

AUTO MAKERS: BUMPER RULE TOO TOUGH

Auto makers, dissatisfied with the Department of Transportation's widely criticized bumper standard, are asking that its requirements for 1974 model cars be postponed — in some cases until the 1976 model year — and that other revisions be made in the rule.

General Motors agrees with other manufacturers that 1974 model requirements should be delayed, but concedes that "most" of its bumper systems planned for 1973 model cars will "exceed these (1973) requirements to the extent that they provide improved corner protection and reduced sheet metal damage."

The DOT rule (FMVSS 215), issued last month, requires that, beginning Sept. 1, 1972, cars be able to withstand barrier crashes of five miles per hour on the front and 2.5 miles per hour on the rear without specified kinds of damage to such listed "safety related" items as lights, hood and trunk latches, and fuel and exhaust systems. In September 1973 (1974 models), in addition to the barrier tests, cars are to be subjected to impacts from a pendulum test device at five miles per hour on the front and four miles per hour on the rear. (See Status Report, Vol. 6, No. 8, April 26, 1971.)

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Most manufacturers are asking for changes in the requirements that are to become effective on 1974 model cars. However, Fiat also is asking that 1973 model cars be tested at only 2.5 miles per hour both front and rear — a speed now reserved for the rear ends of 1973 models.

Chrysler says in its petition that it is not asking for changes in requirements for 1973 model cars even though, it claims, the "requirements are severe and necessitate a substantial effort to achieve compliance."

American Motors, GM and Chrysler, possibly looking ahead to court action, claim that portions of the bumper standard are "not practicable or reasonable." (Section 103 of the Motor Vehicle Safety Act of 1966 states that motor vehicle safety standards issued under the act are to be "practicable" and "reasonable.")

AMENDMENT OFFERED

Sen. Lloyd Bentsen (D-Tex.) has introduced an amendment to the Motor Vehicle Information and Cost Savings Act (S. 976) — the "bumper bill" introduced by Sen. Philip A. Hart (D-Mich.) — that would require cars built after Jan. 1, 1974, to withstand collisions both front and rear into a fixed impact barrier at 10 miles per hour without "property damage or injury to the occupants."

As now written, the Hart bill would require that automobiles manufactured after Jan. 1, 1975, withstand impacts front and rear into a barrier at five miles per hour "with a minimum prescribed amount of damage" (See Status Report, Vol. 6, No. 5, March 10, 1971.)

In offering his amendment, Bentsen called the Hart bill provisions "unnecessarily weak."

● Chrysler, objecting to the 1974 model requirements, says that "extensive changes over and above those made" to 1973 model cars would be "unreasonable." The company is asking for "an orderly phasing-in of new bumper systems . . . between now and the introduction of the new models in the fall of 1975 (1976 models)." The company also objects to what it calls an "unreasonably and excessively severe" pendulum test device.

● General Motors complains that the "1974 requirements will necessitate extensive redesign and retooling of our new 1973 bumper systems only one year after their introduction," and suggests that the "requirements specified for the 1973 model year remain in effect through the 1975 model year."

GM is asking DOT to allow "leaks" and "constricted fluid passages" in fuel and cooling systems and "open joints" in exhaust systems. It suggests that "it would be helpful" if the systems were only required to be "operable in the normal manner."

GM also wants pendulum tests replaced by barrier tests and impact speeds reduced.

● Ford wants DOT to change the prescribed design of the test pendulum from a ridged to a flat impact face and exclude the "license plate mounting area" from the standard's requirements.

● American Motors, the only domestic manufacturer objecting to 1973 model requirements, claims that because of "other extra expenditures required for safety and exhaust emission research (the company) is maintaining current rear-end styling through the 1973 model year."

The company is urging an effective date "not earlier than three years after the issuance of the final safety standard."

o Volkswagen asks that pendulum test requirements be amended to allow "materials such as foam padding or . . . 'water bumpers'."

o Japan Automobile Manufacturers Association, Inc. (JAMA), speaking for Japanese auto makers, joins domestic manufacturers in contesting the Sept. 1, 1973, requirements and asks that those requirements be delayed until Sept. 1, 1975.

