

Status Report

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Peck Successor Yet To Be Named at NHTSA

No successor has yet been named to succeed Raymond Peck, who after two controversial years as head of the National Highway Traffic Safety Administration (NHTSA) has resigned.

In announcing he would leave his position May 21, Peck claimed credit for great gains in highway safety. "The programs and plans we have put in place are a watershed in the history of protecting health and safety," he said.

Transportation Secretary Elizabeth Dole expressed her respect for "Ray's desire to seek new challenges."

The chairmen of the Congressional subcommittees with oversight responsibilities for NHTSA were not displeased by Peck's resignation. Sen. John C. Danforth (R.-Mo.)

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HLDI Data Show Subaru 5 MPH Bumpers Cut Collision Losses

Subaru vehicles equipped with 5 mph bumpers have had substantially better loss experience under collision insurance coverage than similar models equipped with 2.5 mph bumpers, the Highway Loss Data Institute (HLDI) has reported.

HLDI found that the Subarus offered a unique opportunity to compare the effectiveness of the 5 mph bumpers required of passenger cars under a "no damage" federal standard rescinded last year, and the weaker 2.5 mph bumpers now allowed. Subaru used 5 mph bumpers for both the 1981 and 1982 models of its

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State Protests Bring Some Changes in List Of Big-Truck Highways

Twice the Federal Highway Administration (FHWA) has modified its April 5 interim designation of highways to be open to the larger trucks now permitted by federal law, and further changes are expected.

Sometime in June, FHWA officials expect the agency to publish a notice revising and updating the interim designations and proposing a final rule scheduled to become effective October 3.

The proposed rule is expected to meet some of the states' objections to the interim designation declaring 181,000 miles of interstate and federal-aid primary roads open to trucks with new dimensions authorized under the Surface Transportation Act of 1982. Some agency sources indicate the large trucks will be permitted on roads with lane widths as narrow as ten feet. Even with modifications, the total mileage open to them will remain roughly the same, an FHWA official indicated.

Four states — Georgia, Pennsylvania, Alabama, and Vermont — filed suit to block the interim designation and others threatened to do so. New Jersey Governor Thomas Kean issued an executive order banning twin trailers from all state highways except for the interstate system and three other main highways. The Connecticut Legislature adopted, and Governor William O'Neill signed, a law banning twin trailers from Connecticut roads — including the interstates — altogether.

Under the federal law, states must permit trucks weighing 80,000 pounds or more, with a width of 8 1/2 feet. Six additional inches are allowed to accommodate mirrors and other safety equipment. States may not adopt maximum length limitations of less than 48 feet for semi-trailers and trailers, and 28 feet for twin trailer units. All states must permit tractors to haul twin trail-

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HLDI Data Show Subaru 5 MPH Bumpers Cut Collision Losses (Cont'd from page 1)

two-wheel-drive station wagons and hatchbacks, while at the same time equipping similar four-wheel-drive versions with weaker bumpers. This was permitted because the four-wheel-drive vehicles were classed as multipurpose vehicles and not covered by the bumper standard.

A HLDI analysis of insurance claims for the various Subaru models revealed that claims were from 18 to 57 percent more frequent for the cars with 2.5 mph bumpers than for corresponding models with 5 mph bumpers. Average loss payments per insured vehicle year for the cars with the weaker bumpers ranged from 29 to 31 percent larger.

These real-world insurance data bear out the findings of the Insurance Institute for Highway Safety crash tests reported in February that showed that cars with the weaker 2.5 mph bumpers are much more vulnerable to expensive crash damage than those produced under the 5 mph standard.

A copy of the full HLDI study, "A Comparison of the Collision Loss Experience of Subaru Models With 5 and 2.5 MPH Bumpers," Research Report A-20, is available from the Highway Loss Data Institute, Watergate 600, Washington, D.C. 20037.

Committee Chairman Calls GAO Belt Use Report 'Inconclusive'

A House subcommittee chairman has characterized as "inconclusive" a study released by the General Accounting Office (GAO) on the federal government's safety belt use campaign.

Rep. Tim Wirth (D.-Colo.), chairman of the Subcommittee on Telecommunications, Consumer Protection, and Finance of the House Commerce Committee, told *Status Report* that "the GAO report did not address the effectiveness of the campaign in the context of NHTSA's (National Highway Traffic Safety Administration) statutory mandate to save lives and reduce injuries. Greater public awareness does not necessarily translate into lives saved."

