

Feds Fudge On Own Safety Rules

Federal agencies control more than half a million vehicles and 46,000 miles of paved roads and streets that are legally exempt from—and in most cases do not comply with—most of the federal government's own highway loss reduction program standards.

The exemption manifests itself in boobytrap cluttered national park roads, substandard regulations involving alcohol related driving offenses and an absence of periodic motor vehicle inspection for federal vehicles—to cite a few examples. The prime reason that federal agencies are not complying with the standards is that the secretary of transportation has not, to date, said which standards apply to what agencies.

The Highway Safety Act of 1966 directs the secretary to develop uniform highway loss reduction standards as guidelines for states and communities to follow in developing their loss reduction programs that qualify for federal funding. The act allows the secretary to withhold highway construction and safety money from states that do not comply with the standards.

The act also specifies, "Such standards as are applicable to state highway safety programs shall, to the extent determined appropriate by the secretary, be applicable to federally administered areas where a federal department or agency controls the highways or supervises traffic operations."

Of the 18 highway safety standards now in effect, only one has been officially declared applicable to federal agencies. That standard, pertaining to traffic control devices (13), is administered by the Federal Highway Administration and was ordered "applicable to highways open to public travel in federally administered areas . . ." in December, 1970.

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Recently the National Highway Safety Advisory Committee called on Transportation Secretary John A. Volpe to correct the "patent disparity" between state and federal efforts to implement requirements of the national highway loss reduction program standards.

The committee's action grew out of a complaint from the Virginia Highway Safety Commission that signs, signals and markings in national parks "do not conform with the Uniform Manual" for such traffic control devices. The Virginia agency also complained that "U.S. Park Police, in charging persons for

DOT Has Its Own 'Compliance Gap'

Even the Department of Transportation falls short of complying with its own highway loss reduction standards.

The Coast Guard, which is under DOT control, "is no better off than any of the other military services" in complying with the standards, according to an NHTSA official. For example, traffic control devices on Coast Guard installations do not comply with DOT requirements, a Coast Guard safety officer told *Status Report*. Eventually the signs and markings "are going to comply, but not immediately," he said. Currently, the standard governing traffic control devices is the only one that legally applies to the Coast Guard. It was made applicable to all federal agencies in 1970.

The approach highway to Dulles International Airport near Washington, D.C., is another example of DOT's disregard for its own highway loss reduction standards. The highway is under DOT control. However, a government report on the "Applicability of the Highway Safety Program Standards to Federal Departments and Agencies" points out, "The supports for traffic control devices on this highway are sunk in heavy concrete bases that are a serious hazard to any out-of-control vehicle. Since the federal policy is to eliminate such hazards, it is sufficient for this report merely to note that funds should be obtained to correct the situation."

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operating a motor vehicle under the influence (of alcohol) on the roads and highways under their jurisdiction, do not use the breath test, and in most instances the blood test, and that 0.15 is still the criteria used for the blood-alcohol content requirement while driving under the influence" on park highways. Under federal pressure the vast majority of states—Virginia included—has established 0.10 per cent blood-alcohol concentration as a presumption of intoxication. All states have laws to require tests of blood-alcohol concentration.

The advisory committee chided Volpe by pointing out that DOT requires each state to implement the national highway loss reduction standards "without similar responsibility being assigned to the federal agencies responsible for the streets and highways in the national forests, parks, Indian lands and defense bases."

An official of the National Highway Traffic Safety Administration told *Status Report* that the agency is aware of the problem, has held meetings with representatives of various federal agencies, and—six years after the Highway Safety Act of 1966 became law—"is preparing to apply the standards" to federal agencies. NHTSA plans to announce those requirements "sometime this fall," he said. However, the job of making each agency aware of the requirements "is mammoth." It will require a "considerable amount of preliminary work," he added.

Lacking guidance from DOT, federal agencies are not complying with the standards in "any manner, shape or form," according to an official in the General Services Administration. A lack of funds is the major stumbling block, he said. Individual agencies would have to finance their own implementation of the standards rather than look to DOT for matching funds as do states and local communities, he said.

