

## **IIHS Completes Major Bicycle Study**

A study of crashes between bicycles and motor vehicles has shown that bicyclists were “probably responsible for the initiation of 78 per cent” of the 888 crashes studied.

The study, conducted by the Insurance Institute for Highway Safety, found that the percentage of “probably responsible” bicyclists “diminished sharply with increasing age of bicyclists over 12,” ranging from 92 per cent among bicyclists through age 12 and dipping to 34 per cent among those 25 or over.

For the study, researchers surveyed 888 police reports from injury producing collisions between bicycles and motor vehicles that occurred in Maryland between Oct. 1, 1971, and Sept. 30, 1972. For purposes of the study, “an operator of a vehicle in motion was considered probably responsible if his vehicle struck a vehicle not in motion. When both vehicles were in motion, the operator of the vehicle whose motion clearly indicated crash initiation, such as crossing a median and striking an oncoming vehicle, was so classified. A ‘responsibility not clear’ category was used where vehicle motion initiating the collision was unclear,” the study explained.

The main objectives of the study were to “study characteristics of the operators involved relative to the probable responsibility for the collision of the bicyclist or motorist and/or their vehicle, based on the pre-crash movements of the vehicles, and to determine the frequency of various types of collision configurations.” An additional objective “was to examine bicycle-motor vehicle collisions in relation to bicyclist age.”

Dr. Allan F. Williams, author of the study, found that “injuries were almost invariably sustained by the bicyclist and/or his passenger, if any, and the motorist was rarely injured.” In fact, “99 per cent of the involved bicyclists were injured,” Williams said. Of these, one per cent were fatally injured; the others

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Figure 2  
Probable Responsibility in Bicycle-Motor Vehicle Collisions  
By Light Conditions at the Time of Crash, Maryland,  
October 1, 1971 - September 30, 1972

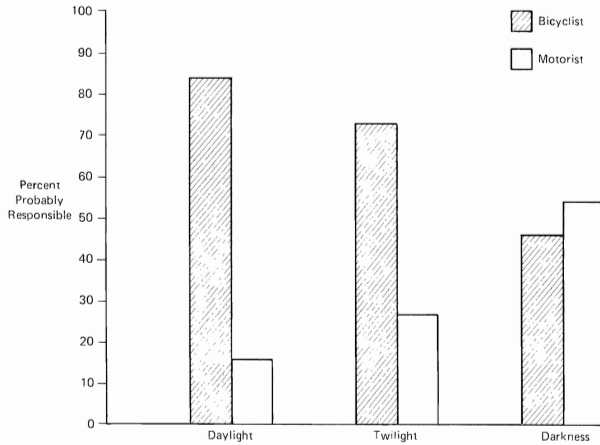
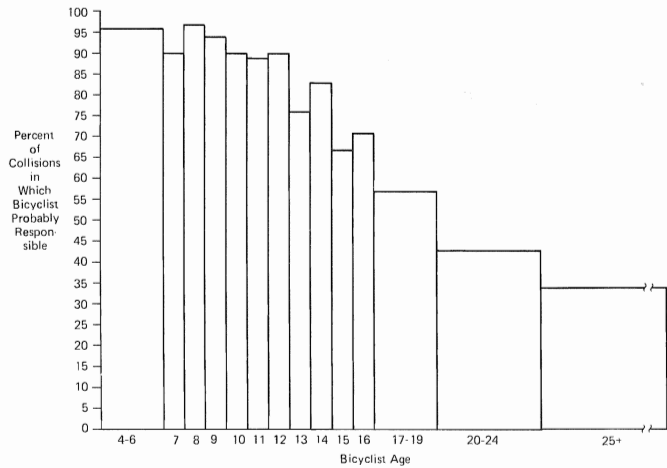


Figure 1  
Distribution of Bicycle-Motor Vehicle Collisions in  
Which the Bicyclist Was Probably Responsible, By Bicyclist Age,  
Maryland, October 1, 1971 - September 30, 1972



received injuries of varying degrees. Only one per cent of the motorists were injured to any degree. The study noted that the injury classifications used in the official crash reports do not permit "classification of injury severity on the basis of appropriate medical criteria" and suggested that use of the "Injury Severity Score" be incorporated in police training and forms employed to report crashes. (See *Status Report*, Vol. 9, No. 7, April 9, 1974.)

