

Lewis Asks Delay In Automatic Restraints

The new Secretary of Transportation, Drew Lewis, has proposed to delay for one year the effective date of his agency's standard, adopted in 1977, to require automatic restraints in new cars starting with the 1982 model year.

In a notice published in the February 12 *Federal Register*, Lewis said the delay "is being proposed in light of the dramatic decrease in production plans for large cars" — which would be covered earlier than medium or small cars under the existing standard — "and a similar increase in small ones, and in light of the fact that economic circumstances have changed since the standard was adopted in 1977."

Deep Budget Cut Asked In Highway Safety Program

Federal funds to help states enforce the 55 mph speed limit would be eliminated in one of the deep budget cuts proposed by the new Administration affecting national highway traffic safety programs.

While there are a number of questions raised by the President's plan for economic recovery as it would affect highway safety, it already is apparent that starting in fiscal year 1982 (starting Oct. 1, 1982), and through fiscal year 1986, the federal grants to states and communities under section 402 of the Highway Safety Act of 1966 would be sharply cut. Budget authority for the 402 grants would be cut to \$77 million from \$244 million in fiscal year 1982. (Actually the present spending level for these programs in that year is \$167 million; it would be cut to \$77 million.) Outlays in that and subsequent fiscal years would be somewhat larger than \$77 million, however, because funds already committed by the states would be paid out. The involved funds are all highway trust fund moneys.

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Comments on the proposal — Docket No. 74-14, Notice 20 — are being accepted by the department until March 16, c/o Docket Section, Room 5109, Nassif Building, 400 Seventh St. S.W., Washington, D.C. 20590.

The standard, FMVSS 208, now requires front-seat automatic restraints in full-sized cars beginning Sept. 1, 1981, mid-sized cars beginning Sept. 1, 1982, and small cars beginning Sept. 1, 1983. The phase-in was adopted at the request of General Motors, which said in 1977 that it needed more time to develop air bag systems for smaller, but not larger, cars. Subsequently the U.S. manufacturers have indicated they will meet the standard entirely with automatic belts rather than air bags, at least in its earliest year.

Reversal of Schedule Considered

Lewis's notice said that his agency is considering a "further amendment to reverse the compliance schedule so that small cars would have to meet the standard first, beginning in the model year 1983. This proposed schedule "might save more [lives] than the current one due to the greater number of small cars and the greater susceptibility of small car occupants to serious injury in a crash," the notice said. The proposed schedule also would

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ease the "competitive impact" of the standard, which foreign manufacturers need not meet until the 1984 model year since they make cars "almost exclusively in the smaller size classes."

The Lewis notice referred to legislative proposals during the waning days of the last Congress to slip the standard's effective date one year for the major manufacturers of cars sold in the United States. Those proposals, like Lewis's, called for reversing the large car - small car phase-in sequence; however, they also would have required the major companies to offer their customers air bag systems on at least one car line per company. (See *Status Report, Vol. 15, No. 15, Oct. 9, 1980.*)

In framing its delay proposal, the notice said, the department took into account the following:

- Under current production plans, "only 10 percent of the 1982 model year cars would be required to have automatic restraints." A one-year delay in the standard, it said, thus would result in 600 deaths and 4,300 injuries over the 10-year life of those cars.
- A one-year delay would allow GM and Ford together to defer "up to \$37 million in investments, according to industry figures. . . . It should also be noted that the total savings to consumers from taking this step is estimated to be \$50-\$70 million."

The notice and an accompanying "regulatory analysis" included lists of questions that the department hopes will be answered by auto companies, automatic restraint suppliers, and other respondents.

Dingell Studies Two-Year Delay

Rep. John Dingell (D.-Mich.) has suggested to his congressional colleagues a legislative proposal for a two-year delay in the introduction of the automatic restraint standard - until the 1984 model year, when it would apply to all cars, regardless of size.

Dingell, who now heads the House Energy and Commerce Committee, believes the Administration's proposed one-year delay in the rule may move too slowly to accommodate auto makers' lead-time production schedules, an aide told *Status Report*. If staff-level discussions on the Dingell proposal are productive in both the House and Senate, the legislation possibly could move more swiftly than the rulemaking process.

If auto companies were required to provide automatic restraints in all cars starting in the 1984 model year, the Dingell aide said, competitive disadvantages posed by phased-in introduction would be eliminated, along with the uncertainties posed by the administrative rulemaking process.

DOT's rationale for the phase-in schedule in its 1977 decision adopting the standard was to accommodate manufacturers' tooling capacity and to provide more lead time for developing and refining air bag and automatic seat belt systems for small cars, as requested by the manufacturers. In the 1977 decision, then-Secretary Brock Adams said air bags for smaller cars ". . . presents a greater engineering challenge than for large cars. . . ."

