

Opposition Mounts

Hearing Set On Plan To Weaken Bumper Rule

The National Highway Traffic Safety Administration has scheduled a public hearing on its plan to roll back bumper requirements.

The agency has also somewhat extended the unusually short period that it had allowed for written comments on the proposal.

The decisions to hold a hearing and extend the comment period followed three weeks of mounting opposition from the Congress and the auto insurance industry to the agency's plan to reduce its bumper standard requirements by 75 per cent. (See *Status Report*, Vol. 10, No. 2, Jan 21, 1975.)

The agency's public hearing on the proposed roll back is scheduled for February 18-19 in the U.S. Department of Commerce Auditorium (14th and Constitution, N.W., Washington, D.C.). NHTSA said it will take comments and data from auto makers, insurers and other interested parties between 9:30 and 5 p.m. on those two days. The agency will accept written comments on its proposal until March 3. Previously, NHTSA had set February 12 as the final day for written comments.

CONGRESSIONAL OPPOSITION

Rep. John E. Moss (D-Calif.), at the time chairman of the House Commerce and Finance Subcommittee and now chairman of the Commerce Committee's Oversight and Investigations Subcommittee, had urged that NHTSA "immediately schedule a public hearing to take testimony and evidence for and against its proposal."

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The agency's "repeated references" to meetings between agency officials and "automobile manufacturers, their suppliers and other special interests" make a "full and open" hearing "imperative," Moss said. (Earlier, Sen. Warren Magnuson (D-Wash.) had told NHTSA that he was "most disturbed" by the proposed bumper back down. See *Status Report*, Vol. 10, No. 2, Jan. 21, 1975.)

Moss had also insisted that the agency delay until at least April 1, 1975, its deadline for public comments on the proposal. "The agency's record of rulemaking . . . has often been characterized by delays. It seems hardly warranted that NHTSA would suddenly choose to speed up its rulemaking process just at the time it wishes to vitiate the bumper standard," Moss said.

In his letter, Moss called NHTSA's proposal "a mockery" of laws that require the agency to adopt bumper crashworthiness standards. He said that congressional hearings may be necessary. "For the public, your proposals would mean hugely increased repair costs. Despite suggestions to the contrary in the language of your proposal, it is inconceivable, on the basis of the automobile industry's past pricing performance, that the degradation of bumper standards would result in any significant auto price reduction to the public," Moss said.

Sen. Vance Hartke (D-Ind.), Chairman of the Senate Surface Transportation Subcommittee, expressing disfavor with NHTSA's proposal, reminded the agency that the Motor Vehicle and School Bus Safety Amendments of 1974 (P.L. 93-492) gives it authority "to require by subpoena or by general or special orders," any information from auto makers that it "deems advisable." In a letter, he urged the agency to "utilize this new authority and to gather realistic cost information from motor vehicle manufacturers and suppliers [on] the actual labor and hardware costs of complying with federal standards," before it weakens its bumper standard.

It would be "completely unjustifiable" for NHTSA "to propose a roll-back of any existing standards or to delay any prospective standards due to the cost argument without evaluating meticulously realistic cost information provided by motor vehicle manufacturers and their suppliers," he said.

NHTSA Accused Of 'Prejudging' Bumper Rule

Statements by Safety Administrator James Gregory have prompted the chairman of the Senate Committee on Commerce to charge that Gregory has already decided to roll back auto bumper requirements even before hearing all data and views on the matter.

Responding to an earlier inquiry from Sen. Warren Magnuson (D-Wash.), Gregory had said in a letter that due to "the urgency of the current economic and energy situation, an immediate interim reduction in the requirements of the standard appears to be necessary."

In view of that statement, Magnuson told Gregory in a letter, "I have some question as to what you plan to accomplish by this [bumper] hearing." The statement "leads me to believe that you, as administrator, have already prejudged this issue before the comment period is closed and before all of the statements have been recorded." He asked Gregory's "reassurance" that this is not the case.

