

DOT Drops Plan To Legalize Weaker Bumpers

Faced with “considerable evidence” that design decisions by some auto makers rather than the federal standard are to blame for overweight bumpers, the Department of Transportation has abandoned its plan to substantially weaken existing and proposed bumper requirements.

This was announced by DOT’s National Highway Traffic Safety Administration only four days after the close of its docket (Docket 74-11, Not. 6; 73-19 Not. 4) in the bumper standards case. The announcement said that NHTSA is:

- **Dropping all plans for supplanting its 5 mile per hour bumper test requirements with much weaker 2.5 mile per hour requirements.** NHTSA said that it has “concluded that the 5 mile per hour protection level (and the 3 mile per hour corner impact level associated with it) should not be reduced, that for the present it best carries out the intent of Congress with respect to bumper protection, and that with careful design and use of available materials manufacturers can produce systems that are not unduly heavy and produce significant net benefits for consumers.” NHTSA indicated it could not accept the claims of “several vehicle manufacturers” that 5 mile per hour bumpers “were not advantageous to consumers in that they cost more initially, added weight that increased fuel consumption, and actually increased the overall repair costs of the vehicles.”

- **Proposing that the present, 5 mile per hour *safety* bumper standard – FMVSS 215 – be slightly amended.** The proposed changes involve “reducing the number of longitudinal pendulum impacts from the current six to two, front and rear,” and also involve delaying application to large cars of a forthcoming “low corner impact test” for bumpers. The test, now written to be required for all cars starting September 1 of this year, would be delayed until Sept. 1, 1976, for cars with a wheelbase greater than 120 inches. Cars with a wheelbase of 120 inches or less would have to satisfy the requirement this year. NHTSA has invited comments on this proposal, to be submitted by April 4.

- **Proposing that a 5 mile per hour *property damage* bumper standard, intended to meet the requirements of the Motor Vehicle Information and Cost Savings Act of 1972, take effect Sept. 1, 1976 – a**

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one year postponement from NHTSA's earlier proposals for such a standard – "or in the alternative, Sept. 1, 1977 or 1978." NHTSA said that "no time remains for design changes in the 1976 models" and it therefore wants to delay the property damage standard for one year or more; it added it is "interested in receiving comments on the feasibility of satisfying the proposed damage criteria within the alternative time periods." Comments on this proposal also are due by April 4, it said.

- **Proposing that the property damage standard forbid material damage in 5 mile per hour front and rear barrier and pendulum tests and 3 mile per hour corner pendulum tests, but with one important exception – for cars manufactured prior to Sept. 1, 1979, damage would be allowed for the "bumper face bar and the components and associated fasteners that directly attach the bumper face bar to the chassis frame."**

NHTSA's announcement offered no rationale for allowing damage to bumper system components. However, it also proposed that after Sept. 1, 1979, damage to the bumper system would be forbidden, other than a "permanent deviation" in the bumper face bar no greater than three-eighths of an inch from its original contour. Comments on these proposals also are due by April 4, NHTSA said.

ORIGINS OF WEAKER-BUMPER PLAN

NHTSA's decision to scrap the 2.5 mile per hour bumper standard proposal brought to a close, at least for the time being, a controversial case that began with the agency's January 2 disclosure of the plan, which it said was developed in light of "the nation's economic picture." The plan came amidst increasingly vocal demands by domestic auto makers for a "roll back" of bumper and other federal vehicle safety rules. (For a detailed history of the proposal and initial reaction to it, see *Status Report*, Vol. 10; Nos. 2, 3, and 5; Jan. 21, Feb. 5, Feb. 21, 1975.)

The January 2 announcement indicated that NHTSA would take written comments on the weaker-bumper plan until February 12, and then might decide to immediately roll back the existing "safety related" bumper standard to 2.5 miles per hour. This would have represented a 75 per cent reduction in barrier impact protection, since the release of damaging energy increases with the square of the impact velocity.

The announcement, and the rushed timetable it contained, drew a barrage of protest from members of the Congress, consumer groups and insurers. The protests included demands from opponents of a weakened standard that NHTSA hold an open hearing before reaching a decision. One such demand was contained in a letter to DOT from Rep. John Moss (D-Cal.), chairman of the House Commerce Committee's investigation subcommittee. He warned that the agency's "repeated references" to meetings between agency officials and "automobile manufacturers, their suppliers and other special interests" made a "full and open" hearing "imperative."

