all unfavorable traffic actions against a driver as well as “nondriving convictions involving alcohol.” Medical reports of hospitals, institutions or physicians that indicate “excessive use of alcohol or other drugs would also be included.” The information is to be used to identify problem drivers for judicial or adjudicatory proceedings as well as for pre-licensing or license renewal purposes.

POLICE TRAFFIC SERVICES (N-6)

The proposed standard on police traffic services would take the place of the existing standard of the same name (315) with elements added from present standards governing debris hazard control and cleanup (316) and accident investigation and reporting (318).

The standard would identify “three main police traffic functions—traffic law enforcement, crash investigation and traffic direction.”

The primary provisions of the new proposal would:

- Require states to establish “minimum training requirements” for law enforcement agencies at the state and political subdivision levels.
- Establish “personnel activity evaluations” that include an enforcement officer’s record of citations issued, convictions and time spent on highway-related tasks. Safety administration officials deny that they intend to establish a “quota system” with this requirement. They “hope it will encourage” police officials to give more attention to highway loss reduction, particularly to DWI violations.

TRAFFIC COURTS AND ADJUDICATION SYSTEMS (N-7)

The proposed standard governing traffic courts and adjudication would be an enlarged version of the current standard (307) on traffic courts.

The existing standard requires only that states keep records on all convictions for moving traffic violations. The most significant elements of the proposed standard would require states to:

- Form adjudication agencies (nonjudicial bodies) to deal with minor traffic offenses such as parking or equipment violations. The proposal also appears to encourage use of nonjudicial agencies for more serious offenses “where warranted.” The purpose of the requirement is to lighten court loads in areas where “courts are overburdened with traffic cases, to the detriment of both the traffic safety program and other judicial functions,” NHTSA says.
- Develop a system for “applying modern case management techniques to traffic offense adjudication.” The system would have to be able to supply a driver’s records to courts for use in sentencing convicted traffic offenders.

EMERGENCY MEDICAL SERVICES (N-8)

The proposed emergency medical services standard would basically revise the current standard of the same title (311). The most significant new feature is a requirement that all ambulance services be licensed by the state.

Vermont Safety Score Changed

Vermont has moved from 37th to 28th among states in the National Highway Traffic Safety Administration’s highway safety “report card” rating of state highway safety efforts.

The state’s rating was changed after Vermont officials complained that NHTSA had shortchanged the state in its rating of states’ compliance with highway safety program standards. (See *Status Report*, Vol. 7, No. 8, April 24, 1972.)

The state’s score is now 1155 instead of 1040. Its rating for emergency medical services was increased from 35 to 60, the pedestrian safety score was changed from 70 to 80, and debris hazard control and clean up compliance, originally rated 0, was given a score of 80.

No other changes have been made in “report card” scores.

FHWA Official Says NHTSA Graded States On Promises

In the Department of Transportation's annual highway safety "report card" the National Highway Traffic Safety Administration gave grades based on promises instead of actions, according to an official in the Federal Highway Administration.

The director of FHWA's safety division has said that state scores for *FHWA*-administered standards cannot be compared with scores given to *NHTSA*-administered standards without getting "an unreal picture" because, he said, the two agencies used "different grading systems."

In a letter to the Insurance Institute for Highway Safety, James L. Foley, Jr., director of FHWA's Office of Highway Safety, said that a statement in *Status Report* that "no state has fully implemented the FHWA standards" is correct. However, he said, such a statement gives "an unreal picture" when reported along with ratings that show numerous states in full compliance with some NHTSA-administered standards. States generally had lower scores for FHWA-administered standards than they did for those administered by NHTSA. (See *Status Report*, Vol. 7, No. 8, April 14, 1972.)

The FHWA is responsible for administering standards on identification and surveillance of accident locations, highway design, construction and maintenance, traffic control devices and a portion of the pedestrian safety standard. The safety administration is responsible for the remaining 14 standards and for a major portion of the pedestrian safety standard.

Foley said in his letter that "the fact that a state received a 100 per cent score in an NHTSA standard does not indicate actual implementation of all standard elements." He said that "NHTSA graded on the legislative and administrative capability of a state to implement its program standard elements. . . . If FHWA had used the same system, then most states would have received a perfect score because most states already have the legislative or administrative capability to implement the highway standards."

Pennsylvania Tallies Underride Deaths

Pennsylvania's secretary of transportation has told the National Highway Traffic Safety Administration that he is "extremely concerned" with the agency's decision to drop plans to protect car occupants from the dangers of underriding big trucks.

In a letter to safety administrator Douglas Toms, Jacob G. Kassab said that accident files in Pennsylvania show that "over an 18-month period (1969 and the first six months of 1971) 557 accidents occurred here in which cars underrode the rear of trucks."

"These 557 accidents resulted in 14 persons killed, 447 persons injured and \$860,000 in property damage," he said.