## BICYCLISTS' AGES

Of the 886 bicyclists whose ages were known, 280 (32 per cent) were 4-9 years old, 379 (43 per cent) were 10-14 years old, 151 (17 per cent) were ages 15-19, and only 76 (9 per cent) were 20 years of age or older. (See Fig. 1, above.)

According to the study, the strong relationship between bicyclist age and probable responsibility "can be explained primarily on the basis of developmental characteristics associated with age;" other studies have found that younger bicyclists could be expected to be less able than adults to localize sounds, perceive movements out of the corner of their eyes, read and accurately interpret road signs, and understand traffic terms. Moreover, the IIHS study said, "children may be less likely than adults to obey abstract traffic regulations, even if they understand them." Another consideration is that children "are also likely to have more difficulty than adults in controlling the bicycle, because of lesser strength and coordination," the study said.

Age may also be a factor in bicycle control because children "often ride bicycles that are not the proper size for them," the study said. The finding that "collisions involving bicyclists 4-9 years old were more likely to occur during the spring months than collisions involving older bicyclists may simply mean that bicyclists of this age ride more than others in the spring. It may instead or in addition mean that bicyclists 4-9 years old are at this time of the year more likely than older bicyclists to be new to bicycle riding, riding a bicycle, perhaps new, that they are not familiar with, and/or a bicycle that is too large for them but that they will grow into during the summer months or later."

## TIME OF COLLISION

Sixty-five per cent of the collisions took place from 3 p.m. to 9 p.m., with 86 per cent occurring during daylight, 7 per cent during twilight and 7 per cent in darkness.

Diminished light and lowered visibility accompanying twilight and darkness were found to be associated with a shift in the percentage of "probable responsibility" from the bicyclist to the motorist. Eighty-four per cent of the bicyclists were "probably responsible" in daylight collisions compared to 73 per cent in twilight collisions and 46 per cent in darkness. (See Fig. 2, page 2.) "Crashes occurring in twilight or darkness were more likely than daylight crashes to involve situations in which the motor vehicle either struck a bicycle from the rear, or made a left turn and in the process struck an oncoming bicycle," the study said. However, "Most bicyclists under 15 were probably responsible for the collision whatever the illumination level, although few collisions occurred at twilight or darkness in this age group."

### PLACE OF COLLISION

Seventy-one per cent of the collisions occurred in residential areas. Sixty-seven per cent of the collisions occurred at intersections.

Considering bicyclists of all ages as a group, the most frequent situations in which they were "probably responsible" were: "emerging from a minor roadway such as a driveway, alley, parking lot, or gas  
(Cont'd on page 5)

### VEHICLE MOVEMENTS BY PROBABLE RESPONSIBILITY IN BICYCLE-MOTOR VEHICLE COLLISIONS IN RELATION TO BICYCLIST AGE, MARYLAND OCTOBER 1, 1971 - SEPTEMBER 30, 1972

Vehicle Movement	Bicyclist Probably Responsible				Motorist Probably Responsible	Total
	4-9	Bicyclist Age		All Bicyclists		
		10-14	≥ 15			
In motion; other vehicle not in motion	11(4%)	22(7%)	16(13%)	49(7%)	7(4%)	56(6%)
Struck other vehicle from behind	0(0%)	0(0%)	1(1%)	1(0%)	47(28%)	48(6%)
Intersected other vehicle traveling in same direction	19(7%)	55(18%)	27(22%)	101(15%)	19(11%)	120(14%)
Emerged from driveway, alley, parking lot, gas station, etc.	103(40%)	70(22%)	15(12%)	188(27%)	8(5%)	196(23%)
Came onto road from lawn or other non-roadway location and intersected other vehicle	40(16%)	31(10%)	7(6%)	78(11%)	0(0%)	78(9%)
Ran through stop or yield sign	50(20%)	78(25%)	20(16%)	149(22%)	19(11%)	168(20%)
Wrong way on one way street or in lane designated for traffic in opposite direction	21(8%)	51(16%)	31(25%)	103(15%)	9(5%)	112(13%)
While making a left turn, collided with oncoming vehicle	4(2%)	2(1%)	3(2%)	9(1%)	47(28%)	56(6%)
Unclassified	7(3%)	5(2%)	3(2%)	15(2%)	12(7%)	27(3%)
<b>TOTAL</b>	<b>255(100%)</b>	<b>314(101%)</b>	<b>123(99%)</b>	<b>693(100%)</b>	<b>168(99%)</b>	<b>861(100%)</b>

## Loss Reduction Strategies Applied To Bicycle Injuries

Data developed in the Institute's study of bicycle and motor vehicle crashes "can be used as a guide in planning countermeasure programs. It should be made clear that in attempting to reduce the losses associated with these crashes, a mixture of countermeasures aimed at crash prevention and injury reduction and amelioration needs to be considered," the study said.

