

**HOUSE BILL TAPS TRUST FUND FOR DEMONSTRATION PROJECTS**

The House Public Works Committee has recommended that \$281.8 million from the Highway Trust Fund be spent on special state and local demonstration projects over a four-year period.

The measure is one of several unexpected elements in the House Committee's version of the 1970 Federal-Aid Highway Act. The Public Works Committees of both the House and Senate have now acted on their 1970 highway aid authorization bills (the House last week, the Senate late this week) — virtually assuring that for the first time, use of Highway Trust Fund money will be authorized for safety programs. Major use of the Trust Fund for safety is contained in both Senate and House bills.

The House version goes further than the Senate by far. Its special Trust Fund tap would finance state and local demonstration projects in three categories: alcohol safety (\$171.6 million), crash investigation by interdisciplinary teams (\$35.2 million) and enforcement of motor vehicle and traffic laws (\$75 million). Each state would be allowed one demonstration project in each of the categories.

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The provision had not been included in any of the bills the House Committee had under consideration before drafting and reporting out its own version. No parallel program is contained in the Senate Committee's bill.

**OTHER AUTHORIZATIONS**

In other sections, the House Committee's bill would authorize a total of \$730 million for highway safety during fiscal 1972 and fiscal 1973, most of that also to come from the Highway Trust Fund. These would include

- 1) \$400 million for the two years — all from the Trust Fund — for eliminating or

reducing safety hazards at high accident locations and those having "high accident potentials."

This money could be used for "booby trap" removal, but at least some of it could be used instead for further roadway or lane construction in the name of safety hazard correction. A Federal Highway Administration official said this authorization also will be used for the "spot improvement" work now being done with Trust Fund allocations to states — essentially a roadbuilding improvement program.

2) \$40 million during fiscal 1972 and \$55 million during fiscal 1973 for highway safety research and development under Section 403 of the 1966 Highway Safety Act.

3) \$105 million in matching funds for state and local highway safety programs under the 16 standards (Section 402 of the 1966 Act) during fiscal 1972 and \$130 million during fiscal 1973. The Trust Fund would be tapped for \$15 million of each year's authorization.

The Senate Committee's bill does not contain any special authorizations for reducing or eliminating safety hazards but does tap the Trust Fund for all fiscal 1972 and 1973 safety programs:

1) For state and local highway safety programs under the 16 standards (Section 402), \$75 million for fiscal 1972 and \$100 million for fiscal 1973 — levels considerably below the House Committee's authorizations;

2) For research and development under Section 403, \$70 million in fiscal 1972 and \$115 million in fiscal 1973 — levels considerably above those voted by the House Committee.

## **OTHER CHANGES**

Several other sections of the House committee bill also would make major changes in the federal government's highway safety program. (Only one of the provisions is also included in the Senate's bill.) They would:

- Freeze at 16 the number of highway safety standards with which states must comply, by requiring that Congress approve any additional standards before they are issued.
- Allow the governor of each state to delegate his responsibility for administration of safety programs to "a state highway safety agency" that has "adequate powers and (is) suitably equipped and organized . . . to the satisfaction" of the DOT secretary.

The earlier Act stipulated only that the governors themselves be responsible; as a result, most governors designated special representatives within their offices to carry out these functions. With the new flexibility allowed to DOT, these representatives may find themselves circumvented.

A spokesman for the House Public Works Committee told Status Report that the Committee "can't see any meaningful results" from governors' representatives. He cited their weakness as being a lack of "real authority or organization." Whether this provision would, in effect, do away with governors' representatives "isn't clear," he said.

- Settle the debate between "new money" and "old money" by opting for continuation of the "old money" formula. Under that formula, states have been allowed to use their ongoing annual highway safety budgets as credit for any new federal matching funds under the 16 highway safety standards.

The Government Accounting Office earlier this year contended that the law intended only that increases in the amounts which states earmarked for specific highway safety projects — "new money" — could be credited for new federal matching funds. The House Committee's bill would specify that the "old money" policy continue, and would stipulate that states do not have to earmark funds on a project by project basis.

- Change the present population-based formula for apportioning funds among the states to a formula that bases 75 per cent of a state's share of federal matching money on its share of national population and 25 per cent on its share of total road mileage. (The Senate Committee's version contains the same formula change.)