In addition to other objections, GM, Ford, American Motors and JAMA each is asking for changes in bumper height requirements written into the rule by DOT in an effort to standardize bumpers against underride and override in crashes. Each of the manufacturer petitions asks for differing specifications.

TOUGHER RULE SOUGHT:

The docket shows that no insurance company has asked for reconsideration of the bumper standard to date. The Center for Auto Safety and a California legislator have criticized the rule and ask that it be strengthened.

The Center for Auto Safety is asking DOT to require that 1973 model cars be able to withstand five mile per hour barrier crashes both front and rear "with no damage to the vehicle."

The Center cites low speed crash test data of the Insurance Institute for Highway Safety which show that some 1969, 1970 and 1971 model cars "meet or exceed" 1973 model rear bumper requirements and asks, "Why . . . wait until 1973 to require what in many cases we had yesterday?"

The Center is also asking that provisions be added to ensure that bumper systems "do not become the mechanism for transmitting dangerous decelerations to vehicle occupants in low speed crashes," and that "specifications addressing the problem of pedestrian death and injury" be added to 1974 model year requirements.

The Chairman of California's Assembly Committee on Finance and Insurance, Jack R. Fenton, is urging DOT to "increase all rear bumper protection to a full five miles per hour by 1973 models."

Fenton protests that if the standard "is left as is, it will be regarded as one more victory for the foot-dragging and side-stepping of the automobile manufacturers that has characterized their behavior since the public discovered the fragility of American automobiles."

GOV. MANDEL SIGNS MARYLAND BUMPER BILL

Maryland Gov. Marvin Mandel has signed legislation making Maryland the second state in the nation to have a "bumper law" on its books.

Earlier he had been urged by attorney Ralph Nader and the state's Commissioner of Motor Vehicles to sign the bill.

Before deciding to sign it (SB 59), Mandel, at the request of auto makers, scheduled a special executive hearing. The manufacturers planned to contend that DOT's bumper standard (FMVSS 215), which only limits damage to specified safety items, would preempt the state law.

In a telegram to Mandel, Nader called the issue of preemption a "red herring" raised by "Ford Motor (Company) . . . to defeat (a) significant Maryland contribution to consumer protection." He said that "preemption of state law by federal standard should be resolved in the courts."

At Mandel's special hearing, the state's Commissioner of Motor Vehicles, Ejner Johnson, also told the governor that the question of preemption will have to be settled by the courts. The decision, he said, "cannot be made by an administrative agency," and he added, "If the federal government does not have the authority by rule and regulation to establish property damage standards, then the states should hardly be prevented from doing so"

He said that the automobile industry "apparently has not demonstrated to the satisfaction of either the House of Delegates or the State Senate that it cannot meet the deadline for compliance of Jan. 1, 1974."

The Maryland law requires that cars manufactured on and after Jan. 1, 1974, and sold in the state be able to withstand a five mile per hour barrier crash, both front and rear, without damage.

CORRECTION — The chart appearing on page four of Status Report, Vol. 6, No. 9, May 10, 1971, showing average low speed crash test repair costs adjusted to reflect increased labor rates, was in error. Figures on the second line of the chart compared average estimated repair costs for 1970 and 1971 model sedans in front-into-barrier test crashes at 15 miles per hour instead of sedans in rear-into-barrier crashes at 10 miles per hour, as printed. The corrected chart is printed below.

	1970 (Unadjusted)	1970 (Labor Adjusted)	1971	Increase 1970-1971 (Adjusted)
Sedans, Front-into-Barrier, 10 mph	\$541.56	\$564.84	\$ 735.69	30%
Sedans, Front-into-Barrier, 15 mph	\$728.83	\$753.33	\$1,113.89	48%

PLACARD 'BOOBY TRAPS,' SENATE PANEL URGED

Roadside "booby traps" should be placarded — "just as we mark our polluted rivers (and) . . . stamp warnings on cigarette packages" — to alert the public of these environmental hazards to its health, the Senate Public Works Subcommittee on Roads was told recently.

