

## House, Senate Pass Hazard Removal Measures

For the first time, both houses of the Congress have voted to earmark federal funds for roadside boobytrap removal. The House version of the Federal-aid Highway Act of 1973 also carries other significant provisions including an attempt to curb the Department of Transportation's authority to set state and community loss reduction standards.

In the recently passed Highway Safety Act of 1973 (S. 893) the Senate voted to authorize annual expenditures of \$200 million in fiscal years 1974 and 1975 for boobytrap removal from roads that are not part of the federal-aid highway system. (DOT already has authority to spend money for boobytrap removal along federal-aid highways, according to DOT's chief counsel, John W. Barnum. See *Status Report*, Vol. 7, No. 19, Oct. 16, 1972.) More recently, the House voted in its version of the bill, to earmark \$75 million for hazard removal — both on and off the federal-aid system — for each of the next three fiscal years. These, as well as other differences between the two bills will be settled by a joint Senate-House conference committee. Both the Senate and House versions would allow states to use federal funds for 90 per cent of their hazard removal budgets. (The Federal Highway Administration has estimated that \$1.3 billion is needed to remove roadside hazards from Interstate highways alone.)

Under current authorization law, no money is specifically earmarked for roadside boobytrap removal.

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### HOUSE VOTES TO CURB DOT

National Highway Traffic Safety Administration officials were stunned by an amendment to the House version of the bill that would freeze highway safety standards as they were at the beginning of this year.

If the amendment, introduced by Rep. Kenneth J. Gray (D.-Ill.), survives a joint House-Senate conference, all new state and community highway safety standards, or any changes in existing standards, could come about only by act of the Congress.

NHTSA spokesman Bobby Boaz said that the agency views the amendment as "greatly inhibitive to highway safety efforts." It would prevent DOT from implementing advances in the state of the art, he said.

In introducing his amendment, Rep. Gray claimed that it is "designed to bring some order into what is becoming a very confusing situation in the matter of administering the Highway Safety Act." He claimed that NHTSA's recent attempts to change state and community highway safety program standards (see *Status Report*, Vol. 7, No. 14, Aug. 7, 1972) would result in more federal — and less state — influence over highway safety efforts. He said, "The effect of the amendment is merely to continue the program moving with the present standards until this new condensation of the standards is properly reviewed by the public and the Congress." The House Public Works Committee has already announced plans to hold hearings this summer on NHTSA's proposed highway safety standard changes.

The Federal-aid Highway Act of 1971 required that DOT submit any new state and community highway safety standards to the Congress for review but it did not require congressional endorsement before the standard could be issued. DOT officials say they hope to persuade the Congress to drop the Gray amendment from the conference version of the bill.

### ***Hazards Documented***

Reprint copies are now available of the recent *World* magazine article, "Our Booby-Trapped Highways," written by Ben Kelley, the Institute's communications vice-president. It documents the severity and scope of the national roadside hazard problem.

The article was published on March 13 — the day that Kelley and Institute president William Haddon, Jr., M.D., appeared before the Senate Public Works Committee's Transportation Subcommittee to show filmed evidence of the magnitude of the roadside hazard crisis. The subcommittee was drafting S. 893 — its version of the Highway Safety Act of 1973. (See story above.)

Single copies of the *World* magazine article may be obtained without charge by writing, "World," Insurance Institute for Highway Safety, Watergate 600, Washington, D.C. 20037.

### **HAZARD REMOVAL**

Addressing current boobytrap removal efforts, the House Public Works Committee's report on its bill said that "regettably, only limited progress has been made by the states to date in eliminating . . . roadside obstacles. A combination of factors is to blame. Federal assistance and leadership has been less than it should have been. Programs have been fragmented and performance has been uneven."

It said the committee expects "the obstacle removal program (to) be carried out on an expedited basis." Programs "would include, but not be limited to, the removal of such fixed objects as trees and headwalls and the replacement of signposts and light standards with breakaways. Where required, guardrails could be erected . . . Crash cushions could be installed at elevated gores, bridges, piers, abutments and other similar locations," the committee report said.