DOT has sent several letters to federal agencies encouraging their participation in the National Driver Register. However, according to an NHTSA official, GSA and the U.S. Postal Service do not use the

register prior to issuing or renewing a government operator's permit. The register is used to identify drivers whose licenses have been suspended or revoked. Although not required to do so by federal standards, states are encouraged, and generally do, use the register.

Loss reduction officials in the Department of Defense conceded that in the past the military services "have not had a very aggressive on-post alcohol program." However, they claimed that a regulation now exists that requires the Army, Navy and Air Force to comply with DOT's alcohol standard.

A Park Service official said that signs used along park roads "meet our requirements." He said that DOT's requirements are "geared to city streets and Interstates." As for roadside protective devices, he cited a case in which the Park Service constructed a guardrail where "there had been no record of accidents" and "some jackass ran into it" soon after it was erected. An FHWA official told *Status Report* that the Park Service uses "paper plate guardrails" along park roads that "appeal more to esthetics than safety."

Two-Year Study Uncovers 'Gap'

On the basis of a two-year study, a group of officials who deal with problems of federal personnel safety prepared a report entitled, "Applicability of the Highway Safety Program Standards to Federal Departments and Agencies." The report was forwarded to NHTSA almost a year ago, according to several members of the group, but has not yet been made public.

The report urges the secretary of transportation to make the standards apply to federal agencies wherever possible. "The secretary of transportation has, to date, taken only limited action to clarify which standards are applicable to which agencies and under what conditions. In view of the clear language of the (1966 Highway Safety) Act, this action is considered not only necessary, but highly desirable," the report says.

The report offers glimpses of the level of current federal agency compliance with DOT's highway loss reduction program standards:

- Periodic Motor Vehicle Inspection is described as being only "in the formative stage" within fleet-operating agencies. (Each state is ordered by the DOT standard to "have a program for periodic inspection of all registered vehicles or other experimental, pilot or demonstration project. . . .")
- "There is no central source in the federal government from which the information on any one vehicle is available." (Under the highway loss reduction standard on motor vehicle registration, each state is required to "have a motor vehicle registration program, which shall provide for rapid identification of each vehicle and its owner.")
- "While the requirements for licensing established by the Civil Service Commission, GSA and the separate military services generally meet those of . . . (the driver licensing) standard, it is recognized that some federal agencies in certain areas circumvent the federal requirements to the point of lip service." (DOT rules for driver licensing require that states insure that only persons "physically and mentally qualified" are licensed to drive. States are required to establish visual acuity and other tests for those applying for drivers' licenses.)
- "Currently federal departments and agencies responsible for federal real properties have for the most part established (traffic) 'codes and laws' on a broad brush policy or fragmented approach at the agency and/or local level." (Each state is required to have a "plan to make the state's unified rules of the road consistent with similar unified plans of other states.")
- "In general, federal departments and agencies do not have programs in operation to reduce accidents resulting from driving while intoxicated or impaired by alcohol abuse. . . . With one exception

(U.S. Air Force), no planned action has been taken by any agency to implement the requirements of the standard. . . . None of the agencies to which the standard can be made applicable have established 0.10 per cent blood alcohol by weight as presumptive evidence of intoxication, nor are post-mortem tests for alcohol on traffic accident victims generally being conducted.” (DOT’s “Alcohol in Relation to Highway Safety” standard requires each state to “develop and implement” a program to achieve a reduction in alcohol related crashes. Requirements for the program include laws that define 0.10 per cent or more blood-alcohol concentration as a presumption of intoxication and require quantitative tests for alcohol “on the bodies of all drivers and adult pedestrians who die within four hours of a traffic accident.”)

- “Controversial problems” surround highway design, construction and maintenance on “high density roads” in the Washington area that are operated by the Park Service. The problems extend to “U.S. park roads throughout the nation.” (States are required to follow specific federal guidelines in highway construction.)

- “It appears little has been done to expand the scope of federal safety programs to include pedestrian safety education.” Agencies “at least” should “inventory and evaluate” pedestrian accidents. (Each state is required to “develop and implement a program to insure the safety of pedestrians.” Each state program must include a “continuing statewide inventory of pedestrian-motor vehicle accidents. . . .”)

