

# Status Report

## *Senate Votes Compromise; House Defers Action*

### **Air Bag And Bumper Decisions Stalled**

A bill that would require auto manufacturers to make air bags available in some future new cars, but also would permit inferior bumper protection, has passed the Senate but stalled in the House. There is a possibility that it will be revived after the election recess.

If the bill (S. 1159) is approved, then the scheduled implementation of the National Highway Traffic Safety Administration's (NHTSA) automatic restraint standard (FMVSS 208) would be delayed one year and reversed, applying to small cars first. And for the first time, major auto makers would be required by law to offer air bags as an option on at least some cars, starting in the 1983 model year.

However, the bill also would roll back the present NHTSA 5 mph bumper standard to 2.5 mph through 1983.

By a voice vote, the Senate agreed to adopt the conference report to S. 1159, the product of nearly two months' wrangling between House and Senate conferees. (See *Status Report*, Vol. 15, No. 12, Aug. 6, 1980.) But the report failed to clear the House in the last minute before the election recess. Although a majority of House members voted to accept the report, it was not adopted because of a parliamentary technicality requiring a two-thirds majority vote.

Congressional staff members expect the House to reconsider the measure following Congress' return to Washington on November 12.

#### Occupant Restraints

The controversial bill provides that FMVSS 208, which would have the effect of requiring automatic restraints starting in large cars with the 1982 model year, continues to apply to smaller automobile producers. Those are defined as companies that produced less than 1.6 million cars in 1979 and sold fewer than 200,000 cars in the United States that year.

That would mean, in practical terms, that Chrysler and American Motors, along with small importers, would begin meeting the standard in the 1983 model year, starting with some mid-sized cars.

But for companies producing a larger number of cars — namely, General Motors, Ford, Toyota, Datsun, and Volkswagen — the standard would be amended to meet the new legislative requirement.

1. Starting with the 1983 model year, all small cars would have to be equipped with automatic restraint systems; by 1984, all cars would be so equipped. *(Cont'd on page 4)*

## Jogger-Motor Vehicle Collisions Studied

With the greatly increasing number of joggers on U.S. roads, there has been concern about the frequency and severity of jogger-motor vehicle collisions. Yet, according to an Insurance Institute for Highway Safety study, only a small proportion of the more than 8,000 pedestrian deaths and tens of thousands of pedestrian injuries each year involves joggers. The researcher concluded that expected health benefits of running far outweigh the danger of being hit by a motor vehicle.

Newspaper accounts of joggers hit by motor vehicles in the United States were collected for a one-year period, beginning in August 1978. Reports of 60 collisions, involving 65 joggers, were obtained. Thirty of the joggers were killed and the other 35 were nonfatally injured. More than half of the reported collisions — and about two-thirds of the fatal collisions — occurred during nondaylight hours.

### Joggers, Drivers Share Blame

The Institute's analysis showed that, in collisions for which driver and jogger movement could be determined, joggers were responsible for about a third of the crashes (for example, joggers ran across the road between intersections). Drivers were responsible for another third of the crashes, and in the remaining cases, joggers and drivers shared responsibility. Twenty-three of the 60 collisions involved driver negligence — including hit and run, and/or driving while intoxicated or driving under the influence of drugs.

Two-thirds of the joggers involved in crashes were males. Peak ages of jogger involvement were 15-24 years old.

Almost all joggers were running on public roads when they were struck by vehicles. In 29 collisions, joggers were running in the same direction as traffic. Twenty additional collisions involved these jogger movements: running against traffic, running across roads between intersections, or crossing roads at intersections. In 22 collisions, two or more persons were jogging together.

Results of the study indicate circumstances which apparently increase the likelihood of being struck by a motor vehicle while jogging. Risk factors include jogging after dark, jogging with other people, and jogging on roadways in the same direction as traffic.

### Guidelines For Jogging

Allan F. Williams, who conducted the study, said many joggers would continue to use the roads and to run at night even if attractive off-road running areas were provided. Therefore, the author offers the following guidelines for jogging on roadways:

- When running at night, wear light-colored clothing and reflective materials.
- Run against rather than with traffic in order to anticipate and react to the movement of vehicles in the nearest lane.
- Always run close enough to the edge of the road that vehicles in the nearest lane do not have to alter their paths. If running with others where there is not enough room on the shoulder for more than one person, run single file.