INSURERS' OPPOSITION

At a recent press conference, auto insurance representatives, speaking for more than 600 auto insurance companies, voiced "strong opposition" to NHTSA's proposal and called for a public hearing. The proposal "would permit auto manufacturers to strip from cars rolling off future assembly lines most of the hard-won bumper protection features inaugurated in the past several years," according to Archie R. Boe, chairman and chief executive officer of the Allstate Insurance Co.

NHTSA issued its proposal "at the request of the automobile manufacturers," Boe said. By contrast, "The current bumper standards were adopted by NHTSA only after long and thorough study and public hearings, at which the auto manufacturers, our business, and other interested parties had ample opportunity to be heard. A proposal to abrogate those standards deserves no less thorough a public airing," Boe said.

Speaking for the American Insurance Association and the National Association of Independent Insurers and several other insurers not affiliated with those associations, Boe estimated that the proposed roll-back, which he described as a "bumper rip-off," would cost consumers \$6 billion. The proposal "would turn the clock back to the time when hundreds of millions of dollars were spent annually to fix fragile cars that were severely damaged in accidents occurring at the speed a child can walk," Boe said.

He noted that, "The NHTSA proposal states that the rolled-back bumper standard would 'permit' (but not *require*) manufacturers to eliminate more than 100 pounds on the 'average vehicle'. It fails, however, to indicate or to document:

- "Why the weights of the heavier bumper systems cannot be substantially reduced while still meeting the current five mph crash test standards, as many lighter bumper systems do.
- "How much savings in fuel and other cost factors could really be obtained through allowing flimsier, more damage-prone bumpers on tomorrow's cars, and what assurance there is that consumers would actually receive the benefit of any such savings.
- "Why the further technological improvements in bumpers which NHTSA hopes may ultimately occur, such as the soft-nosed bumper concept, cannot be phased in by the manufacturers within the framework of the existing bumper performance standards, rather than for NHTSA to scuttle those present standards and rest on the tenuous hope that manufacturers will voluntarily press forward to improve bumper technology. The proposed standard imposes no mandate whatsoever on the manufacturers to develop this or any improved bumper concept, and past experience indicates they cannot be expected to do so voluntarily."

Boe said that there are ways to reduce vehicle weight and fuel waste while "leaving the publicly-beneficial protective devices alone." He mentioned that "car makers continue to manufacture heavy engines that can attain speeds of 110 miles an hour, even though the legal speed limit throughout the country is 55. Reducing top speed of engine designs to 80 miles per hour would directly save much more fuel and contribute to safety."

AUTO MAKER PETITIONS

American Motors, General Motors and the Motor Vehicle Manufacturers Association, in separate letters, had all asked NHTSA to allow more time for them to comment on what American Motors called "the more extensive and elaborate requirements proposed for 1978 and after." That portion of the proposal would require front and rear protection in four-mile-per-hour barrier crashes. However, the two commenting auto makers and MVMA urged NHTSA, in the words of MVMA, "to take quick action" in

reducing the current requirements from 5 miles per hour to 2.5 miles per hour "so that manufacturers may have the maximum amount of lead time."

— The following editorial is reprinted with permission from *Advertising Age*, December 30, 1974 —

Economy woes no excuse to forget our environment

It is sad to see all the hypocrisy rampant in ads that encourage the public to turn against consumerists, ecology and clean air "freaks" in order to halt inflation and recession.

We can remember when oil companies boasted in ads of their commitment to keeping our lakes, rivers and oceans clean. We remember when their ads pledged undying fealty to the battle against pollution, to conservation of our resources. We remember when auto companies advertised their commitment to highway safety and the reduction of auto exhaust fumes. We remember when public utilities promised in ads to be good neighbors and good citizens in the fight to clean up the air we all must breathe. We think the public remembers, too.

Are these same corporate minds, who once wore their concern like a badge of honor, showing their true colors as they seize upon the slumping economy as the excuse to abandon their pose? Why do they seek to smear those groups with whom they wanted us to believe they were allied? (We often wonder how many of these corporate decision-makers have wives and children who have enlisted in the army of "ecofreaks" that they now seek to deride and defame.)