### **SEPARATE TRUCK, BICYCLE LANES**

Two other provisions in the House version of the Federal-aid Highway Act of 1973 (H.R. 6288) have potentially significant loss reduction ramifications. They are aimed at separating various types of vehicles which now intermingle on the highway. One provision would allow DOT to

"approve as a project on any federal-aid system the construction of exclusive or preferential truck lanes." The other would allow the use of highway construction funds to build bicycle trails or designate "bicycle lanes" along some highways. Highway loss reduction advocates have long pointed to the inter-mix of incompatible vehicles as a contributor to highway losses. The Senate committee, which wrote a similar bicycle safety provision into its bill, claimed that "no program will provide quicker pay-off in safety than a program to insulate bicyclists from the inherent danger of competing with motorists for the same travel space."

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## ***Senators Push Boobytrap Removal***

Following are comments made by various senators regarding the roadside hazard removal provisions of the Senate Highway Safety Act of 1973:

*Sen. Lloyd M. Bentsen (D.-Tex.)*  
 "... the creation of this program reflects the committee's conviction that great benefits can result from physical improvements to existing highways. A large percentage of the death and injury on highways is caused by safety hazards, particularly on rural roads, that can be identified and eliminated."

*Sen. James L. Buckley (C.R.-N.Y.)*  
 "... I believe that a noticeable reduction in deaths is possible if the number of accident-exaggerating roadside obstacles can be eliminated.

"Instead of guardrails that impale a vehicle, guardrails must be installed that will guide a car to a safe stop. Instead of rigid light standards that can result in accidents of such violence that all occupants of a car may be killed

on impact, the states must utilize equipment designed to give away on impact. This will not eliminate the 'accident', but it would greatly reduce the accident's toll in human suffering."

*Sen. Pete V. Domenici (R.-N.M.)*  
 "... fixed roadside obstacles — bridge abutments, rigid sign posts and light poles, and spearlike guard rails — should be easy to eliminate or to cushion. This would greatly enhance safety

*Sen. Jennings Randolph (D.-W.Va.)*  
 "... these relatively small projects can provide a high return in terms of improved safety."

*Sen. James A. McClure (R.-Id.)* "... a responsible and effective attack on known highway hazards."

## ***House Endorses Mandatory Buckling***

The U.S. House of Representatives has endorsed state level mandatory seat belt legislation.

In effect, the House endorsed mandatory buckling when it voted to pass the House version of the Federal-aid Highway Act of 1973. The bill would allow DOT to increase a state's highway safety funds by 25 per cent if the state has a mandatory seat belt law. The committee report on the bill said that even if every state passed mandatory belt use laws it would cost the federal government only \$50 million in the next fiscal year. The report said that "the return on the investment (in reduced injuries), would be impressive."

Earlier, acting safety administrator James Wilson told the House Public Works Committee that DOT planned to ask the Congress to endorse mandatory belt legislation.

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The House bill would also authorize, among other things, the following:

- \$600 million over the next three fiscal years for rail-highway grade crossing elimination;
- \$1.1 billion over the next three fiscal years for bridge reconstruction and replacement;
- \$40 million over the next two fiscal years for research on "drug use and driver behavior;"
- \$5 million to study the feasibility of a "National Center for Statistical Analysis of Highway Operations" designed to acquire, store and retrieve highway accident data."

The Senate version of the bill also emphasizes roadside hazard removal and calls for federally sponsored bridge reconstruction, drug research, administrative adjudication and other loss reduction programs.

## **Auto Industry Spokesman Attacks Federal Priorities**

The chief spokesman for the American automobile industry has launched a major attack on federal programs and priorities for reducing highway losses.