The report was requested last May by Wirth; the late Adam Benjamin, then chairman of the House Appropriations Subcommittee on Transportation; Sen. John Danforth, chairman of the Commerce Subcommittee on Surface Transportation; Sen. Mark Andrews, chairman of the Appropriations Subcommittee on Transportation; and Sen. Bob Packwood, chairman of the Commerce Committee.

(Cont'd on next page)

Collision Coverages - Loss Payment Summary*
Subaru Models with 5 and 2.5 mph Bumpers Matched by
Garaging Location, Deductible Amount and Driver Age Group

Model Year	Model	Drive Type	Bumper System (mph)	Total Exposure (Insured Vehicle Years)	Claim Frequency	Average Loss Payment Per Claim	Average Loss Payment Per Insured Vehicle Year
1981	Hatchback	2	5	2,126	10.3	\$1317	\$136
		4	2.5	2,050	12.2	\$1463	\$178
				Increase 18%		11%	31%
1981	Station Wagon	2	5	8,564	8.2	\$1336	\$109
		4	2.5	8,356	11.2	\$1264	\$141
				Increase 37%		-5%	29%
1982	Station Wagon	2	5	2,084	5.6	\$1582	\$ 88
		4	2.5	2,206	8.8	\$1300	\$114
				Increase 57%		-18%	30%

* Results are standardized to reflect the following distribution of exposure:

Deductible	Youthful Operator	No-Youthful Operator
< \$150	4%	52%
≥ \$150	6%	38%

In a letter requesting the study, the legislators had asked GAO to address three main areas of concern:

- Whether the weight of existing evidence supports the conclusion that seat belt usage can be significantly enhanced over a meaningful period by a mass media campaign;
- Whether NHTSA has developed a program that will maximize the benefits and minimize the costs of such a mass media program;
- Whether NHTSA has prepared a plan to evaluate the effects of its campaign.

In short, the GAO found:

- Long-term changes in seat belt use are unlikely if NHTSA's programs are not sustained over a long period of time and, even if they were, long-term usage rates would probably differ substantially from short-term increases.
- NHTSA will have spent an estimated \$27.2 million on the project by the end of fiscal 1983. The agency calculates that even a one percent increase in belt usage nationwide would result in the prevention of 180 deaths and 3,400 serious injuries annually, with a net savings of \$80 million. NHTSA has said it expects to raise seat belt use from a national average of about 11 percent to the range of 25 percent during the next three years.
- NHTSA had no evaluation plan to analyze the effects of its program at the time GAO conducted its study, although one was being written.

NHTSA's office of occupant protection, which is coordinating the seat belt campaign, reviewed the results of both foreign and domestic research prior to undertaking its own efforts, GAO noted. But, the report said, "GAO has found that the results of other prior campaigns offer limited insight into the potential success of DOT's program because mandatory safety belt legislation was being considered when the foreign campaigns were being conducted and the domestic campaigns were short-term, narrowly scoped efforts.

"A key factor affecting the success or failure of DOT's program will be the willingness of the various voluntary participants, such as educators; civic, service, and safety groups; and automobile dealers and manufacturers to make the long-term commitment of funds and other resources needed to bring about a significant increase in safety belt use." NHTSA has no idea how long voluntary groups involved in the program plan to commit resources, the report said.

Wirth said, "Unfortunately, GAO's conclusions that past seat belt campaigns offer little insight into the potential success of NHTSA's current plan gives little

comfort to those of us concerned about the agency's reliance on this effort as its chief safety concern." Because the report was so inconclusive, Wirth said the agency should "immediately re-examine its massive commitment of resources to the seat belt program."

Auto Makers Support Windshield Rulemaking

Three major auto makers have supported a proposal permitting new anti-lacerative glazing for automobiles on an optional basis, and only one — Chrysler — has opposed it.

In comments to the National Highway Traffic Safety Administration (NHTSA) docket, General Motors endorsed the proposed amendments to FMVSS 205 that would allow use of new glass-plastic glazing such as the European Securiflex windshield. The company said it had reservations about durability of the windshields, which have a polyurethane coating on the surface toward the vehicle interior, but said, "We believe that it has the potential to reduce facial lacerations in accidents" GM is currently conducting a rental fleet test of vehicles equipped with Securiflex windshields and cautioned that long-term experience with the material in use is needed before NHTSA should consider mandating its use.

