

Advisory Council Urges Passive Restraints

The National Motor Vehicle Safety Advisory Council – a presidentially appointed body charged with advising the Department of Transportation on safety matters – has decided that the “time has come to move ahead with a fully passive restraint standard.”

The council’s position, put on the record earlier this month, will be articulated by its chairman, B. J. Campbell, at the August 3 meeting called by Secretary of Transportation William Coleman, Jr. to gather information on passive restraint rulemaking. (See *Status Report*, Vol. 11, No. 9, June 7, 1976.)

The council will also urge Coleman to “move ahead aggressively to promote mandatory safety belt use and to convince the Congress to support such activity . . .” The council’s position emphasizes, however, that this should be considered a “first step until fully passive restraints are generally available and *in no way* as a substitute for fully passive restraints” (council’s emphasis).

The council’s new statement modifies its 1974 position paper recommending a delay in passive restraint rulemaking until “further actual experience” was obtained. (See *Status Report*, Vol. 9, No. 22, Dec. 10, 1974.)

The current position was adopted following a seminar sponsored by the council which included discussions and papers on occupant protection.

The text of the advisory council’s statement follows:

National Motor Vehicle Safety Advisory Council
Position Paper On Proposed FMVSS 208

By a vote of 11 to 9 the Council on July 15, 1976 adopted the following:

The issue of fully passive restraints has unfortunately been interpreted in the minds of many as referring only to air bags, and as such has divided people into four camps: those who believe air bags are needed, those who would opt for mandatory safety belt use laws, those who want a combination of passive restraints and mandatory use laws, and those who feel nothing is necessary. The Council wishes to go on record to correct this confusion.

First, the proposed fully passive restraint standard *does not* speak to air bags alone either by name or by implication. The standard would permit fully passive restraint to be achieved in a variety of ways, only one of which – if the industry so wishes – might involve the air bag, and the fully passive restraint standard should not be worded so that it gives the advantage to any one passive system over any other. The sole emphasis should be on performance and reliability.

(Cont’d on page 2)

The Council feels — and has always felt — that there is a need for adequate restraint for all vehicle occupants and that passive restraints are an important and feasible way to accomplish this. (Even if the passive restraint was to be limited only to the air bag — which it is not — there is now beginning to be sufficient data to show that this approach can work.) The Council feels that the time has come to move ahead with a fully passive restraint standard.

Second, the Council recognizes that it will be several years before all cars are fitted with passive restraints, even if the standard could be implemented immediately. We are concerned about the continued pattern of low voluntary usage of safety belt systems with consequent continued unnecessary loss of life. The Council therefore recommends that the Secretary move ahead aggressively to promote mandatory safety belt use and to convince the Congress to support such activity which we anticipate can bring usage from a current low of 30 percent to a much higher 70-90 percent. But this opinion of the Council must be seen as the first step until fully passive restraints are generally available and *in no way* as a substitute for fully passive restraints.

Following this vote the Council by a 17 to 3 vote authorized Dr. Campbell to represent the Council at the Secretary's August 3 hearing on 208 and to convey the substance of the above position to the Secretary at that time. The subject of passive restraints was discussed at great lengths at the July 15 Council meeting, and Dr. Campbell was authorized to relay to the Secretary the essence of the entire discussion.

July 15, 1976

Moss Asks Coleman To Supply Missing Documents

The chairman of the House Oversight and Investigations Subcommittee has written to Secretary of Transportation William Coleman, Jr., requesting that documents missing from the Department of Transportation docket on motor vehicle occupant protection be included in that docket.

At press time, several documents that had not previously been released, including some requested by the Congressman, had been added to the docket and a representative from Coleman's office told *Status Report* that a reply to the Moss letter was being drafted.

Rep. John Moss (D-Calif.) said in a letter that the Secretary's June 9 statement — which proposes alternatives for occupant protection and which will form the basis for a public meeting on occupant protection on August 3 — seemed to be based on studies and documents not contained in the public docket. These documents "therefore appear to be critical to a full understanding of this rulemaking," Moss said. Coleman has indicated that the public meeting will lead to a decision on whether or not to require passive protection for vehicle occupants. (See *Status Report*, Vol. 11, No. 10, June 28, 1976.)

"Clearly, it is fundamental that data and documents as important as these should be made a part of the public record," Moss wrote. "This is especially true if they serve as the basis for, or are specifically cited in, other important documents which are already a part of the docket. It should be obvious that without them, the ability of interested persons to comment knowledgeably in this proceeding is significantly undercut."

Moss listed several documents cited in Coleman's statement but not included in the docket. He also asked that other relevant data be included and stressed that the documents should be added "immediately" in order to be of value for the August 3 hearing.

Criticism Of Ontario Belt Study Refuted

The Insurance Institute for Highway Safety has told an Ontario government official who criticized an Institute study of belt use in Ontario that his facts are wrong and his attack is without justification.

In January, Ontario implemented a mandatory belt use law. According to IIHS studies, lap and shoulder belt use rose sharply following passage of the law, but by June had fallen to 51 percent for lap belts and 36 percent for shoulder belts. (See *Status Report*, Vol. 11, No. 10, June 28, 1976.)

At a July 13 seminar sponsored by the U.S. National Motor Vehicle Safety Advisory Council, H.J. Aiken, a transportation official with the Ontario government, alleged that the study contained a "critical error." It did not, Aiken said, "take into consideration a February 26 amendment to the legislation which made the shoulder harness optional for passengers and drivers in cars manufactured prior to Jan. 1, 1974 – some 70 percent of all vehicles using Ontario streets and highways."