Although the study made no recommendations, it used an analysis, developed several years ago by William Haddon, Jr., M.D., president of IIHS, which identifies the options for reducing society's losses in damaged people and property due to virtually all types of environmental hazards, including those associated with the energy of motion released in vehicle crashes.

As applied to bicycle injuries, the ten strategies, in their logical sequence, are summarized below, along with examples of their possible application.

- *Prevent the initial marshalling of the form of energy* – Ban the manufacture of bicycles or prohibit their use by children.
- *Reduce the amount of energy marshalled.* – Limit top speeds of bicycles, reduce motor vehicle speeds in areas where bicycles are in frequent use, lower heights of children's bicycles.
- *Prevent the release of the energy (at rates and in circumstances likely to produce damage to people or property)* – Educate bicyclists and motorists, improve bicycle brakes, use "training wheels" on children's bicycles, improve bicycle structure, increase bicycle conspicuity, improve motor vehicle lighting systems, improve lines of sight at intersections, improve road shoulders and eliminate roadside debris.
- *Modify the rate of spatial distribution of release of energy from its source* – Construct bicycles with handlebar ends and gearshift levers that are less hostile and bicycle frames that protect in lateral impacts.
- *Separate, in space or time, the energy being released from the susceptible structure* – Separate times of permitted roadway use, provide off-road bike ways, special bicycle lanes, permit bicycles on sidewalks.
- *Separate the energy being released from the contact structure by interposition of a material barrier* – Erect fences and gates that prevent bicycles and motor vehicles from reaching each other, require helmets and protective clothing for bicyclists.
- *Modify the contact surface, subsurface, or basic structure which can be impacted* – Eliminate force localizing protrusions and low radius surfaces on bicycles and motor vehicles, use surface and subsurface materials in motor vehicles that more gently impart impact forces.
- *Strengthen the living or non-living structure which can be damaged by the energy transfer* – Strengthen the bicycle frame.
- *Move rapidly in detection and evaluation of damage and counter its continuation and extension* – Administer first aid, provide prompt emergency transportation and medical care.
- *The tenth and last loss reduction strategy involves all those measures which fall between the emergency period following the damaging energy exchange and the final stabilization of the process (including intermediate and long-term reparative and rehabilitative measures)* – Design bicycles for easy repair, provide cosmetic human repair and orthopedic rehabilitation.

Haddon's earlier paper, *Energy Damage and the Ten Countermeasure Strategies*, which outlines the framework for this options analysis, was printed in *The Journal of Trauma* (12:193-207, 1972). Single copies of the paper may be obtained by writing to "Countermeasure Strategies," Insurance Institute for Highway Safety, Watergate Six Hundred, Washington, D.C. 20037.

(Cont'd from page 3)

station onto a more major road and intersecting another vehicle (27 per cent), and running through a stop or yield sign (22 per cent)," the study found. Situations in which the motorist was "probably responsible" were: "making a left turn and in the process colliding with an oncoming bicycle (28 per cent), and striking a bicycle from behind (28 per cent)," the study said.

Younger cyclists in collisions for which they were "probably responsible" were "far more likely to have emerged from a minor roadway such as a driveway onto a more major road, or to have come onto the road from a lawn or other non-roadway location and collided with a motor vehicle," the study found. Older cyclists who were considered "probably responsible" were "considerably more likely to be in collisions that involved wrong way travel, and collisions in which the bicycle struck a motor vehicle traveling in the same direction on the roadway." (See table, page 3.)

Copies of the study may be obtained by writing "Bicycle," Insurance Institute for Highway Safety, Watergate Six Hundred, Washington, D.C. 20037.

## **Fuel Conservation**

### ***Agencies Invite Comment, AAAM Urges Open Meetings***

The Department of Transportation and the Environmental Protection Agency have invited public comment on their plan to have auto makers voluntarily achieve a 40 per cent improvement in automobile fuel efficiency by the 1980 model year.

