

Coleman Delays Passive Restraint Decision

Secretary of Transportation William Coleman, Jr., has announced another delay and possibly another set of hearings in the long-awaited decision on whether the federal government will require passive (i.e. automatic) protection for vehicle occupants.

The decision to postpone decision-making comes despite a March pledge by the nation's auto safety chief, James Gregory, who heads the National Highway Traffic Safety Administration, that final action on the matter would be taken by August. NHTSA is part of the Department of Transportation.

Coleman's announcement, made in Detroit, seemed to ignore recent pleas from the National Association of Insurance Commissioners; a public interest group and two physician associations calling on him to make an early decision in favor of mandating passive restraints in autos.

He announced the delay at a press conference held before delivering a speech to the Economic Club of Detroit.

Coleman said that early in June he will announce further plans for DOT's handling of the occupant restraint standard (FMVSS 208). A congressional staffer said he believes this means that Coleman may wait until after the California primary to announce his plans. The final decision on mandating passive protection is not expected before the November elections, according to another Capitol Hill source.

Speculation within DOT is that there will be another hearing on passive restraints, probably conducted at the departmental level rather than by NHTSA. In May 1975, NHTSA held a week-long hearing on passive restraints. (See *Status Report*, Vol. 10, No. 11, June 18, 1975.) No major changes in technological, cost or other aspects of passive restraint protection have been announced by the agency since that time. Yet, a DOT official explained that the new hearing would probably be an additional "information-gathering" hearing conducted by the Secretary to "build a record."

RULEMAKING PROCEDURE

Under the agency's rulemaking procedure, NHTSA would issue a new Notice of Proposed Rulemaking (NPRM) specifying a proposed passive restraint standard. Comments would then be solicited from the public and a public hearing would be held on the standard. Following examination of the testimony and of written comments, the agency could then issue a final passive restraint standard, although it is under no obligation to do so. Under special provisions established by Congress, there is a 60 working day period following the issuance of the standard in which Congress can review the standard and veto it if it chooses to do so.

Coleman is thought to be proposing an "information gathering" hearing to be held before an NPRM is issued. This may fulfill the legal requirement to hold a public hearing on the standard. Past NHTSA

GM 'Reconsidering' Air Bag Option

E. M. Estes, president of General Motors, says that GM is "reconsidering" its decision to eliminate the air bag as an option for some 1977 model cars. (See *Status Report*, Vol. 10, No. 9, April 28, 1975.)

Estes disclosed this to newsmen at the same meeting at which Coleman announced his delay in reaching a decision on passive restraints. A GM spokesman told *Status Report* that the company may retain the air bag option in its "E" body cars. These are the Cadillac Eldorado, the Buick Riviera and the Oldsmobile Toronado. These body types are not being redesigned for the 1977 model year, he explained, so there would be no technical problems involved in keeping the air bag as an option.

The GM representative emphasized, however, that these cars account for a very small portion of GM sales.

interpretations of the law, however, have held that an additional hearing must be held following the issuance of an NPRM on passive protection.

In March of this year Coleman told a National Press Club audience, "Don't hold me to it, but I hope I can reach a decision within 90 days." Three days later, Gregory told the House Commerce Committee's Consumer Protection Subcommittee that there would be "final action" on passive restraints before the congressional recess in August. Gregory explained to the subcommittee that this meant – because of the time needed for receiving comments on rulemaking – that there would be a proposal in April or early May. That proposal was never forthcoming. (See *Status Report*, Vol. 11, No. 5, March 19, 1976.)

At his recent Detroit press conference, Coleman was quoted as saying that air bags – one of the methods most commonly cited for meeting a passive protection requirement – would cost \$300 per car. DOT officials told *Status Report* that Coleman mentioned this figure as part of a range of estimates given for air bags. An NHTSA spokesman said the agency continues to adhere to its March 1975 study that estimated it would cost approximately \$120 in addition to the cost of the current lap belt system to install air bags necessary to protect front seat occupants.

In 1969, NHTSA issued the first proposal for mandating passive protection. It was to take effect with 1972 model cars. There have been continued delays in the rulemaking process since that time, in part caused by an automobile manufacturer suit challenging the standard. (Court review of the passive restraint standard upheld the right of the federal government to issue such a standard, but ordered NHTSA to revise test procedures.) If Coleman waits until the end of the year to reach his decision, 1979 would probably be the earliest model year in which passive protection could be available in all new cars.