This report, "When Motor Vehicles Hit Joggers: Analysis of 60 Cases," by Allan F. Williams, Ph.D., will be published in *Public Health Reports* in 1981. Preliminary copies of the report may be obtained from the Insurance Institute for Highway Safety, Watergate 600, Washington, D.C. 20037.

## Imported Subcompacts Dominate Collision Losses

Imported subcompacts continue to show the highest collision losses among 1980 models, the Highway Loss Data Institute (HLDI) has reported.

In its review of the first nine months of experience with 1980 models, HLDI said, of the 10 cars with the worst collision loss experience, nine were subcompacts; seven of the nine were imports — two from Datsun, two from Toyota, and one each from Audi, Mazda, and Volkswagen.

American-made compacts dominated the “10 best” list of models with the lowest collision coverage losses. Nine of the 10 models with the best experience were built by General Motors, with Ford’s Mercury Marquis completing the list. Seven were compacts, two were intermediates, and one a subcompact. (See accompanying table.)

HLDI’s rankings were based on data supplied by nine major insurers covering 106 individual vehicle series with more than 1,000 insured vehicle years of exposure.

Of the models with high-volume sales, the Toyota Celica, Chevrolet Camaro, Datsun 310, Toyota Corolla, and Ford Mustang experienced the highest average loss payments per insured vehicle year.

Considerably higher loss payments per insured vehicle year were experienced by some low-volume sports and specialty models, with the five worst being the Corvette, Datsun 280Z, VW Scirocco, Mazda RX7, and Audi 4000.

The best and worst ranked cars are those with the lowest and highest average loss payments per insured vehicle year. The value 100 represents the average for all 1980 models combined; thus, the result of

*(Cont'd on next page)*

**RELATIVE AVERAGE LOSS PAYMENTS PER INSURED VEHICLE YEAR  
FOR THE 1980 MODEL YEAR CARS WITH THE BEST AND WORST  
COLLISION COVERAGE LOSS EXPERIENCE<sup>1,2</sup>**

	BEST CARS				WORST CARS			
<b>HIGH VOLUME</b> (At least 1% of total exposure)	Buick Century	4-Door	C	61	Toyota Celica	2-Door	SC	170
	Chevrolet Citation	4-Door	C	66	Chevrolet Camaro	Spec.	C	141
	Buick Skylark	4-Door	C	67	Datsun 310	2-Door	SC	132
	Oldsmobile Cutlass	4-Door	C	69	Toyota Corolla	-- <sup>3</sup>	SC	122
	Chevrolet Chevette	4-Door	SC	76	Ford Mustang	2-Door	SC	118
<b>LOW VOLUME</b> (Less than 1% of total exposure)	Chevrolet Malibu	S.W.	C	44	Chevrolet Corvette	Sports	SC	285
	Oldsmobile Cutlass	S.W.	C	44	Datsun 280 ZX	Sports	SC	256
	Mercury Marquis	4-Door	I	54	VW Scirocco	2-Door	SC	219
	Pontiac LeMans	4-Door	C	55	Mazda RX7	Sports	SC	196
	Chevrolet Caprice	2-Door	I	61	Audi 4000	-- <sup>3</sup>	SC	186

<sup>1</sup> Results are standardized to the following distribution:

<sup>2</sup> Results are relative to the overall result for 1980 models.

DEDUCTIBLE	YOUTHFUL OPERATOR	NO YOUTHFUL OPERATOR
< \$150	10%	60%
≥ \$150	5%	25%

<sup>3</sup> Body style cannot be determined from the Vehicle Identification Number.

170 for the Toyota Celica means that the average loss payment per insured vehicle year for that model was 70 percent higher than the average of all 1980 models.

Copies of the report may be obtained by asking for the *Collision Loss Bulletin*, Vol. 3, No. 3, September 1980. Inquiries should be sent to the Highway Loss Data Institute, Watergate 600, Washington, D.C. 20037.

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### ***Air Bag, Bumper Decisions Stalled (Cont'd from page 1)***

2. The five producers would be required to “tool up and offer for sale” an air bag option on at least one car line for three of the four model years between 1982 and 1985. (“Car line” is narrowly defined to mean a “family of vehicles, within a make,” such as General Motors’ Cadillac Sedan de Ville and Coupe de Ville, or the company’s Chevrolet Citation.) The manufacturers are free to provide air bags as optional or standard equipment on any number of their cars, in any number of additional lines, if they so desire.