- “Most federal agencies are involved to some degree in the handling and shipping of hazardous materials. However, there is a dearth of communications, training and coordination among agencies and their personnel in this vital area of debris hazard control and cleanup.” (Each state is required to develop a program “for rapid, orderly and safe removal from the roadway of wreckage, spillage and debris resulting from motor vehicle accidents. . . .” The program must include “operational procedures” for handling radioactive, flammable, poisonous, explosive and other hazardous materials.)

Air Bag Fleet Test Program Faltering

The federally sponsored program to field test large numbers of air bag-equipped 1973 cars is foundering because most auto makers are unwilling or unable to supply the vehicles.

It now appears that no more than 1,000 new model cars with air bags will be available for fleet testing this year—a figure that National Highway Traffic Safety Administrator Douglas Toms says is “totally inadequate from a statistical standpoint” to meet even minimum field test needs.

Toms originally had hoped to place at least 5,000 “and probably 10,000” air bag-equipped 1973’s in government and private fleets as part of NHTSA’s plans for testing the passive restraint. In an April letter to Rep. John Moss (D-Calif.), chairman of the House Commerce and Finance Subcommittee, Toms also said that both “Ford and GM have announced that they will build approximately 1,000 air bag-equipped vehicles this year” and, in addition to providing cars for the federally sponsored field test program, both “have pledged themselves to air bag fleet testing independently of NHTSA. . . .”

GM reportedly has committed itself to providing 1,000 air bag-equipped Chevrolets if NHTSA can arrange fleet purchase orders for them. Ford, however, sent Toms a letter stating that it has “no plans at this time to install any air bag systems in 1973 models.” American Motors and Chrysler Corp. have similarly turned down NHTSA’s request that they provide such vehicles and, according to a staff member of the agency’s Office of Driver/Passenger Protection, foreign manufacturers have also declined so far to offer such vehicles.

Toms told *Status Report* that NHTSA could “easily place more air bags in fleets than will be available on 1973 models; we have commitments from public and private fleet operators, including insurance companies, for many more than are available.”

In a July 11 letter to the chairman of the National Motor Vehicle Safety Advisory Council, however, Transportation Secretary John A. Volpe implied that the agency is seeking more commitments. He asked that the council "assist us in identifying appropriate fleet owners" who might buy 1973 and later air bag-equipped vehicles.

In May, the National Motor Vehicle Safety Advisory Council adopted a resolution informing Volpe that it was "impatient with indecisions on the part of industry and NHTSA in undertaking such a fleet test program, and particularly with the limited nature of present planned tests. Fleet testing should be made with a statistically significant number of vehicles operating in high accident exposure situations to confirm preliminary laboratory testing of air cushions."

The council urged that "the use of federal, state police and other private fleets should be immediately explored and used where feasible."

Ford Motor Co. produced 831 air bag-equipped 1972 Mercurys. Of these, the federal government is putting 125 into service in the General Services Administration fleet; Allstate Insurance Co. has crash tested three and has another 200 in its company fleet; Eaton Corp. and Allied Chemical Corp., both air bag developers, have 323 and 101 respectively, and Ford Motor Co. has 79.

DOT's current appropriations request to Congress asks \$1 million "to complete the installation of passive restraint systems into the 750 vehicles initiated in 1972 and to gather data from the passive restraint fleet vehicles to evaluate the restraint systems." An NHTSA staff member associated with the field test program was unable to identify the 750 government installations, other than the 125 air bag-equipped GSA cars.

Along with enough 1973 cars, NHTSA's field test program also is missing an operating procedure.

Earlier this year Rep. Moss asked Toms whether NHTSA-sponsored field tests "will be monitored to determine the effectiveness of the air bag, and to determine what problems remain to be solved." In his April letter to Moss, Toms indicated that the agency would draft "agreements with the fleet owners (using air bag-equipped cars) for data collection and reporting of inspections, maintenance and accidents."

Responding to *Status Report* inquiries, however, NHTSA staff members involved in the field test program disclosed that no draft agreement for field test cooperation between the agency and private or public fleet users has yet been drawn up. Toms told *Status Report* that NHTSA still is finalizing a contract with GSA to cover the 125 Mercurys placed in its fleet, and that the contract will probably be a "prototype" for future accords between NHTSA and fleet operators participating in the air bag field test program.