In a number of recent addresses and press conferences, Franklin M. Kreml, president of the Motor Vehicle Manufacturers Association of the United States (MVMA), has roundly criticized the federal government because, he says:

- It is setting auto safety standards, some of which go "far beyond what the public will support." Kreml told a Washington press conference called by MVMA in February, "When the National Highway Traffic Safety Administration enunciated a policy in which they (*sic*) stated publicly that they had undertaken to produce a condition of safety on the streets and highways of America by requiring the motor vehicle manufacturer to produce a much safer automobile and a whole series of standards to back this up, everything from windshield standards across the board to safety belts, etcetera, etcetera, this was a mistaken and bound-to-be sterile policy."

- Two vehicle safety standards — one requiring head restraints (FMVSS 202) and the other requiring new car bumpers that protect safety-related components in very low speed crashes (FMVSS 215) — are "examples," of situations "when government regulation is demonstrated to be unnecessary, or when a given act's legislative intent is subverted, or when authority is capriciously exercised," he said in a March address to the Motor Vehicle and Equipment Manufacturers Association.

- The Highway Safety Act and National Traffic and Motor Vehicle Safety Act passed in 1966 have led to "a federal assumption of program responsibility" that places in "a distinctly secondary role" the "joint public-private sector operation, including the states and municipalities, that had demonstrated its capability so well, (and) which once provided the catalyst for sound and effective programs of public support at the state and local level . . . ."

(Kreml's view on what he called this "demonstrably sterile philosophy" of federal leadership for highway safety programs was set forth in a speech to the Western Insurance Information Service's annual meeting in Los Angeles in December. It contrasts sharply with the conclusion of the Senate Public Works Committee, in its recently published report on highway safety authorizations, that the federal involvement

is “a recognition that industry and local government have not done the job in reducing traffic fatalities, and it has been an effort to establish a federal-state-local partnership to make driving a safer endeavor.”)

- The federal government’s highway safety effort since 1966 has been a “single technique approach,” Kreml told the WIIS meeting, that was “bound to fail” because it included only vehicle safety, not “the highway and its environment and very importantly the driver – his training, his licensing and the supervision of that driver both by licensing and enforcement personnel . . . .”

## Highway Spending Overshadows Vehicle Spending

Since its inception in 1966, the federal highway loss reduction effort has directed roughly 16 times as many dollars on programs to improve highways, drivers and other aspects of state and local highway safety as on programs to improve the safety of new vehicles.

The actual figures – spending of about \$1.6 *billion* on multi-faceted highway and diverse driver oriented programs compared with about \$107.8 *million* on vehicle safety performance – are derived from federal budget information. They are broken down as follows:

- For programs under the 1966 National Traffic and Motor Vehicle Safety Act – that is, programs to research and establish motor vehicle safety standards for new vehicles, test for compliance, and determine vehicle defects – appropriations during fiscal years 1967-1972 totaled \$107.8 million.

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### ***Head Restraints Work, Studies Show***

Two recently published studies have underscored the effectiveness of head restraints in automobiles – a loss reduction performance feature required by federal standard (FMVSS 202) on all cars sold in this country since January 1, 1969.

A study entitled, *Injury Frequency and Head Restraint Effectiveness in Rear-End Impact Accidents*, presented at the 16th Stapp Car Crash Conference in November, 1972, by Dr. John D. States and seven other researchers from the University of Rochester, found that in a group of crashes investigated on the basis of police reports in a New York state area, “Head restraints reduce the frequency of whiplash injury by 14 per cent,” even though, they said, “Seventy-three per cent of adjustable head restraints” – found on a number of domestic as well as foreign-made cars – “are left in the down position and are not adjusted by users.”

The researchers pointed out that their findings were comparable to those reached in an Insurance Institute for Highway Safety study released in September, 1971. (See *Status Report*, Vol. 6, No. 17, Sept. 20, 1971.)

A more recent study, published by Volvo as the March, 1973, issue of *Reports on Traffic Accident Research*, found that in 171 studied rear-end collisions, impacted Volvos with head restraints “showed a significant lower frequency of neck injuries – 15.9 per cent (20 out of 126) – than no head restraint cases – 35.3 per cent (16 out of 45).”

