

STATUS REPORT

FEDERAL ROLE
IN
HIGHWAY SAFETY

INSURANCE INSTITUTE for HIGHWAY SAFETY

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DEALERS SPOT CHECKED ON NEW CONSUMER INFO RULE

A spot check of 25 domestic and foreign auto dealer showrooms within a 15-mile radius of the Department of Transportation reveals that only two of 25 dealers interviewed have posted newly-required consumer safety information for public display.

DOT's Motor Vehicle Safety Regulation -- Consumer Information, Part 375 -- effective January 1, 1970, requires auto manufacturers to provide safety information on their new automobiles' stopping distances, acceleration and passing ability, and tire reserve loads to all "prospective purchasers" for shopping comparison purposes.

The spot check was conducted by Insurance Institute for Highway Safety personnel, cast in the role of prospective car buyers, in dealer showrooms in Northern Virginia, Maryland and the District of Columbia.

In each case, the Institute representative entered the showroom and spoke to the first salesman who offered assistance. After general questions concerning available new models, the "prospective buyer" queried the salesman as to the availability of consumer information on stopping distances, acceleration and passing ability, and tire reserve loads as required by federal law.

Results of the informal survey of dealer showrooms were as follows:

- Had posted consumer information for public display 2
- Had not posted consumer information, but displayed it on request 5
- Had heard of regulation, but did not have information required 9
- Had no knowledge of regulation or information required by it 9

On October 22, 1969, the Federal Register announced that all manufacturers must file consumer information data on stopping distances, acceleration and passing ability, and tire reserve loads with DOT by December 1, 1969, and also must provide "prospective buyers" with consumer safety data after January 1, 1970.

All manufacturers have conducted the required performance tests. But the spot check of auto dealers in the Washington area reveals that a majority of auto salesmen interviewed do not have the resulting consumer information available, or have not been informed of its existence.

Among comments from salesmen asked in the spot check for information under the regulation were the following:

-- ". . . it's misleading, because they only show performance for the worst car in the group . . . it doesn't mean a thing."

-- "We don't have anything like that here . . . often the consumer hears about these things before we do."

-- "I don't know anything about it, and they would have told us in the sales meetings if it was available."

-- "We got a letter on it, but no figures yet."

-- "No, nothing like that, the customers wouldn't understand it anyway."

In general, foreign car dealers had more data and information posted or available than their domestic counterparts.

HIGHWAY SAFETY FUNDS FOR FISCAL '70 FINALIZED

Highway safety appropriations for the current fiscal year have been approved by Congress and signed by the President as part of the Department of Transportation Appropriations Act. House efforts to reduce highway safety funds from the modest levels proposed by the Administration proved largely successful despite last-minute Senate amendments aimed at substantially increasing safety spending.

Final highway safety appropriations for fiscal 1970 are as follows:

-- \$29,550,000 for "traffic and highway safety activities" -- primarily those relating to motor vehicle safety under the Traffic and Motor Vehicle Safety Act -- including 56 new positions and funding for implementation and administration of motor vehicle testing and research programs. The House had proposed \$27,550,000 for the program as opposed to the \$37,550,000 proposed by the Senate. The Administration's budget request for fiscal 1970 had been \$34,146,000 compared to its actual budget of \$26,500,000 for fiscal 1969.

-- A \$70,000,000 limitation for federal-aid commitments under the Highway Safety Act to state and community highway safety programs. A limit of \$65,000,000 had been proposed by the House, and \$75,000,000 by the Senate. The DOT budget request for fiscal 1970 had been \$75,000,000, or \$10,000,000 more than the fiscal 1969 limit. Under existing authorizations, a total of \$175,000,000 would be available for federal aid to state and local safety activities were it not for the limitation.

-- \$30,000,000 in liquidating funds for past aid obligations to state and community

safety programs. Both House and Senate had approved reductions from the 1970 DOT budget request of \$50,000,000, which was the same amount of liquidating cash appropriated in fiscal 1969.

-- \$2,300,000 for operation of the Bureau of Motor Carrier Safety. Both Senate and House had agreed upon this figure -- a \$64,000 reduction from DOT's 1970 budget request, but a \$220,000 increase from the Bureau's budget for fiscal 1969.

Highway safety advocates saw last-minute Senate floor action aimed at increasing safety funding substantially diluted by conference committee action on the final bill.

