

Danger Seen in Gap Between Truck, Auto Braking Requirements

Passenger cars must be able to stop in a prescribed distance, but the heavy trucks with which they share the highway are subject to no meaningful federal braking standard, an Insurance Institute for Highway Safety spokesman told a Senate committee.

"The car driver who looks in his rear-view mirror and is alarmed to find a huge truck behind him has a right to be afraid," Ben Kelley, Institute senior vice president, said at a hearing on truck safety held by the Senate Commerce, Science, and Transportation Committee. He pointed out that while passenger cars must be able to stop from a speed of 60 mph in 216 feet or less, the only federal rule for air-braked trucks is that they be capable of stopping in 35-40 feet from a speed of 20 mph.

"In simple terms, this means that when a car driver slams on his brakes to stop in an emergency, he or she stands a needless and frightening chance that the big truck behind won't be able to stop in the same distance and instead may smash into or run over the car and the people inside it," Kelley testified.

Senator John Danforth (D.-Mo.), presiding at the hearing, called the Institute comments on braking, designed-in speed limits, and other truck safety issues "very helpful and very practical suggestions." (See related article on page 4).

The disparity in requirements for cars and trucks is even more frightening now with new regulations permitting larger and heavier trucks as well as "doubles" (twin trailers), Kelley said. These come at a time when a larger share of the vehicle population consists of small cars.

"Large trucks (10,000 pounds and greater) are very disproportionately involved in fatalities," Kelley explained. "When a large truck and an automobile crash with a fatal result, overwhelmingly it is the automobile occupant who is killed. And, as the disparity be-

tween truck and car sizes widens, the situation is growing worse. In 1977, a car occupant was 22.9 times more likely than a truck occupant to be killed in a fatal large truck-car crash; in 1980, the car occupant was 30.6 times more likely to be killed.

"Small-car occupants are at an even greater risk than these figures suggest. On the average, for the 1978-1981 period, an occupant of a small subcompact was 62.2 times more likely to die than a large truck occupant in a fatal crash between the two vehicles."

Braking technology is not to blame for the disparity between car and truck stopping distances, Kelley said. "Improvements are available and in use on some trucks, both here and in Europe, to substantially shorten the stopping distances of large trucks without loss of directional stability," he told the committee. "The disparity is due, in fact, to NHTSA's failure to pursue the necessary rulemaking that would lead to adequate stopping distance standards for large trucks. That failure is inexcusable. It defies a public record, now dating back for more than a decade, of recognition that the problem exists and needs to be solved."

(Cont'd on page 6)

Decline in Auto Crash Fatalities Tied to Economy

The abrupt decline in national traffic fatalities during 1981-1982 was the result of the depressed economic situation rather than the effects of any specific laws or enforcement programs, an Insurance Institute for Highway Safety researcher has determined.

Many observers have been puzzled over the decline of motor vehicle crash deaths from an average of about 4,400 a month in early 1981 to about 3,500 a month in early 1983. (See *Status Report*, Vol. 18, No. 7, May 12, 1983.) In their search for explanations, some have credited drunk-driving crackdowns, child restraint laws, increased seat belt use, or a downturn in crashes involving teenagers. *(Cont'd on next page)*

NHTSA Again Delays Seat Belt Comfort, Convenience Rule

Although the federal government is engaged in a multi-million dollar campaign to urge people to wear their safety belts, for a second time it has moved to delay comfort and convenience requirements aimed at increasing their use.

The National Highway Traffic Safety Administration's (NHTSA) acting head, Diane Steed, said the rule was delayed until the 1986 model year because the agency has doubts about its efficacy and is worried about the "unsettled state" of future belt design plans.

The rule was originally scheduled by former NHTSA administrator Joan Claybrook to become effective starting with the 1983 model year. Her successor, Raymond Peck, then delayed the rule until the 1984 model year, citing the agency's reconsideration of the automatic restraint standard as the reason. (See *Status Report*, Vol. 16, No. 6, April 27, 1981.)