How quickly, how sharply they have turned against the public postures they were assuming in their ads. Generally willing participants in the effort to improve the quality of life, the people in this land are being fed advertising that would make it seem their humanistic instincts, their concern for their children's future, are at the root of our economic woes.

This is to remind such message-bearers that this country—given proper information, planning and leadership—can fight inflation, recession and pollution simultaneously. What we don't need are opportunistic, divisive, misleading and negative ad campaigns that not only seek to wipe out the hard-won progress that has been made, but also make it impossible to resume the fight for decades to come. These anti-people messages seek to equate clean air and conservation advocates with society's pickpockets. But their dollars-and-cents arithmetic always fails to take into account the dollars-and-cents benefits to be derived from the improved productivity and the better quality of life that a healthier, happier, more optimistic citizenry contributes.

Those who believe growth is possible without a heedless befouling of our nest must reject the cynicism and hypocrisy of such short-sighted advertisements.

Vehicle Fires Increasing, Study Finds

Motor vehicle fires, numbering more than one half million per year, are increasing at a rate of more than 10 per cent annually – five times the rate of increase for fires in buildings, according to a study commissioned by the Insurance Institute for Highway Safety.

The study deals with types and causes of vehicle fires and fire related incidents as well as their distribution among specific domestic and foreign makes. The survey encompasses 51 fire departments across the U.S., serving a combined population of more than seven million.

The first phase of the study, released in July, 1974, found that “the American public paid almost \$350 million last year for fire department services associated with motor vehicle fires and related incidents.” (See *Status Report*, Vol. 9, No. 13, July 8, 1974.)

In the more recent portion of the study, fuel system ruptures were found to be a major source of post-crash passenger car fires. The study compared the number of ruptures by make with each make’s proportion in the total U.S. passenger car population.

In the recorded data, Fords made up approximately 20 per cent of the U.S. made passenger car population at the time of the survey. They comprised 35 per cent of the ruptures recorded by the fire departments surveyed, leading to the study’s comment that “. . . it is possible that fuel tank ruptures are more likely in certain Ford models than in other domestic passenger cars.” The report cautioned that within the scope of the survey, “. . . it is not possible to draw definitive conclusions concerning particular makes and models . . . because of the major difficulties in determining whether the vehicles in use in the survey cities are representative of the national vehicle population.” (See table, page 6.)

The study also found that vehicle age has “. . . a very high correlation” with the “probability of fire,” and suggested this may be due to a tendency of vehicles “. . . to deteriorate with the passage of time.”

“For instance, although 50 per cent of the passenger vehicles in use are less than five years old, only 28 per cent of the vehicles involved in fires were less than five years old. For vehicles ten or more years old, the percentage of fire-involved vehicles was nearly twice as great as the percentage of passenger vehicles in use; for vehicles less than three years old, the percentage of fire-involved vehicles was less than one-half the national figure,” the study said.

Another factor in this relationship “is the impact that recent federal motor vehicle safety standards have had upon the design and construction of passenger cars,” the study added. The present fuel system integrity standard (FMVSS 301), the study pointed out, “requires passenger car fuel systems to withstand a 30 mph frontal collision into a fixed barrier without experiencing fuel losses at a rate greater than one ounce per minute after impact and no more than one ounce during impact.” That standard has been in effect since Jan. 1, 1968.

The study pointed out though, that 77 per cent of fuel system ruptures were the result of *rear end* collision damage – including both rear corners. A new standard will require car fuel systems to withstand rear – but not rear corner – impacts of up to 30 mph. NHTSA set the standard to go into effect Sept. 1, 1976, a date subsequently mandated by the Congress.

Another standard, FMVSS 302, effective for all vehicles manufactured after Sept. 1, 1972, “limits the maximum burn rate of all interior materials to four inches per minute in controlled test conditions,” the study said. Thirty-five per cent of all the non-collision fires tabulated in the study started in the passenger compartments of the vehicles involved.