For instance, amendments to the Senate bill, successfully offered by Sen. Abraham Ribicoff (D-Conn.) and Sen. Vance Hartke (D-Ind.) would have provided 25 additional positions and \$8,000,000 in increased funds -- most of it for development of the prototype "safety car" called for in the National Traffic and Motor Vehicle Safety Act -- or a total motor vehicle safety program budget of \$37,550,000. But the final conference action eliminated the Senate-passed increases.

STATE ROLE IN VEHICLE SAFETY UPHELD

A federal appeals court, in a precedent-setting decision against an auto manufacturing company, has held that states have the right to set regulations for the safety performance of motor vehicles within their borders so long as the regulations do not conflict with federal vehicle safety standards.

The decision was handed down by the U.S. Court of Appeals for the Second Circuit against Chrysler Corporation. It overturned lower court holdings that Vermont and New York State were precluded from banning Chrysler's "Super Lite" -- an extra light for highway driving -- on safety grounds because the National Highway Safety Bureau already had established a federal standard governing vehicle lights.

Chrysler had argued, and the lower courts had agreed, that the "preemption" clause of the National Traffic and Motor Vehicle Safety Act of 1966 forbids states from establishing any sort of vehicle safety rule in areas already covered by federal standards.

But the appeals court disagreed, pointing out that the existing federal lighting standards were "never intended to deal with the aspect of performance of a light such as Super Lite which the states seek to regulate." It noted that the "preemption" clause removes authority from states to apply motor vehicle safety standards only to "the same aspect of performance" covered by a federal standard, and concluded:

"State regulation of a different aspect of performance does not conflict with the federal scheme; rather, it seems to have been contemplated as a contribution to the execution of the full purposes and objectives of Congress."

The appeals court ruling (dockets 33497 and 33509) agreed with the position taken the National Highway Safety Bureau from the outset of the litigation in 1968. The Bureau had stressed that aspects of the Super Lite that concerned the two states -- allegedly unsafe

glare under certain conditions, and emission of a blue tinge that might be mistaken for an emergency vehicle's light -- were not covered by the federal lighting standard and therefore were not precluded from state safety regulation.

ALL STATE SAFETY PROGRAMS OK'D BY DOT

The Department of Transportation has approved highway safety program submissions for all 50 states, Puerto Rico and the District of Columbia, in its final evaluations of submissions under the 16 national highway safety standards. Any state which had not received DOT approval could have lost 10 per cent of its federal-aid highway funds beginning next year, under the so-called "penalty provision" of the Highway Safety Act of 1966.

Earlier issues of Status Report summarized DOT evaluations of the 13 state programs not mentioned in the following roundup.

Persons wishing to obtain details of particular state program submissions or evaluations should inquire at the Records Management Branch, Department of Transportation, Washington, D. C. 20591 (phone 202-962-3334). (Note in reading the following summaries that the term "program" as used in the DOT evaluations does not necessarily mean that the state's planned highway safety activities have in every case been implemented already. It does, however, indicate the state's announced intention to implement the program described in its submission.)

Alabama: "A few improvements" were cited, notably in Alcohol and Driver Education. Previously the program had been "deficient in 14 of the 16 standard areas." Identification and Surveillance of Accident Locations, Highway Design, Construction and Maintenance and Traffic Control Devices "do not demonstrate acceptable progress."

Alaska: Program strengthened by 1969 enactment of implied consent and .10 per cent chemical test laws. In contrast, Periodic Motor Vehicle Inspection (PMVI) and Motorcycle Safety programs are "nonexistent" and Driver Education "is only beginning."

Arizona: "While the program has perceptibly improved, it remains extremely weak The plan is indeed marginal; however, to withhold approval is to . . . penalize . . . by depriving the State of funds it needs"

Arkansas: Deficiencies in PMVI and Alcohol . . . corrected, the latter by implied consent with .10 per cent blood alcohol content (BAC) limitation. A "concentrated effort" is being made "to involve local governments . . . in highway safety."

California: Earlier submission was "generally responsive to the standards." Latest submission reflects commitment to an even stronger program, particularly in PMVI and Alcohol. Increasing attention being given to local involvement. Attention expected in Motorcycle Safety in 1970.

Colorado: Improvement in local participation, Motorcycle Safety and Driver Education. "Legislation passed in 1969 lowers BAC to .10 per cent; however, the implied

consent law is defective because acquittal on the basic charge nullifies the effect of the refusal (to take the BAC test)."