Claybrook had originally proposed the rule because surveys had shown that many people said they wouldn't wear their seat belts because they found them uncomfortable, even though they agreed that wearing them would be a good idea.

Agency Pleads for Time

In a *Federal Register* notice issued June 2, Steed said agency experts were concerned that tension-relieving devices for reducing belt pressure might be misused, causing too much slack in belts, thus reducing their effectiveness in a crash. The agency has concerns about other, possibly conflicting goals, the notice said, and would need more time to sort out the issues.

Automakers supported the two-year delay in comments to the docket, although some thought the rule should be delayed indefinitely.

Only the state of Idaho disagreed, saying the additional delay "causes serious public doubt about the NHTSA's real concern for increasing belt usage."

Idaho transportation department director, Darrell Manning, charged the timing of a possible future passive restraint rule is "irrelevant" to a comfort and convenience rule because "there is no reason why passive restraints, whether instituted voluntarily or mandatorily, cannot meet standards designed to minimize major comfort and convenience problems."

Despite those concerns, the agency notice said the two-year delay is necessary because "the issues in-

involved in this proceeding have been clouded in uncertainty since the regulation was first adopted."

Petitions for reconsideration of the delay must be filed within 30 days of the June 2 notice, the agency said. They should be sent to Docket No. 74-14, Notice 30, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C. 20590.

Decline in Auto Crash Fatalities

Tied to Economy (Cont'd from page 1)

Brian O'Neill, senior vice president of the Institute, analyzed data from the Department of Transportation's Fatal Accident Reporting System (FARS) and found a relationship between the trends of motor vehicle deaths and the level of the economy as indicated by the Federal Reserve Board's Industrial Index of Production, even though vehicle miles traveled increased.

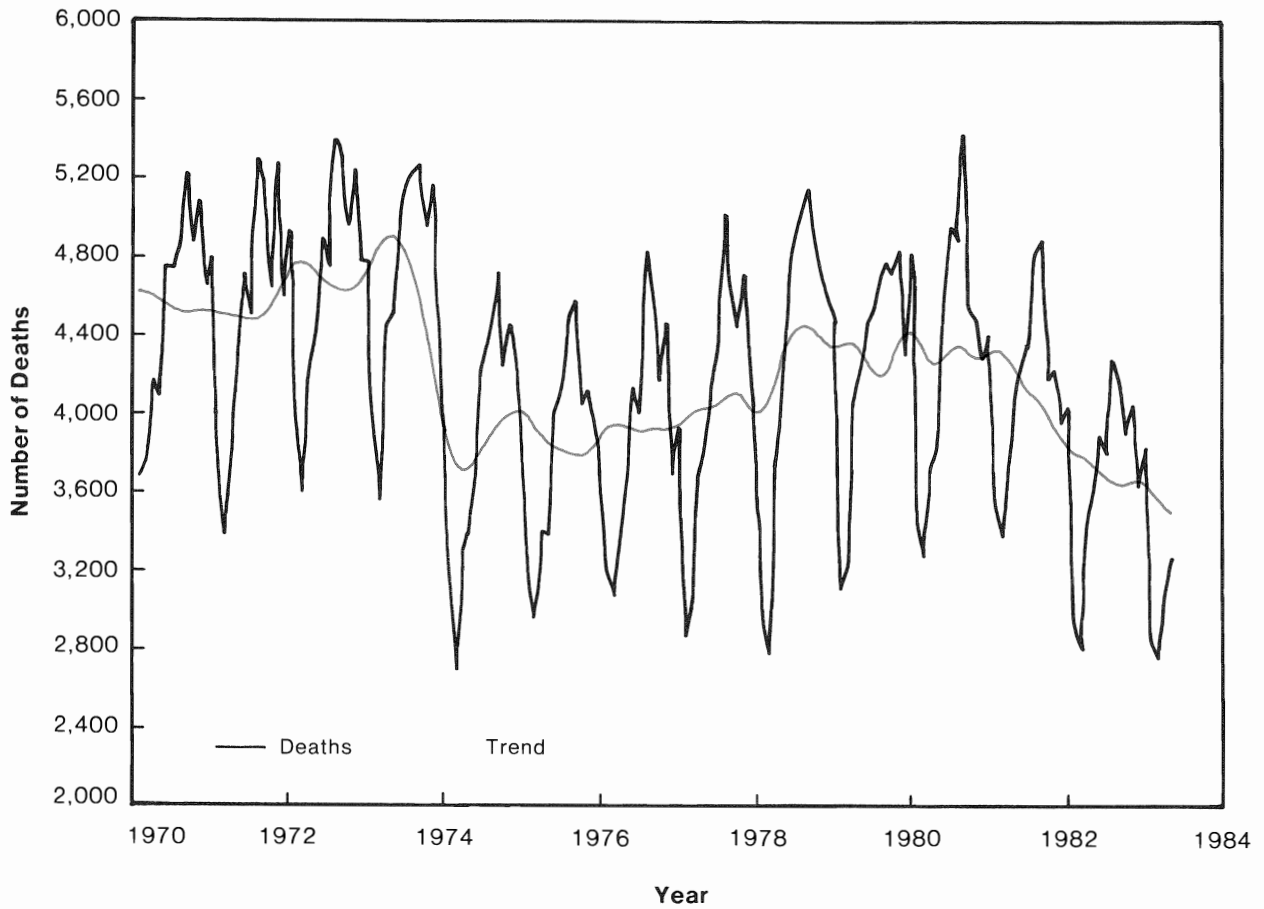
"The economy and motor vehicle deaths are strongly correlated, and this accounted for the 1981-1982 downturn in deaths," O'Neill reported. "The factors underlying this association are not yet resolved."