#### **Bumpers**

The current 5 mph bumper standard would be rolled back to a 2.5 mph crash standard, and the corner pendulum impact speed would be reduced from 3 mph to 1.5 mph. In addition, NHTSA would not be permitted to begin rulemaking to change the standard before September 1982, which in practical terms would leave the lower standard intact at least through the 1983 model year.

#### **Legislative Veto**

Under the terms of the conference report, future NHTSA rulemaking would have to be submitted to Congress for 90 days before becoming effective. If during that period both houses voted a disapproval resolution, the standard would be withdrawn. The provision is similar to the legislative veto provision incorporated in a Federal Trade Commission authorizations bill earlier this year.

#### **Tire Recalls**

The conferees agreed to shift the burden of registering tire purchases to the consumer, rather than the tire dealer. An additional proviso would allow the Secretary of Transportation the option of requiring manufacturers to give public notice of defective tires as a supplement to notification by first class mail. (For additional information, see *Status Report*, Vol. 15, No. 7, May 6, 1980.)

#### **Senate Debate**

Urging passage of the report on the Senate floor, the chief architect of the air bag provision, Sen. John Warner (R.-Va.), argued that additional lives would be saved by getting automatic restraints into small cars a year earlier. Currently, he pointed out, the ratio of occupant deaths in small cars compared to large cars is eight to one.

Warner also noted, “This same revision will correct an inequity in the standard and assure that the American automobile industry will not be at a competitive disadvantage with the foreign automobile manufacturers. Under the conference substitute, the American automobile industry and the foreign manufacturers will be required to begin the passive restraint standard in the same year — model year 1983.”

(As the standard was written, beginning in 1982, all large cars would have been required to have automatic restraints, medium-sized cars would have been phased in by the 1983 model year, and small cars in 1984. Since foreign manufacturers produce mostly small cars, U.S. manufacturers would have begun implementing the standard first.)

“While American automobile manufacturers have made significant strides in design, testing, and development of the air bag, the foreign manufacturer is behind in his safety efforts,” Warner said of the air bag provision. “The conference substitute requires the foreign manufacturer to share the financial burden for safety research and development.”

During floor debates in both houses, the conferees noted that the air bag provision agreed with a proposal made earlier by General Motors to NHTSA. In letters to Warner and Rep. James Scheuer (D.-N.Y.), chairman of the House Consumer Subcommittee, both Ford and General Motors said they did not oppose the conference report.

### **Debate On Bumpers**

In another Senate floor statement, Sen. Robert Byrd (D.-W.Va.), Majority Leader and author of the bumper amendment, argued that the change in the bumper standard would save consumers between 800 million and 1 billion gallons of gasoline by encouraging the use of steel in bumpers.

But Rep. Bob Eckhardt (D.-Tex.) urged the House to turn down the report because of its proposed rollback of the bumper standard, saying that the Senate conferees had held “provisions concerning passive restraint systems hostage in order to move the clock considerably backward . . . I believe both in effective passive restraints and bumpers which are useful and crashworthy.” Eckhardt said, “The reason I oppose this bill is because I do not believe we should be forced to barter away the one to purchase the other.”

## ***Congress Rejects Ban On Automatic Restraint Funds***

A House-approved anti-automatic restraint amendment was dropped from the Department of Transportation’s 1981 appropriations bill before Congress sent the measure to the President for signing.

In exchange for the House’s decision to drop its opposition to federal spending for enforcement of the automatic restraint standard (see *Status Report*, Vol. 15, No. 14, Sept. 17, 1980), Senate conferees agreed to drop language that would have provided \$10 million for an air bag demonstration program.

Contained in the final \$12 billion package was allocation of \$85.9 million for the National Highway Traffic Safety Administration’s (NHTSA) operations and research budget, up \$2 million from last year’s bill. An additional \$38.6 million was voted for the agency’s state and community highway safety programs, \$25 million of which is earmarked for enforcement of the 55 mph speed limit.

The final version would limit the Federal Highway Administration to a \$8.75 billion obligation ceiling during 1981, with \$14.4 million of that set aside for the Bureau of Motor Carrier Safety.

A \$12 million cooperative automotive research program was authorized under the Research and Special Programs Administration. Under this program, DOT will work with various government agencies to assess current automotive research progress and report to Congress with its recommendations in six months.

