

Note: The following four articles describe aspects of the Senate and House versions of the proposed Federal-aid Highway Act of 1975 that bear on the future of federal safety programs. The Senate passed its version (S. 2711) on December 12; the House version (H.R. 8235) was reported out of the Public Works Committee on December 15. It is likely that the two versions will be taken up in late January by a Conference Committee of members from both houses. The resulting bill then will be taken back to both houses of Congress for what is expected to be quick final approval.

Bills Would Cripple Safety Standards

In what promises to be a deadly setback to the highway safety effort, the House and Senate versions of the Federal-aid Highway Act of 1975 virtually eliminate the authority of the Department of Transportation to enforce the current federal standards for state and local highway safety programs.

In addition, both bills specifically forbid DOT from any longer requiring that states enact and enforce motorcycle helmet use laws. They would do so by prohibiting DOT from imposing sanctions against states which have not passed such laws in compliance with DOT requirements.

In the Senate, this measure was successfully offered as an amendment by Sens. Alan Cranston (D-Calif.), Jesse Helms (R-N.C.), James Abourezk (D-S. Dak.) and James Buckley (CR-N.Y.). The amendment was passed by the Senate with a vote of 52 senators for the amendment and 37 against. Eleven senators did not vote.

The Senate bill would vitiate DOT's authority to enforce its highway safety standards by allowing states to substitute alternative, unrelated, safety measures for all except two of the current highway safety program standards — the two relating to alcohol laws and safety data collection.

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Helmets, No; Belts, Yes

Ironically, the House bill, which scraps the Department of Transportation's power to get states to adopt *motorcycle helmet* use laws, would give DOT more than \$65 million to get states to enact *safety belt* use laws.

In a provision that sharply contrasts with its ban on DOT's power to enforce the motorcycle helmet use provision, the House bill provides \$7.5 million for the three month period ending Sept. 30, 1976, \$30 million for the fiscal year ending Sept. 30, 1977 and \$30 million for the fiscal year ending Sept. 30, 1978 for DOT to carry out federal statutes "relating to incentives for the enactment of state belt laws."

DOT would spend the money under an existing law authorizing it to "make incentive grants in each fiscal year to those states which have adopted legislation requiring the use of seat belts in accordance with criteria which the secretary shall establish and publish."

At present, no money is available to DOT to carry out that provision. (See *Status Report*, Vol. 9, No. 14, July 26, 1975.)

According to the Senate Public Works Committee report, the burden would be on DOT to "demonstrate that the alternative [safety measure] does not have potential for reducing deaths, injuries and property damage . . . equal to that which would be realized by applying the standard." (For a list of all current standards, see page 5.)

The House bill undercuts DOT's power to enforce the standards by directing that, "Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform standard, or with every element of every uniform standard, in every state."

In the unlikely event that DOT were able to enforce the federal standards under that House proviso and carry through sanction proceedings against non-complying states, it still would be obliged, under the bill, to observe a one-year moratorium on imposing penalties.

Going one step farther on the subject of total penalties for non-compliance, the Senate bill would reduce the amount of the penalty DOT could impose by more than half – from a virtually mandatory 100 percent safety fund cut to a cut of "at least 50 percent." Nor, under both Senate and House versions, would highway construction funds any longer be subject to the current 10 percent penalty for non-compliance with a safety program standard.

Secretary of Transportation William Coleman has reacted unfavorably to what amounts to congressional withdrawal of his enforcement powers. In a letter to Sen. Jennings Randolph (D-W.Va.), chairman of the Senate Committee on Public Works, Coleman noted that under the Senate proposal he would be "duty-bound to undertake a continuous round of arduous public proceedings, attempting to show in considerable local detail what may be an evidentiary impossibility for either party. As a result," he said, "the Secretary might be required to engage in wholesale granting of waivers regardless of relative merit of the waived standards and alternative measures."

Coleman has, however, been in favor of the "more flexible" formula for sanctions.

THE MOTORCYCLE HELMET USE STANDARD

In identical language, both the House and Senate bills would expunge DOT's current helmet use standard by directing that a highway safety program "not include any requirement that a state implement such a program by adopting or enforcing any law, rule, or regulation based on a standard promulgated by the Secretary under this section requiring any motorcycle operator 18 years of age or older or passenger 18 years of age or older to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that state."