O'Neill discounted the suggestions that laws and enforcement activity aimed at reducing drunk driving are responsible for the national decline in fatalities. "Since nighttime single-vehicle crashes are more frequently alcohol-related than other crash types, fatalities in such crashes should have declined more rapidly than in other crashes during 1981-1982, if reductions in alcohol-impaired driving accounted for most of the downturn in motor vehicle deaths during that period," he said. "However, deaths in single-vehicle nighttime crashes accounted for a steady 19-21 percent of all motor vehicle crash deaths during 1976-1982, indicating that this type of fatality did not decline any faster than others."

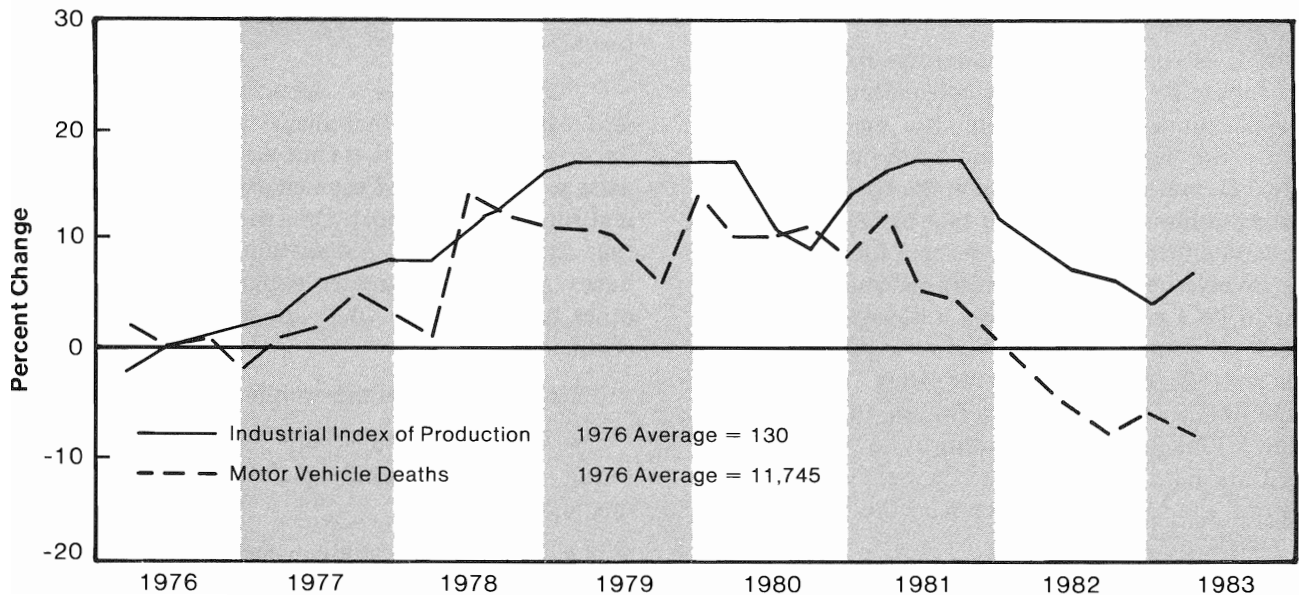
Nor did the research reveal any other simple answers. O'Neill found nothing to support the idea there had been abrupt changes in the past two years in fatal crashes involving 16-24-year-old drivers. The analysis also showed that except for a long-term increasing trend in motorcyclist deaths, the relationship among fatalities of motor vehicle occupants, pedestrians, bicyclists, and motorcyclists has not changed substantially since 1976.