## On Lobbies, Liberty, And The Public Good

The following editorial, written by Susan P. Baker, MPH, associate professor at the Johns Hopkins School of Public Health, is reprinted with permission from the June 1980 issue of the *American Journal of Public Health*:

The issue of personal liberty is often raised by those who seek to defeat governmental attempts to prevent injury and disease. By making a pitch for individual freedom, special-interest lobbies frequently influence legislation and regulations in ways that not only are detrimental to the public good but also *reduce the freedom* of many individuals. A tragic example is provided by the recent history of motorcycle helmet laws in this country.

In 1976, Robertson showed that enactment of motorcycle helmet laws was associated with a 30 per cent reduction in motorcyclist deaths. Ignoring this information as well as other data reflecting the beneficial effect of helmet laws, 27 state legislatures subsequently revoked these same laws, producing an increase in motorcyclist mortality. It was as if scientists, having found a successful treatment for a disease, were impelled to further prove its efficacy by stopping the treatment and allowing the disease to recur.

In an article in the current issue of this Journal, Watson, Zador and Wilks show that when helmet laws are repealed, helmet use drops by about half and motorcyclist deaths increase by 38 per cent. This is consistent with previous evidence that wearing helmets reduces the frequency and severity of head injuries.

Adding to the new and impressive evidence presented by Watson and his colleagues is another paper in this issue, in which Muller demonstrates that one need not even include the staggering but hard-to-measure costs resulting from motorcyclists' *deaths* in order to achieve a cost-benefit relationship highly favorable to motorcycle helmet laws.

Is all of this enough to convince legislators to keep or restore helmet laws? Apparently not. To cite just one example, in February 1980 Maryland's Senate Committee on Constitutional and Public Law voted overwhelmingly not to reinstate the helmet law — despite evidence presented as to the effectiveness of the law, the negative effects (including costs) of repeal, and a poll showing strong voter support for the helmet law. The Committee also reviewed case histories of permanently disabled Maryland motorcyclists, who had received severe head injuries since the repeal while not wearing helmets. The combination of solid data plus the pressure exerted by public health, medical, safety, and youth groups as well as state agencies (transportation, police, medical examiners) was not enough to counterbalance the enormous lobbying effort that had culminated in 1979 in repeal of Maryland's helmet law.

Helmet law opponents, successful now in Maryland and many other states, have included representatives of ABATE (A Brotherhood Against Totalitarian Enactments) and the American Motorcycle Association. While extremely vocal, visible, and effective in their pleas to "let those who ride, decide," they have not represented the viewpoint of the majority of motorcyclists — polls show the majority favor helmet laws — much less the viewpoint of the general public. Yet because of their successful lobbying, this year in the U.S. more than 1,000 motorcyclists will die who otherwise would have lived. Thousands more will sustain significant nonfatal head injuries, some resulting in permanent impairment.

In the words of John Knowles, "One man's freedom . . . is another man's shackles in taxes and insurance premiums." The general public will share the burden of deaths and injuries in a variety of impersonal ways: by paying for acute and long-term care and rehabilitation, and through increased demands on limited resources, such as blood supplies and emergency services. In more personal ways, the families and friends of the injured motorcyclists will also be affected: in addition to their emotional and financial involvement, they will be called upon to meet the needs for physical care of those disabled, to help their dependents, and to make other commitments that may extend over long periods of time.

Less widely recognized but equally important is the personal cost to the motorists involved in these crashes — the indelible memory of the impact, the feelings of guilt, the possibility of a manslaughter conviction, the potential for financial disaster. A review by Stephen Teret of recent judgments for brain injuries found four cases in which the awards totaled \$11 million. "Needless to say, these amounts are in excess of the automobile liability insurance that most of us carry. (Therefore) when a motorcyclist chooses to ride without his helmet, he is not only placing his own head at risk; he is also placing at risk for the other drivers on the road their bank books, their homes, and their children's college education."

The constitutionality of motorcycle helmet laws has been upheld by the highest courts of at least 25 states and no longer would seem to be a real issue, even though the anti-helmet lobby's primary argument continues to be that individual rights are usurped by helmet laws. It is ironic that the motorcyclists' newfound liberty is jeopardizing the rights and liberty of others — even though "liberty," as guaranteed by the Constitution, does not mean that the minority can dominate the majority, or that we have the right to be wholly free of restraint, or that the individual person can use his liberty regardless of injury to others. This was the opinion of the court in the landmark case of *Jacobson v.*

*Massachusetts*, which forms the basis for much of our public health law.