DOT has already started sanction proceedings against California, Illinois and Utah, the only three states that have not passed motorcycle helmet use laws in compliance with DOT's current standard. Hearings were held in September, but Coleman has not yet announced his decision on imposing sanctions against the states. (See *Status Report*, Vol. 10, No. 15, Sept. 15, 1975.)

After the Senate passage of the bill, Sen. Frank Moss (D-Utah) wrote Coleman to request immediate restoration of full federal highway funds for Utah. At present, DOT is withholding full funding, pending Coleman's sanction decision. According to Moss's letter, he has "no doubt" that the provision to prohibit penalties for non-compliance with the federal motorcycle helmet use standard will be enacted.

Helmets And Individual Rights

In Senate floor debate on the amendment to do away with the federal motorcycle helmet use standard, Sen. James Abourezk (D-S. Dak.), a sponsor of the amendment, said of helmet laws:

"... While I believe that the state and the federal government have the right to protect the safety of people from the acts of someone else, I think it is highly questionable that they have the right to protect an individual from himself. I think it is an invasion and an intrusion upon that person's privacy and his right to decide for himself what he wants to do. I would urge the Senate to adopt this amendment."

The question of whether helmet laws are an invasion of individual rights was answered differently in a 1972 Massachusetts decision — subsequently affirmed by the U.S. Supreme Court — upholding the constitutionality of a Massachusetts motorcycle helmet laws. The Federal District Court for Massachusetts said:

(W)hile we agree with plaintiff that the act's only realistic purpose is the prevention of head injuries incurred in motorcycle mishaps, we cannot agree that the consequences of such injuries are limited to the individual who sustains the injury (T)he public has an interest in minimizing the resources directly involved. From the moment of the injury, society picks the person up off the highway; delivers him to a municipal hospital and municipal doctors; provides him with unemployment compensation if, after recovery, he cannot replace his lost job, and, if the injury causes permanent disability, may assume the responsibility for his and his family's subsistence. We do not understand a state of mind that permits plaintiff to think that only he himself is concerned.

[*Simon v. Sargent*, 346 F. Supp. 277, 279 (D. Mass. 1972), affirmed, 409 U.S. 1020 (1972).]

POSSIBLE REPEALS AND RESEARCH

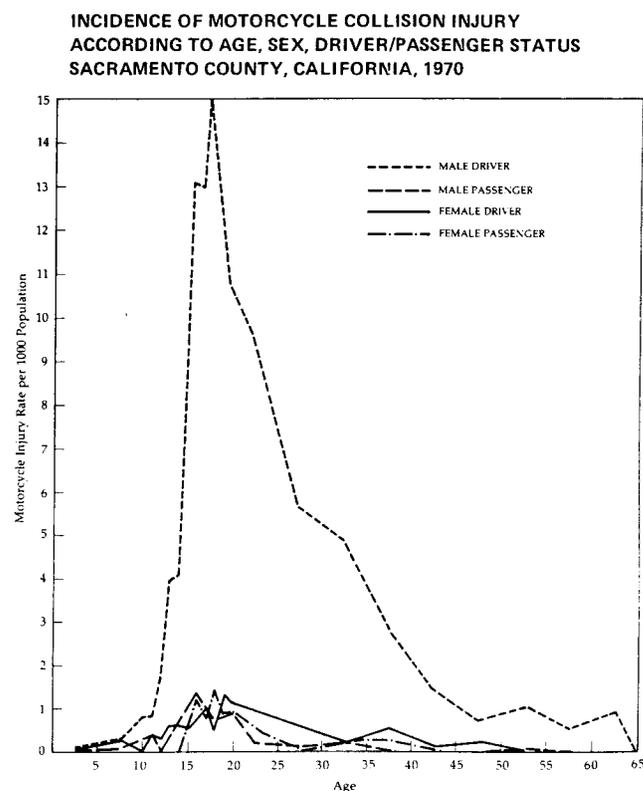
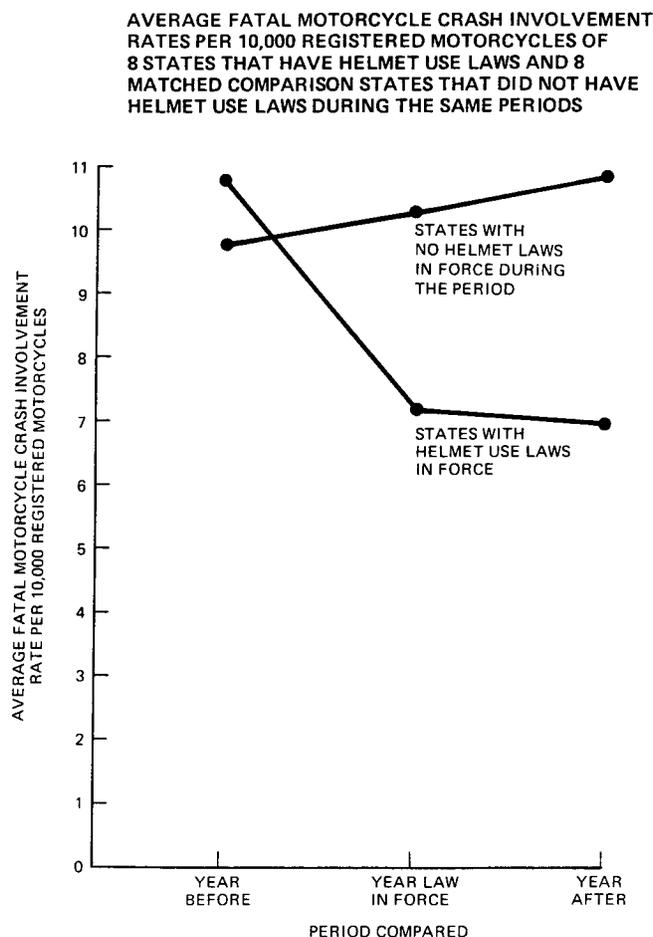
Should Moss be right, passage of the provision could lead to repeal of the motorcycle helmet use laws in at least some of the 47 states that currently require helmet use according to DOT's standard. Motorcyclist pressure groups, such as the American Motorcycle Association, as well as state-level motorcyclist clubs have been at the forefront of opposition to the standard and its resulting laws.