Meanwhile, the president of the American Association for Automotive Medicine, in a letter to Transportation Secretary Claude S. Brinegar, urged that future meetings on fuel conservation between federal officers and auto makers also be open to the public. Susan P. Baker said that, "Some of the strategies currently under consideration for reducing fuel consumption have grave implications for society's ability to protect vehicle occupants." AAAM is an organization of physicians, engineers and others concerned with research to reduce highway losses.

The government's plan was outlined in a joint study by DOT and EPA, *Potential for Motor Vehicle Fuel Economy Improvement*. The study "represents a starting point for discussions between representatives of the individual automobile manufacturers and DOT officials on methods of obtaining improved fuel efficiency," according to a DOT announcement. (See *Status Report*, Vol. 9, No. 20, Nov. 11, 1974.)

Single copies of the report are available from the Office of Public Affairs, Department of Transportation, 400 Seventh St., S.W., Washington, D.C. 20590.

DOT's file for public comments is OST File No. 38. Comments (five copies are requested) should be sent to the Docket Clerk, Office of the General Counsel (TGC), Department of Transportation, 400 Seventh St., S.W., Washington, D.C. 20590.

## Auto Makers, AAA Attack NHTSA Air Bag Study

Auto makers and the American Automobile Association have joined ranks by attacking the National Highway Traffic Safety Administration's cost-benefit study of occupant restraint systems (FMVSS 208). Only one manufacturer, Volvo, supported NHTSA's conclusion that passive restraint systems are preferable to lap-shoulder belts.

The NHTSA study, which was released in September, concluded that air bag plus lap belt systems as proposed for the 1977 model year could effect annual savings (societal benefits) of \$9.8 billion annually by 1985 compared with \$3.9 billion for lap belt systems in the same year. NHTSA Administrator James B. Gregory said the study "clearly shows the superiority of passive restraint systems compared to belt systems presently required." (See *Status Report*, Vol. 9, No. 16, Sept. 9, 1974.)

The manufacturers' and AAA have criticized the NHTSA study in detail, thus illustrating the huge difference of opinion on correct methodology in the field of cost-benefit and cost-effectiveness. (The use of these methods was discussed in a recent paper by IIHS's Brian O'Neill and A. B. Kelley. See *Status Report*, Vol. 9, No. 19, Oct. 29, 1974.)

After reviewing NHTSA, AAA and auto maker studies, Volvo said that "the only thing that nearly all of them have in common is that each starts out with a biased point of view, and hence proceeds to treat the ill-defined parameters in a way that best supports the initial point of view." Volvo suggested that NHTSA should "take the initiative in improving and perhaps standardizing cost effectiveness methodology."

In spite of the many questions raised about the NHTSA study, Volvo said, the basic conclusion appeared valid: ". . . [G]iven the American public's reluctance to make extensive use of presently available, less expensive belt type restraint systems, passive restraints, or specifically the air bag system, seems [sic] to be cost effective in terms of overall societal benefit/cost ratio."

Robert Brenner, former chief scientist and acting administrator of the National Highway Safety Bureau (as NHTSA was then called), said that the NHTSA study failed to treat adequately the "likelihood that a given system will be used." He pointed out that, "If a safety belt — either lap, torso, or combination — is not fastened, its crash protection is zero."

The Motor Vehicle Manufacturers' Association, which represents U.S. auto makers, urged NHTSA to "redo the analysis" since the present analysis, in its opinion, "overstates the overall safety performance of the air cushion system . . . [and] understates the safety performance of lap and shoulder belts."

### SYSTEM COSTS

Most manufacturers claimed the air bag plus lap belt system for all front seat occupants would be more expensive than NHTSA's \$210 estimate. Ford claimed a realistic estimate including inflation would be \$290. Other auto maker estimates were in the same range or higher.

### RESTRAINT EFFECTIVENESS

NHTSA had based its finding of "superior" effectiveness of air bag systems on testing with human volunteers compared with lap-shoulder belt testing on human cadavers. MVMA urged that NHTSA "redevelop the effectiveness values of each restraint system based upon an expert evaluation of occupants' chances of survival in the broad spectrum of actual accident cases which are now available for analyses."