In response, NHTSA scheduled a public hearing on the matter for February 18-19. Included among those who made presentations at the hearing were the four domestic auto manufacturers, the leading insurance industry trade associations and a number of individual companies, bumper system component manufacturers, vehicle leasing interests, a member of Congress – Rep. Bob Eckhardt (D-Tex.) – and the Insurance Institute for Highway Safety. In addition, NHTSA received comments on the weaker-bumper plan from more than a hundred individuals and organizations unable to appear at the meeting.

The preponderance of data and comments presented at the hearing or filed in the docket were offered in opposition to the weaker-bumper plan. The four major domestic auto makers were joined by some importers in their advocacy of the weaker-bumper proposal. Nissan Motors and Volvo, two importers cited for their lightweight bumpers, did not comment on NHTSA's proposal.

CONGRESSIONAL WARNING

Shortly before announcing its decision, NHTSA was warned by letter that leading members of Congress would hold it "accountable . . . if this proposed roll back of federal bumper standards is adopted." The letter was signed jointly by Sen. Warren Magnuson (D-Wash.), chairman of the Senate Commerce Committee; Rep. Moss; Sen. Frank Moss (D-Utah), chairman of the consumer subcommittee of the Senate Commerce Committee, and Sen. Vance Hartke (D-Ind.), chairman of the surface transportation subcommittee of the Senate Commerce Committee.

They told NHTSA that the weaker-bumper plan "would result in greatly increased financial burden for the American consumer" and "would certainly violate the spirit, if not the letter, of the laws Congress has enacted and which you are mandated to administer."

Had NHTSA gone forward with the weaker-bumper plan, both the Senate and House commerce committees were planning extensive investigations into the action. In addition, it was understood that some insurance and consumer interests were considering court action against such an NHTSA move.

Comments on NHTSA's latest proposal should be sent prior to April 4, 1975, to Docket No. 74-11, Not. 7; Docket No. 73-19, Not. 6, Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh St., S.W., Washington, D.C. 20590.

Bumper Hearing In Brief . . .

During NHTSA's two-day public hearing on its weaker-bumper plan, the four domestic auto makers told the agency that reduced bumper requirements were necessary to enable them to make bumpers lighter, giving consumers what auto makers claimed would be fuel savings and lowered initial costs of autos. The proposed reduction was opposed by insurers, public service groups and others who challenged the cost-benefit analyses that NHTSA used to support the proposed reduction, accused auto makers of seeking federal relief from a problem brought on by their own inefficient bumper designs, predicted increased crash parts sales for auto makers if NHTSA adopted the proposal, and warned of the safety consequences of weakened bumpers.

Throughout the meeting, NHTSA officials quizzed participants on public reaction to the bumper requirements and proposals, acceptable definitions of "damage" and the possibility of reductions in consumer costs and bumper weights. Officials asked repeatedly whether auto makers would be able to reduce auto weights without a reduction in federal bumper requirements. Without exception, the domestic auto makers admitted that weight reductions would be possible without a roll back in federal requirements, although they alleged that a roll back would make the job easier.

Rep. Bob Eckhardt (D-Tex.), a senior member of the House committee that developed the 1972 Motor Vehicle Information and Cost Savings Act directing NHTSA to establish "no damage" crash criteria for autos, testified that the Congress intended the agency to use 5 mile per hour barrier crashes as a starting point for those criteria. He said he strongly opposed the agency's weaker-bumper proposal. (Contrary to some press reports, NHTSA still has not issued any "no damage" standard as called for by the 1972 act. The agency has issued only its existing standard, under the 1966 National Traffic and Motor Vehicle Safety Act, requiring that bumpers protect some safety related items in low-speed crash tests. In its initial 1973 "no damage" proposal under the cost savings act, NHTSA defined low-speed crashes as 0-20 miles per hour.)