(A recent Insurance Institute for Highway Safety study, finding that helmets have consistently reduced fatalities in motorcycle crashes, concluded that it "would be folly" to repeal laws requiring their use. "If the motorcycle registrations continue to double every five years, as they have for the past 15, without further action, the accompanying carnage will dwarf that already experienced" – a fatality rate four times that for automobiles. See accompanying charts from IIHS research and *Status Report*, Vol. 10, No. 18, Nov. 5, 1975.)

SAFETY PROGRAM FUNDING

According to the Senate version of the bill, Congress would make available to the states a total of \$220 million over a period of two years to finance safety programs either in accordance with, or in substitution for, the standards promulgated by DOT. The House would authorize a total of \$416 million for the safety programs for a period of just over two years.

(In the Federal-aid Highway Act of 1973, Congress made available to the states a total of \$375 million for a three-year period to finance safety programs in compliance with DOT safety standards.)



In addition, for highway safety research and development the Senate bill would authorize a total of \$81.5 million for a period of slightly more than two years. For the same purpose and time period, the House would authorize just under \$169 million. These figures are compared to a total of \$120 million for highway safety research and development authorized by the 1973 act for a period of three years.

Senate, House Differ On Safety Construction

The Senate and the House differ over the highway safety construction provisions of the 1975 act in both concept and funding.

The Senate, arguing for flexibility, would abolish the categorical safety construction programs established by the 1973 act – rail-highway crossings, identification of high hazard locations, elimination of roadside obstacles, pavement marking, bridge replacement and a safer roads demonstration program for the more than 2.8 million miles of roads that are off the federal-aid system (as distinct from the more than 900,000 miles of roads constructed with the aid of federal money).

Instead, the Senate bill incorporates the first four categories into one “Federal-aid safer roads system,” and would make a total of \$950 million for a two year period available to the states in carrying out those safety measures. Approximately \$281 million could be used by the states for the replacement of unsafe and obsolete bridges.

The House bill would maintain categorization of five of the six safety construction programs and allow states to obligate – contract to be spent – a total of just over \$1.3 billion for a period of two and one-quarter years.

The only provision made in either bill for roads off the federal system is in the House version’s rail-highway crossing program, which would make available an additional \$169 million for non-federal aid roads.