MVMA cited the evaluation of 706 fatal crashes conducted by a “jury” of General Motors staff members and presented by GM in June 1973. The study was severely criticized in senate hearings by Allstate Insurance Co. (See *Status Report*, Vol. 8, No. 14, July 10, 1973; No. 16, Aug. 13, 1973.) The study is the basis for GM’s current submission and is frequently quoted by other auto makers.

Several manufacturers claimed NHTSA assigned too high a value to air bag effectiveness in rollover crashes. Ford criticized NHTSA’s “simplistic” calculation that all persons protected by belt systems in crashes below 30 mph barrier equivalent speed would be saved and all above 30 mph would be killed.

Other points criticized by auto makers included NHTSA’s alleged failure to deal adequately with the “standing child problem” and the agency’s ascribing a greater human tolerance to air bags than to belt systems for a given deceleration level.

NHTSA said the air bag distributes the force better in a crash but GM claimed that the results were “misleading” since in “essentially the same simulated crash, the air cushion restrained volunteers were subjected to higher accelerations than were the lap-shoulder belt restrained volunteers.” GM did not, however, comment on the corresponding head injury criteria, which are a widely accepted measure of effectiveness.

## **SOCIETAL COSTS**

Chrysler termed “greatly inflated” the NHTSA estimates of “societal costs of approximately \$240,000 per death and \$7,000 per injury.” Other manufacturers also recommended lower figures, such as the National Safety Council’s estimate of \$52,000 per death and \$3,100 per injury, since, Ford claimed, “a substantial portion of the injuries are of the inconsequential sort.”

## **BENEFIT TO COST RATIOS**

Although most manufacturers did not give their own estimates of benefit to cost ratios, Ford suggested that benefits would be \$8.9 billion and costs \$1 billion for sequential interlocked three point belts, compared with benefits of \$11.1 billion and costs of \$3.6 billion for air bags. NHTSA figures ranged from \$1.1 to \$4.1 billion for belt benefits and \$.34 billion to \$1 billion for belt costs, compared with \$2.8 to \$10.8 billion for air bag benefits and \$.71 billion to \$2.1 billion for air bag costs. Both the Ford and NHTSA studies assumed the use of the ignition interlock, which was recently banned as the result of congressional action. Belt use without the interlock was found in IIHS research to be significantly lower. (See *Status Report*, Vol. 9, No. 13, July 8, 1974.)

The AAA submitted the report it commissioned from Dr. Lawrence Goldmuntz, head of Economics and Science Planning, a Washington-based research organization. This report was earlier extensively cited in AAA news releases at the time of the congressional debate over the future of the air bag. (See *Status Report*, Vol. 9, No. 16, Sept. 9, 1974.)

The Goldmuntz report supports the enactment of mandatory safety belt usage laws. The AAA noted in releasing the report that it is opposed to mandatory legislation “because of the results of polls of AAA members by numerous clubs across the country.” Mandatory belt laws were also suggested by Mercedes-Benz and British Leyland.

Nationwide Insurance Co., the only insurer to comment on the NHTSA study, said it concurred with the agency’s findings. “It is our belief that this study documents the facts needed to proceed to the final stage of rulemaking on FMVSS 208,” it said.

The New Jersey State Safety Council also commented in favor of the study which, it said, “fortifies our position in that it projects a far greater saving in lives and injuries when the standard would reach full implementation. We do not see the proposed effective date as presenting a hardship to auto manufacturers and any further delay will cause unnecessary loss of life to which the societal economic loss must be added.”

## **Additional Safety Belt Data Reported**

An analysis of the effectiveness of safety belts in crashes occurring in North Carolina has indicated that safety belts provide significant benefits.

The study was conducted by the Highway Safety Research Center at the University of North Carolina and was partially financed by the North Carolina Governor’s Highway Safety Program and the Insurance Institute for Highway Safety.

Basic information for the study was collected by the North Carolina State Highway Patrol in the summer of 1970. The analyses were based on accident type, impact site, estimated speed immediately prior to crash, and safety belt use associated with serious and minor injuries in more than 10,000 cases.

The authors of the study, Forrest M. Council and William W. Hunter, summarized the benefits of safety belts in crashes.