During the last congressional session, Dingell successfully opposed compromise legislation that would have delayed and reversed the implementation order of FMVSS 208. Specifically, he opposed a provision that would have required auto makers to offer for sale at least some cars equipped with air bags. (See *Status Report, Vol. 15, No. 20, Dec. 31, 1980.*)

As the notice was being published in Washington, Lewis was addressing the National Automobile Dealers Association convention in Los Angeles. He told the dealers that he intends to examine motor vehicle regulation “very carefully,” to see “where regulations can be eased without sacrificing the necessary safety and emission standards that have been set up and are working.”

New Underride Guard Rule For Heavy Trucks Proposed

A proposal to require that the rear ends of future heavy trucks and trailers minimize the likelihood of death or injury to people in cars that collide with them has been issued by the National Highway Traffic Safety Administration (NHTSA).

Drawn up by the previous administration, the proposal responds to the present lack of effective structure on the rear ends of trucks to keep cars from sliding under them in “underride” crashes. In such crashes, the windshield and passenger compartment of the car can be severely penetrated by the truck’s rear end, with resulting serious or fatal injury – including decapitation – to the people inside.

According to NHTSA’s notice in the *Federal Register* January 8 announcing the proposal, 500 persons died in 1978 in vehicle-into-truck rear-end crashes.

Under the NHTSA proposal, starting with the 1984 model year most new trucks and trailers over 10,000 lbs. would have to be equipped with lower, sturdier guards than at present. The rule would lower the ground clearance requirement for the guards to 21.65 inches (55 cm.), in line with a standard set by the European Economic Community. The lower clearance would make it possible for the new guards to engage at least part of the car’s engine in order to prevent excessive underride and passenger compartment intrusion is a moderate-speed rear-end impact with a truck equipped with a lightweight underride guard. (See *Status Report*, Vol. 14, No. 3, Feb. 15, 1979.)

Comments on the proposed new rule should be submitted no later than April 8, 1981, to Docket No. 1-11, Notice 8, Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh St. S.W., Washington, D.C. 20590.

Agency Agrees To Consider Tougher Crash Test Rule

In response to a petition filed by consumer advocate Ralph Nader, the National Highway Traffic Safety Administration (NHTSA) has said it will consider rulemaking to require protection to auto occupants in a 40 mph frontal crash.

The notice in the February 3 *Federal Register* was among the last actions taken by the agency’s former administrator, Joan Claybrook. The fact the petition was granted does not mean a final rule will be issued.

In his petition, Nader asked that the barrier crash test for vehicles equipped with automatic restraints under Federal Motor Vehicle Safety Standard (FMVSS) 208 be amended to increase the crash test speed from 30 mph to 40 mph by Sept. 1, 1984, and to 50 mph, beginning with the 1987 model year. (See *Status Report*, Vol. 15, No. 16, Nov. 5, 1980.) In the meantime, Transportation Secretary Drew Lewis has proposed the automatic restraint standard’s implementation be delayed one year.

Nader argued that the 30 mph crash test requirement will be inadequate to prevent the increase in fatalities that can be expected because of the public’s shift to small cars. Work performed for NHTSA by independent contractors has shown that 50 mph frontal crash protection is feasible, using current air bag technology, Nader said in his petition.

Many Unlicensed Motorcyclists Involved In Crashes

Almost half of the motorcycle drivers under 18 years old involved in fatal crashes are without a valid motorcycle operator's license, a study of teenaged driver patterns has revealed.