- Abolish the Bureau of Public Roads as a separate entity within DOT, merge it within the Federal Highway Administration and assign to the FHWA the three and a half highway safety standards presently assigned to BPR.

- Rename NHSB the "Federal Highway Traffic Safety Administration," raise the rank and salary of its administrator, and establish a single post of deputy administrator. (Current Bureau organization has two deputies.)

After action by both the House and Senate on the committee bills, differences between the two must be resolved in a joint conference committee before the session adjourns. Congress hopes to adjourn October 16.

### **REP. FALLON'S DEFEAT — A NEW CHAIRMAN FOR PUBLIC WORKS**

The upset defeat of U. S. Rep. George H. Fallon in Maryland's Democratic primary during September will mean that the House Public Works Committee will have a new chairman in the next Congress — one likely to be an aggressive advocate of tough highway loss countermeasures programs.

Assuming that seniority rules in the House are not changed and that the Democrats continue to hold the majority in the House following the November elections, Fallon will be replaced as chairman by the now second-ranking Democrat, Rep. John A. Blatnik of Chisholm, Minnesota, whose reelection appears assured.

Fallon, of Baltimore, has long been identified with highway construction support interests. Blatnik has vigorously pushed for programs of roadside hazards correction through a special subcommittee he heads.

Should the Republicans gain the majority, the likely chairman will be Rep. William H. Harsha of Portsmouth, Ohio, also identified with highway industry support groups, and now the second-ranking Republican on the committee. Senior Republican on the committee, Rep. William C. Cramer of St. Petersburg, Fla., is seeking election to the U. S. Senate instead of House reelection.

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AN INTERVIEW WITH GOVERNORS' SAFETY REPS

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The chairman and secretary-treasurer of the National Conference of Governors' Highway Safety Representatives were interviewed in early September for their responses to an entire spectrum of issues related to highway loss reduction.

The Conference includes officials from 43 states. The position of governors' safety representative was created in the states following adoption of the Highway Safety Act of 1966, which made each governor directly responsible for highway safety programs in his state. Chairman of the Conference is Y. W. Whelchel, governor's representative in Arkansas. Secretary-treasurer is Ben A. Jordan, governor's representative in Georgia. Following are excerpts from that interview.

### FUNDING

STATUS REPORT: Do you believe that the current level of safety funding by the federal government is sufficient?

WHELCHER: Absolutely not! It is woefully inadequate. We are so far from an adequate level of funding . . . that we're not faced with a problem of how much (more is needed) at this time: it's just too much.

STATUS REPORT: There are suggestions that the federal government apportion funds to states on a 75-25 formula — 25 per cent based on road mileage and 75 per cent on population.

WHELCHER: We would favor (such) an equitable system of distribution. Now, the population formula, based on population alone, of course, favored the thickly populated states. The road mileage (formula) favors the rural states with large areas. Somewhere between the two extremes should be a satisfactory level that would be acceptable to all states. It appears that the 75 per cent population and 25 per cent road mileage probably approaches that acceptable level.

STATUS REPORT: Do the governors' representatives support the idea of getting safety money from the Highway Trust Fund?

WHELCHER: We favor the use of the Highway Trust Fund, or highway user taxes, for highway user benefits — for highway safety. Now we would oppose the use of highway user taxes to solve the nation's social ills. (For instance) I think it's perfectly legitimate to spend highway trust money to keep the drinking person from driving an automobile (but) I do not feel that it is a legitimate use of Highway Trust Fund money to cure the broad problems of alcoholism.

JORDAN: What I object to is the splitting of the funding: in other words, having a part of it funded by the Highway Trust Fund — those funds only related to the engineering aspect — and then the others funded out of the general funds . . . . I would prefer either funding it all under the Trust Fund or all under the general funds.

WHELCHER: Passage of the highway safety act provided the framework wherein . . . we would have a program with central direction that would be well coordinated. The standards were developed under that philosophy. Now, when we separate three and a

half standards from the 16 standards (and assign them to the Bureau of Public Roads instead of NHSB) we are then re-fragmenting the program . . . . I'm opposed to separation of the responsibilities pertaining to highway safety.

JORDAN: It reduces the coordination at the national level. We start fragmenting and we start going in different directions again. If this takes place, we'll be back similar to where we were at the beginning.