Alluding to the fact that "fire could still occur in many collisions at higher speeds" and in crashes with situations not yet covered by any federal standard, the study expressed the hope "that the criteria that have been adopted . . . are forerunners of more comprehensive vehicle safety standards treating the complete range of problems that contribute to the needless human and property damage losses resulting from vehicle fires."

Among the "technically viable countermeasures . . . available to vehicle manufacturers for some time," the study mentioned:

Frequency Distributions of Passenger Car Fires and Collision-Ruptured Fuel Systems by Make of Vehicle, 1973 National Survey of Motor Vehicle Fires, and U.S. Passenger Cars in Use, July 1, 1973

Passenger Cars	Survey Observations				Percent of Total US Passenger Cars in Use, July 1, 1973
	Fires		Ruptured Fuel Systems		
	No.	Percent	No.	Percent	
Domestic					
American Motors	53	3	15	5	3
Buick	134	6	21	7	7
Cadillac	90	4	11	4	2
Chevrolet	570	27	66	21	24
Chrysler/Imperial	46	2	3	1	2
Dodge	83	4	14	4	6
Ford	464	22	108	35	20
Lincoln/Mercury	116	6	21	7	4
Oldsmobile	235	11	11	4	7
Plymouth	91	4	10	3	7
Pontiac	176	8	28	9	8
Other Makes	23	1	5	2	10
Subtotal	2,081	100	313	100	100
Foreign					
Datsun	4	2	1	3	7
Fiat	25	11	1	3	3
Toyota	8	4	6	16	12
Volkswagen	116	52	12	32	47
Other Makes	70	31	18	47	31
Subtotal	223	100	38	100	100

- **Firewalls.** Currently “commonplace in the forward interior of most vehicles,” firewalls could be installed in the rear of passenger compartments “so that collision-induced fuel tank spills and fires would not reach the vehicle’s occupants so rapidly.

- **Improved door design.** Five out of six vehicles tested by IIHS suffered jamming of one or more doors on rear-end impact, “blocking potential escape-routes for their occupants.”

- **Improved wiring.** Better insulation and repositioning of electrical wiring could “minimize the likelihood of noncollision fire-producing shorts and collision-related electrical malfunctions that can provide the spark needed to ignite leaking fuel.”

Copies of *Results of the 1973 National Survey of Motor Vehicle Fires*, by Eugene Trisko of Robert R. Nathan Associates, may be obtained by writing to “Fire Safety,” Insurance Institute for Highway Safety, Watergate Six Hundred, Washington, D.C. 20037.

Repeal Sought Of ‘Bigger Truck’ Measure

Thirty-three Congressmen have introduced a bill that would repeal the recently allowed increases in the weight of trucks on interstate highways.

Representatives Edward Koch (D-N.Y.), Gilbert Gude (R-Md.), Ken Hechler (D-W.Va.) and other House members sponsored H.R. 1867 “to reduce certain weights permitted on the Interstate System.”

The bill would repeal those provisions of the Federal-aid Highway Act of 1974 (PL93-643) that increased the maximum truck weight allowed on interstate highways from 73,280 to 80,000 pounds and added 2,000 pounds to maximum axle weights and restore the earlier limits. (See *Status Report*, Vol. 9, No. 23, December 26, 1974.)

The bill also reintroduces a weight limit of 10,000 pounds on the steering axle. A similar limit was added to the earlier bill by Sen. Philip Hart (D-Mich.) but deleted in conference.

Koch said that the increases were “maneuvered in December against the express will of the House.” They were adopted “in the eleventh hour of the 93rd Congress” as part of the multi-purpose highway bill that could not be amended under suspension of the rules, he said.

Koch cited earlier House action on Aug. 20, 1974, when similar increases in truck weight included in a different bill were defeated. In a statement in the House, Koch threatened to take action to bring the issue to the House floor for a vote if no hearings are held by the Public Works Committee within 45 days. Koch said that the committee, to which the bill has been referred, has supported increased weights in the past in opposition to the will of the House.