Some action on the current occupant crash protection standard, however, must be taken by NHTSA before the end of August. At that time the current standard (which allows manufacturers the choice of passive restraints, active lap and shoulder belts or a combination of both) expires. An NHTSA official said that he expects that a Notice of Proposed Rulemaking will be issued to extend the current standard.

QUICK DECISION URGED

Among organizations recently urging the Secretary of Transportation to act on passive restraints, such as air bags, are the National Association of Insurance Commissioners, Ralph Nader's Public Citizen group, and two physician associations.

The NAIC resolution called on DOT to "promulgate without further delay Motor Vehicle Safety Standard 208, requiring air bag passive restraint systems to be installed on all new automobiles sold in this country at the earliest practicable date; or satisfactorily explain to the American public why such regulation is not adopted."

The insurance commissioners said that air bag passive restraint systems "promise to substantially increase the protection against . . . highway deaths and injuries" that annually cause "an intolerable level of human pain, suffering, anguish, and bereavement, and billions of economic loss."

Public Citizen, a public interest organization headed by attorney Ralph Nader, endorsed passive restraints in its 1976 platform. "The Department of Transportation should act soon," it said, "to order the installation of passive restraint systems such as those which automatically inflate into an air filled pillow to protect automobile passengers in a crash."

Public Citizen urged citizens to write to their senators and congressmen in support of passive restraints, which will be subject to congressional approval if proposed by DOT. "The mandatory installation of passive restraint systems is a long overdue safety feature which could save thousands of lives and prevent many injuries each year," it said.

The board of the American Trauma Society, an organization of physicians and others concerned with prevention of traumatic injuries and care of those injured, wrote to Coleman, urging him "to issue, as soon as possible, a notice of proposed rulemaking for a passive restraint standard." The board said it was looking forward "to the day when motor vehicles will adequately protect their occupants in moderate-speed crashes" in order to prevent "needless injury and death."

Passive restraints were endorsed at the national assembly of the Physicians National Housestaff Association, an organization of interns, residents and fellows on the staffs of teaching hospitals. The resolution, on "social diseases," also endorsed "legislation to eliminate roadside boobytraps (sign posts, bridge supports, railings, etc.) . . . and to enforce with more vigor the existing laws concerning driving while under the influence of intoxicants, and to enforce laws restricting excessive speed."

990,000 Stolen In '75

Auto Theft Task Force Formed

A half dozen federal agencies have quietly formed a task force to combat "the staggering auto theft problem," which, if present trends continue, will amount to the theft of more than one million vehicles in 1976.

Preliminary Federal Bureau of Investigation data for 1975 indicate that vehicle thefts numbered 990,000 — a 2 percent increase over 1974.

The task force, called the Interagency Committee on Auto Theft Prevention, claims its "long-term objective is to achieve a 50 percent reduction of auto thefts within five years."

(Cont'd on page 4)

Status Report

June 7, 1976

(Cont'd from page 3)

The task force is comprised of officials from the departments of State, Treasury, Commerce, Transportation, Justice and the President's Office of Management and Budget.

A task force "working document" spells out the magnitude of the problem:

"Nationwide, one out of every 128 registered automobiles was stolen last year (1974). The total value of the automobiles stolen exceeded one billion dollars. Thus, it is immediately apparent that auto theft is not merely a law enforcement problem, it is a consumer problem, an insurance industry problem, and a significant contributor to the inflation tearing at our economy. If one adds to the one billion dollar figure the staggering cost of investigating, prosecuting, adjudicating, correcting and rehabilitating auto thieves, it is clear that every American taxpayer is deeply affected by this growing area of criminal activity."

The largest portion of the vehicle theft problem – the task force estimates 75 percent – appears to be "individuals, generally amateurs, who steal automobiles for various reasons: joyriding, transportation, quick money, or use in the commission of a felony." Task force officials assume, based on FBI crime reports, that most of those individuals are juveniles.

The task force estimates that the other 25 percent of vehicle thefts are made by organized theft rings that "generally consist of professional thieves who steal cars to order; body shops in which the vehicles are modified and serial numbers altered, and dealers or distributors who make the sale and process the fraudulent sale documents."