GM reported the first crash in the Securiflex-equipped rental cars. A woman was driving such a car in Fort Lauderdale last month when she crashed into the rear of a stopped station wagon at a speed of 30-40 mph. "She contacted the windshield, making a spider-web crack, but did not deform the windshield," GM reported. "No driver head lacerations occurred."

Ford and American Motors Corp. both supported adoption of the glazing standard change. Chrysler, however, commented that, "Our limited testing of glass-plastic glazing, as well as tests by others, indicate that this material still has major deficiencies."

Negative comments have come from two glassmakers, PPG Industries and Libbey-Owens-Ford Co., both raising questions about the rulemaking proposal and suggesting that approval be delayed. Earlier, NHTSA had rejected a PPG request to extend the comment period for 45 days. E. I. du Pont de Nemours & Co. of Wilmington, Del., a maker of plastics, also raised several questions, although the company supported the glass-plastic glazing concept.

Among other comments filed in the docket were these:

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Auto Makers Support Windshield Rulemaking (Cont'd from page 3)

American Hospital Association — “The proposed revision of the glazing materials standard is one of many necessary initiatives in the effort to control the costs of medical care, a major commitment of the American Hospital Association.”

Center for Auto Safety — “Treatment of facial and eye lacerations is unfortunately an all too routine procedure in American hospitals and doctors’ offices, largely because glass leaves much to be desired as an energy-absorbing surface, even in HPR windshields.”

American Automobile Association — “AAA believes that permitting manufacturers to produce cars with this type of windshield is an excellent way to encourage passenger safety through the free market.”

Supreme Court Is Told Restraint Rescission Violated DOT Mandate

The Administration effectively ignored a Congressional mandate to promote safety when it dropped a rule requiring automatic seat belts or air bags in cars, a lawyer for the insurance industry has told the U.S. Supreme Court.

On April 26, the High Court heard oral arguments on an appeal of a lower court ruling that had found the government erred when it rescinded the automatic restraint requirements of federal motor vehicle safety standard (FMVSS) 208. (See *Status Report*, Vol. 18, No. 3, March 1, 1983.) The appeal was brought by the Motor Vehicle Manufacturers’ Association (MVMA) and the U.S. Department of Transportation (DOT).

“In 1966, Congress put control over the pace of safety progress in the hands of the Department of Transportation and not industry,” said James F. Fitzpatrick, who argued for the respondents in the case, State Farm Mutual Automobile Insurance Co. and the National Association of Independent Insurers. “By its decision, the agency ... is permitting the industry to meter safety progress.”

“This rule is the most important safety regulation on the books,” Fitzpatrick said. He noted that in 1981, William Nordhaus, a Yale economist and former member of the Council of Economic Advisors, estimated the effect of rescinding the rule would be an additional 6,400 fatalities and 120,000 serious injuries each year that might otherwise be avoided. The rule

was dropped in October 1981, and on June 1, 1982, the U.S. Court of Appeals for the District of Columbia reinstated it, declaring the administration had acted arbitrarily and capriciously.

Rex Lee, U.S. Solicitor General, told the court that the appeals court ruling would deprive the agency of its ability to regulate by making predictive judgments.

“There were uncertain conditions,” said Lee. When Brock Adams, former Transportation Secretary, ruled in favor of the standard in 1977, the agency thought that 60 percent of all automobiles would be equipped with air bags. As the automobile shrank, those estimates declined and by 1981, the administration believed that only one percent of total automobile production would be equipped with air bags, Lee noted.

That, coupled with worry about the public’s reaction to automatic belt systems, led the agency to drop the rule, Lee said.

An additional issue, said Lee, even assuming there was to be an automatic restraint requirement, was whether the agency should try to change public attitudes or instead should utilize technology to save lives.

Just because the agency had previously issued a rule didn’t mean the decision should be “frozen,” said Lee. “The Secretary decided to try to change human attitudes.”

Fitzpatrick told the court, “There is no uncertainty about this rule. There are two technologies that work This is not Buck Rogers technology.”

Noting that automatic belts have been installed in hundreds of thousands of cars, Fitzpatrick said, “DOT’s own studies found that they increased [belt] usage by 40 percent.”

NHTSA based its decision to rescind on the assumption that car makers would be installing an untested automatic belt that could be permanently detached. Justice John Paul Stevens asked whether the extent to which such automatic belts would be detached had been considered.