(The Federal-aid Highway Act of 1973 allowed states to obligate a total of almost \$1.3 billion for the six categorical programs during a three year period. See *Status Report*, Vol. 10, No. 15, Sept. 15, 1975.)

HIGHWAY SAFETY PROGRAM STANDARDS (AS PUBLISHED BY DOT)

Standard 1, Title: PERIODIC MOTOR VEHICLE INSPECTION

Purpose: To increase, through periodic vehicle inspection, the likelihood that every vehicle operated on the public highways is properly equipped and is being maintained in reasonably safe working order.

Standard 2, Title: MOTOR VEHICLE REGISTRATION

Purpose: To provide a means of identifying the owner and type, weight, size and carrying capacity of every vehicle licensed to operate in the state, and to make such data available for traffic safety studies and research, accident investigation, enforcement and other operational uses

Standard 3, Title: MOTORCYCLE SAFETY

Purpose: To assure that motorcycles, motorcycle operators and their passengers meet standards which contribute to safe operation and protection from injuries.

Standard 4, Title: DRIVER EDUCATION

Purpose: To insure that every eligible high school student has the opportunity to enroll in a course of instruction designed to train him to drive skillfully and as safely as possible under all traffic and roadway conditions.

To insure that commercial driver training schools achieve and maintain a corresponding level of instruction for beginning drivers with recognition of differences between the needs of adults and adolescents.

To provide education courses offering driving instruction to adults.

Standard 5, Title: DRIVER LICENSING

Purpose: To improve the quality of driving by implementing more effective and uniform licensing procedures thereby reducing the number of accidents while increasing the efficiency of traffic flow.

Standard 6, Title: CODES AND LAWS

Purpose: To eliminate all major variations in traffic codes, laws and ordinances on given aspects of highway safety among political subdivisions in a state, to increase the compatibility of these ordinances with a unified overall state policy on traffic safety codes and laws, and to further the adoption of appropriate aspects of the Rules of the Road section of the Uniform Vehicle Code.

Standard 7, Title: TRAFFIC COURTS

Purpose: To provide prompt impartial adjudication of proceedings involving motor vehicle laws.

Standard 8, Title: ALCOHOL IN RELATION TO HIGHWAY SAFETY

Purpose: To broaden the scope and number of activities directed toward reducing traffic accident loss experience arising in whole or part from persons driving under the influence of alcohol.

Standard 9, Title: IDENTIFICATION AND SURVEILLANCE OF ACCIDENT LOCATIONS

Purpose: To identify specific locations or sections of streets and highways which have high or potentially high accident experience as a basis for establishing priorities for improvement, selective enforcement, or other operational practices that will eliminate or reduce the hazards at the location so identified.

Standard 10, Title: TRAFFIC RECORDS

Purpose: To assure that appropriate data on traffic accidents, drivers, motor vehicles and roadways are available [for safety research] .

Standard 11, Title: EMERGENCY MEDICAL SERVICES

Purpose: To provide an emergency care system that will:

Provide quick identification and response to accidents.

Sustain and prolong life through proper first aid measures, both at the scene and in transit.

Provide the coordination, transportation, and communications necessary to bring the injured and definitive medical care together in the shortest practicable time, without simultaneously creating additional hazards.

Standard 12, Title: HIGHWAY DESIGN, CONSTRUCTION AND MAINTENANCE

Purpose: To assure:

That existing streets and highways are maintained in a condition that promotes safety.

That capital improvements either to modernize existing roads or to provide new facilities meet approved safety standards, and

That appropriate precautions are taken to protect passing motorists as well as highway workers from accident involvement at highway construction sites.

Standard 13, Title: TRAFFIC ENGINEERING SERVICES

Purpose: To assure the full and proper application of modern traffic engineering principles and uniform standards for traffic control to reduce the likelihood and severity of traffic accidents.

Standard 14, Title: PEDESTRIAN SAFETY

Purpose: To emphasize the need to recognize pedestrian safety as an integral, constant and important element in community planning and all aspects of highway transportation and to insure a continuing program to improve such safety by each state and its political subdivisions.

Standard 15, Title: POLICE TRAFFIC SERVICES

Purpose: To reduce the deaths and injuries by improving police traffic services in all aspects of accident prevention programs, police traffic supervision, post-accident procedures to aid crash victims and to bring those responsible for the accidents to justice.