Recent press reports have cited campaign payments by the Truck Operators Nonpartisan Committee, the trucking industry’s political arm, to members of the House and Senate Public Works Committees. Those committees were responsible for the legislation allowing the weight increases.

Sponsors of the new bill claimed support on safety and cost grounds from several groups, including the National Highway Safety Advisory Committee, the American Automobile Association, the Professional Drivers’ Council, the National Society of Professional Engineers and the Brotherhood of Teamsters.

Weight Limit Projected For Safety Features

President Ford's Energy Resources Council has told major U.S. auto makers that it is basing its voluntary fuel economy improvement program on the assumption that "new federally mandated safety standards will not require, on the average car, more than 100 pounds between the 1974 and 1980 model years." The council also told the auto makers that the Ford Administration would seek congressional relaxation of emission standards in return for fuel economy increases.

(In his State of the Union address, President Ford proposed that there be a five year moratorium on emission standards. See *Status Report*, Vol. 10, No. 2, Jan. 21, 1975.)

Public announcement of the 100 pound estimate came with the release of a series of letters between Secretary of Interior Rogers C. B. Morton, who serves as chairman of the Energy Resources Council, and the presidents of Chrysler, Ford and General Motors.

A Department of Transportation official told *Status Report* that the 100 pound estimate used by the council was prepared by the National Highway Traffic Safety Administration and primarily represents the potential weight increase, that he asserted, may directly or indirectly result from installation of passive restraints. The official said that the 100 pound figure does not include estimates of weight decreases or increases that may result from proposed changes in NHTSA's property damage rule since there is "so much uncertainty" about the effect of that proposal.

The 100 pound figure includes estimates of the weight of the devices used to comply with the performance requirements of the safety standards and estimates of any resulting weight increases in vehicle support structure, the DOT official said.

In response to the Morton letter, the big three auto makers have told him that they strongly support a moratorium on emission standards. GM also emphasized what it termed the "need for a productive pause in new safety regulation." In commenting on the 100 pound estimate for safety standard weight, GM told Morton that for every 100 pounds of weight added by the designs it decides to use to meet federal safety performance requirements, it needs to add approximately an additional 100 pounds for support structure and other requirements.

The Morton letter followed several auto maker meetings with top administration officials on fuel economy improvements. In response to a Freedom of Information request from the Center for Auto Safety, the Department of Transportation has released several memos summarizing a White House meeting that took place between auto makers and the Energy Resources Council on Oct. 29, 1974. (The center and other groups had unsuccessfully sued to have that meeting opened to the public, see *Status Report*, Vol. 9, No. 20, Nov. 11, 1974.)

Those summaries show that the auto makers stressed to the council that in their opinion safety and emission standards must be relaxed.

One memo reports that Lee Iacocca, President of Ford, indicated to the council "the need for trade-offs involving safety and emission requirements in order to reach fuel economy goals and to combat inflation." GM President E. M. Estes reportedly said his company could achieve an improvement in fuel economy if safety and emission standards were maintained at their current level. (A GM spokesman told *Status Report* that while it would be "extremely more difficult to attain" the council's fuel improvement goal if new emission and safety standards go into effect, GM would still make "an all out effort" to achieve the fuel economy goal.) Automobile Importers of America President Ralph Millet "expressed concern about the inflationary impact of emission and safety standards," according to the same memo.

FEDERAL TASK FORCE

Morton also told the auto makers that the Energy Resources Council will propose that President Ford set up a federal task force to "recommend proper levels and timing of emission standards, safety standards, and fuel economy objectives beyond 1980." The task force would make its recommendations to the President by Jan. 1, 1976.

NHTSA Sues GM Over Two Defect Investigations

The National Highway Traffic Safety Administration has brought two suits against General Motors claiming some GM cars are prone to "sudden and catastrophic engine mount failure" and others are "subject to fiery destruction" due to leaking carburetors.