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SAFETY

Most testimony and questioning during the hearing addressed the economic aspects of the current and proposed requirements, although the existing standard deals solely with safety related damage. The only detailed remarks dealing with the safety ramifications of the proposal were made by the Insurance Institute for Highway Safety. IIHS testified that the current standard assured motorists that in 5 mile per hour collisions:

- “radiators won’t rupture, disabling their vehicles;
- “head and tail lights won’t be smashed, thus commonly leaving them to drive at night, a hazard to themselves and others;
- “doors won’t jam closed, trapping occupants in cars stalled in traffic;
- “hoods won’t fly up, blocking their driver’s vision;
- “exhaust systems won’t spring unseen leaks, allowing escape of deadly carbon monoxide;
- “brakes and steering won’t suffer undetected damage that later might well unexpectedly rob the driver of the ability to guide or stop the car in a hazardous situation.”

The domestic auto makers, however, concentrated their hearing testimony on the claimed economic aspects of DOT’s proposal. General Motors said that design and energy costs, among others, are a “paramount issue, today, particularly in this area of bumper standard where cost and benefits are in terms of dollars and do not get into the very difficult decisions concerning human injury.” In a comment filed with NHTSA subsequent to the hearing, GM claimed that the safety benefit of the current standard “has not been documented.” The auto maker claimed, “Since the safety performance of the *present* standard is unknown, the effect of *reducing* the test speed from 5 miles per hour to 2.5 miles per hour *cannot* be shown to be a reduction in safety performance.”

State Farm Mutual Automobile Insurance Co. warned DOT at the hearing that it “has no authority to eliminate the existing safety standard without clear and convincing factual findings that the proposed bumper standard will not diminish the safety protection now provided and thus will not expose consumers to substantial increased risk of personal injury and property damage loss.”

DOT was also sharply criticized by the American Insurance Association for proposing to weaken its bumper standard rather than propose methods, with positive safety benefits, to reduce vehicle weight and increase fuel economy. AIA rhetorically asked, “Why . . . is no consideration being given to proposals that have been pending before the NHTSA for years to limit the speed potential of American automobiles?” AIA pointed out that auto makers are currently producing cars with large engines having speed capabilities twice the maximum legal speed of 55 miles per hour. DOT’s failure to limit maximum vehicle speed was also stressed by IIHS and Nationwide Insurance Co.

COST-BENEFIT AND COST-EFFECTIVENESS ANALYSES

The bulk of debate between proponents and opponents of NHTSA’s proposal centered around conflicting claims of the net benefits or costs of the proposed weakened standard compared with a 5 mile per hour standard – a consideration required by the Motor Vehicle Information and Cost Savings Act of 1972, but not mentioned in the National Traffic and Motor Vehicle Safety Act of 1966 under which DOT’s only existing bumper standard was issued.

The American Insurance Association pointed out that auto makers themselves control the results of cost-benefit analyses. "When the manufacturer of the bumper system has sole control over what the price of that product is going to be, it gives him, shall we say, unusual leverage over the final outcome of the cost benefit analysis," AIA said.

Insurers also claimed that NHTSA had not given them sufficient information to analyze the cost-benefit study carried out for NHTSA by the Transportation Systems Center. (See *Status Report*, Vol. 9, No. 19, Oct. 29, 1974.) The National Association of Independent Insurers noted that insurers had requested from NHTSA, under the Freedom of Information Act, "a number of items of essential information" and "additional fact-finding hearings after receipt of that requested information, to resolve any disputed issues of fact" raised by the information, together with "an extension of the comment period . . . until 60 days after the close of these hearings."

The American Mutual Insurance Alliance said that cost-benefit analyses relied on by NHTSA used an unrealistically low inflation rate for auto crash parts. AMIA also alleged that the studies had underestimated benefits produced by installing bumpers on rear ends, failed to treat taxes as transfers of benefits, and used an inappropriate cost-benefit measure in evaluating alternate bumper systems. These errors, AMIA alleged, produced unrealistically low estimates of benefits from 5 mile per hour bumpers.

State Farm said NHTSA's studies failed to include an analysis of the "indirect cost savings to the consumer of the lost time and inconvenience which will be eliminated by any proposed bumper standard." State Farm also said that NHTSA had omitted any evaluation of light weight bumpers.

NAII claimed that IIHS 10 mile per hour crash tests of 1974 models had demonstrated that meeting the 5 mile per hour safety standard for bumpers could also reduce damage at higher speeds. NAII claimed that the benefits of the 5 mile per hour safety standard were also shown by Highway Loss Data Institute data on 1974 models, especially as compared with 1972 models.