ACROSS THE BORDER

The task force is also concerned that "a substantial number of stolen vehicles are exported to foreign countries or transported across the border into Mexico." Customs officials reported at a recent task force meeting that a "sporadic" 72-hour check of vehicle tags on a road leading to the Mexican border turned up 27 stolen vehicles. In another pilot project customs officials discovered stolen vehicles valued at more than \$100,000 just before they were to be shipped from several eastern and southeastern ports. A Customs Service check of export declarations, which do not have to be filed until four days after a ship has sailed, "revealed the location of numerous other stolen vehicles already in a foreign country," the task force learned.

The task force's aim is to make vehicles less vulnerable to theft and more difficult to dispose of once they are stolen.

The possible tactics mentioned in the working document include:

- **STATE DEPARTMENT:** Facilitate extradition of auto thieves; ensure timely return from foreign countries of stolen vehicles and facilitate appearance of foreign witnesses in U.S. courts.
- **TREASURY DEPARTMENT:** Assist local authorities in physically checking vehicles and ownership documents of vehicles scheduled for export; check for stolen vehicles at international borders; arrange Interpol coordination.
- **COMMERCE DEPARTMENT:** Seek legislation regarding export of stolen vehicles; reduce theft from auto dealers; obtain reduced insurance rates for auto lot and key security measures and inventory system.

- **TRANSPORTATION DEPARTMENT:** Improve anti-theft standards; urge industry development of auto security devices; develop standardized titling procedures; propose and support vehicle registration standards; propose and support laws for titling junked automobiles; encourage state laws making it illegal to leave ignition key in parked vehicles; urge insurance premium reductions where anti-theft measures are enacted; develop an inspection program to rapidly identify stolen vehicles, possibly by requiring electromagnetic VIN's; develop a system of rapid theft reporting using radio and television.

- **JUSTICE DEPARTMENT:** Investigate and prosecute cases of organized interstate theft rings; encourage state prosecution of individual theft cases; conduct a pilot project for extradition of auto thieves and witnesses at federal expense; encourage anti-auto theft measures at state and local level; assist in drafting and enactment of legislation to curb fencing of stolen vehicles; encourage timely and accurate stolen vehicle reports by local police.

Longer Bus Brake Exemption Proposed

The National Highway Traffic Safety Administration has proposed extending the current exemption granted for air brake equipped buses from certain requirements of the federal air brake standard (FMVSS 121).

In January, NHTSA exempted buses until Jan. 1, 1977 from the stopping distance and no wheel lockup performance requirements of FMVSS 121, because, it said, "a pattern of erratic behavior developed in the performance of the antilock system used by manufacturers of transit and intercity buses to satisfy the 'no lockup' requirements of the standard." The exemption also applies to air brake equipped school buses.

During the exemption period, manufacturers were to field test new antilock systems. (See *Status Report*, Vol. 11, No. 1, Jan. 12, 1976.) NHTSA is now proposing to add nine additional months to the exemption period, extending it until Sept. 1, 1977, to allow for a full year of operation "in all environmental conditions, particularly in the winter season."

Comments on the proposal should be sent by July 1, 1976, to Docket 75-16, Notice 8, Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh St., S.W., Washington, D.C. 20590. NHTSA requests, but does not require, that 10 copies of each comment be submitted.

Attorneys Cite Dangers Of Helmet Law Repeal

A national attorneys' group has warned governors of the serious economic and health consequences that will accompany repeal of state motorcycle helmet use laws.

Leonel Hatch, Jr., president of the Federation of Insurance Counsel, sent each governor a series of research documents demonstrating the effectiveness of motorcycle helmets in reducing deaths and injuries.

The Federal-aid Highway Act of 1975 eliminated federal sanctions against states that either fail to enact or repeal their helmet use laws. (See *Status Report*, Vol. 10, No. 21, Dec. 23, 1975.) Several states have already repealed their laws. Other state legislatures are now considering repeal measures. California has never had a helmet use law; Illinois' law was declared unconstitutional on technical grounds; and Utah's law only applies to motorcyclists traveling on highways with speed limits greater than 35 miles per hour.

(Cont'd on page 8)

The following article is reprinted with permission from the *American Journal of Public Health*, May 1976.