Standard 16, Title: DEBRIS HAZARD CONTROL AND CLEANUP

Purpose: To provide for the assignment of official responsibilities and for the planning, training, coordination and communications necessary to assure the recognition, reporting and prompt correction of conditions or incidents that constitute potential dangers; that incident sites are restored to a safe condition; and that traffic movement is expeditiously resumed.

Standard 17, Title: PUPIL TRANSPORTATION SAFETY

Purpose: . . . to reduce, to the greatest extent possible, the danger of death or injury to school children while they are being transported to and from school.

Standard 18, Title: ACCIDENT INVESTIGATION AND REPORTING

Purpose: . . . to establish a uniform, comprehensive motor vehicle traffic accident investigation program for gathering information – who, what, when, where, why and how – on motor vehicle traffic accidents and associated deaths, injuries and property damage; and entering the information into the traffic records system for use in planning, evaluating and furthering highway safety program goals.

Virginia Issues Roadside Hazard Warning

Virginia's Highway Safety Division has called for action to eliminate the dangers posed to motorists by rigid utility poles.

John Hanna, director of the Division, pointed out in a memorandum to Virginia utility companies, municipalities, counties and towns that there have been 49 fatalities in the state in the past 18 months involving collisions with utility poles. "The magnitude of the utility pole problem indicates that serious attention must be given to this area so as to . . . reduce crashes involving these rigid obstacles," he said.

Hanna cited the favorable experience with the use of breakaway metal posts and suggested "converting wooden utility poles into breakaway types." The procedure for modifying existing wooden poles was outlined in a paper, "Breakaway Concepts for Timber Utility Poles," which Hanna distributed to the utility companies and local government jurisdictions. That paper is the result of preliminary research sponsored by the Insurance Institute for Highway Safety and conducted by the Southwest Research Institute. The Federal Highway Administration is currently preparing to contract for further research in this area.

Hanna said that, in particular, breakaway wooden poles should be considered:

- "where such poles are obviously located on a critical curve or downgrade, where the opportunity for striking is extremely high;"
- "where such a wooden utility pole has been struck, is likely to be struck again, and must be replaced;"
- where there are "any other critical, special, or unusual situations, such as a pole being unusually close to the roadway surface."

Hanna also notified the Federal Highway Administration and the National Highway Traffic Safety Administration of his suggestions to the utilities and local governments.

A study of the legal liability of government entities and private companies which erect roadside obstacles such as utility poles was published early this year. The study, entitled, *The Law and Roadside Hazards*, was conducted by four Washington attorneys and sponsored by the Insurance Institute for Highway Safety. The book, now in its second printing, is available from the Michie Co., P. O. Box 7587, Charlottesville, Virginia 22906 for \$28.50. (See *Status Report*, Vol. 10, No. 1, Jan. 10, 1975.)

Postponement Denied For Cars

Hood Intrusion Standard Delayed For Some Vehicles

In response to vehicle manufacturer requests, the National Highway Traffic Safety Administration has delayed for certain vehicles the effective date of its new standard (FMVSS 219) prohibiting hoods from slicing through windshields in crashes. The agency, however, denied requests to delay the effective date of Sept. 1, 1976 for passenger cars, "because of their greater susceptibility to the intrusion of vehicle parts" in a crash.

NHTSA's action delayed the effective date of the standard from Sept. 1, 1976 until Sept. 1, 1977 for multipurpose passenger vehicles (MPVs), trucks and buses weighing 10,000 pounds or less in a loaded condition. There is no existing or proposed hood intrusion standard for vehicles weighing more than 10,000 pounds.

The agency said the postponement was justified by the "economic considerations involved in coordinating the effective date of Standard No. 219 with that of Standard No. 212, Windshield Mounting . . ." In announcing its decision, the agency did not estimate how many people would not be protected from hazardous intrusions because of the one year delay.

(NHTSA's proposal to extend the applicability of the windshield mounting standard to trucks and buses weighing 10,000 pounds or less and certain MPVs was begun in 1972. The proposal would have exempted so-called forward control vehicles, such as some vans, because they "may have difficulty achieving windshield retention since objects impacted by the front of such a vehicle tend to either impact the windshield itself or deform the windshield mounting." [See *Status Report*, Vol. 7, No. 16, Sept. 5, 1972.] A forward control vehicle is defined by NHTSA as a vehicle having more than half its engine located behind the windshield and having its steering wheel located in the forward quarter of the vehicle. The agency has not as yet issued a final rule extending the coverage of the standard.)