WHELCHER: The basic function of the BPR has been to construct federal-aid highway systems. My only concern here is that highway safety should not be subordinated by administration that is not primarily concerned with highway safety. The Bureau of Public Roads certainly has a concern for highway safety, and I'm not trying to minimize their role in highway safety at all, but I do think that the highway safety activities must have central direction.

STATUS REPORT: What are your feelings about proposals to change the method of funding from an "old money" formula to "new money"?

(Editor's Note: This interview was conducted before the House Public Works Committee reported out its 1970 Federal-Aid Highway Act, one provision of which would outlaw the "new money" formula. That formula would have restricted the amount of state spending each state could have used for credit in securing available federal matching money. For a further explanation of the difference between "old" and "new" money formula: see story beginning on page one.)

JORDAN: If they did this (switched to "new money") it would take eight to ten times what the federal government is doing (in its federal aid to states) to just match the increase in our program . . . , (the) new moneys being placed into these programs (by states) to comply with the national standards.

WHELCHER: (We oppose) a rigid requirement, yes. Because the states are . . . putting so much more money into highway safety than the federal government is. They (states) are accomplishing this through expanded budgets . . . rather than (a) legislature earmarking \$56,000 to match an equal amount of \$56,000 in federal funds to accomplish a specific purpose.

## **STANDARDS, PENALTIES**

STATUS REPORT: The Federal-Aid Highway Act now in the House would forbid DOT to issue any further standards unless Congress specifically authorizes them. It would freeze the number of standards at 16. Do you feel that's proper?

JORDAN: I think if we place restrictions on the standards that would have to require congressional legislation to change them, it could possibly hinder programs to develop the proper means to reduce the traffic loss. In other words, I think there should be some flexibility.

It would (also) be very hazardous at this time to make a decision and, say, drop motor vehicle inspection, or make a decision to drop driver education, because I don't think there's enough information here and I think it would be very hazardous to do this. Here we are operating a multi-million dollar program within each state, and research has not been directed toward the program area. I'm looking for someone to tell me the strength of the beam or the strength of the timber that I'm going to place into this structure.

If this is a weak timber, then let me know it is weak. Then I don't place it into this total structure. Research is not there to tell me the weakness or the strength of (any) particular theory.

STATUS REPORT: And until you know whether it's weak or strong you think we should continue to push money into it?

WHELCHER: We cannot say it's not until we can prove that it's not.

STATUS REPORT: The National Highway Safety Bureau has failed to invoke its penalty provisions on the states that are not meeting its standards. Do you feel that they should start invoking these penalty provisions, withholding 10 per cent of the federal aid for highways in those states that do not comply satisfactorily with the standards?

WHELCHER: I would say this: that after passage of the act, the penalty provision was a motivating factor for the state legislatures and the states to get in motion. And certainly the states took a careful look at this penalty provision. They did not want it to be invoked on their states and consequently acted to keep the penalty clause from being invoked. But the whole penalty clause now, or the effect of it, has been nullified.

STATUS REPORT: Obviously, because the federal government has in effect told the states, "Don't worry about the penalty provision, we're not going to invoke it." Therefore, the incentive, that motivation you spoke of, no longer is there.

WHELCHER: I personally would like to see the penalty clause revoked and just reversed and put in the form of a bonus, where certain additional federal funds would be made available to the states on the basis of their levels of performance.

JORDAN: (The federal government should) give the carrot rather than the stick approach to the states and say to those states that are implementing their programs that there will be additional funds to do this with.

WHELCHER: Theoretically, (we would prefer it) if we could say the federal government's going to set aside . . . a sum that equals 10 per cent of the penalty . . . and that these moneys then will be made available to the state on the basis of their performance level: if they're performing at a 50 per cent level of compliance then they would get a 5 per cent bonus; if they were fully complying, they'd get the full 10 per cent

STATUS REPORT: Does this not then put the federal money where it's needed least?

WHELCHER: That is putting the federal money where the states are doing effective jobs.

JORDAN: Where they're working toward compliance.

WHELCHER: Where the states are being effective. The states failing to be effective then would not receive their full share.

## **NHSB PRACTICES, POLICIES**

STATUS REPORT: Of all of the places where we could put our highway safety

effort, which do you think should get the highest priority?