Lee responded, “He found there were no reliable data.”

“This is a matter of common sense,” said Stevens. “If it’s automatically attached, then you have to do something affirmative to detach it Isn’t it perfectly obvious that more would use it? Even a one percent increase [in belt use] would save 100 lives.”

Court observers believe a decision on the appeal will be handed down in late May or early June.

State Protests Bring Some Changes In List Of Big-Truck Highways (Cont'd from page 1)

ers on interstates and "designated" primary highways. (See *Status Report*, Vol. 18, No. 4, March 8, 1983.)

The FHWA's April 5 designation became effective the following day and most of the ensuing outcry has been over whether twin trailers ought to be allowed on the designated roads.

Two main concerns trouble critics:

- Whether the roads designated accessible to the larger rigs are wide enough to handle them and are located on terrain that makes maneuvering and controlling them less difficult;
- Whether the volume of traffic and access to the roadway are controlled in a way that will minimize hazards to other vehicle occupants as well as the truck operators themselves. There is widespread concern that rigs hauling two or more trailers pose a greater hazard to themselves and others than do straight trucks and standard tractor trailers.

FHWA head Ray Barnhart said the 181,000 miles over which the larger trucks will be permitted to travel represents only 4.7 percent of the total public road mileage in the United States. That total incorporates such things as side streets and county roads. However,

an Insurance Institute for Highway Safety analysis of the designated mileage indicates the impact on traffic will be far greater than the roadway mileage figure suggests, especially as the larger trucks become more common.

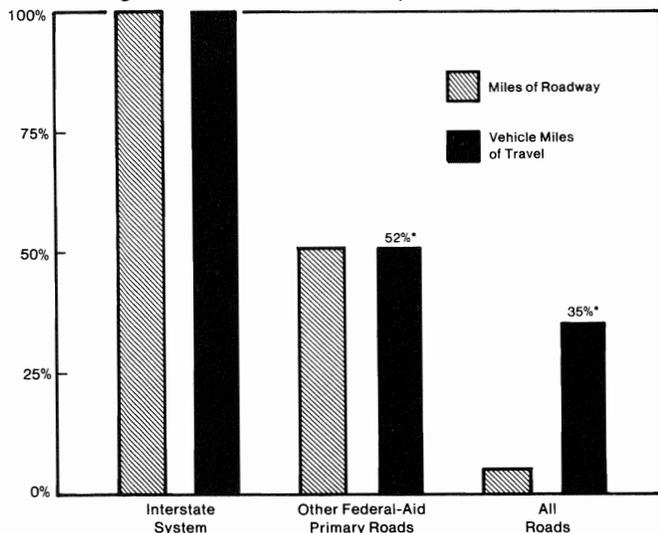
The real issue is the volume of traffic that utilizes these roadways. Considering interstate mileage and overall travel on the federal-aid primary system — which is conservatively estimated to account for 52 percent of all system travel — the interim network accounts for 35 percent of the total travel on all roadways. In some states, the network accounts for a significantly higher percentage of all travel. (See accompanying figures.)

Department of Transportation officials, including Secretary Elizabeth Dole, have insisted the overriding objective will be to assure that the roads designated can safely accommodate the larger trucks.

"There have got to be roads [designated] with less than 12-foot lane widths," one FHWA official told *Status Report*. The reason, he said, is because only about 60 percent of the primary system consists of roads with 12-foot lane widths, a standard FHWA itself has set for safely accommodating the wider rigs.

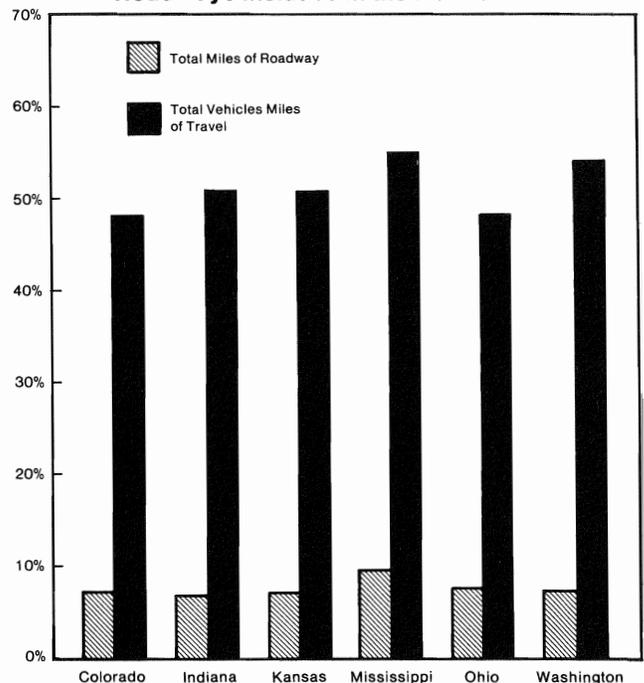
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Percentage of Road Miles and Vehicle Miles Travelled Included in the Interim Designated Roadway Network for Large Commercial Vehicles, National Estimates