### **LAP BELT EFFECTIVENESS:**

- In single vehicle crashes, lap belted drivers experienced 66 per cent fewer serious and fatal injuries than expected in medium speed collisions, based on the experience of the unbelted sample, and 53 per cent fewer serious and fatal injuries in high-speed collisions;
- Lap belted drivers had 43 per cent fewer serious and fatal injuries than their unbelted counterparts in frontal impacts when all crash types and speeds were combined;
- Lap belted right front seat passengers experienced 37 per cent fewer serious and fatal injuries in frontal collisions with all crash types and speeds combined.

### **SHOULDER HARNESS EFFECTIVENESS:**

- For frontal impacts, none of the 29 drivers and right front seat passengers wearing a shoulder harness experienced a serious or fatal injury. This was significantly lower than both the lap belted and unbelted groups in comparable crashes.

Copies of the report, *Safety Belt Usage and Benefits in North Carolina Accidents*, can be obtained for \$3.00 by writing to Lyn White, Assistant Manager, Highway Safety Research Center, University of North Carolina, Chapel Hill, N.C. 27514.



## **Strong Dissent Voiced**

### **Advisory Council Divides On Passive Restraint Delay**

In a sharply divided vote, the National Motor Vehicle Safety Advisory Council has asked the Department of Transportation to delay its passive restraint rulemaking until "further actual experience" with passive restraints "proves that they will reduce deaths and injuries." Of the 22-member council, 11 voted for the delay, five voted against it and six were not present for the vote.

The members who opposed the delay have sent a letter to Transportation Secretary Claude S. Brinegar urging him to proceed with passive restraint rulemaking.

The council's resolution requesting a delay in the rulemaking, urges DOT to make a "concerted effort" to get auto makers to produce more passive restraint equipped vehicles for additional fleet testing. The dissenting members of the council, noting the current "lack of cooperative efforts to establish fleet field testing on the part of the auto manufacturers, with the exception of General Motors," said they saw "simply no evidence to support the proposition that manufacturers will make more test vehicles available without a federal regulation" requiring passive restraints in all cars.

A delay in the passive restraint rulemaking will mean a "cost in lives," the dissenting council members stressed. They noted that since 1972, the council has "endorsed repeatedly" DOT's passive restraint rulemaking "because of the tremendous reduction of deaths and injuries the passive restraint can bring to the American people."

### **Auto Makers Oppose Increased Passive Proposal**

Auto makers have expressed unanimous opposition to the National Highway Traffic Safety Administration's proposal to require cars, beginning with the 1981 model year, to passively protect occupants in crashes equivalent to 45 or 50 mile per hour barrier impacts.

In comments on NHTSA's proposal, auto makers claimed that insufficient technology exists to meet the agency's proposed goal. They also said that such a requirement would result in heavier and more costly automobiles.

Typical of the comments was Chrysler's statement: "Compliance with those requirements would require a major redesign of the entire structure in our current model cars, which we estimate would result in a weight increase of approximately 1,000 pounds for a standard size car and 800 pounds for a compact size car, and a cost increase in the range of \$900-\$1,000 per car."

Many manufacturers also argued, as Ford Motor Co. did, that "the increased speed requirement with its attendant cost and weight increase cannot be justified without an analysis of highway accident data showing that a safety need exists for the proposed increase." Ford and other auto makers said that a "large scale" crash recorder program is needed to collect such data.

NHTSA efforts to get funding to expand its modest crash recorder program have been consistently rejected by the Congress. (See *Status Report*, Vol. 9, No. 19, Oct. 29, 1974.) An NHTSA official told *Status Report* that auto makers have not supported NHTSA's budget requests for money to enlarge its crash recorder program.

## Safety Belts: Lights Flash, Buzzers Sound Again

The U.S. Department of Transportation has issued a new amendment, to Standard No. 208, that introduces "safety belt reminder systems" to succeed the controversial interlock outlawed by the Congress.

The new system, which will be mandatory after Feb. 24, 1975, calls for a 4 to 8 second visual signal once the ignition is turned on, followed by a 4 to 8 second audible signal if the driver's safety belt is not in use. If they wish, auto makers may begin using the new signal system immediately.

In its announcement of the new rule (Docket No. 74-39; Notice 3), DOT admitted that "the fraction of the population whose behavior will be affected by any warning system is quite small."