WHELCHER: Emphasizing the development of traffic records system is basic to practically all the standard areas. We must develop an adequate traffic record system to provide us the data on which to make some of these decisions that we are now unable to make because of inadequate research. The priorities are going to vary from state to state.

STATUS REPORT: Do you feel that the NHSB people know about your particular local situations? Are they knowledgeable about what's going on in the states and are they able to deal with it?

WHELCHER: Not knowledgeable enough. Now, that is partially due to inadequate staff and inadequate funds that would permit them to become knowledgeable in the field. With adequate staff and adequate funds, they should be able to do a better job. But at the present time we do not feel that the technical people in the highway safety bureau are (as) knowledgeable of the inner workings of state and local governments as they should be to do an effective job. We're not blaming them for that, we're merely pointing this out as a fact.

JORDAN: We welcome technical support, but the technical support should be provided to the governor's representative, upon his request, or if a technical individual really needs to do something in this state, he should first contact the governor's representative, because (the representatives) are in the position of developing an annual work program, coordinating the whole entire state. Working daily with these individuals, you can't just go into one of our locations and say, "This is it," and give tacit approvals of programs at the federal level before we even consider it at the state level. All involvement here with the technical people should be coordinated through the governor's representative first.

STATUS REPORT: Is the National Highway Safety Bureau now going directly to the implementing agencies in the state rather than through your coordinating office?

JORDAN: This did take place in some parts of our state (Georgia), but it's been resolved.

WHELCHER: We expressed our concern over the fact that there were some instances where this was happening, and we believe that the highway safety bureau is now taking steps to remedy that situation and prevent further reoccurrences.

STATUS REPORT: So they're strengthening the hands of the governors' representatives in effect?

WHELCHER: They are keeping us informed or working through us rather than working directly with some of the operating agencies. We're now being informed of what's taking place in our state rather than finding out about it from one of the operating agencies . . . . If we do not have central coordination (by the governor at the state level) we're right back where we were before the act was ever passed.

(Editor's Note: The 1970 Federal-Aid Highway Act drafted by the House Public Works Committee would allow the NHSB to circumvent governors' representatives. See story beginning on page one.)

STATUS REPORT: Is there any effect that you can see from the reports this past summer that NHSB Director Douglas Toms is resigning? Does this weaken any full momentum that might have been gathering?

WHELCHER: I think that the rumors have been damaging to the program and we feel very strongly that the rumors should have been clarified — squelched — one way or another. The uncertainty attendant to the directorship and the rumors have had an adverse effect on the highway safety program. It just attaches an air of uncertainty about the whole thing. The thing that bothers us is that it could be clarified.

STATUS REPORT: If there is some uncertainty, is it in your minds or in the minds of the people you're dealing with or have to deal with — governors and administrators?

WHELCHER: 'Most everybody that has any interest in highway safety.

JORDAN: I think that anytime anyone is leaving a key position, or if there's a rumor . . . , I think a statement of clarification should be issued.

## **PRIORITIES AND PAYOFFS**

STATUS REPORT: What do you think of NHSB's current programs?

WHELCHER: I do not disagree at all with the three (NHSB) priorities (passive restraints, alcohol countermeasures and experimental safety vehicle) but at the same time, we must hammer home the theme that a driver must accept his responsibility as a driver, and that we must continue to improve the performance levels of drivers on the road. In other words, we can't concentrate on three areas and abandon our other efforts to improve the quality and performance level of motor vehicle operators.

STATUS REPORT: Do you have any figures that would indicate efforts to change human behavior have any high degree of payoff?

WHELCHER: No. Unfortunately, I do not.

STATUS REPORT: Do you think there is a consensus among governors' representatives that the thing they need most is hard firm data to tell them where the payoffs are?

JORDAN: I think there's definitely a consensus . . . . I think that more of it (research) should have been (put) in the beginning into this program. I realize there were limited funds as far as research was concerned, but the states do not have the funds to do it.

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**EMERGENCY MEDICAL PUBLICATIONS AVAILABLE** — As part of a training program for "emergency medical technicians performing as ambulance attendants and drivers," the National Highway Safety Bureau has prepared three publications on techniques of emergency medical care. "Course Guide and Course Coordinator Orientation Program" (30 cents), "Concepts and Recommendations" (35 cents), and "Instructor's Lesson Plans" (\$2.50) are available from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C., 20402.