Although NHTSA says that both defects present "an unreasonable risk of accidents or of deaths and injuries to vehicle occupants and to other persons nearby," the agency has decided not to use the new recall authority given to it by the Congress last year and compel GM to recall the cars and remedy them at no charge to the consumer. (See *Status Report*, Vol. 9, No. 19, Oct. 29, 1974.) Instead, the agency is only asking the court to require GM to send defect notification letters to owners of the vehicles.

NHTSA ordered GM to initiate two defect notification letter campaigns on Dec. 19, 1974, exactly one week before the agency's expanded defect recall authority went into effect on Dec. 26, 1974. The fire hazard had been under investigation for more than seven years; the motor mount failures had been under investigation for more than four years.

NHTSA's decision to act before Dec. 26, 1974, also means the agency can only seek a maximum civil penalty of \$400,000 in each of the two suits, rather than the \$800,000 penalty authorized last year by the Congress.

In the Dec. 19, 1974, letter to GM, NHTSA Administrator James Gregory requested the auto maker to voluntarily agree to recall and remedy the vehicle at no charge to the consumer.

GM has brought suit to overturn NHTSA's determinations of defect in the two defect investigations.

FIRE HAZARD

NHTSA charges that its investigation, originally begun in November, 1967, of 1965-1966 Chevrolets and 1966 Buicks equipped with quadrajet carburetors shows that those vehicles are "subject to fiery destruction" through loss of an aluminum plug located on the carburetor. When the plug falls out it "causes gasoline to be spewed out . . . directly onto the engine, creating a high probability of fire," the agency said.

MOTOR MOUNTS

NHTSA's investigation into GM and other manufacturer motor mounts, begun in October, 1970, had previously led to the recall of 6.7 million 1965-1969 Chevrolets, thus far the largest recall in the agency's history. NHTSA now says that some 1970 Cadillacs and 1965-1968 Buick Electra 225's and Wildcats are also "subject to sudden and catastrophic engine mount failure" that can result in the car's throttle jamming open and a loss of vehicle control.

GM SUITS

In its two suits attacking NHTSA's determinations of defect, GM asserts that NHTSA's order to send defect notification letters to present owners of the vehicles is "unlawful under any provision" of the National Traffic and Motor Vehicle Safety Act of 1966 and that NHTSA's findings of defect are "arbitrary, capricious and unlawful."

NHTSA SUITS

In two separate law suits, NHTSA is currently suing GM for two additional refusals to send defect notification letters. One suit, involving wheel failures on certain 1960-1965 GM pickup trucks, has already been decided against GM by the U.S. District Court for the District of Columbia, and has been appealed by GM. (See *Status Report*, Vol. 9, No. 13, July 8, 1974.) The second suit involving failure of part of the steering mechanism on 1959-1960 Cadillacs, is scheduled for trial in the same court.

3M Study Questions Reflective Plate Conclusions

A study sponsored by the 3M Company, a manufacturer of reflective sheeting material, has challenged recent allegations that reflective license plates are ineffective in reducing incidence of nighttime rear-end collisions.

The study is an analysis of an earlier study conducted by the Virginia Highway Research Council. The results of that experiment, published in 1974, concluded that "there was no statistically significant difference between the number of nighttime rear-end collisions of vehicles equipped with reflectorized license plates and that of vehicles equipped with control nonreflective license plates." (See *Status Report*, Vol. 9, No. 15, Aug. 16, 1974.)

According to the more recent work, authored by R.E. Kleinknecht and J.A. Hicks of the University of North Carolina, the conclusions of the Virginia study are "unwarranted."

Charles Stokes, author of the Virginia report, failed to determine "... the smallest difference in accidents worth detecting as being statistically significant before conducting the study," the 3M analysis said. This was the "most severe criticism" of the Stokes work.

The analysis also criticized the Virginia experiment's sample size, with calculations showing "that the experiment as it was conducted had less than an even chance of detecting differences as large as 50 accidents per 100,000 vehicles as being statistically significant." According to the 3M-sponsored analysis, a difference of 20 or fewer accidents in the test sample equipped with reflective plates would be sufficient to justify their use on economic grounds.