Connecticut: Some problems remedied; however, "deficiencies remain" in PMVI, Driver Licensing, Alcohol in Relation to Highway Safety, Emergency Medical Services and Police Traffic Services. Traffic Courts program and local involvement considered strong points.

Delaware: Alcohol in Relation to Highway Safety improved. Implied consent and chemical test legislation passed and BAC reduced from .15 to .10 per cent. "Significant deficiencies remain in Identification and Surveillance of Accident Locations, Highway Design, Construction and Maintenance and Traffic Control Devices."

District of Columbia: "Shortcomings" needing legislation by Congress or the City Council. Need apparent in Motorcycle Safety, Alcohol . . . and Emergency Medical Services.

Florida: Some improvements. Much remains to be done -- even in gathering data on which to formulate the State's action program. Legislation to be resubmitted in 1970 in PMVI, Motor Vehicle Registration, Motorcycle Safety, Driver Education and Emergency Medical Services.

Georgia: Improvement noted since 1968 in Motor Vehicle Registration, Motorcycle Safety, Driver Education, Alcohol . . . and Identification and Surveillance of Accident Locations. "Highway Design, Construction and Maintenance program remains unsatisfactory and a great deal of legislation and administrative activity is needed in other program areas."

Hawaii: Driver Licensing and Traffic Courts improved. "Major defects" in local government participation. "Appropriate rules and regulations" adopted.

Illinois: "A number of discouraging footnotes" were added in 1969, by failure of enactment of laws in a program for which "a great deal of legislative activity" had been indicated. Motorcycle Safety retrogressed by repeal of some provisions. "One redeeming area" is Traffic Courts.

Indiana: Although legislation was enacted in Alcohol, PMVI and Driver Licensing, "there are definite and disturbing indications that the . . . program has deteriorated Personnel and budgetary problems . . . are of major concern"

Kansas: "Corrective actions" in some areas planned but "conspicuous omissions" exist in others. Motorcycle Safety, Driver Licensing, Alcohol . . . and Emergency Medical Services need legislative attention.

Maine: Improvements in Motorcycle Safety, Driver Licensing, Alcohol . . . , Emergency Medical Services and Police Traffic Services. "Significant weaknesses remain in local government participation, particularly in the engineering standards, and in Alcohol"

Michigan: ". . . is making reasonable progress." A proposal is planned to meet

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PMVI requirements and Driver Licensing improvements. Special attention is needed to strengthen local participation in Highway Design, Construction and Maintenance, Traffic Control Devices and Police Traffic Services.

Mississippi: Legislation planned for 1970 in PMVI, Motorcycle Safety, Driver Education, Driver Licensing, Codes and Laws, Traffic Courts, Alcohol . . . and Emergency Medical Services. "Local government participation . . . is weak"

Missouri: "Program shows promise Legislation requested for 1971 legislature should strengthen Driver Education, Motorcycle Safety and Alcohol in Relation to Highway Safety." Local government participation "remains weak."

Montana: Improvements made in Motor Vehicle Registration. Driver Education expanded. An effort to involve local governments. "PMVI is almost nonexistent Motorcycle Safety . . . legislation . . . has been defeated."

Nebraska: Improvements were noted in planning and implementation. PMVI law enacted in 1969. "The Alcohol . . . program needs only the test provisions to be in conformance. Emergency Medical Services planning has made excellent progress."

Nevada: "Remains weak" in PMVI, Motorcycle Safety, Driver Education, Traffic Courts, Identification and Surveillance of Accident Locations, Emergency Medical Services, Traffic Control Devices and local participation. Implied consent and the chemical test provisions enacted in 1969. However, the latter sets BAC level at .15 per cent. Legislation planned for .10 per cent BAC.

New Jersey: The new submission strengthens the State's program "although weaknesses remain" in Identification and Surveillance of Accident Locations, Traffic Records, Highway Design, Construction and Maintenance, Alcohol . . . and Police Traffic Services.

New Mexico: "Deficiencies in local government participation . . . remain to be resolved." Additional legislation needed in Alcohol standard, Motor Vehicle Registration and Motorcycle Safety.

New York: Improvements in Identification and Surveillance of Accident Locations and Highway Design, Construction and Maintenance. Government surveys being carried on in Police Traffic Services. Emergency Medical Services stronger. "New York is a pioneer" in the Alcohol standard.

North Carolina: ". . . significant weaknesses remain in Alcohol . . . , Emergency Medical Services, Traffic Control Devices, Police Traffic Services and Debris Hazard Control and Cleanup." Improvements cited in local participation, PMVI and Driver Licensing.