Albert Benjamin Kelley, communications vice president of the Insurance Institute for Highway Safety, told the subcommittee during oversight hearings on implementation of the Highway Safety Act of 1966 that "booby traps" would begin to disappear if their existence were brought to the public's attention through a program of marking or labeling.

"Energetic stimulation of public awareness" along with "congressional and other public sector pushing, as well as private sector commitments," will be necessary before "booby trap" eradication can occur, he said.

The public outcry and governmental embarrassment that would arise from placard warnings on hazards would result in "the setting of a firm, early deadline for eradication of the roadside 'booby trap' menace along the Interstate, primary and other road systems," Kelley said.

He said that, additionally, "a realistically large inflow" of money from the Highway Trust Fund is needed "if 'booby trap' defusing is to be carried out along all highways."

Kelley noted that substantial resources are being made available to "cleanse the nation's waters of their poisons and the air of its life-threatening filth," — environmental problems which, he said, were like the "booby trap" problem in that they represent "man-introduced substances and practices that threaten man himself."

He said that a Federal Highway Administration official recently put the crashworthiness ceiling on newly finished sections of the Interstate highways at a maximum of 50 miles per hour, and at only 11 miles per hour on all other federally funded highways — some 900,000 miles. Kelley pointed out the disparity between those figures and posted speed limits that "routinely reach 65, 70 or more miles per hour" and speed capabilities of cars which "often reach 120 miles per hour."

FHWA told the Congress in 1970 that removal of hazards already built into the Interstate would cost more than \$820 million. (See Status Report, Vol. 5, No. 12, July 21, 1970.) More recently, an FHWA official put the figure at more than \$1 billion.

Meanwhile, FHWA Administrator Francis C. Turner has urged each state to use 10 per cent of its non-Interstate federal highway money for "booby trap" removal and correction on primary and secondary roads.

Copies of Kelley's testimony are available from the Communications Department, Insurance Institute for Highway Safety, Suite 300, Watergate 600, Washington, D. C. 20037.

TOMS SEEKS STATE HELP IN HALTING SALES OF UNSAFE TIRES

The National Highway Traffic Safety Administration has learned that "unscrupulous distributors and dealers" are removing "Unsafe for Highway Use" markings from tires and "selling them to unsuspecting members of the public."

Douglas Toms, acting administrator of the safety administration, has sent the governor of each state a letter asking him to use "whatever administrative procedures" he has available to halt illegal sale of the sub-standard tires.

Toms also asked the governors to publicize "this dangerous practice" and to "consider incorporating the restriction of 'Unsafe for Highway Use' tires into the Motor Vehicle Inspection Process . . ." under National Highway Safety Standard 301.

An amendment to the safety administration's pneumatic tire standard (FMVSS 109) that went into effect Dec. 1, 1970, requires that all tires not in compliance with the standard be branded "Unsafe for Highway Use." Such tires are widely used on off-the-road farm vehicles.

Persons selling sub-standard tires for highway use are subject to civil penalties of up to \$1,000 for each tire sold. Individuals who alter the "Unsafe for Highway Use" warning are subject to the same penalty.

A safety administration spokesman told Status Report that there have not yet been any prosecutions for the sale or alteration of the sub-standard tires. However, there have been two out-of-court settlements for civil penalties, he said.

WET PAVEMENT HAZARDS CONCERN HOUSE GROUP — The House Public Works Committee's Subcommittee on Investigations has begun hearings on highway safety, with emphasis on wet weather performance of pavement surfaces.

"In 1969 almost three million accidents took place on wet roads, accounting for some 8,000 traffic deaths (or nearly 16 per cent of all fatal accidents) and 244,000 injuries," according to Rep. Jim Wright (D-Tex.), chairman of the subcommittee.

On the first day of the hearings the subcommittee saw a film made by staff investigators of crashes that occurred during wet weather on three sections of Interstate highways near Washington, D. C.