Commentary

Motorcycles and Public Apathy

Last November I presented a brief paper before a medical group about motorcycle crashes and their deadly consequences.¹ Reaction from organized cyclists to the paper, or at least to news reports of it,² was fast and ferocious—a deluge of angry mail to me as well as outraged editorials in cyclist magazines.³ Some of the letters were dispassionate and objective, many were personally abusive (“bigot”, “meathead”, “un-American”), and a few were threatening.

The sources of the cyclists’ outrage were two points made in my paper, both reported in the general press. One raised the option of “banning” or limiting the use of motorcycles to the extent that their sizes, speeds, drivers’ ages, or other characteristics in crashes suggest them to be strongly associated with exceptionally large amounts of human damage that cannot otherwise be controlled. The other point referred to laws requiring the use of motorcycle helmets. I had described such laws, which existed in most states because of a federal requirement, as a demonstrably successful step toward reducing head injuries to crashing cycle drivers and their passengers.⁴

While mulling over the vituperation of American cyclists’ reaction to these two points, I happened to visit Europe on business and there found company. The Scandinavian countries, it turns out, are wrestling with the same problems raised in my paper. They have already adopted and are strongly enforcing motorcycle helmet use laws, and in Sweden work is underway to develop lighter weight helmets for mandatory use by “moped” riders and even bicyclists.⁵

As to motorcycle size and engine power, an inter-governmental agency advisory panel from four Scandinavian countries is urging strict power ceilings on *all* motorcycles and mopeds. (Finland, Sweden, and Norway already somewhat limit the sizes of engines in smaller model cycles). Light motorcycles are “to a great extent used by unexperienced young people with a generally great proneness to accidents,” so the panel has recommended that their legal power ceilings be adjusted downward “to the qualifications of the drivers and to the way of use, which primarily is short trips and pure leisure.” For heavy motorcycles, it has concluded that “a limitation of cylinder volume could have good results . . . the vehicles more and more are owned and used by young drivers” and their “capacities for speed and acceleration gradually have increased to a level which definitely

exceeds what is reasonable in the light of qualifications and needs of most drivers.”⁵

American motorcyclists, at least the organized ones, are vehemently opposed to such ideas. Despite the huge, well documented amounts of human carnage being produced in their crashes, they insist that the problem is being vastly overstated by meddling experts and that anyway, it is nobody’s business but their own. This is not so. It is everyone’s business. We all carry the burdens of human and economic waste caused by damage to people that takes place in the commons—in this case, our streets and highways. We all have a right, *even an obligation*, to take steps to reduce the damage and its consequences.

What, then, are the nature, magnitude, and characteristics of human damage involving motorcycle crashes—damage whose price tag includes not only death but also life-time medical care for the permanently crippled, and is paid by all of us through taxes, insurance premiums, and voluntary contributions to medical and other causes? Here are some indicators:

- By the end of 1974 about five million motorcycles and mopeds were registered in the United States—up from less than one million a decade earlier. The numbers are increasing at better than 14 per cent per year.⁶
- About 3,500 people died in motorcycle crashes in 1974. For motor vehicles in general, fatalities leveled off in 1969 and had been dropping sharply since 1972; for motorcycles they have been increasing sharply since 1969.⁷
- Motorcycles accounted for only 3.7 per cent of all registered vehicles and less than two per cent of vehicle miles traveled in 1974, yet their riders accounted for 7.3 per cent of all motor vehicle fatalities, up from only 2.5 per cent in 1964.⁷
- Although the under-25 age group represented only one-third of a sample of all cycle owners studied in California, it accounted for two-thirds of the injured cyclists. (Police records may be seriously under-reporting motorcycle death and injury; fewer than 39 per cent of all injured cyclists were reported in official records examined in California). Young males carried by far the heaviest load of motorcycle crash, death, and injury.⁸
- Nine per cent of motor vehicle-related spinal cord trauma reviewed in California studies occurred to motorcycle riders, even though cycles accounted for only 6 per cent of motor vehicles registered in the study area. For the nation as a whole, close to 90 per cent of all motorcycle crashes result in injury or death, compared to 10 per cent of automobile crashes.⁸

Address reprint requests to “Motorcycles,” Insurance Institute for Highway Safety, Watergate Six Hundred, Washington, D.C. 20037.