ECONOMIC IMPACT

Insurers and auto makers exchanged widely varying estimates of the economic impact of the proposed and existing standards. NAII estimated that "the economic detriment" to American motorists would "total at least \$6 billion" during the life of the proposed weaker-bumper standard. Ford said that its study showed the present 1974 and 1975 bumper systems "will cost an average Ford purchaser \$208 over a 10 year period, but that he can realize no more than \$178 in benefits over the same time, or a \$30 shortfall." GM claimed the proposed standard would result in a loss of \$8 per car, while a 2.5 mile per hour standard would represent a gain of \$3 per car.

Chrysler said it supported "that level of bumper performance that provides the optimum cost effectiveness for the customer, whether this results in a test speed of 2, 3, 4 miles per hour or even higher." Chrysler also said, however, that it thought a 2.5 mile per hour standard would offer the greatest benefits and attacked the 5 mile per hour safety related standard.

Under questioning after testifying against federal 5 mile per hour standards, which first took effect the autumn of 1972, Chrysler's chief bumper engineer told the hearing:

. . . as a bumper engineer I cannot be very proud of some of the [bumper] systems we put on cars in the late 1960's and early 1970's. We have had our performance deteriorate, and I believe this is why we got the criticism. And when the industry did not respond rapidly to that criticism, Standard 215 was issued."

Rep. Bob Eckhardt (D-Tex.) said he rejected the argument that the inefficiency of present heavy bumpers was “compelling enough on a cost-benefit analysis to cause lowering of bumper standards.” Any increase in efficiency resulting from reduced requirements would not be enough, he warned, to “outweigh the greatly increased costs resulting from the lowering of standards.”

WEIGHT

IIHS testified that bumper weights on 1975 cars range from slightly more than three per cent of cars’ total weight to just short of six per cent of the total vehicle weight. This variation even exists between cars in the same market class, IIHS noted. Ford said, “We acknowledge that our bumpers are heavy and complex, but we submit that more cost-beneficial designs were not then available for universal application.”

Essentially, three possible solutions to the weight question were mentioned:

- **Soft face bumpers**, said by some auto makers to be a promising solution but not adequately tested or, at this point, ready for large-scale production use.
- **Aluminum bumpers**, used for several years by some auto makers, but claimed by others to be too expensive and too damage prone. (IIHS tests of 1974 models showed that cars with aluminum bumpers fared as well or better than some cars with heavier steel bumpers. See *Status Report*, Vol. 10, No. 5, Feb. 21, 1975.)

Excerpt from statement by The Aluminum Association, Inc., in NHTSA’s official weaker-bumper proposal docket.

Aluminum, without consideration of secondary weight savings, is usually more expensive than steel on an initial cost basis (comparison dependent upon finish, scrap generation, design, etc.) and it does consume more energy in its production. However, more production techniques are available to aluminum than steel to minimize the cost differential, and both dollars and energy are returned from gas savings alone to make aluminum a cost and energy effective contender in current and future bumper systems.

- **Lighter-weight more efficient bumper shock absorbers**, such as those designed and manufactured by Taylor Manufacturing Co. since 1971. Taylor testimony at the hearing included a 1971 film of a crash test of a new car using its device. The energy absorber weighs 3.5 pounds (as opposed to currently used devices that weigh up to 18 pounds), but the 7.5 mile per hour barrier crash produced no damage to the car, Taylor told NHTSA.

NAII questioned why “design innovations cannot continue to be developed and phased in without jettisoning the existing general bumper standards and reversing the progress already made We see no reason why further experimentation and progress in bumper technology cannot continue within the general framework of the existing standard.”

Other testimony by insurers and public interest groups cited allegedly unnecessary car weight increases in the past few years that were caused by making optional equipment standard. The Center for Auto Safety and IIHS also noted reports that GM resorted to the addition of between 60 and 125 pounds of dead weight in the form of noise absorbing material to quiet their 1975 models.

Ford predicted that it could reduce “average bumper system weight by 90 lbs within 12 months of the date” the weakened rule became effective. Ford claimed that resulting fuel reduction “across a stable vehicle population will increase vehicle fuel economy and reduce gasoline demand by the equivalent of about

18 million barrels of oil annually.” Chrysler claimed it would reduce “the weight of our average passenger car by approximately 70 lbs . . .” with further “weight reductions of 10 to 30 lbs per car within an additional six to eight months . . .” GM also claimed possible weight savings but did not specify an average per car.