"It is almost certain that quality of the exposure to the risk of a fatal motor vehicle crash, rather than the total amount, somehow changes with the state of the economy," O'Neill concluded. "Whatever these exposure changes are, however, they are not reflected in gross measures such as vehicle miles traveled, which actually increased during the 1981-1982 period."

**Monthly Deaths and Trend
January 1970 — April 1983**



**Motor Vehicle Deaths and the Economy
Quarterly Results Seasonally Adjusted
Percent Change Since 1976**



Regulators Disagree Over Need for More Strict Truck Rules

Government witnesses clashed over the need for stricter safety regulation of the trucking industry in a hearing before the Senate Commerce, Science, and Transportation Committee June 14.

The hearing was called to elicit comments on Title III of S. 1180, the Highway Safety Act of 1983, sponsored by Senators Bob Packwood (R.-Ore.) and John Danforth (R.-Mo.). (See *Status Report*, Vol. 18, No. 8, June 2, 1983.)

Reese Taylor, chairman of the Interstate Commerce Commission (ICC), told the committee he supports a provision in the bill that would require the ICC and Department of Transportation (DOT) to establish specific safety fitness criteria for motor carriers applying for new or extended operating authority, along with procedures for deciding whether applicants meet the standards.

Kenneth Pierson, director of the Bureau of Motor Carrier Safety (BMCS), the agency charged with the safety regulation of the industry, said the section should be deleted from the bill.

Pierson said that since fitness ratings are now provided to the ICC for evaluating applicants for new or extended authority, that additional measures are unnecessary. But Taylor said that frequently BMCS does not have any information upon which the ICC can base a decision either because the applicants are new to the field, or they do not own, but lease their equipment.

Authority to 'Commit Mayhem'

"If it is the intent of Congress that a carrier's safety fitness be an overriding consideration in deciding applications for authority [to operate]," said Taylor, "the legislation should state that intention clearly." He noted a case in which the ICC had granted operating authority to a carrier that had systematically demonstrated "a total lack of respect for any government involvement" in the business and considered "fines to be a cost of operating a business." Despite his lack of compliance with record-keeping requirements and "flagrant disregard for safety" and an unfavorable BMCS report on safety fitness, the carrier was granted a limited operating authority to "commit unlimited mayhem" because the ICC believed competition to be the overriding concern of the commission, Taylor said.

Taylor also endorsed a provision calling for annual inspections of trucks and urged the committee

to consider a twice-a-year requirement. But Pierson disagreed, saying "the cost of removing every commercial vehicle from service for one day would be significant, since an excess of 8 million vehicles would be involved." Pierson also said state reporting requirements would be burdensome and that the existing system of mandatory self-inspection with federal and state spot checks is preferable.

Teamster representative R.V. Durham questioned Pierson's assertion that such inspections would put trucks out of service for an entire day, and noted that annual or semi-annual inspections coupled with more frequent roadside inspections would be appropriate.