Aiken incorrectly alleged that Institute observers, "... seeing a shoulder harness in place or hanging free, merely rated the occupants as those failing to use seat belts." In his oral remarks, Aiken expanded on that critique, claiming the methodology was biased because making the observations from the curb tends to underestimate belt use by 9-10 percent.

Writing in reply to Aiken, Leon Robertson, senior IIHS behavioral scientist and author of the study, pointed out that, "The observer looks at the hip area of the driver and notes whether lap belt, shoulder belt, or both are latched. This method has been tested by sending drivers by observers, unbeknownst to the observers, and checking the accuracy of the responses. The method is quite accurate and has been widely used not only by myself but also in U.S. government sponsored studies over the past six years."

Robertson also informed Aiken that "lap belt use in June... was 51 percent in the three metropolitan areas of Ontario. The change in the law to exempt shoulder belt use in pre-1974 model cars does not change that fact (although it was probably a signal to motorists that the government was giving in on a strict law and enforcement)." .

The amendment to the law cited by Aiken along with other changes in the belt use law were specifically noted by Robertson in the study.

Auto Makers Seek To Preempt State VIN Rules

The Motor Vehicle Manufacturers Association is seeking to avoid possible new state rules on vehicle identification numbers by having the National Highway Traffic Safety Administration preempt such rules with a federal regulation.

The Vehicle Equipment Safety Commission recently adopted a uniform system for vehicle identification numbers (VINs) to be used on 1979 passenger cars and non-motor-powered recreational vehicles, such as trailers. VESC is an interstate compact of 42 states and the District of Columbia which proposes uniform regulations for states. Several of these states may adopt VESC regulations by administrative action, while the other states and the District of Columbia must obtain legislative approval for the regulations. (See *Status Report*, Vol. 11, No. 7, May 3, 1976.) The State of Maryland

has recently announced that it plans to adopt the VESC standard and will hold a public hearing on that proposal Aug. 10, 1976.

Unlike the current federal standard on VINs, the VESC regulation establishes a specific format and length for VINs. Because vehicle manufacturers currently use different VIN systems with varying formats and lengths, there has been a high rate of error in recording such VINs and needlessly complicated, and hence expensive, record keeping systems have been required to process VINs.

It is unclear whether NHTSA could legally amend its current VIN standard to adopt requirements such as the one adopted by VESC, since the VESC standard establishes specific design requirements, such as limiting VIN length to 15 characters. NHTSA, by statute, can only establish performance and not design requirements in its standards.

In a recent petition seeking rulemaking, the Motor Vehicle Manufacturers Association asked NHTSA to amend its current VIN standard to adopt requirements adopted by the International Standards Organization, an international advisory group based in Switzerland. The VIN requirements adopted by ISO do not set a fixed length for VINs, but allow manufacturers to continue to use VINs varying between 12 and 17 characters in length. MVMA told NHTSA that use of the ISO requirements would "facilitate international harmonization of standards," while the VESC requirements might be considered a non-tariff trade barrier by foreign manufacturers. Similar statements, made since the mid-1960's, have long been regarded by some Department of Transportation officials as part of attempts to emasculate U.S. vehicle safety standards and actions under the guise of "international harmonization."

UPDATE . . .

NATIONWIDE HOTLINE: The National Highway Traffic Safety Administration has established a nationwide, toll-free telephone hotline to gather information on potential safety related defects.

The service is an expansion of the 10-state hotline NHTSA began in October 1975. The hotline will now be available to all states except Hawaii and Alaska. In October, NHTSA will evaluate the program to determine whether or not to continue it. (See *Status Report*, Vol. 10, No. 17, Oct. 10, 1975.)

In addition to gathering information from consumers on safety related vehicle defects, the hotline can be used by car owners — or prospective buyers — to learn if their cars have been involved in a defect recall campaign.

The toll-free number is 800-424-9393.

NTSB Investigates Train-Truck Crashes

Following a crash of a Reading Co. commuter train and a tractor-trailer at a grade crossing near Yardley, Penn. in which three train passengers were killed, the National Transportation Safety Board pointed out in its investigation report that “collisions between commuter trains and highway vehicles that can produce many fatalities can be expected wherever the transportation modes intersect at grade crossings Rail commuters use only 3,070 miles of track — 1.5 percent of the total rail track; however, they represent 93 percent of the rail passengers.”

NTSB recommended that the U.S. Department of Transportation:

- require “flashing lights and gates as minimum protection at all grade crossings used by commuter trains,” and
- develop “a program directed at the improvement of all grade crossings used by commuter trains. This program should contemplate the separation of grades of all these crossings in the foreseeable future.”

In a separate investigation of another train-truck collision in Elwood, Ill., the safety board pointed to the increased use of rail lines, formerly used primarily for freight, now carrying high-speed passenger trains.

The board recommended that the Federal Highway Administration:

- include procedures in its guidebook and training courses concerning design and safety of grade crossings, which will insure that protection devices are operational when streets or highways are upgraded or constructed;
- “urge and assist all states which have high-speed passenger train corridors to (1) initiate without delay a comprehensive field review of the corridors and (2) establish and implement a schedule of projects to insure that each grade crossing receives appropriate safety treatment.”

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