NHTSA's rulemaking on windshield intrusion began in 1969 with an advance notice of proposed rulemaking. In November 1971, the Insurance Institute for Highway Safety reported to the agency that in the Institute's initial series of medium speed head-on crash tests, the hood of a 1971 Chevrolet Vega sliced through the windshield of a 1971 Chevrolet Impala in a 43 mile per hour crash. (See *Status Report*, Vol. 6, No. 21, Nov. 16, 1971.) Subsequently, NHTSA issued further notices of proposed rulemaking in 1972 and 1974 and finally issued its long-awaited standard in 1975. (See *Status Report*, Vol. 10, No. 12, July 9, 1975.)

Center Seeks Fuel Tank Investigations

The Center for Auto Safety has petitioned the National Highway Traffic Safety Administration to begin a defect investigation into fuel tank leaks in 1970-1974 Chrysler Corp. vehicles.

In its petition, the center said that NHTSA is currently aware of 38 reported fuel tank leaks in those vehicles. More than 40 per cent of those failures involve "split fuel tank seams, indicating one common design defect may be causing many of the failures," the center said. The agency "has frequently opened defect investigations in the past based on far fewer failure reports than this," it said.

Discussing the deaths and potential severity of the crashes and injuries that could result from leaking fuel tanks, the center said that such things as "a minor-spark-causing collision," and "an overheated engine or exhaust system . . . could result in an immediate inferno."

Insurance Institute for Highway Safety crash tests, which demonstrated vehicle fuel system design deficiencies in late model cars, have illustrated the ease with which a fuel leak can combine "with a momentary spark from electrical components, crash friction, road flares or some other source" to start a fire. (See *Status Report*, Vol. 8, No. 11, May 29, 1973.)

NHTSA has recently begun rulemaking aimed at establishing a standard on electrical system integrity in a crash. The agency asked for information and comments on major aspects of vehicle electrical

systems, including how electrical systems are involved in the ignition of fires and suggestions for improving their safety performance. (See *Status Report*, Vol. 10, No. 16, Sept. 30, 1975.)

NHTSA's upgraded fuel system integrity standard (FMVSS 301) took effect on Sept. 1, 1975 when a static rollover test for passenger cars was added to the 30 mile per hour frontal barrier crash test required of all vehicles. Beginning Sept. 1, 1976, passenger cars will also have to pass a 30 mile per hour rear and a 20 mile per hour lateral moving barrier impact test. There is, however, no requirement in the standard that a vehicle's rear corners be tested. Also beginning Sept. 1, 1976, the static rollover, rear and lateral moving barrier tests will be phased in for multipurpose passenger vehicles, trucks and buses weighing 10,000 pounds or less in a loaded condition. That phase-in will be completed by Sept. 1, 1977. (See *Status Report*, Vol. 9, No. 8, April 16, 1974.) There is no existing or proposed fuel system integrity standard for any vehicles, except school buses, weighing more than 10,000 pounds. NHTSA enacted its school bus standard, which takes effect July 15, 1976, in response to a congressional mandate.

Earlier this year, NHTSA adopted new procedures for public initiation of safety standard rulemaking and defect investigations. In the Motor Vehicle and School Bus Safety Amendments of 1974, Congress directed NHTSA to establish such procedures and set a time limit of 120 days for the agency to respond to such petitions. (See *Status Report*, Vol. 10, No. 18, Nov. 5, 1975.)

Commercial Drivers 'At Extra Risk'

Vehicles and highways are the "working place" of many Americans. Yet they are often unnecessarily hazardous, despite the intent of the Occupational Safety and Health Act (OSHA) requiring employers to provide places of employment that are free from recognized hazards "likely to cause death or serious physical injury," according to a paper delivered at the recent annual meeting of the American Public Health Association.

The authors pointed out that the Department of Labor, which administers OSHA, has set no specific standards relating to the on-the-road safety of drivers and that Bureau of Motor Carrier Safety regulations apply only to drivers involved in interstate commerce. Thus, according to the authors, millions of professional drivers "are at extra risk of death or injury on the highway, partly because they drive more miles [than nonprofessional drivers]." Furthermore, "many vehicles — ranging from police motorcycles to tractor-trailers — pose special risks because of their lack of protective capability." (See *Status Report*, Vol. 10, No. 12, July 9, 1975.)