Lawrence Sterns, head of the American Trucking Association, urged stepped up enforcement activity by the states and said roadside inspections are a way to check drivers as well as vehicles for problems. He also urged the government to improve its data collection capability to learn more about accident causes.

Sterns said that while the majority of truckers have excellent driving records, anyone that listens to CB communications knows there are "some drivers out there who do not have a good attitude."

Motor carrier representatives questioned the need to increase civil penalties for violations, although one witness noted that the fines stipulated by applicable laws were set in a 1935 statute.

At War with 'Gypsies'

Bruce Main of the United Bus Owners of America said his group is particularly concerned about lack of enforcement of existing rules. "We are at war with so-called 'gypsies' who ply the nation's highways without benefit of operating authority, and often without insurance," said Main.

"Our complaints to agencies fall on deaf ears," said Main, adding that illegal carriers operate with impunity. He noted that churches frequently purchase used schoolbuses and then charter them for interstate and intrastate transport. One witness, John Dwyer of the American Bus Association, noted that school buses represent a greater danger to occupants than other buses because "they are similar to a tin can" in crashes.

Under Title III of the omnibus bill, DOT would:

- Revise its rules and regulations to see that motor carriers are safely maintained, equipped, and operated.
- Undertake a study in conjunction with the National Institute for Occupational Safety and Health to assess employee health hazards.

- Investigate complaints about possible safety violations and protect the identity of informants.
- Establish new and strengthen existing civil and criminal penalties for infractions.
- Permit states to establish even more stringent regulations governing motor carriers, so long as they do not conflict with federal rules.
- Set up annual inspection requirements.
- Study questions surrounding heavy truck handling, stability, and crashworthiness.

On June 22, the committee will hear testimony on Title IV of S. 1108, hazardous materials transportation.

Government, Consumer Spokesmen Oppose Regulatory Reform

Regulatory reform legislation now being considered by the House Judiciary Committee may cause more problems than it solves, government and consumer representatives have testified.

H.R. 2327, or similar bills whose stated purpose is to make regulations more cost-effective and agencies more efficient, may make the regulatory process even more burdensome for taxpayers and less flexible, one federal agency official testified. It could also make the government's reaction to emergency situations less responsive, Frank Berndt, acting deputy administrator of the National Highway Traffic Safety Administration (NHTSA), said.

In a June 9 hearing before the Subcommittee on Administrative Law and Governmental Regulations, only the Motor Vehicle Manufacturers Association (MVMA) supported the legislation.

Cost-Benefit Analyses Required

Berndt said an executive order signed by the President in February 1981 already set guidelines which stipulate that regulatory actions are not to be undertaken unless their benefits outweigh their costs. Since 1979, NHTSA has been required to prepare a regulatory impact statement containing a cost-benefit analysis for all the major rules it proposes.

NHTSA objects to a proposal that would codify procedures such as requiring hearings on proposed rules — although in some rulemaking activity the agency does hold hearings. The agency also opposes a section that might require agency approval of proposals that impose the lowest costs on industry. While seeking to achieve lower-cost alternatives in safety and

health regulation is important, Berndt said, the benefits of such regulations are often incalculable. He said the agency does not attempt to quantify the value of a human life or of an injury not received.

Former NHTSA administrator Joan Claybrook said that the reform legislation would impose burdensome procedural steps unlikely to enhance the process and that, if adopted, it would cost more for the agency to comply with the legislation and continue with its primary legislative mandate of saving lives.

"Since 1977, the Business Roundtable has lobbied for this legislation, calling it regulatory reform," Claybrook noted in her statement. The main intent of the bill is to "glue up" the administrative process, she charged.

James Fitzpatrick, of the Washington law firm of Arnold and Porter, said the proposed legislation might have the effect of putting NHTSA at war with itself because the prescribed administrative procedures could conflict with the agency's mandate to save lives.