According to Wright, during the filming "skids, often followed by collisions, occurred with such frequency it was difficult to film them all."

Under subcommittee questioning a Federal Highway Administration official said there is no reason to believe that the problem of poor pavement performance under wet conditions is localized in the D. C. area.

The subcommittee is scheduled to hear testimony on the lack of uniform traffic laws and other aspects of highway safety.

GM HEDGES ON DEFECT DATA REQUEST — General Motors Corporation has told the Center for Auto Safety that defect information which GM collects from dealers in its new "pre-delivery inspection reimbursement program" will be used "with the same degree of responsibility and thoroughness we have always practiced."

GM's board chairman, James M. Roche, made the statement in a letter responding to a request by the Center for Auto Safety that GM share all such data with the National Highway Traffic Safety Administration. (See Status Report, Vol. 6, No. 8, April 26, 1971.)

Roche indicated that GM would share dealer-supplied information on possible defects with the safety administration only if the defects "are of sufficient importance to warrant special instructions to dealers on how to proceed in correcting them." He pointed out that GM and other auto makers are only "required to supply the Secretary of Transportation with copies of 'all notices, bulletins and other communications' that we send to our dealers and purchasers regarding defects" — not with communications from dealers.

TIME EXTENSION PROPOSED FOR FIREFIGHTING VEHICLES — The National Highway Traffic Safety Administration has proposed that motor vehicle safety standards affecting "firefighting vehicles" come into effect not less than two years after they are issued.

The safety administration says it is making the proposal because most "firefighting vehicles" are custom manufactured under contract to buyers' specifications and "require up to 18 months or more to complete after the contract is signed." In some instances, it says, safety standards undergo changes between the signing of a contract and the completion of the vehicle.

"Firefighting vehicles" would be defined as those "designed exclusively for the purpose of fighting fires." A safety administration official told Status Report that the proposed change is not designed to create a separate class of vehicles for rulemaking purposes. Individual safety standards which apply to trucks or multi-purpose vehicles would still apply to these firefighting vehicles, the only difference being that they would become effective at a later date, he said.

Comments should be sent to the Docket Section, National Highway Traffic Safety Administration, Room 5217, 400 Seventh Street, S. W., Washington, D. C. 20591, prior to June 14, 1971.

'BOOBY TRAPS' ATTACKED BY INSURANCE COMPANY — The Home Insurance Company has launched a radio campaign — "Highway Hazards: Everybody's Business" — to draw attention to highway "booby traps" and the need to remove them.

Hosted by television personality Hugh Downs, the campaign consists of a 13-week series of four minute public service radio shows that "will be aired on well over 300 (radio) stations throughout the country," according to John H. Washburn, president of The Home Insurance Company. The series began April 26, 1971.

The programs feature interviews with government officials, police chiefs, ambulance drivers and others professionally affected by the highway hazard problem, as well as issues raised in phone conversations with "interested citizens" — including many who have seen or been in "booby trap" related crashes — discussed by Downs and Albert Benjamin Kelley, communications vice president of the Insurance Institute for Highway Safety.

INSTITUTE FILM WINS AWARD — The Council on International Nontheatrical Events has named the film, ". . . In The Crash," produced by the Insurance Institute for Highway Safety, to receive the Golden Eagle — the council's highest award.

As a Golden Eagle winner, the film will be eligible for submission in more than 70 film festivals in Europe, Asia, Africa, Australia, South America and Canada.

CINE is a nongovernmental organization which selects nontheatrical, television documentary and theatrical short subject films for entry in international film festivals. Films submitted to the council are reviewed by juries composed of specialists in particular subject areas, film producers and critics.

HARTFORD JOINS IIHS — Michael J. Hartford, a writer with experience in television production and programming, has joined the operations department of the Insurance Institute for Highway Safety.

A graduate of the University of Notre Dame, he holds a masters degree in drama from Catholic University.

Prior to joining the Institute, Hartford was with Westinghouse Broadcasting Company (Group W) and the United States Postal Service.

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