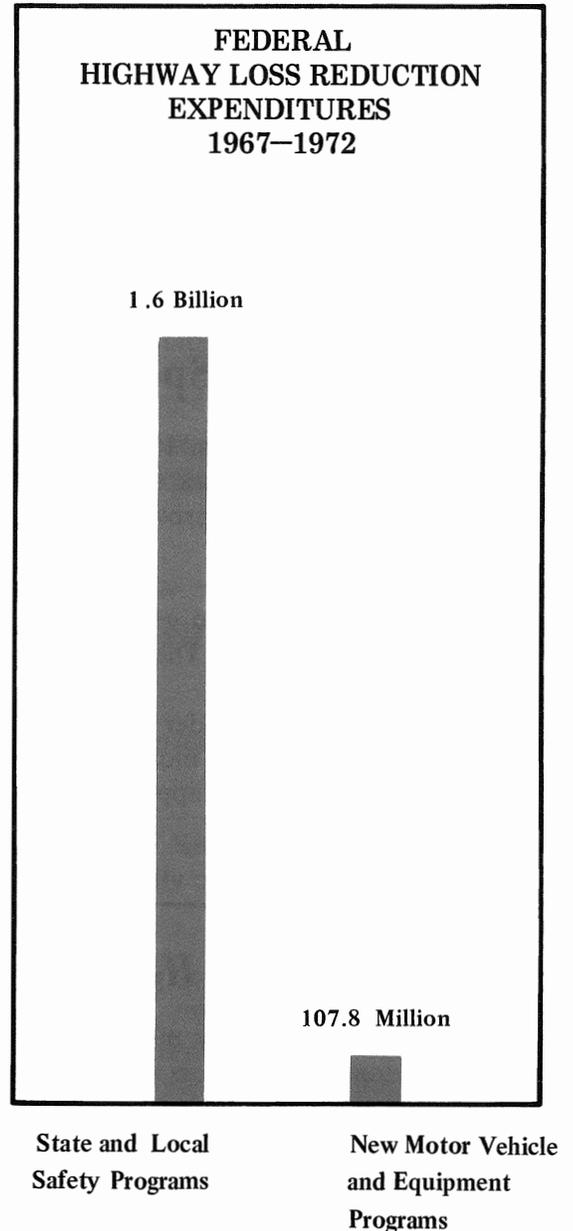
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- For programs under the 1966 Highway Safety Act administered by the National Highway Traffic Safety Administration – that is, programs to assist states and communities in meeting the federal standards for improving a broad range of state and local safety activities. – appropriations and obligations during the same period totaled \$394.3 million. (The Federal Highway Safety Standards, which are often referred to as “highway and driver” standards, are not limited to those two components. They also involve emergency medical care, pedestrians, vehicle inspection, alcohol countermeasures, and many other aspects of loss reduction.)

- For programs under the 1966 Highway Safety Act administered by the Federal Highway Administration – that is, programs to assist states and communities in meeting federal guidelines for improving safety activities involving the road itself – obligations during the same period totaled \$47.3 million.

- For Federal Highway Administration programs to improve road safety (described by FHWA as “spot improvement of hazardous locations, clear roadside program, skid reduction, railroad grade crossing improvements, and safety-type TOPICS projects”), obligations during calendar years 1967-72 totaled \$1.2 billion.

(The above figures do not include state and local matching expenditures for programs under the Highway Safety Act and FHWA road improvement programs.)



## Murphy Nominated To NTSB

President Nixon has nominated Boston attorney Timothy J. Murphy to a five year term as a member of the National Transportation Safety Board. NTSB is the federal government’s transportation safety watchdog.

Murphy “has been engaged both as a trial lawyer in general practice and as a specialist representing labor in labor relations litigation,” according to NTSB. He is a former First Assistant Attorney General for Massachusetts.