Going beyond their criticism of Stokes' data, the analysts said that the Virginia experiment acutally "offers strong support for a conclusion that reflective plates did produce a safety benefit."

Inquiries regarding the analysis, "1971 Virginia License Plate Study: Powerful or Weak Experimental Design?" should be addressed to: 3M Company, Safety Systems Dept., 3M Center, St. Paul, Minn. 55101.

Moss To Head House Investigations Unit

Rep. John Moss (D-Cal.) has been elected chairman of the House Commerce Committee's Subcommittee on Oversight and Investigation. While chairman of the committee's consumer subcommittee, Moss held numerous hearings on auto safety and frequently prodded the National Highway Traffic Safety Administration to improve its loss reduction efforts.

The Wall Street Journal quoted Moss as saying he hoped to pursue "auto safety and the cost and effectiveness of automobile seat belts, air bags and other passive-restraint systems" as chairman of the investigations subcommittee. Moss replaces Rep. Harley Staggers (D-W.Va.) as chairman of the subcommittee. Staggers remains chairman of the House Commerce Committee.

Rep. Lionel Van Deerlin (D-Cal.) was elected to succeed Moss as chairman of the Consumer Protection and Finance Subcommittee. One of his staff members told *Status Report* that Van Deerlin plans to continue the subcommittee's interest in auto safety and, during this session, hopes to make a "final determination" on whether to mandate "air bags or other restraints" in automobiles. He said Van Deerlin would try to bring that issue out of committee and to the House floor for debate.

The elections were made by the House Democratic Caucus and are expected to be upheld by the Commerce Committee.

Belt Non Use May Limit Monetary Recovery, Court Rules

A New York court has ruled that a driver injured in a crash, who did not use an available seat belt, should not recover money for any injuries that the seat belt might have prevented.

The New York State Court of Appeals ruling involved a case in which a driver was thrown from her car during a collision with a truck. The car then rolled over, pinning her legs beneath a rear wheel. The car was equipped with a seat belt, but the driver was not wearing it.

During the trial, an expert witness, appearing on behalf of the defendant truck driver and trucking company, testified that if the injured woman had been "wearing a seat belt, she would not have been ejected from her automobile; and that had she not been ejected, she probably would not have been seriously injured," the court said.

The jury decided that the woman's suit should be dismissed. She appealed the decision.

The Court of Appeals ruled that non use of a seat belt — in this particular case — should not be considered in the jury's determination of whether a person was liable for the crash, but only as to what monetary damages, if any, the person should be awarded for crash injuries. The court stressed that once liability is found, the defendant must prove, by expert testimony, that the injuries were increased by failure to wear a seat belt, or the injured party would be entitled to full recovery.

The Court of Appeals rejected two other legal theories that would totally bar any monetary award to an injured person for failure to wear an available seat belt.

The court pointed out that the " 'seat belt defense,' as it is commonly known, has received extensive examination in other jurisdictions as well as several legal periodicals." However, it was the first such case to come before that court in New York, it said.

The case is *Spier v. Barker*, Court of Appeals, State of New York, decided Dec. 20, 1974.

Brake Standard Delay – Public Comments Sought

The National Highway Traffic Safety Administration will conduct a public meeting to take comments on petitions to delay its new hydraulic brake standard (FMVSS 105-75), scheduled to go into effect Sept. 1, 1975.

Chrysler Corp., Ford Motor Co., General Motors, International Harvester and the American Trucking Associations have petitioned NHTSA to cancel or postpone the new standard. (See *Status Report*, Vol. 10, No. 2, Jan. 21, 1975.)

The meeting will be February 11, from 9:30 a.m. to 5:00 p.m. in the Departmental Auditorium, Constitution Ave., between 12th and 14th Streets, N.W., Washington, D.C. Schedules for February 12 will depend upon the amount of time required to take remaining comments.

Members of the public who want to comment at the meeting should contact NHTSA's Vernon Bloom prior to February 10 at Room 5307, 400 Seventh St., S.W., Washington, D.C. 20590, tel. (202) 426-2153.

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the highway
loss reduction

STATUS REPORT

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