As predicted in this article, other states besides South Dakota have taken action to void their motorcycle helmet use laws. Since the article was written, Kansas and Rhode Island also have passed repeal measures.

- The more powerful the motorcycle, the greater the risk of death or injury to its rider.⁹

- Motorcycles kill pedestrians at about the same rate per registered vehicle as do smaller cars.¹⁰

- States with helmet-use laws have experienced, on average, decreases in motorcycle-involved fatalities compared to those without such laws.⁴

- Driver education has not been shown to make a difference in motorcycle crash, death, or injury rates.¹¹

Since it shares in paying the costs of the mayhem, the public at large has a right to take steps to reduce it, just as organized cyclists have a right to argue (with facts rather than firebrands, it is hoped) against such steps. The cyclists are certainly exercising their right; the same cannot be said of the public.

At the insistence of organized motorcycle interests, the Congress is repealing a 10-year old law empowering the U.S. Department of Transportation,¹² through a federal funding program, to see that every state adopts and enforces a motorcycle helmet-use law. Most states have long since complied, so most motorcycle riders now enjoy helmet protection as a matter of law. Yet very vocal cycle groups have been able to persuade Congress, in the prevailing atmosphere of distrust for government, to forbid DOT from exercising this public health authority. State governments are now being pressured by cyclists to repeal helmet-use laws. Some, unfortunately, will knuckle under. (South Dakota already has; it repealed its law early this year.)

Nor is the government considering, let alone taking, steps to limit the power, driver age, or other characteristics of motorcycles that are shown to be heavily associated with high amounts of death and injury. The data describe the problem and also the options for reducing it. Yet, were an official American advisory panel to come out with recommendations such as the Scandinavian intergovernmental advisors have published, it would be pilloried by cyclists and their publications, and few voices would be raised in its behalf.

Daniel P. Moynihan wrote many years ago in *The Reporter* that it is in the nature of public health problems that they "arise so naturally out of the environment that the population affected usually accepts them as inevitable and will even resist efforts to do anything about them."¹³ Motorcyclists may resist proposals to stop the carnage, but their arguments of "individual rights" are hollow. As a Massachusetts court told a cyclist objecting to the state's helmet-use laws (and the U.S. Supreme Court later affirmed):

"While we agree with plaintiff that the act's only realistic purpose is the prevention of head injuries incurred in motor-

cycle mishaps, we cannot agree that the consequences of such injuries are limited to the individual who sustains the injury . . . The public has an interest in minimizing the resources directly involved. From the moment of the injury, society picks the person up off the highway; delivers him to a municipal hospital and municipal doctors; provides him with unemployment compensation if, after recovery, he cannot replace his lost job, and, if the injury causes permanent disability, may assume the responsibility for his and his family's subsistence. We do not understand a state of mind that permits plaintiff to think that only he himself is concerned."¹⁴

ALBERT BENJAMIN KELLEY

REFERENCES

1. Kelley, A. B., A Comment on Motorcycles, American Association of Automotive Medicine Annual Meeting, November 1975.
2. Scarr, Lew, Nationwide Motorcycle Ban Asked, The San Diego Union, San Diego, CA, November 22, 1975; Ban on Motorcycles Suggested, The Los Angeles Times, Los Angeles, CA, November 24, 1975.
3. See, for instance, Hull, Roger, Bomb the ban, Road Rider Magazine, Volume 7, No. 2, February 1976.
4. Robertson, L. S., Motorcyclist Helmet and Daytime Headlamp Use Laws: Effects on Use and Fatalities, Washington, DC, Insurance Institute for Highway Safety, November 1975.
5. Nordisk Trafiksikkerheds Rad, Rapport 13, Motorcyklar och mopedtrafiksakerhet och konstruktion, Stockholm, Sweden, 1975.
6. Coan, H., Searchlight on safety, Transportation USA (US-DOT), Volume 1, No. 4, Washington, DC, September 1975.
7. U.S. Department of Transportation, National Highway Traffic Safety Administration, Federal Highway Administration: A Report on Activities Under the Highway Safety Act of 1966, January 1, 1974-December 31, 1974, Traffic Safety '74, HS-801 699, 700.
8. Kraus, J. F., R. S. Riggins, W. Drysdale and C. E. Franti. Some Epidemiologic Features of Motorcycle Injury in a California Community (A Preliminary Report). Presented to the Epidemiology Section of the American Public Health Association at the 100th Annual Meeting, Atlantic City, NJ, November 14, 1974. (Unpublished)
9. Kraus, J. F., C. E. Franti, S. L. Johnson and R. S. Riggins. Risk Factors in Motorcycle Collision Injuries, Proceedings of Nineteenth Conference of the American Association for Automotive Medicine, November 1975.
10. Robertson, L. S., and S. P. Baker. Motor Vehicle Sizes in 1440 Fatal Crashes, Washington, DC, Insurance Institute for Highway Safety, July 1975.
11. Kraus, J. F., R. S. Riggins and C. E. Franti. Some epidemiological features of motorcycle injury collisions—I and II. Journal of Epidemiology (in press).
12. Highway Safety Act of 1966, Public Law 89-564, September 9, 1966.
13. Moynihan, D. P., Epidemic on the highways, The Reporter, April 1959.
14. Simon v. Sargent, 346 F.Supp. 277, 279 (D.Mass. 1972), affirmed, 409 U.S. 1020 (1972).