He will replace Francis H. McAdams, whose appointment to the Board expired Dec. 31, 1972.

## House Working On Far Ranging Safety Bill

Auto makers would have to replace defective cars that they are unable to repair under a far-ranging motor vehicle safety bill now being considered by the House Committee on Interstate and Foreign Commerce.

Rep. John E. Moss (D-Cal.), chairman of the committee's Subcommittee on Commerce and Finance, which has just completed hearings on the bill, H.R. 5529, called it "the first major revision of the National Traffic and Motor Vehicle Safety Act since its enactment in 1966."

The Senate Committee on Commerce recently finished work on its version of a similar — although not as extensive — bill (S. 355). (See *Status Report*, Vol. 8, No. 4, Feb. 12, 1973.) Full Senate action on that bill is expected by "early June," according to a committee staff member.

Both the House and Senate bills would force manufacturers to recall and remedy, at no charge, defective and non-complying vehicles and tires. If the defect cannot be corrected within 60 days, the manufacturer would be obligated to replace it with a "new or equivalent" one or refund the purchase price with adjustments for wear.

Both bills would also force manufacturers to go beyond the current requirement that only first purchasers and warranty holders of defective vehicles and equipment be notified of possible defects. The House version would have manufacturers consult state registration records to locate owners of possibly defective vehicles. The Senate version would require them to use state records to locate owners, as well as other records that may be available.

The House bill would go beyond these measures by amending the 1966 act in the following ways:

- It would require the National Highway Traffic Safety Administration to open its on-going defect investigation files to the public. Currently those files are opened only when an investigation is completed. In introducing the bill, Rep. Moss noted that NHTSA "currently has a backlog of about 33 defect investigations that have been pending for more than one year." He said that public availability of investigation data "will at least permit consumers to take such steps as may be available to them to protect themselves during the pendency of such investigations."

- It would make it unlawful for any "manufacturer, distributor, dealer or motor vehicle repair business" to "knowingly remove or render inoperative" any item required by federal safety standard. Moss pointed to a survey of auto dealers by the Insurance Institute for Highway Safety that showed "almost all dealers surveyed were willing to disconnect federally required seat belt warning devices or to show how they could be disconnected or rendered inoperative." (See *Status Report*, Vol. 7, No. 6, March 28, 1972.)

- It would add criminal penalties of fines and/or imprisonment for "knowingly and willfully" violating the act. It would also double the maximum civil penalty for violation of the act from \$400,000 to \$800,000.

- When a manufacturer raises the issue of increased costs stemming from vehicle standards it would direct the Secretary of Transportation to obtain from that manufacturer — and to make public — information regarding claimed cost increases growing out of motor vehicle safety standards. Moss said that NHTSA efforts to get "detailed cost information" from manufacturers on which to base standard setting decisions have been unsuccessful. "To this day the public remains unaware of the actual cost impact

of various safety standards. It is time to end this speculation and, whenever possible, make the facts known to the decision makers and to the public.”

- It would raise authorization levels for motor vehicle safety programs from \$37.4 million set for fiscal 1973 to \$70 million for each of the next three fiscal years. The Senate bill would authorize \$46.8 million for fiscal 1974. It would not establish authorization ceilings for the other fiscal years.

## ***NHTSA Keeps 'No Start' Rule For 1974 Models***

The National Highway Traffic Safety Administration has refused to back down from its requirement that 1974 model cars not start until front seat occupants have buckled their safety belts.

Auto makers and the safety agency's own advisory council had urged that the rule (FMVSS 208) be dropped. (See *Status Report*, Vol. 8, No. 8, April 9, 1973.) GM, Chrysler and American Motors all told NHTSA that they anticipate a great deal of consumer dissatisfaction stemming from reliability problems with the ignition interlock system.

NHTSA dismissed the auto maker complaints by calling them “necessarily speculative.” The “degree of reliability of any system is a function of the manufacturers' own design and quality control,” the agency said.

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the highway  
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### **STATUS REPORT**

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