The “individual freedom” argument is neither new nor limited to lobbyists fighting helmet laws. It was used in the past to delay for decades community pasteurization of milk supplies, and it continues to obstruct effective gun control legislation. Noticeably absent from the ranks of the powerful “gun lobby” are the urban poor, who disproportionately suffer the consequences of Americans’ freedom to buy handguns and handgun ammunition. Often, lobbyists emphasize the idea of *freedom to* (do something), ignoring the fact that “Victims, on the other hand, want *freedom from* economic hardship, freedom from disease . . .” and freedom from inordinate risk of injury or death.

The issue of personal freedom is often raised by opponents of product safety regulations, including manufacturers of the products in question. People should be free *not* to invest in their own protection, the argument goes — i.e., they should be free to choose unsafe products. If successful in undermining product safety standards, such arguments can mean that the manufacturer is at liberty to sell unsafe products and that the individual purchaser, for all his or her “freedom to choose,” has nothing to choose from except the less safe products. A case in point is the self-extinguishing match. Self-extinguishing book matches were developed by the Diamond Match Company in response to the Consumer Product Safety Commission’s interest in a standard requiring matches to self-extinguish within a specified period of time that was brief enough to reduce the chance of fabric being ignited by a dropped match. The standard was proposed because dropped matches are a major ignition source for both clothing-related burns, which

often result in prolonged hospitalization and severe disability, and housefires, which cause about 5,000 deaths each year in the U.S. Other match companies opposed the self-extinguishing requirement, however, and it was dropped. Diamond’s self-extinguishing matches were put on the market, but they cost slightly more than standard book matches. Therefore they sold less well and eventually were no longer available in stores. Consumers were left with no freedom to choose safer matches — even though the increased cost of the safer matches, once mass produced, would have been negligible, especially when compared with the reductions in injuries and property damage that would have followed widespread use of the self-extinguishing match.

Product safety standards initially may add slightly to the cost of a product but eventually can more than pay off in reduced losses. They have been described by Claire Nader as “a form of social control which compels us to pay an ounce of gold to save a pound of gold. Freedom from the damaging effects of auto crashes not only saves money and lives; it also enlarges the freedom to use those dollar savings and psychic savings in other ways, for example, for education, health, recreation . . .”

Freedom not to wear a helmet. Freedom to have a handgun. Freedom to choose unsafe products. Each of these “freedoms” is extolled by special interest groups in pursuit of their own objectives. They ignore the fact that each would entail important *losses* of other people’s freedoms. It is long past time for public health professionals to put a stop to these losses, especially when freedom from injury and disease is being sacrificed.

## **Most Auto Crash Injuries Received Near Home**

Most people injured in auto crashes are within 30 miles of home, an insurance research group has reported.

In a review of 1,849 persons involved in automobile crashes between August 1975 and August 1977, 88 percent were injured no more than 30 miles from their homes and 51 percent were involved in crashes within five miles of their homes.

The report, “An Analysis of Accident Location in Relation to Area of Residence,” was written by Ann Durand. Although it explores crash location factors, no data on the relative exposure of travelers to short versus long trips were included. The findings, however, do reinforce the need for occupant restraint use at all times and not just on long trips.

Copies of the study may be obtained from the All-Industry Research Advisory Council, 7315 Wisconsin Ave., Suite 231, Bethesda, Md. 20014.

● **SOME AIR BAG-EQUIPPED** cars, but a weaker bumper standard, are involved in a bill passed by the Senate but stalled in the House. . . .Page 1

● **FEW JOGGERS** are involved in collisions with motor vehicles, a new Institute research report indicates. . . .Page 2

● **IMPORTED SUBCOMPACTS** continue to show the highest collision losses among 1980 models, the Highway Loss Data Institute reports. . . .Page 3

● **AN ANTI-AUTOMATIC RESTRAINT** amendment was dropped from the 1981 DOT appropriations bill before congressional passage. . . .Page 5

● **LIBERTY AND THE PUBLIC GOOD** are discussed in an editorial reprinted from the *American Journal of Public Health*. . . .Page 6

● **MOST PEOPLE** injured in auto crashes are within 30 miles of home, an insurance research study reports. . . .Page 7

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the highway loss reduction  
**Status Report**

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