NADER TO VOLPE TO MAGNUSON: LETTERS ON FORD CONTROL ARMS

Attorney Ralph Nader has urged Transportation Secretary John A. Volpe to order a "prompt and intensive reopening" of the Ford lower control arm investigation by the National Highway Safety Bureau.

Volpe responded this week by asking NHTSB Director Douglas W. Toms to "give thorough analysis to the questions raised" in Nader's letter. Whether this meant that Volpe was ordering the case reopened was not known. U. S. Sen. Warren G. Magnuson, D. - Wash., apparently thought it did not.

He wrote Volpe that he was "unclear as to the import of this charge to Mr. Toms." Magnuson is chairman of the Senate Commerce Committee which, he reminded Volpe, is "responsible for writing and overseeing the defect notification provisions of the Traffic and Motor Vehicle Safety Act."

Nader's letter urged that non-police cars equipped with arms of the same type as recalled police cars also be subjected to a safety defect notification campaign by Ford. Nader wrote in part:

"A review of the Bureau's own records in the case, together with relevant interviewing, compels the conclusion that the Department's decision (that the defect affects only police cars) was insupportable and requires immediate reopening . . . .

"Owners of these non-police Ford products . . . deserve as much protection as police from the total loss of control resulting from a lower control arm failure . . . .

"Ford's own data submitted to the Bureau showed control arm failures in low mileage non-police cars . . . .

"The major statistical conclusions of the Bureau . . . are wholly specious and seriously reflect an interference with elementary statistical analysis. This manipulation particularly has disturbed those in the Bureau who like to separate the technical from the political . . . .

"The National Highway Safety Bureau relied on Ford testing for almost all its technical conclusions. These testing methods have been subjected to question both by the National Highway Safety Bureau engineers and Insurance Institute for Highway Safety engineers . . . .

"In brief, it is unfortunate for any observer of the Bureau's performance to have to conclude on the facts that its decision was primarily motivated by its desire to avoid requiring a defect notification which in turn would involve recalling four million vehicles."

Volpe's response to Nader, dated September 25, stated he had referred Nader's letter to Toms and that DOT stands "ready to take any action called for in the event new information indicates the motorist's safety is additionally threatened."

In his letter to Volpe on September 30 criticizing the vagueness of the response, Sen. Magnuson said he wanted answers to four questions:

"Is the Bureau currently conducting an active investigation . . . ?

"If so, does NHSB intend to inform the public in such a manner that individuals having knowledge of such failures will be encouraged to report them to the Bureau?

"By what date will the Bureau complete its investigation and publicly disclose the results to owners of the some four million affected automobiles?

"What is the Bureau's response to the five points raised in Mr. Nader's letter? These suggested important discrepancies between the figures contained in your August 19 press statement (announcing the police-cars-only recall) . . . and the figures and findings contained in the Bureau's own investigative docket . . . ."

Magnuson said in his letter that he was placing "a good deal of urgency on having the public learn your answers to the above questions, particularly in light of the Department (of Transportation's) unfortunate posture in the current court case involving the Bureau's failure to pursue its investigation into safety defects in wheels on some General Motors trucks." (For latest developments and background chronology on the Kelsey-Hayes wheel investigation by NHSB, see the story beginning on page eleven.)

Magnuson also said in his letter: "It would seem to me that the Department's role, as envisioned by the Act and its legislative history, is to vigorously press forward with investigations of possible life-threatening safety defects in motor vehicles — not to move only after public prodding by outside consumer protection groups, and then to move only half-heartedly."

Meanwhile, Bureau officials said they were continuing to receive complaints of lower control arm failures on non-police car Ford products; no statistical information was available in the Bureau's investigative docket.

#### NHSB 'FORD' DOCKET SHOWS NEW NUMBERS

In its investigation of the Ford lower control arm case, the Bureau had sought to "verify" 154 non-police failures reported by Ford. In announcing the police car recall, the Bureau said it had only been able to contact 66 of the owners and/or drivers of the non-police cars. A new submission in the Bureau's investigation docket shows that 68 actual contacts were made.

In addition, the Bureau had contended it only had been able to "verify" 37 of the failures in those contacts. The new summary entered in the docket shows that, in fact, 41 failures were "verified," another 23 were considered as "possible" failures, and 16 were discounted as not being lower control arm failures. Thus the 68 contacts actually involved 80 vehicles.