Although the National Highway Traffic Safety Administration does promulgate regulations for vehicles, "these standards are not established for purposes of occupational safety and, in fact, often are delayed, weakened, or not applied in the case of vehicles such as vans, trucks, tractor-trailers and buses," said the authors. (See accompanying chart.)

The paper, "Professional Drivers: Protection Needed for a High-Risk Occupation," was written by Susan P. Baker, associate professor at The Johns Hopkins University School of Hygiene and Public Health; Jackson Wong, senior automotive engineer at the Insurance Institute for Highway Safety and Robert D. Baron, the Safety Council of Maryland's director of industrial services and training. The research was supported by the Maryland Medical-Legal Foundation and IIHS.

The authors pointed out that loss-reduction approaches used "in other occupational environments, have not been applied to vehicular 'workplaces' to the extent practical." For example, the paper cites the OSHA regulations requiring the use of protective equipment such as hard hats and goggles, and seat belt use by operators of tractors with rollbars. They said that "federal requirements for safety belt use by all professional drivers would be comparable . . ." There now is a BMCS regulation requiring the use of safety belt restraints by drivers involved in interstate commerce. But the authors stated that, "At present there is

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The following selected list of safety standards will serve to illustrate the disparity in effective dates for passenger cars and large trucks.

FMVSS	DESCRIPTION	EFFECTIVE DATES	
		Passenger Cars	Trucks Larger Than 10,000 lbs. GVWR
105	Hydraulic Service Brake, Emergency Brake, Parking Brake Systems	1-1-68	--
109,119	New Pneumatic Tires (109 - passenger cars; 119 - other vehicles)	1-1-68	3-1-75
110	Tire Selection and Rims	4-1-68	--
111	Rearview Mirrors	1-1-68	2-12-76
117	Retreaded Pneumatic Tires	1-1-72	--
201	Occupant Protection in Interior Impact	1-1-68	--
202	Head Restraints	1-1-69	--
203	Impact Protection for the Driver from the Steering Control System	1-1-68	--
204	Steering Control Rearward Displacement	1-1-68	--
206	Door Locks and Door Retention Components	1-1-68	1-1-72
207	Seating Systems	1-1-68	1-1-72
208	Occupant Crash Protection (Seat Belts)	1-1-68	7-1-72
210	Seat Belt Assembly Anchorage	1-1-68	7-1-71
212	Windshield Mounting	1-1-70	--
214	Side Door Strength	1-1-73	--
216	Roof Crush Strength	8-15-73	--
301	Fuel System Integrity	1-1-68	--

no basis for belief that a majority of professional drivers are actually protected by safety belts, especially since few companies not covered by BMCS regulations require their use."

FAIL-SAFE MECHANISMS

In other occupations it "has become accepted practice to protect the worker from the consequences of human and other failures," the researchers said. They cited the "fail-safe mechanisms and passive protection" such as "machinery that is automatically switched off, before a hand can be mutilated, and an electric eye that senses an impending injury-producing situation."

“These ‘passive’ approaches, however, have been applied far less commonly in commercial vehicles than in automobiles, and some — such as passive occupant restraints — are rarely available even in automobiles. Thus, millions of workers have been deprived of ‘fail-safe’ mechanisms that could protect them when a potentially injurious crash occurs,” the authors stated. (See *Status Report*, Vol. 10, No. 11, June 18, 1975.)

The authors also explained that, “Highway (including roadside) design is not responsive to special risks related to the large and heavy trucks presently permitted on the highway.” They said that “many of the crashes that killed tractor-trailer drivers would have been less lethal had their vehicles collided with guardrails capable of safely redirecting heavy vehicles, or with structures that could attenuate the crash forces.”

They concluded that “the power to address these problems exists already, in various federal agencies. Furthermore, the technical capability exists, and often has existed for years or decades, without being applied. What is required now is acknowledgement of the problems, clarification of responsibility, development of organizational mechanisms, and, finally application of available knowledge and technology. Until such steps are taken, the worker whose ‘workplace’ is a motor vehicle is not likely to benefit from the intent of the Occupational Safety and Health Act ‘ . . . to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources.’ ”

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