Ohio: Local government participation improved. Legislation planned in Motor Vehicle Registration, Driver Licensing and Alcohol A PMVI proposal exists.

Oregon: Legislation needed in PMVI, Driver Licensing, Alcohol . . . and Emergency Medical Services. Safety proposals failed of enactment last year. ". . . obvious need of remedial legislation . . . to involve the local governments of the State in the program."

Pennsylvania: Problems previously noted (in local participation, Driver Licensing and Traffic Courts) have been corrected. Remedial actions planned in Motorcycle Safety, Driver Education and Driver Licensing. "The Alcohol . . . program is almost fully in conformance"

Puerto Rico: Some areas "remain weak" but reflect an "improved and promising" program. PMVI to become effective in 1970. Motor Vehicle Registration strengthened. Motorcycle Safety planned. Traffic Courts standard fully implemented.

Rhode Island: "Some significant improvements" were made in a program formerly found "only partially responsive." Motorcycle Safety, Driver Licensing and Traffic Courts all were upgraded. Local participation was strengthened but still needs attention. Alcohol legislation is planned.

South Carolina: Motorcycle Safety, Alcohol . . . and Police Traffic Services given legislative attention in 1969. "Legislative and administrative actions are needed in Driver Education and Emergency Medical Services. The State's program is ambitious and promising."

South Dakota: "Legislation needed" in Motorcycle Safety, Codes and Laws and Alcohol Local government needs particular attention in the Highway Design, Construction and Maintenance area. The Emergency Medical Services program is weak: a time-frame suggesting 1973 as 'immediate goal' indicates an unduly long time to get this vital program going."

Utah: "Among the leaders in the nation" in the Alcohol . . . and Emergency Medical Services standards. Remedial legislation needed in other areas. "The time-frame for implementation . . . too long" especially in Police Traffic Services.

Vermont: PMVI and Alcohol standards in conformance. "Significant improvement" in other standards. Pedestrian Safety "one of the most serious areas of concern."

Virginia: "Much of the plan . . . rests on passage of highway safety legislation," particularly in Motor Vehicle Registration, Motorcycle Safety, Codes and Laws and Alcohol "Traffic Records is the one area where acceptable progress is not being made or planned."

West Virginia: "Has significant deficiencies" but legislation is planned, some depending on studies such as the Traffic Courts problem. The State is regarded as "implementing the standard" in PMVI. On the other hand, "local government activities are, for the most part weak, absent or unknown."

Wisconsin: "Has strengths in its approach to local governments," and Driver Education program "is one of the strongest." Weaknesses were to be remedied by legislation but "little or none" was enacted. "Evaluation procedures in several standard areas are still lacking."

Wyoming: Program is "weak in most areas." Relevant legislation was requested in 1969 but failed to pass. Legislation planned in 1971 for Motorcycle Safety, Driver

Licensing, Traffic Courts and Alcohol Schedule in other standards described as "vague" and "a great deal of work" needed in local government participation, particularly in Police Traffic Services.

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TURNPIKE CRASH HEARING -- The National Transportation Safety Board, which traditionally investigates surface transportation disasters, will hold its first major public hearing on a highway crash on February 3, in Cherry Hill, N. J. The subject is the New Jersey Turnpike crash of November 29 in which 29 vehicles were involved and six persons died. The scheduled three-day hearing will begin at 9:00 a.m. in the Colony Room of the Cherry Hill Inn, at State Road 38 and Haddonfield Rd.

O'NEILL JOINS IHS -- Brian O'Neill, formerly of Wolf Research and Development Corporation, scientific consultants, Riverdale, Maryland, has joined the Insurance Institute for Highway Safety's Research staff. Mr. O'Neill is an applied statistician and will be working on research projects concerning highway loss reduction. He is a graduate of Bath University of Technology, Bath, England, where he earned his B.S. in mathematics and statistics. Prior to his arrival in the United States, he was a statistician for Unilever, Ltd. in London.

NEW STATUS REPORT NUMBERING SYSTEM -- A new numbering system, designed to aid reference and cataloging procedures, has been instituted for Status Report. Until the close of 1969, all issues were identified by number only, running from 1 through 89. The first Status Report was published in 1966. All issues of that year will constitute Vol. 1, all issues of 1967, Vol. 2, etc. You are now reading the first issue of 1970 -- Vol. 5, No. 1.

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