* These estimates are based on the conservative assumption that the mileage travelled on "other federal-aid primary roads" is proportional to the miles of roadway.

Percentage of Road Miles and Vehicle Miles Travelled Included in the Interim Designated Roadway Network for Large Commercial Vehicles, Estimates for Six States with All Interstate and Federal-aid Primary Roadways Included in the Network



State Protests Bring Some Changes In List Of Big-Truck Highways (Cont'd from page 5)

"That concerns me," Archie Burnham, state traffic and safety engineer for Georgia's Department of Transportation, told *Status Report*. He said that a decision to designate roads with less than 12-foot lanes indicates federal officials do not "fully comprehend" the consequences.

FHWA has said that the states themselves designated three-fourths of the roads made part of the interim network. Some like Ohio, designated virtually all of their primary roads. Others, like Vermont, designated no more than the interstate system.

The FHWA can enforce the minimum weight provisions by withholding federal highway aid from states not in conformity with the federal law. It must seek injunctive relief in order to enforce the length and width provisions.

Rather than litigate, the FHWA has chosen to negotiate with most states. On April 22, the FHWA agreed to set aside the interim designations set for the four states that had sued and adopted the designations the states themselves had proposed for the time being. Additional roads will be designated in the final rule, FHWA officials have said. On May 3, more areas — California, Delaware, Illinois, Iowa, Maine, Missouri, Nebraska, New York, Puerto Rico, South Carolina, West Virginia, and Wisconsin — received notice of modifications.

Separately, on May 3, the FHWA agreed to drop the interim network designation set for Virginia until July 1. In the meantime, the state has agreed to issue permits to operators of double trailer trucks on a case-by-case basis.

Peck Successor Yet To Be Named at NHTSA (Cont'd from page 1)

noted a "tragic decline" in NHTSA work over the past two years and said, "With the appointment of a new administrator, the Administration has an opportunity to turn over a new leaf."

Rep. Timothy E. Wirth (D.-Colo.) commented: "In appearances before our Subcommittee, it was apparent that he [Peck] was ignoring or subverting the agency's legal mandate to protect lives and promote auto safety. He arbitrarily modified and eliminated regulations that were promulgated to increase protection for drivers and passengers, without regard even to this Administration's litmus test for regulation — cost effectiveness."

(Reprinted with permission from The Nation's Health, May 1983, published by the American Public Health Association.)

Sudden '82 Drop In Highway Deaths Creates Mystery

Data currently being completed on 1982 accident rates are showing that automobile deaths took a dramatic 10 percent plunge last year. This drop in the number of people killed by cars has created a mystery researchers are hard pressed to explain.

According to figures recently released by the National Safety Council, motor vehicle deaths dropped from 51,500 in 1981 to 46,300 in 1982.

Only once before in the last 30 years has the mortality from auto accidents dropped so precipitously and that was during the oil embargo and gas lines period of 1973 to 1974.

Experts at the National Center for Health Statistics and the National Highway Traffic Safety Administration agree that the estimated 10 percent drop is essentially correct, although numbers vary slightly in different reporting systems.

According to NCS figures, the 1982 death rate for motor vehicle deaths, at 20 per 100,000 population, is the lowest it has been since 1944.

Why is this happening? James Hedlund, Chief of the Mathematical Analysis Division of the National Highway Traffic Safety Administration, speaks for a number of researchers when he says, "If we knew we would be smarter than we are now."

Associated with Poor Economy?

Some experts think the phenomenon is tied to the downturn in the economy in some ways, but others are not even positive about that.

Complicating the question is the fact that the number of miles driven in motor vehicles actually rose by one percent, according to NSC. The council's figures show that the combination of the drop in deaths and the increase in mileage driven caused the death rate per 100 million miles to drop nine percent, to the lowest rate on record — 2.95.