Answering the argument that helmet laws infringe on personal liberty, the FIC cited U. S. and state Supreme Court decisions on the constitutionality of such laws. The decisions point to the public's obligation to provide medical care and financial support for the injured and their families.

Hatch emphasized that "the potential cost to state and local governments arising from deaths and injuries in motorcycle crashes is particularly relevant in the continuing serious economic demands upon such governments. Our own inquiries have indicated that, although costs are incurred, states do not have substantive figures as to the amount of losses they sustain from motorcycle crashes.

"The colorful and active proponents of repeal of these laws have studiously avoided the economic issues of governmental expenditures attributed to providing medical and custodial care for those who suffered brain damage due to non-helmet use," Hatch said.

The federation asked the governors for any state studies of medical and custodial costs attributable to motorcycle-related injuries so that the federation can distribute this information to other states.

The federation is an organization of attorneys whose practice includes insurance company representation and insurance company attorneys.

UPDATE . . .

CLOSING DATE FOR MOPED DOCKET: The National Highway Traffic Safety Administration has set June 15 as the closing date for comments to its public docket on mopeds. The agency opened the docket in December 1975 to receive comments on the "operational safety" of mopeds "to ensure that information is available to federal, state and local governments to guide them in regulating the use of mopeds on the public highways." Originally it set no closing date for comments. (See *Status Report*, Vol. 10, No. 19, Dec. 10, 1975.)

Comments should be sent to Docket 75-29, Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh St., S.W., Washington, D.C. 20590.

CATALYTIC CONVERTERS: "Because of a lack of interest" the National Highway Traffic Safety Administration has "postponed indefinitely" a public meeting it had scheduled for May 26 to take public comments on possible safety hazards associated with catalytic converters. NHTSA said the meeting was to have provided "a forum for all interested persons to present information and views on the susceptibility of catalytic converters to significantly overheat and in some instances cause fires, and the possible need for rulemaking, or other action." (See *Status Report*, Vol. 11, No. 8, May 19, 1976.)

The agency said the docket (75-13) on catalytic converters will remain open and the agency will reschedule the meeting "if further interest in a public meeting develops."

COURT REFUSES TO HALT BRAKE STANDARD: The U.S. Court of Appeals for the Ninth Circuit (San Francisco) has refused to grant new requests for a halt to enforcement of the federal safety standard on air brake systems, FMVSS 121. The American Trucking Associations, Inc., PACCAR, Inc., a truck builder, and the Truck Equipment & Body Distributors Association had sought such a halt in their suit attacking FMVSS 121.

In January, that court temporarily prohibited enforcement of FMVSS 121 while it reviewed the validity of the standard. U.S. Supreme Court Justice William Rehnquist, however, reversed that order, saying a ban on enforcement of FMVSS 121 would "impede

Congress' intention to promote improved highway safety" (See *Status Report*, Vol. 11, No. 3, Feb. 18, 1976.) The U.S. Court of Appeals for the Ninth Circuit must now hear oral arguments on the suit from the government and the parties challenging the standard before making its final decision on the validity of the standard.