Statement of Ford Motor Co. at the hearing, in explanation of why Ford chose not to use lighter-weight aluminum face bar designs such as found on the 1974 Volvo and Opel Manta:

The (Opel) Manta bumper system weighs 33 pounds front and 32 pounds rear for a total of 65 pounds . . . Applied to the Pinto which is 800 pounds heavier than the Manta, we estimate that the Manta bumper design would have to weigh about 81 pounds, which is lighter than the Pinto bumper at 155 pounds. However, we estimate that such a system would cost about the same to manufacture as the Pinto system. Volvo bumpers weigh 82 pounds with similar costs. Aluminum bumpers are more damage prone than steel . . . (IIHS 10 mile per hour front-to-rear crash tests of 1974 models produced these repair estimates: Ford Pinto, \$145.85; Opel Manta, \$0; Volvo 142, \$83.75.)

Insurers and public interest groups said the manufacturers had often failed to use available lighter-weight bumpers. AIA testified, “In our view, only two conclusions can be drawn from the manufacturers’ failure to meet the performance standard with well-designed systems: (1) the manufacturers have deliberately chosen to meet the performance criteria . . . [by] the most cumbersome, weighty, and costly means possible so as to make their consumers resentful of the bumpers; and (2) therefore, the performance criteria should be supplemented with additional criteria specifying weight, material and other limitations”

State Farm also urged NHTSA’s inclusion of a weight requirement in the standard. Auto makers objected to any weight limitation since, they claimed, it would be a “design” standard, not a “performance” standard as required by legislation. GM said it was the “field performance of the system that is germane, rather than whether it is soft face, or whether it meets a particular weight requirement.”

CONGRESSIONAL INTENT

The National Traffic and Motor Vehicle Safety Act of 1966 authorized safety related vehicle standards. The Motor Vehicle Information and Cost Savings Act of 1972 directed NHTSA to issue vehicle bumper standards aimed at reducing property damage in low-speed crashes. Opponents of the proposed roll back said that NHTSA’s plan failed to satisfy the congressional intentions of either act.

Rep. Bob Eckhardt (D-Tex.), told NHTSA that the proposal, with its 2.5 mile per hour test requirement, made a “mockery” of the Cost Savings Act. The Congress expected that the property damage standard “would initially be expressed in terms of a vehicle’s performance in 5 mph fixed barrier impacts,” Eckhardt said. “It is the duty of DOT . . . to implement this legislation as Congress intended it to be implemented,” he said.

PART PRICES

The increase in auto maker sales of crash parts – the prices of which have soared upwards at many times the current inflation rate – was repeatedly stressed by insurers and public service groups during the public hearing.

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Under questioning as to what a weaker-bumper standard would mean in crash parts sales, Chrysler said that “there is little question but what the 5 mile per hour system will show less damage than the 1972 system.” Ford and General Motors, similarly questioned, declined to estimate the effect on their crash parts sales of NHTSA’s weaker-bumper plan.

State Farm presented data showing that the price of crash parts, such as hoods, fenders, and bumpers, “increased by a staggering 31 per cent during last year.” State Farm pointed out that this is “triple the rate of inflation” for last year as measured by the U.S. government’s consumer price index. The Federal Trade Commission is currently investigating auto makers’ allegedly anti-competitive crash part sales practices, State Farm told the hearing. The insurer asked the FTC in 1969 to investigate such practices. A copy of its 1969 filing was included in State Farm’s docket submission.

IIHS presented data showing “huge ranges in replacement prices for bumper systems chosen by manufacturers to satisfy the identical federal minimum performance requirements.” These large price differences “show little evidence of competitive pricing and suggest that the replacement prices for many bumper systems could be substantially reduced, thus hugely reducing society’s costs,” IIHS said.

State Farm suggested that NHTSA “consult with the Federal Trade Commission and the Antitrust Division of the Department of Justice in order to assess and weigh the serious anti-competitive impact of the proposed standard which will inevitably lead to thousands of additional crashes involving damage to monopoly-priced crash parts – in turn expanding this monopoly market. Such action is required pursuant to the Ford Administration’s announced policy of increasing competition and vigorous antitrust enforcement.” NHTSA Administrator Gregory announced at the hearing that NHTSA would ask the FTC for its information on auto makers parts pricing practices.