In June, 1971, the safety administration scrapped plans to require underride protection on the rear of trucks because "the safety benefits achievable in terms of lives and injuries saved would not be commensurate with the cost of implementing the proposed requirements," the agency said. Since that time the National Transportation Safety Board, the federal government's transportation safety watchdog, has twice recommended that the rule making activity be resumed. (See *Status Report*, Vol. 7, No. 2, Jan. 31, 1972.)

A safety administration official told *Status Report* that the agency plans to evaluate the Pennsylvania data. Depending on the outcome of that evaluation, the agency "may decide to reopen" rule making activity on the problem, he said.

Second Council Member Resigns In Protest

Dr. Allen V. Astin has become the second member to resign from the Department of Transportation's National Motor Vehicle Safety Advisory Council in protest over the advisory group's presentation of an automotive safety award to General Motors president Edward Cole.

In a letter to Transportation Secretary John A. Volpe, Astin said that he was "shocked" by the "objectionable railroading tactics" employed by the council's executive committee in deciding who should receive the award. (See *Status Report*, Vol. 7, No. 13, July 17, 1972.)

Astin, former director of the National Bureau of Standards, charged, "The establishment of an award had not been discussed and approved by the council in a prior meeting. The award was not even specifically approved by the council members in a mail ballot. Consequently there were no criteria, no guidelines, and no authorized procedures for selecting an awardee. The full council had no opportunity to vote or make comments on a slate of proposed nominees, although it was given a hurried invitation to make nominations for an award it had not authorized with a final selection to be made by the executive committee."

Members of the executive committee of the council are its chairman, Judson B. Branch, chairman, Allstate Insurance Co.; its vice chairman, Trevor O. Jones, technical director, advanced systems engineering, General Motors Corp.; its secretary, Katherine Burgum, dean, College of Home Economics, North Dakota State University; its treasurer, Ivan J. Wagar, editor, *Cycle World*; Ralph T. Millet, technical advisor, SAAB-SCANIA of America, Inc., and president, Automobile Importers Assn.; John N. Noettl, director, membership services, Automobile Club of Missouri; William A. Raftery, executive vice president and general manager, Motor and Equipment Manufacturers Assn., and Vincent L. Tofany, commissioner, New York Department of Vehicles.

Walker Sandbach, executive director of Consumers Union, was also a member of the council's executive committee until he resigned from the council in protest over the award to Cole.

In a letter following his resignation, Sandbach said that the intent of legislation that established the council was that it should be controlled by "public members." However, he said, the selection of Ed Cole to receive the council's award "gave me—loud and clear—a quite different message: The auto industry has taken over control of the council. It was too loud a message to ignore; hence, my resignation."

Other members of the council include:

Leslie N. Bland, automobile dealer; Earl Hathaway, director, Firestone Tire and Rubber Co.; Col. James J. Hegarty, director, Arizona Department of Public Safety; Dr. Henry Hill, president, Riverside Research Laboratory; Dale C. Hogue, director, automotive standards research department, Automotive Parts and Accessories Assn.; Dr. Donald F. Huelke, professor of anatomy, University of Michigan Medical School;

Lawrence M. Patrick, professor, Bio-Mechanics Research Center, Wayne State University; William B. Robertson, special assistant to the governor of Virginia on minority groups and consumer affairs; Herbert D. Smith, vice president, public affairs, Uniroyal, Inc.; Dr. John D. States, associate clinical professor, University of Rochester; Dr. George S. Sutherland, president, Rocket Research Corp., and Marcy Taylor, investment analyst, Bank of America.

The council was established by the Congress in the National Traffic and Motor Vehicle Safety Act of 1966. The act mandated that "a majority of (the members) shall be representatives of the general public,

including representatives of state and local governments, and the remainder shall include representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers and motor vehicle dealers.”

Council members are appointed by the secretary of transportation under White House direction. The secretary is required to “consult” with the council on motor vehicle safety standards. However, DOT’s National Highway Traffic Safety Administration is not bound by any recommendations made by the council.

Note

Within a few weeks *Status Report* readers will receive—by special mailing—advance copies of a chapter from a forthcoming edition of the textbook, *Preventive Medicine and Public Health*.” The chapter, “Injury Control—Accident Prevention and Other Approaches to Reduction of Injury,” was authored by Susan P. Baker, M.P.H., a faculty member of The Johns Hopkins School of Hygiene and Public Health.

In it the author discusses injuries—“acute interactions between man and the physical and chemical hazards of his environment”—as a health problem deserving the full range of preventive medicine approaches. According to the author’s introductory remarks, “The aims of this chapter are to facilitate a clearer understanding of a vitally important health problem and to stimulate effective action, so that the major health benefits achievable through injury control will be realized.”

A new basic document with applications to highway loss reduction, the chapter is being printed in advance of publication with permission of the publisher, Appleton-Century-Crofts.

(Contents may be republished, whole or in part, with attribution.)

the highway
loss reduction

STATUS REPORT

Ralph W. Hoar, Jr., Editor

INSURANCE INSTITUTE for HIGHWAY SAFETY
WATERGATE SIX HUNDRED • WASHINGTON, D.C. 20037
(AREA CODE 202-333-0770)