PUBLIC MEETING ON HIGHWAY STANDARDS: The National Highway Traffic Safety Administration will hold five public meetings to hear comments on its proposed revision of the 18 current state highway safety program standards. In January, NHTSA announced it was considering revising the standards to adopt the "concept of a bilevel standard" as a "new approach" for its state highway safety program. (See *Status Report*, Vol. 11, No. 3, Feb. 18, 1976.)

The public meetings will be held in Washington on June 15, San Francisco on June 22, Denver on June 24, Atlanta on June 29 and Kansas City on July 1. Persons wishing to make a presentation should call Len Tabor in NHTSA's Office of Traffic Safety Programs at (202) 426-9581. The meeting was announced in the *Federal Register* for May 20.

NHTSA ADMINISTRATOR NOMINEE ANNOUNCED: President Ford has nominated John Snow as the next head of the National Highway Traffic Safety Administration.

Snow, currently deputy undersecretary of the Department of Transportation, will replace James Gregory who announced his resignation in February. Snow's nomination must now be confirmed by the Senate. (See *Status Report*, Vol. 11, No. 7, May 3, 1976.)

REPORTS ON VEHICLE GOALS ISSUED: Two interagency task forces setting a wide range of goals – including safety – for passenger cars and commercial vehicles are requesting comments from the public on what vehicles should be like after 1980. (See *Status Report*, Vol. 10, No. 3, Feb. 5, 1975.)

Copies of the interim report of the safety panel of the Interagency Task Force on Motor Vehicle Goals Beyond 1980 can be obtained from the Assistant General Counsel for Operations, Department of Transportation, Room 10100, 400 Seventh St., S.W., Washington, D.C. 20590 (202/426-4723).

A separate task force is studying goals for commercial vehicles beyond 1980, including safety. This task force has not issued separate reports but does have available a draft copy of its full interagency study. Copies can be obtained from Manager, Voluntary Truck and Bus Fuel Economy Program, TST-50, Department of Transportation, Washington, D.C. 20590 (202/426-4560). Comments are requested by the end of June.

ROADSIDE HAZARD STUDY WINS AWARD: The Best Technical Paper Award at the annual meeting of the Southern Section of the Institute of Transportation Engineers went to *Priorities for Roadside Hazard Modification*, a study supported by the Insurance Institute for Highway Safety and the Georgia Institute of Technology. The paper, by Leon Robertson of IIHS and Paul Wright of GIT, will also be published in *Traffic Engineering*.

Deputy Federal Highway Administrator J. R. Coupal recently recommended that highway engineers use the study to ensure "that those hazards most likely to be struck be given top priority for corrective action." The report describes a method for identifying roadside hazards more likely to be involved in severe crashes. (See *Status Report*, Vol. 11, No. 4, March 3, 1976.)

Quoted Without Comment

James B. Gregory, Administrator
 National Highway Traffic Safety Administration
 Washington, D.C. 20590

Dear Mr. Gregory:

Thank you for your letter of May 7 regarding your decision in the case of the Ford lower control arm.

It is incredible to me that you have again decided that a defect did not exist in these components. I am at a loss to understand how you arrived at your decision because your letter does not respond to any of the major objections raised at the public hearing of March 20, 1974. May I remind you of some of those objections?

1. Neither the Ford Motor Co. nor the General Testing Laboratory were able to produce failures similar to the service failures even by many hundreds of severe impacts to the front wheels. These results would normally be interpreted to prove that the failures were *not* produced by severe impact, but you have reached just the opposite conclusion. I regret that you did not choose to describe the logical path that led you to that conclusion.

2. The failures examined at the National Bureau of Standards did not show evidence of an excessive load prior to crack initiation. Item no. 2 of your letter is evidently intended to respond to this objection, but I note that you comment only that these arms had "evidence of significant impact." There is no reason to believe that all "significant impacts" would cause an excessive load on the arm. Ford has used the presence of certain "witness marks" as proof that the failed arms had been damaged, but they offer no corroborative evidence. The NBS statement was based on careful measurement and examination of the arms to detect permanent deformation of the metal which might have been related to the cause of failure, and there was none. It is known that some unfailed assemblies showed these "witness marks," so there is no evidence that they bear any relation to the failures.