State Farm, American Mutual Insurance Alliance, IIHS and others noted that although the cost-benefit studies relied upon DOT to justify its bumper roll back plan used an assumed inflation rate of 4.6 per cent, the actual rate of inflation for crash parts was nearly seven times that figure.

CAR PRICE

Manufacturers differed in their estimates of price reductions they claimed would result from the weaker-bumper proposal. Not one, however, agreed with NHTSA’s estimate that consumers would receive \$107 per car in price reduction benefits from a weaker-bumper standard.

Ford, estimating an average \$30 to \$40 of price reduction per car within 12 months of the date the rule became effective, said, “Competitive pressure would assure that the reduced price would benefit purchasers.” Chrysler claimed a “reduction in base car pricing of approximately \$50 per car.” GM estimated a “reduction in consumer cost related to bumpers amounting to a GM sales weighted average of \$30 per car.” Volkswagen predicted a \$20 reduction.

Insurers expressed skepticism about the promised price reductions. Nationwide remarked, “We’re told that by retreating to the bumperless bumper, the price of new cars can be lowered.” AIA said that “current pricing policies of the major domestic automobile manufacturers seem to indicate that there is considerable elasticity in the selling price of automobiles without regard to the costs of compliance with federal safety and emission standards”

The 2.5 Mile Per Hour Bumper Plan

- Oct. 29, 1974** Auto makers urge safety and emission standards relaxation at White House meeting between auto makers and President Ford’s Energy Resources Council on improving fuel economy.
- Jan. 2, 1975** DOT proposes sweeping roll back of current safety related bumper standard (FMVSS 215) and proposed property damage bumper standard. Allows only six weeks for comments.
- Jan. 7** Sen. Warren Magnuson (D-Wash.), chairman of Senate Commerce Committee,urges NHTSA not to “retreat from its efforts to make vehicles safe and less damage-prone” simply because the auto industry has “chosen the least cost-effective means for the consumer of complying with the [bumper] standard and has perpetuated clumsy and ineffective bumper designs”
- Jan. 17** Rep. John Moss (D-Cal.), chairman of House Commerce Committee’s subcommittee on investigations, requests NHTSA allow more time for comments and “immediately schedule a public hearing”. Moss charges the proposal makes a “mockery” of laws requiring DOT to set bumper standards.

Sen. Vance Hartke (D-Ind.), chairman of Senate Commerce Committee’s subcommittee on surface transportation, warns NHTSA that a weaker-bumper rule “would be completely unjustifiable . . . without evaluating meticulously realistic cost information provided by motor vehicle manufacturers and their suppliers.”

Motor Vehicle Manufacturers Association urges DOT “take quick action on” proposed bumper roll back for 1975-1977 models; asks DOT to grant an additional 90 days to comments on its proposal for 1978 and later vehicles. General Motors and American Motors file similar requests.
- Jan. 23** Insurers representing about 90 per cent of the nation’s automobile insurance industry hold press conference to express “strong opposition” to proposed roll back saying 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.”
- Jan. 28** Insurers request DOT to extend the comment period so they can “accumulate and evaluate data necessary for a full and complete response” to proposal.
- Jan. 31** Sen. Magnuson writes NHTSA Administrator James Gregory seeking assurance that he has not “already prejudged” the bumper issue.
- Feb. 12** Sen. Magnuson asks NHTSA for “list of all meetings” the agency has “held with non-government individuals and organizations in connection with” weaker-bumper proposal.

Insurers file Freedom of Information request seeking information used by NHTSA to justify proposed roll back. Insurers also ask DOT to hold additional hearing to “resolve the disputed issues of material fact” and to extend comment period to allow adequate analysis of information.
- Feb. 18-19** NHTSA holds public meeting on proposal to downgrade present and proposed bumper standards. Auto makers, insurers, bumper component manufacturers, public interest groups and others comment.
- Feb. 27** NHTSA gives “interim reply” to insurer’s Freedom of Information request, providing some of the documents sought.
- Feb. 28** State Farm requests DOT use existing legal authority to obtain, evaluate and make public auto makers’ data on bumper costs.
- March 3** NHTSA closes docket after more than 150 parties comment.
- March 7** NHTSA announces it will not drastically reduce bumper requirements. Proposes slight weakening of bumpers. Requests comments on new proposal by April 4, 1975.