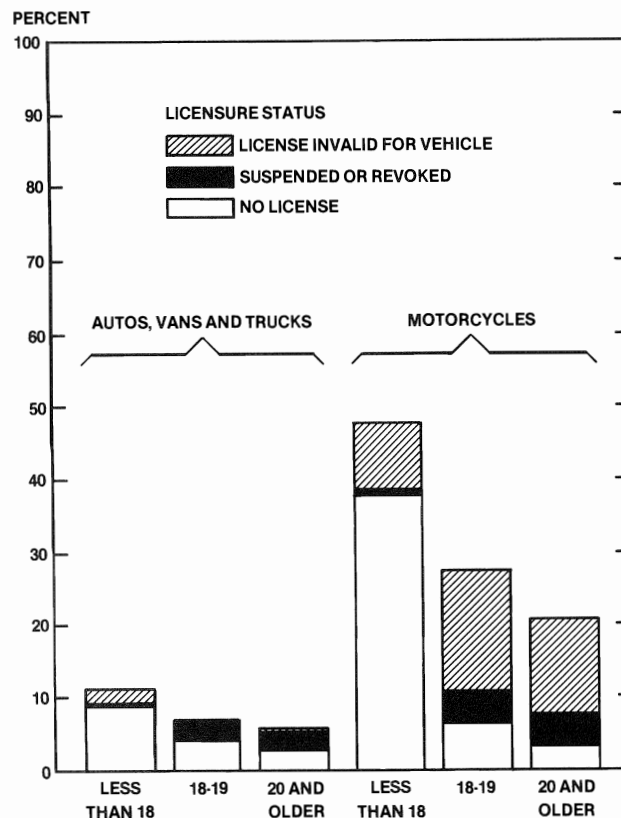
The licensure point is made in the accompanying figure from the study, "Patterns of Teenaged Driver Involvement in Fatal Motor Vehicle Crashes: Implications for Policy Options," by Leon S. Robertson of the Institution for Social and Policy Studies at Yale University. Other data from the study were reported in an earlier issue. (See *Status Report*, Vol. 15, No. 17, Nov. 21, 1980.)

Forty-eight percent of the motorcycle drivers under 18 involved in fatal crashes from 1975-1978 did not have licenses to operate the vehicles, Robertson reported. Of these, 38 percent had no driver's license at all, 9.5 percent had a license for another type vehicle, and 0.6 percent had had their licenses suspended or revoked. The total of 48 percent compares with 8.5 percent of the drivers under 18 involved in fatal crashes in automobiles, vans, and trucks.

"The higher frequency of fatal crash involvement of unlicensed drivers of motorcycles . . . indicates that a prohibition of licensure of those less than 18 to operate motorcycles would have to be accompanied by vigorous enforcement," Robertson said. "Since older motorcycle drivers are also frequently without a valid license (27 percent of those 18-19 and 20 percent of those 20 or older), increased and sustained enforcement of motorcycle licensing laws may have substantial potential to decrease motorcycle-related fatalities generally."

Copies of the study are available from the Insurance Institute for Highway Safety, Watergate 600, Washington, D.C. 20037.

Percent of Drivers in Fatal Crashes by Licensure Status, Vehicle Type and Age, U.S. 1975-78



Quoted Without Comment

General Motors has released the transcript of an August 1980 discussion of air bags between three GM staff members and a representative of America's high school debating teams, who this year are debating consumer product safety issues. In the following excerpts from the discussion, the GM staff members described what they believe are some of the positive aspects of air bag technology:

Reducing the severity of the "second collision:"

"There are three ways to do it. One – the lap and shoulder belts in the cars now, called 'active belts'. . . . Two – 'passive belts,' The third way is the air cushion, which pops up in front of you and provides a somewhat more 'forgiving' surface to impact – when there is a collision of enough severity. . . .

Car size:

". . . we do think it is feasible to engineer inflatable restraint systems for somewhat smaller cars."

Early criticisms of air bags.

". . . the General Motors engineers who have been working on air bag development think they have brought the state of the art a long way over the years, and much of the early criticism of air bags is no longer justified."

". . . (as to) early criticisms of the air bag which many of our engineers think are no longer justified. . . . It would be no more relevant for debaters to bring up those early noise and rapid air compression problems as typical of modern inflatable restraint systems than it would show some of those funny scenes of early airplanes, and claim they are typical of current aircraft. . . . Another early concern was that reliability was perceived as a greater problem than it is today. We believe that the reliability we can achieve with good design and good production practices ought to be highly acceptable in field use.

". . . there have been some studies which compared air bag-equipped cars with cars without air bags, in similar accident situations; when you do that it may appear that the air bags are not all that effective in the field. But those studies were made on an earlier version and we do think that our new versions would do better in similar studies."

Air bags vs. automatic belts.

"I think we should also point out that some motorists will consider the inflatable restraint system more convenient than automatic belts, and may also prefer the uncluttered appearance compared to the belts.

Air bag effectiveness.

"If you are wearing a lap belt, and also have an air bag, that combination is probably the best restraint system available."

Is air bag protection limited only to head-on collisions?

"No, that would apply – in varying degrees – in all accident situations."

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Fears concerning sodium azide.

“. . . any dangers associated with sodium azide ought to be considered in a proper perspective. After all, gasoline is a pretty dangerous substance under many circumstances, and we have learned how to deal with gasoline very well. . . The sodium azide in the air cushion restraint system will be contained inside a pressure-sealed vessel, and the occupant should never know it's there unless it deploys the air bag in event of a severe collision – and under those circumstances you ought to be pretty happy about it!”