3. If the components are not defective, and the failures are all due to abusive driving, how can you explain that more than 800 failures have occurred in Ford vehicles of five model years and an insignificant number of failures of similar components have occurred in Chrysler and GM vehicles or in Ford vehicles of other model years. Must we assume that drivers of '65-'69 Fords run over curbs hundreds of times more frequently than all other drivers?

Your failure to respond adequately to these and other points raised at the hearing leads me to the conclusion that in this case NHTSA has paid attention only to representatives of the Ford Motor Co., regardless of how absurd their statements are. Your unjustified decision can only add to the public distrust of the Federal Government.

Very truly yours,

John A. Bennett

(Mr. Bennett is a consulting metallurgist who worked on the National Bureau of Standards analysis of the Ford lower control arms, and testified at NHTSA's hearing in March 1974 on the Ford lower control arm defect case. See Status Report, Vol. 11 No. 8, May 19, 1976.)

Truck Advisory Panel Opposed

The National Motor Vehicle Safety Advisory Council and a Teamster Union safety official are opposing the creation of a new truck safety advisory group.

In April, after meeting with trucking industry officials, James Gregory, head of the National Highway Traffic Safety Administration, said he would take steps to create a new group to advise the Secretary of Transportation on truck safety. (See *Status Report*, Vol. 11, No. 7, May 3, 1975.)

At its April 29 meeting, the NMVSAC, a presidentially-appointed group that advises the Department of Transportation on motor vehicle safety programs, adopted the position that "no further advisory group is needed." NMVSAC pointed out that DOT already has two advisory groups with representatives of "the general public, the motor vehicle industry and the range of road users" which have the "legal responsibility for advising the Secretary on the operation and safety of heavy trucks."

R. V. Durham, director of the Safety and Health Department of the Teamsters Union, told Secretary of Transportation William Coleman, Jr., in a May letter, that the Teamsters Union is "opposed to the creation of such a committee." Durham said the attempt to establish a new truck advisory panel "is another attempt to scrap the FMVSS 121 Brake Standard."

GM Fined In Defect Case

A federal court has fined General Motors \$100,000 for refusing to obey a National Highway Traffic Safety Administration order to recall pickup trucks with defective wheels. GM could have been fined as much as \$400,000.

The U. S. District Court for the District of Columbia also upheld the constitutionality of the civil penalty provisions of the National Traffic and Motor Vehicle Safety Act of 1966. The U.S. Supreme Court previously rejected a Ford Motor Co. attack on the constitutionality of the safety act's civil penalties. (See *Status Report*, Vol. 11, No. 7, May 3, 1976.)

NHTSA first ordered the recall of approximately 200,000 three-quarter ton 1960-65 Chevrolet and GMC trucks for defective wheels in November 1970. GM refused. After a five year court battle, the case was settled when GM finally agreed to recall and replace the defective wheels at no charge to owners. The settlement did not affect NHTSA's now successful attempts to impose a civil penalty on GM.

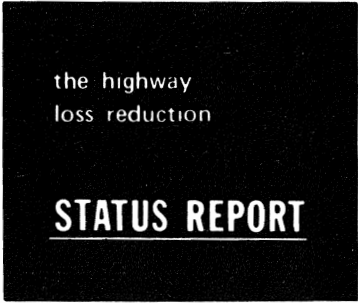
GM is now reviewing the decision for a possible appeal, according to a GM spokesman.

The decision is *U.S. v. General Motors*, U.S. District Court for the District of Columbia, Civil Action 3298-70, May 17, 1976.

In This Issue

- Coleman Delays Passive Restraint Decision . . . Page 1
- GM 'Reconsidering' Air Bag Option . . . Page 2
- Auto Theft Task Force Formed . . . Page 3
- Longer Bus Brake Exemption Proposed . . . Page 5
- Attorneys Cite Dangers Of Helmet Law Repeal . . . Page 5
- Comment On Motorcycles And Public Apathy . . . Page 6
- Update: Mopeds, Catalysts, Brakes, Highways, Goals . . . Page 8
- Letter On Ford Lower Control Arm . . . Page 10
- Truck Advisory Panel Opposed . . . Page 11
- GM Fined In Defect Case . . . Page 11

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



Editor: Tim Ayers
 Writers: Ralph Hoar, Stephen Oesch, Christine Whittaker
 Production: Diane Everitt, Hazel Zuchelli

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

IIHS MASTER FILE COPY