In addition, cost figures are not yet available for the air bag-equipped 1973 Chevrolets that GM is committed to provide. One insurance company, advising NHTSA of its willingness to purchase such cars, was told by Toms, "We have requested that GM provide us with estimated cost figures and delivery schedules as soon as possible. When GM's estimates are made available to us, we will be sure to transmit them to you so that you may firm your plans for the acquisition of these vehicles."

Rule Change Comments Due By November

Comments on the National Highway Traffic Safety Administration's proposed revision of highway loss reduction program standards, as reported in *Status Report*, Vol. 7, No. 14, Aug. 7, 1972, should be sent to the agency prior to Nov. 2, 1972.

Although GM has not yet revealed costs for 1973 air bags, Ford told NHTSA in a letter that, "For volumes as low as 5,000, costs for the air bag installations for both driver and passenger sides in 1974 models . . . would likely be in the order of at least \$800 to \$1,400." Ford said its cost for the air bag-equipped 1972 Mercurys was "in excess of \$1,200 for passenger side only." The 1,000 1973 Chevrolets will be equipped, it is believed, with air bags both in the driver and right front passenger positions.

The NHTSA's field test program is in anticipation that its Federal Motor Vehicle Safety Standard No. 208, requiring that passive restraints be available on 1976 model cars, will take effect as planned. The standard is currently being attacked by some auto makers in federal court. (See *Status Report*, Vol. 7, No. 5, March 13, 1972.)

Inquiries concerning the field test program should be directed to Dr. Charles Warner, Driver/Passenger Protection Division, National Highway Traffic Safety Administration, U.S. Department of Transportation, Washington, D.C. 20590.

DOT Seeks Two-Year 'Phase-In' Authority

The Department of Transportation has asked the Congress for legislation that would allow it to "phase in" motor vehicle safety standards over a two-year period rather than require all vehicles to meet a given standard on a single date.

As requested, the legislation would allow the National Highway Traffic Safety Administration to issue standards that affect increasing proportions of every manufacturer's production over a period of time.

In a letter to the U.S. Senate, Transportation Secretary John A. Volpe said the legislation "would assure some improvement in motor vehicle safety at the earliest possible moment." Under present law, he pointed out, standards have to be imposed across the board on all cars at a single date. Under such a system that date has had to be set for a time "when it was practicable for all manufacturers to achieve full compliance," he said.

Under phase-in authority, Volpe said, standards that "entail substantial start-up problems for the industry" could be introduced on a gradual basis, thus bringing at least some cars under the standard earlier than an across-the-board deadline might. By way of example, Volpe said that a standard could be made effective for 25 per cent of all vehicles produced by any manufacturer beginning Sept. 1, 1973, for 50 per cent of the manufacturer's vehicles beginning Sept. 1, 1974, and for all of its vehicles beginning Sept. 1, 1975.

Reaction to the proposal has ranged from condemnation to caution. To date no one has endorsed the idea publicly.

Dr. Carl Nash, of the Ralph Nader-affiliated Public Interest Research Group, said auto makers don't need the extra time that phase-in standards would provide. "Most standards do not affect the structural design of a vehicle, and NHTSA has allowed sufficient lead time so that manufacturers could introduce changes on their various model lines if they so choose," he said.

Nash pointed out that General Motors "had the foresight" to phase in side-door beams in some of its cars "as early as 1969" even though the NHTSA standard governing side-door strength does not take effect until next January.

He also said that DOT's proposal would "be likely to discriminate against buyers of lower priced cars, since manufacturers would be more likely to introduce safety features on higher priced, higher mark-up models earlier and "on the lowest priced cars only when finally required to do so."

Nash also said that NHTSA is "going through the back door" already by issuing standards that set later effective dates for light trucks and multi-purpose vehicles than for standard passenger cars. He noted that the agency's controversial passive restraint standard (FMVSS 208) has an effective date for such vehicles that is two years later than the effective date for passenger cars.

Lowell Dodge, director of the Center for Auto Safety, told *Status Report* that phase-in authority is at least "a better approach to avoiding the 'lowest common denominator' problem of the current rule-making process than the outright exemption authority presently being sought by the small manufacturers."