Despite the fact that it seems people are driving more, the drop in deaths might be related to the poor economy, experts at NSC postulate, through changes in driving patterns. For instance, people might be

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doing less social driving, and therefore driving less at night, less on weekends, and less in rural areas, all of which are more hazardous.

Still A Puzzle

Professionals at NHTSA and at the Insurance Institute for Highway Safety (IIHS) say, however, the event is essentially a puzzle, unlike any they have seen in recent times.

Researchers at both institutions are now attempting to correlate the statistics with various economic and social patterns such as unemployment.

There are a lot of theories, but there has been very little proven, says James Hedlund of NHTSA. He notes, for instance, that seat belt usage seems to be up, but not nearly enough to account for these figures.

Brian O'Neill, Senior Vice President at the Insurance Institute for Highway Safety, points to the fact that the reduction has been going on in Canada and European countries also and contends that it is almost certainly caused by a change in exposure — that is a change in types of driving — but what that change is no one can say yet. "So far all the ideas have come up dry," he says, as potentially good theories don't match the patterns in the drop in deaths.

A major confounding characteristic of this drop, O'Neill says, is the fact that various types of auto deaths are dropping at almost parallel rates.

Statisticians would expect that if some driving pattern, economic conditions, or other factors were causing the drop, a component or components of the death rates — for instance, night deaths, day deaths, pedestrian deaths, passenger deaths or single occupant deaths — would drop at rates very different from the others. This is not happening, says O'Neill.

Hedlund also points out that the event is made even more extraordinary by the fact that two years ago researchers in the field were predicting that, with an increase in the numbers of smaller cars and rising highway speeds, deaths on the highways could quickly reach 60,000 or even 70,000 for the first time.

Both agencies are planning reports on the death decline and possible causes in the near future.

What Effect Drunk Driving Laws?

Several accident researchers take note of the new laws and crack-downs against drunk driving in many states, and they quickly caution state officials against giving these campaigns credit for the lives saved. The researchers say there is no proof of such an association, and there is considerable doubt that the efforts could have such a big effect so quickly.

Even so, several of the experts noted that the widespread attention to these efforts and new public understanding of the problem could have had some impact. For one thing, says Hedlund, people may be more concerned about the drunk drivers and may thus be more cautious in their own driving. "It's a reasonable theory," he says, "but there is no way of testing it."

The question of whether the drunk driving campaigns have helped, like other theories, has been muddled by the fact that different types of auto deaths have decreased almost simultaneously, says O'Neill. If there were fewer people driving drunk, he explains, statisticians would expect nighttime auto deaths to drop at a faster rate than daytime auto deaths.

Other Accidents Thought to be Dropping

Adding another crook to the puzzle are preliminary figures from NSC showing that deaths from all kinds of accidents — motor vehicular and other — were down six percent last year to the lowest rate on record. Even though the decline in auto deaths constitutes the greatest part of this drop, deaths from work accidents also decreased an estimated eight percent and public non-motor vehicle deaths fell by three percent. On the other hand the home accidental deaths increased by two percent.

Over the last 50 years the overall accidental death rate has dropped fairly steadily, from 71.3 deaths per 100,000 population to, according to the preliminary statistics from NSC, a record low of 40.4 deaths per 100,000 last year. However, the sharp decline over the last two years, from 46.2 to 40.4, is fairly unusual.

The decrease in motor vehicle deaths is perhaps more unusual because the trend in that area has not been down, but rather fluctuating between about 21 deaths and almost 28 deaths per 100,000 since 1945.

One bad sign, according to Hedlund at NHTSA, is that the fatality figures for the early months of this year show levels about the same as last year, making it appear that the mortality drop may be leveling off.

Will we ever know what happened with auto deaths in 1982? We may find a good correlation and we may not, say several of the experts. In the meantime they are watching the monthly fatality report with great concern to see what the figures will do next.

1982 Index Available

Single copies of the 1982 *Status Report* subject index are now available free upon request, by writing to: Index, Communications Dept., Insurance Institute for Highway Safety, Watergate 600, Washington, D.C. 20037.

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Watergate 600 • Washington, D.C. 20037 • 202/333-0770

Editor: Paul C. Hood

Writer in this issue: Rea Tyler

Production: Ron Bevilacqua, Luci Malone, Diane Schwartz