Even under the existing executive order requiring agencies to consider the most cost-effective approaches to regulation, NHTSA has been unduly influenced by political considerations, Fitzpatrick said. He cited the 1980 Presidential election in which the automatic restraint rule had become a "minor theme" in the campaign. (Fitzpatrick's firm represented insurance companies in litigation opposing rescission of the automatic restraint rule and rollback of the 5 mph bumper standard.) Quoting David Stockman after he had been appointed director of the Office of Management and Budget, Fitzpatrick repeated what Stockman had told an automotive trade journal:

'I can personally assure General Motors Corporation and the Ford Motor Company that the airbag is a dead issue.'
Wards Auto World, December 1980, p. 31.

"The problem with this assertion, quite obviously, is that there still is an auto safety statute that Congress has passed," said Fitzpatrick. "OMB did not intend to come back to Congress to change the law; it intended to scrap the regulation." He noted that rescission of the automatic restraint rule and the 5 mph bumper standard were part of a package to "help the U.S. auto industry" out of its economic decline.

Cost-benefit analyses were used to justify rescission of the automatic restraint rule and rollback of the bumper standard, Fitzpatrick noted. In the case of automatic restraints, he said, the analysis would not support rescission, so the agency then relied on an assertion by General Motors that the company would use a belt system that could be permanently detached.

(Cont'd on next page)

Government, Consumer Spokesmen Oppose Regulatory Reform (Cont'd from page 5)

In the case of the bumper standard, Fitzpatrick said, the agency "simply eliminat[ed] one element of its equation to tip the balance against the stronger standard."

Thomas Hanna, senior vice president and chief operating officer of the MVMA, told the subcommittee the combined impact of federal regulation on members is considerable. "The costs of complying with government regulations are substantial and these costs ultimately must be borne by the consumer," said Hanna. He noted that in a company publication, General Motors had estimated it spent \$1.8 billion in 1982 to meet government regulatory requirements.

The figure incorporates more than just automotive safety standards, Hanna said. He said the organization does not oppose regulation per se, but that it believes reform efforts ought to be directed at "finding better means to assure that the public interest is being served in the most effective way."

"One of the most basic needs has been for an early informal exchange of views and ideas prior to the issuance of a specific proposal," said Hanna. "Past experience has too often taught us that once a proposed rule is issued, an 'adversary' atmosphere settles in. . . ."

An "early dialogue" could help assure that proposed standards are "measurable, justified, and carefully drawn; and that they allow reasonable time frames for compliance," said Hanna.

Military Plans Attack On Drunk Driving

The Department of Defense (DOD) has announced a program designed to lower the incidence of driving under the influence of alcohol and other drugs.

The department estimates about 500 service people died last year in alcohol-related incidents and another 1,200 to 1,500 received serious injuries, Capt. Roger McFillen of the alcohol abuse prevention unit told *Status Report*.

In a *Federal Register* notice, DOD notified all branches of the military services that they would be required to provide specialized alcohol education programs focusing on the problems of driving under the influence for law enforcement officers and employees of clubs and bars that dispense alcoholic beverages on

military installations. Military judges and judge advocates would be required to receive special education courses as well.

The proposed rule also sets out administrative procedures for handling military personnel and civilian employees arrested for driving under the influence on or off base. First-time offenders may lose the right to operate government vehicles and their own vehicles on government property for up to a year, and second offenders could lose their privileges for up to two years under the proposed rule. Those who refuse to submit to blood alcohol tests may also lose their military or government driving privileges.

The department said the services would establish a systematic procedure for notifying state motor vehicle agencies whenever military base driving privileges have been suspended for driving under the influence of alcohol.

The rule would also set up task forces to promote public awareness of the hazards of driving under the influence and encourage cooperation with citizen groups formed to combat the problem, the notice said.

The alcohol abuse prevention unit will also establish a uniform reporting system for tracking alcohol-related violations throughout the services, McFillen told *Status Report*.

For further information, see the *Federal Register*, Vol. 48, No. 70, April 11, 1983, at page 15485.