DOT is also currently seeking authority to exempt from its standards manufacturers who produce fewer than 10,000 vehicles a year. (See *Status Report*, Vol. 7, No. 7, April 10, 1972.)

NHTSA Issues Warning On Steering Lock-Up

The National Highway Traffic Safety Administration has warned owners of 1971 and 1972 Pontiacs, Buicks, Oldsmobiles and Chevrolets that stones or gravel can become lodged in the steering mechanism of their cars causing "sudden steering lock-up" while the cars are being driven. However, the agency stopped short of demanding that General Motors Corp. notify owners of the problem.

The safety administration advised motorists that GM has supplied its dealers with "gravel shields" and "has advised its dealers to provide" the shields to "owners who have this problem or anticipate it."

The agency's warning, which came in the form of a "Consumer Protection Bulletin," also said that owners of the cars "who may be required to drive on gravel roads prior to having the (gravel shield) kit installed are advised to drive at a reduced rate of speed and with the utmost caution. Immediately after travel on a gravel road, the steering joint area under the hood should be examined and all rocks or gravel removed from the area surrounding the coupling," the agency advised.

The warning drew immediate fire from the Center for Auto Safety. "The government has taken a typically lenient approach to this defect by issuing a consumer alert instead of a finding of defect," the center said in a press statement. In the same statement the organization said it had "informed the safety agency of over 26 incidents of steering interference, resulting in nine crashes and six persons injured."

Andrew Detrick, NHTSA's chief of defect investigations, told *Status Report* that the agency has received about 60 reports of steering lock-up related to this investigation. However, he said the investigation is "not to the defect determination level" at this point. He said that before the agency could force GM to conduct a defect notification campaign it would have to "well establish the mechanism" by which the stones become lodged in the steering system.

Detrick expressed surprise over the critical reaction from the Center for Auto Safety. He said that "Consumer Protection Bulletins" are used to warn the public "when we're pretty sure we have a problem." However, "a different level of proof is required" to force a defect notification campaign. "We have to have proof *ad infinitum*." In the meantime, "We feel that we're doing a service" by issuing the warnings, he said.

The problem of steering lock-up in late model GM cars was brought to the attention of the safety administration earlier this year by the Insurance Institute for Highway Safety. In a report prepared for the Institute by an independent testing organization, researchers said that "gravel can lodge in the gap between the steering coupling and frame and obstruct the steering to an extent which seriously impairs the driver's ability to control the vehicle, even with fully operable power steering." (See *Status Report*, Vol. 7, No. 5, March 13, 1972.)

In its warning, the safety administration urged that "all owners experiencing this steering problem, regardless of model or year, contact the NHTSA to provide an account of the incident along with the serial number and make-model data." Reports should be sent to the Office of Consumer Affairs, National Highway Traffic Safety Administration, 400 Seventh St., S.W., Room 5232, Washington, D.C. 20590.

Advertising Age: Uncomfortable Belts Hard To 'Sell'

A leading advertising industry trade publication thinks that "confining and uncomfortable" safety belt designs are discouraging belt use.

In a recent issue, *Advertising Age* commented editorially on the results of an Insurance Institute for Highway Safety research project involving the influence of public-service television messages on safety belt use. (See *Status Report*, Vol. 7, No. 11, June 12, 1972.)

In the research project, it was learned that a high-quality, high-intensity campaign of television messages to promote safety belt use produced no increase in the belt-use levels of their viewers.

"Part of the disappointing results in the test of seat belt use ads may rest with the product," *Advertising Age* concluded in its editorial. "Some of the non-users we know complain that the belts are confining and uncomfortable, and we have seen European cars that appear to have more satisfactory seat belts. To the extent that manufacturers are installing less than the best, they shift the burden of 'selling' seat belts from the product to the advertising."

In an accompanying news story under the byline of Washington editor Stanley E. Cohen, the publication reported an announcement by the American Safety Belt Council of its "support for a new National Safety Council advertising campaign to convince motorists to 'buckle up'." The *Advertising Age* editorial, referring to the announcement, said that the Institute's research project results seemed to contain "a message" for the safety belt council, which "puts a great deal of effort into ads and lobbying to get people to use belts, but which is strangely silent about the product itself." The message—"Give the adman a break: Take a look at the product."

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