NHTSA Issues Damage Information Rule

The National Highway Traffic Safety Administration has issued a new rule intended to eventually require that auto dealers give prospective customers comparative data on vehicle damageability and crashworthiness.

The new rule, mandated by the Congress in the Motor Vehicle Information and Cost Savings Act of 1972, was published in the Feb. 3, 1975, *Federal Register*. NHTSA targets 1980 as the first model year in which dealers would have to distribute the comparative insurance costs on most new cars, according to an agency official. NHTSA's "optimistic projection" for its first crashworthiness data on a "limited range" of new cars is for the 1976 model year, he said.

"Damage susceptibility and crashworthiness studies currently being conducted by the NHTSA are expected to influence the insurance rate structure by providing data which will enable the insurance industry to take these factors into account. As this occurs, the NHTSA will prepare comparative indices for the dealers to distribute to prospective purchasers," the agency explained. The "comparative indices" will be "based on differences in damage susceptibility and crashworthiness, rather than simply the insurance premium rate which is determined by many factors," NHTSA said.

Information on 1973 models, currently being studied by NHTSA, will not go to the insurance industry until late this year, another official told *Status Report*. NHTSA has not yet developed the format it will use to present the results of its studies. The agency will probably settle on a format late this summer, he said.

NHTSA proposed the rule last November (see *Status Report*, Vol. 9, No. 21, Nov. 20, 1974).

Historical Note

Excerpt from the report of the first National Conference on Street and Highway Safety, December 1, 1924.

BUMPERS:

(a) *A study of the use of bumpers as a safety devise (sic) should be undertaken in the near future. The facts available at the present time are not sufficient to justify an expression of opinion as to whether bumpers, as they are now usually designed and constructed, have any effect in reducing loss of life or personal injury.*

(b) *When bumpers are used, the height of the center line above the road should be standardized so far as conditions will permit.*

... from the point of view of danger to pedestrians, there is some reason to believe that the present type of passenger car bumper, due to its height from the ground, may be a source of danger rather than of safety."

NHTSA Schedules Hearing On Brake Standard

The National Highway Traffic Safety Administration will hold a hearing on April 1 to take comments for and against its new proposal to modify the upgraded hydraulic brake standard – FMVSS 105-75 – that is now scheduled to take effect for passenger vehicles and trucks on September 1.

According to an NHTSA announcement, the agency is proposing:

- To delay until Jan. 1, 1976, the standard's application to passenger automobiles. NHTSA said the brief delay would afford lead time for auto manufacturers to implement technical changes in the standard, which were announced earlier by the agency. It said it was denying pleas for a longer-term delay, because of "the extremely low cost for passenger-car compliance with the standard, and NHTSA's determination that significant safety benefits will derive from better stopping performance, stability and pedal force levels"

- To indefinitely delay the standard's application for all other hydraulic brake equipped vehicles. Such vehicles currently do not have to meet any brake standard. NHTSA said it is "not certain" that increased brake performance for trucks "will produce sufficient safety benefit to justify the substantial costs required to meet it." The agency said that in "view of this substantial proposed delay," it plans to issue "interim braking standards in the near future" for multipurpose passenger vehicles, trucks and buses. NHTSA also announced that it would propose separate requirements for school buses.

The announcement followed by three weeks the agency's public meeting to take comment on petitions by the auto industry and a filing by the Council on Wage and Price Stability demanding that NHTSA "indefinitely" postpone application of its standard to improve the performance of hydraulic brake systems. (See *Status Report*, Vol. 10, No. 5, Feb. 21, 1975.)

NHTSA had previously proposed a delay in its standard, FMVSS 121, for air brake equipped vehicles. In the face of strong opposition, NHTSA withdrew that proposal. The air brake standard went into effect on January 1 for trailers and on March 1 for trucks and buses. (See *Status Report*, Vol. 10, No. 2, Jan. 21, 1975.)

Comments on the proposed delay should be sent by April 4 to: Docket 70-27, Notice 12, Docket Section, National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C. 20590. Persons wishing to make a presentation at the April 1st public meeting should call NHTSA engineer Vernon Bloom (202/426-2153) no later than March 26th.

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the highway
loss reduction

STATUS REPORT

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