The discrepancy arises from the fact that one contact was with a Brooklyn, N. Y., taxicab company which reported 13 cases of failure. Taxicab company officials said they actually believed they had had "about 20" failures, but only kept records on the 13. The shop foreman told an NHSB investigator that, even though the company had been using Fords off and on since the 1958 model year, the company "had not had this problem until the 1969 models."

## GM SAYS TRUCK WHEELS SAFE, OFFERS NO NEW DATA

General Motors stood pat this week in its denial of claims by the National Highway Safety Bureau and attorney Ralph Nader that three-piece wheels used on some 150,000 GM trucks are inherently defective.

The wheels, manufactured for GM's three-quarter ton trucks by Kelsey-Hayes, have been the subject of a two-year Bureau investigation and a consumers' court suit to require NHTSB to actively reopen its investigation.

GM officials were invited to appear before the Bureau this week as a result of the Bureau's "initial finding of defect." They presented a formal statement insisting that the Bureau's claim that the wheels are unsafe is based on "unreliable" and "inconclusive" data. The GM officials declined to answer questions concerning wheel design and technical information.

GM contends that the Bureau has no grounds for an initial determination of defect. "Accordingly, the Bureau should withdraw its initial determination and close its investigation of this matter," GM said.

Attorneys representing Ralph Nader believe that the Bureau has grounds not only for an initial determination of defect but also for a final determination of defect.

Professors Martin E. Barzely and Volker Weiss, both of the Syracuse University Engineering Department, presented extensive technical material supporting Nader's claim that the wheels are "defectively designed."

The Bureau must now decide whether GM should be forced to issue a notice of defect. According to a Bureau spokesman, this decision may come before Nov. 6, when the Bureau must report the disposition of the case before U. S. District Judge, Joseph C. Waddy.

Ralph Nader has been demanding a recall of all GM trucks equipped with the Kelsey-Hayes wheels since September 1968, when he first drew NHTSB attention to the problem. Following is a chronology of developments since then:

- April 1969: NHTSB states that "the existence of these defects does endanger the safety of persons riding in these trucks . . . persons riding in adjacent vehicles and . . . pedestrians."
- May 1969: After meetings with NHTSB, GM refuses to accept the Bureau's findings that the wheels are defective, but advises owners to "purchase suitable replacement items" (NHTSB quote) to meet individual load requirements.
- August 1969: NHTSB concludes that the "defects make the (Kelsey-Hayes) wheels prone to failure in fatigue at unpredictable times," and not necessarily as a result of overloading.
- October 1969: GM issues a recall of some 50,000 three-quarter ton trucks with the Kelsey-Hayes wheels, but only those "on which camper or other special bodies have been installed."

- October 1969: Federal Highway Administrator F. C. Turner (who then had jurisdiction over NHTSB) issues a press release stating that, "in the public interest," he was accepting GM's limited recall and, "in light of GM's action, (would) terminate the pending administrative proceedings."

- March 1970: Nader files suit in U.S. District Court charging that NHTSB ignored the findings of its own engineers by not moving for a recall of 200,000 GM trucks with Kelsey-Hayes wheels.

- June 1970: The court orders NHTSB to reopen and complete its investigation of the case and report its findings to the court on September 16, 1970.

- September 1970: NHTSB reports to the court that wheel failures "are continuing to occur" on GM three-quarter ton trucks and that GM was being given an opportunity September 30 to support its contention that the wheels are safe.

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**TRAVELING INSPECTION VAN READY** — A mobile van outfitted with vehicle inspection equipment is NHTSB's latest attempt to get more cars inspected under its periodic motor vehicle inspection standard.

Intended for use in sparsely populated areas, the van is equipped to check front-end alignment, headlights, parking lights, backup lights, turn signals, horn, reflectors, body condition, turn signal indicators, seat belts, rear-view mirrors, steering and suspension systems, fluid levels for brakes and power steering, fuel lines, battery tie-downs and speedometer calibration.

The van was developed for NHTSB by RCA Service Company under a \$150,800 study contract. Trial demonstrations of the van turned up safety related deficiencies in 56 per cent of the several hundred cars tested, according to the NHTSB.

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**STATUS REPORT**

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