The new rule was promulgated by the National Highway Traffic Safety Administration after three of the four major American auto makers, a group of congressional leaders, electrical system manufacturers, and several private individuals had urged that a warning system be retained. All had called for some sort of safety belt reminder system, though not all wanted the system which NHTSA finally required. (See *Status Report*, Vol. 9, No. 21, Nov. 20, 1974.)

The American Mutual Insurance Alliance, Nationwide Insurance, and Ford Motor Co., had urged NHTSA to eliminate all requirements for belt use warning or reminder systems.

In its comment to NHTSA, the American Mutual Insurance Alliance, an insurance industry trade association, cited an Insurance Institute for Highway Safety study showing "that buzzer-light systems do not substantially increase belt use." (See *Status Report*, Vol. 9, No. 13, July 8, 1974.) Instead, the Alliance urged NHTSA "to promulgate the [proposed] passive restraint regulation as soon as possible." (See *Status Report*, Vol. 9, No. 6, March 26, 1974.)

Nationwide, in its comment, also urged NHTSA to "move toward final rulemaking on passive restraints" rather than on a safety belt reminder system, which it termed "a waste of the car-buying public's money."

Ford, referring to the "relatively ineffective" nature of the proposed reminder systems, warned that they would be perceived as another example of "Big Brotherism" by the American public.

## CAS Files Suit Against DOT

The Center for Auto Safety has filed suit against the Department of Transportation over its controversial Certification Acceptance regulation.

The Certification Acceptance regulation enables DOT's Federal Highway Administration to relax its road supervision role by granting to individual states the power to regulate their own highway construction and hazard removal programs on most of their federal-aid highway system. To receive "certification," states must show that their "laws, regulations, directives and standards establish requirements at least equivalent" to those of FHWA. (See *Status Report*, Vol. 9, No. 17, Sept. 27, 1974.)

The center's suit was prompted by the belief "that the regulations promulgated by the Federal Highway Administrator do not assure an adequate evaluation of whether a state has the statutorily required capability to participate in the Certification Acceptance program." The center charged that the new system

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“will result in a further deterioration in highway safety.” According to one center staff member, “Former federal procedures for assuring safe design of highways were already deficient; the new procedures promise to be disastrous.”

In its suit the center also alleged that:

- FHWA violated the Administrative Procedure and Federal Advisory Committee acts by excluding the public from its development of the regulation;
- Georgia, the first state to apply for and receive certification, “lacks the ability to meet the required federal standards;”
- Federal Highway Administrator Norbert T. Tiemann “tried to hide Georgia’s failure to meet those standards” by not publishing the criteria on which the Georgia approval was based.

In its suit the center has asked that FHWA’s Certification Acceptance regulation, as well as Georgia’s certification, be declared “null and void.”

The suit was filed in U. S. District Court for the District of Columbia on November 15. DOT has 60 days from that date to answer the charges.

## **Sanctions: Reprieves For Maryland And Puerto Rico**

U.S. Department of Transportation Secretary Claude S. Brinegar has given both Maryland and Puerto Rico reprieves from possible penalties for failing to enact laws that define as “intoxicated” drivers with blood alcohol levels of 0.10 per cent or above.

Maryland and Puerto Rico are the only two jurisdictions that do not have such laws. The laws are required by one of DOT’s National Highway Safety Program Standards.

Sanction hearings, at which Maryland and Puerto Rico stood to lose their highway safety funds and 10 per cent of their federal highway aid, had been scheduled for November 25 and 26. (See *Status Report*, Vol. 9, No. 21, Nov. 20, 1974.) Puerto Rico now has until April, Maryland until May, to pass the required law. If, by that time, such laws are not passed, they will again face possible loss of federal funds.

Had the hearings been held as scheduled, the two jurisdictions’ fiscal 1976 apportionment could have been withheld and divided among the remaining 49 states. With “what amounts to a reprieve,” a DOT official said, funds for Maryland and Puerto Rico will be apportioned but held “in limbo” until the passing of the required law in each jurisdiction, or, if such laws are not passed, until Brinegar’s decision at the spring hearings.

According to DOT notices, Brinegar’s decision on reprieves for Maryland and Puerto Rico followed “informal” meetings – held at the request of the governors of the two jurisdictions – at which Commonwealth and state representatives convinced DOT of the “renewed committment” of their respective executive branches and the receptiveness of their legislatures to a 0.10 per cent blood alcohol level bill.

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the highway  
loss reduction

## STATUS REPORT

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