Danger Seen in Gap Between Truck, Auto Braking Requirements (Cont'd from page 1)

Invited by Senator Danforth to suggest further means of reducing the number of truck-car crashes, Kelley said: "Yet another factor is the speed of that large vehicle that is sharing the road with the cars. There is no excuse — and I am sure nobody in the trucking industry would argue one — for trucks to be going 65 and 70 miles an hour along crowded highways full of cars. And yet that, as any of us who drive know, is the case today.

"Why trucks continue to be permitted by design to have those sorts of speed capabilities, when the result can be such tremendous risk for the occupants of cars that they hit, is beyond me. And again, NHTSA has the authority, and I believe the Bureau of Motor Carrier Safety has some authority, to see that those speeds by design are limited to the national legal maximum speed."

‘User Fee’ on Alcohol Suggested to Finance Drunk-Driver Costs

A “user fee” on alcoholic beverages to finance drunk-driving programs and rehabilitation of alcoholics as well as lifesaving technology such as automobile crash protection, has been suggested by a leading Congressional safety advocate.

Timothy E. Wirth (D.-Colo.), chairman of the House subcommittee with oversight responsibility for the National Highway Traffic Safety Administration, declared his interest in such a plan in a letter to Transportation Secretary Elizabeth Dole listing some of his concerns in the automotive safety field.

“The proposal I am considering envisions an extremely modest increase in the alcohol tax to fund alcohol rehabilitation, enforcement, and to encourage market incentives (such as tax credits) for automatic crash protection — either air bags, automatic seat belts, or retrofit,” Wirth told Dole. “In 1981 the Federal government collected some \$5.7 billion in alcohol taxes, so even a one cent increase would raise some \$57 million for this program every year. Moreover, the federal alcohol tax has not been increased in 30 years.”

No States Have Qualified

Wirth pointed out that both federal and state funds for alcohol programs have been limited in recent years. He added: “Although the last Congress enacted a law to increase funding to states for drunk driving programs the law has been largely unworkable: not one single state has qualified for the funds.”

In his letter to Dole, Wirth listed a number of “specific concerns” he has over NHTSA activities, including these:

- Recission of the automatic crash protection standards — “Recognizing that the issue is in the Supreme Court, in the interim you have an opportunity to encourage the introduction of automatic crash protection into the marketplace.”
- Rollback of the bumper standard — “It is imperative that NHTSA immediately begin assessing the impact of the bumper rollback in order to determine

the cost-effectiveness of this action, as our Committee Report on the agency’s authorization for 1983, 1984, and 1985 directed.”

- NHTSA’s defect program — “The past record of this administration in this regard is dismal, and I urge you to personally encourage that the defects laws are vigorously enforced.”

- Revised standard for headlamps — “In proposing to weaken the standard, the agency is placing an additional burden on consumers: it will be necessary to go to an automobile dealer to replace headlamps, a process that will involve increased costs and inconvenience.”

- Consumer information programs — “Crash testing of new cars has proceeded at a snail’s pace, so that by the time the tests are finished they are of virtually no use to prospective purchaser of new cars.”

Ford Wins Approval Of Securiflex Tests

The Ford Motor Company has received a government waiver to go forward with a test fleet of 2,500 cars equipped with experimental nonlacerative windshields.

In a June 6 letter to Diane Steed, acting head of the National Highway Traffic Safety Administration (NHTSA), Roger Maugh, director of Ford’s automotive safety office, said the windshields were manufactured by Ford and are being laminated with Securiflex, an inner coating of polyurethane. Because the windshield does not meet all of NHTSA’s requirements under Federal Motor Vehicle Safety Standard 205, a special exemption was granted June 13 to allow the windshields to be installed.

“The purpose of this fleet test is to gain manufacturing and field experience,” said Maugh. “We need more data concerning in-plant handling, vehicle assembly, mirror attachment, haze and scratching resistance, lamination durability, and performance in accidents.”

Maugh said the windshields will be installed in 1984 model Ford vehicles. The windshields have already been shipped to Saint-Gobain Vitrage, a French manufacturer, for the Securiflex coating.

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