On charges that air bag protection might encourage more risk taking.

“I think he (the driver) will take risks in keeping with his ability to avoid an accident – not necessarily in keeping with his ability to avoid or lessen injury. After all, he doesn't want to bang up his car, even if he thinks he may not be hurt severely in the process. . . . It's interesting to point out that the General Motors Research Labs recently did an analysis of the effect of compulsory seat belt usage on this principle. They studied almost 5,000 drivers in Ontario, and found no evidence of the 'danger compensation principle' at work.

Are there hazards for children?

“Well, I'd say we got it resolved, or we wouldn't be offering them.”

Cost of replacement.

“The estimate is that replacement is generally going to cost two to two and one-half times the original cost. (That's a lot to pay, the questioner interjects.) Compared to the dental bill for repairing your front teeth?”

Do users actually replace airbags?

“Yes, in the limited number of air bag cars out there that have been involved in collisions, the owners generally are replacing them, although we know of a few cases where they haven't. The supplies of air bag spare parts from the 1974-76 build are going down, so they are being used to a certain extent. Unless, of course, the car is totalled. In that case it is just sent to the junk pile. . . . Based on the data we have, we believe the majority of owners of air bag cars out there now are replacing the bags after collisions.”

NHTSA's Five-Year Rulemaking Plans Revised

The new leadership of the National Highway Traffic Safety Administration (NHTSA) has inherited a revised version of the agency's five-year rulemaking plan first issued in 1978.

The plan, published in the *Federal Register* January 19, was revised to keep the public and the automotive industry abreast of policy developments within the agency and to provide some indication of agency plans for timing of future actions. (See *Status Report*, Vol. 14, No. 7, April 30, 1979.) To what extent the new administration will follow it is not known.

Despite improvements in motor vehicle safety, the agency reported in the revised plan that the need for further advances “continues to grow.” Vehicle-related deaths have risen annually in the last five years, NHTSA noted. The rise was attributed to the increased number of compact and subcompact cars on the road, along with a rise in the number of heavy trucks, light trucks, and vans. The number of motorcyclist

deaths and injuries has risen as well. In the last four years, NHTSA reported, 28 states have repealed helmet use laws and in that time annual motorcycle fatalities have risen by more than 50 percent.

Among the areas in which the revised plan calls for activity during the next few years are these:

- **Side-impact protection** – About 10,000 people die each year in side impacts, nearly one-fifth the annual toll. A second, major occupant-protection rule, to complement the agency's standard requiring 30 mph automatic protection in frontal impacts, is called for.
- **Pedestrians** – Foam-filled, soft-face bumpers offer increased energy-absorbing characteristics that reduce pedestrian injuries. The agency has already announced a proposed rule on this issue.
- **Light trucks and vans** – The revised plan would extend the provisions of FMVSS 208, the automatic restraint standard, to these vehicles.
- **Heavy truck brakes** – Since 1975 there has been a 54 percent rise in truck occupant deaths, and a 53 percent increase in the number of people killed in other vehicles involved in heavy truck crashes. Part of the reason for the death rate is the disparity between the braking ability of trucks and that of cars. NHTSA is conducting research in hopes of establishing new stopping distance requirements for heavy trucks.

Deep Budget Cut Asked In Highway Safety Program (Cont'd from page 1)

Not yet affected, apparently, are programs under section 403 of the 1966 Act, which involve assistance for demonstration projects by the states. Nor have specific plans been announced for cuts in funding of the National Highway Traffic Safety Administration's motor vehicle safety regulation, defect recall, and research programs. Proposals for budget and staffing cuts in these programs are expected to be announced by March 10.

The Administration's announcement on reductions in the highway safety grants program said there would be legislation proposed to "require grantees to channel resources into effective traffic programs such as alcohol safety, emergency medical services training, police traffic enforcement services, and the collection of traffic accident data. . . ." It added that the legislation would "eliminate the eligibility of all other previously funded program areas including driver/pedestrian behavior research and highway safety structural improvements," apparently meaning roadside hazard cleanup.

Subsequently, a NHTSA spokesman said that for the present, the agency would retain "maximum flexibility" in deciding how the reduced funds may be used by the states.

The budget policy announcement also underscored that the \$40 million of grants now go to state programs for speed limit enforcement would be eliminated. In so doing it suggested by implication that this was called for by a General Accounting Office report issued last year. (See *Status Report*, Vol 15, No. 17, Nov. 21, 1980.) However, that report singled out the 55 mph speed limit as one of the few demonstrably effective uses of federal highway safety grant money.

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