

Status Report

NHTSA Rejects Delay Of Bumper Standard

Efforts by auto manufacturers to delay a 1980-model standard limiting the amount of damage a bumper may sustain in low-speed crashes have been rejected by the National Highway Traffic Safety Administration.

NHTSA has withdrawn three proposed alternatives that would have postponed the Sept. 9, 1979, effective date of Phase II of the bumper damageability standard (Phase I takes effect next year). The action means that starting with 1980-model cars, bumpers not only must protect the cars from damage in low-speed crashes but also must themselves show only limited crash effects.

The Insurance Institute for Highway Safety, together with representatives of consumer groups and the insurance industry, had testified for continuance of the standard at an NHTSA hearing July 28 (see *Status Report*, Vol. 12, No. 13, Aug. 15, 1977). "Information gathered by the agency indicates clearly that consumers will benefit from bumper systems that meet the Phase II requirements of the standard," NHTSA said November 1 in withdrawing the alternative proposals. "This is precisely what the agency was ordered by Congress to accomplish with a bumper standard."

FIRST REQUIREMENTS EFFECTIVE NEXT YEAR

Phase I of the standard will take effect Sept. 1, 1978. While it will limit damage to new cars other than to bumper systems in five-mile-per-hour front and rear barrier and pendulum impact tests and three-mile-per-hour corner pendulum impact tests, it will allow unlimited damage to bumper face bars and their associated fasteners and components. (Three miles per hour is approximately the rate of a toddler's walk; five miles per hour is an adult's brisk gait.) Phase I represents no progress, Ben Kelley, Institute senior vice president, commented at the July hearing. "Already — not to speak of a year from now — the Phase I requirements lag far behind the technological capabilities of the industry and . . . far behind the performance of new cars as well."

Phase II requires that by the 1980 models the bumpers themselves must remain essentially undamaged in the same low-speed impact tests. Bumpers must not suffer more than three-fourths of an inch deformation from the original contours and no individual dent may exceed three-eighths of an inch.

"Although manufacturers may be able to reduce slightly the cost of compliance with the Phase II requirements by a delay in the effective date," NHTSA said, "the costs associated with compliance are so small as to not justify further denial to the public of the benefits available under the standard. Information submitted by the automobile manufacturers indicates that consumers will have to pay on the average of \$6-\$10 more for a vehicle equipped with Phase II bumpers than they will for a vehicle with Phase I bumpers. This cost increase is considered insignificant in light of the benefits that can be expected to accrue as a result of the implementation of Phase II."

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THREE ALTERNATIVES CONSIDERED

The alternative actions studied by NHTSA before issuing its ruling were:

- Reissuance of a previously proposed amendment that would have delayed the effective date of Phase II until Sept. 1, 1980. This was originally proposed by former NHTSA Administrator John Snow in response to auto maker appeals.
- A combination of the one-year delay with a consumer information program on bumper damageability. The purpose, NHTSA said, would be "to enable consumers to base their car-buying choices on what they perceived to be satisfactory bumper system performance."
- An indefinite postponement of the Phase II effective date, linked with the proposed consumer information program.

Since 1972 a standard has been in effect requiring bumpers to protect safety equipment such as the lighting, braking and fuel systems from damage in very low-speed crashes. However, until Phase I of the new standard becomes effective for the 1979-model cars, there is no vehicle performance standard in force requiring equipment to limit economic loss from crash damage (see *Status Report*, Vol. 12, No. 4, March 2, 1977).

Institute Argues Bumper Components Should Comply

If auto manufacturers insist on adding "cosmetic components" to bumper systems, they should be held to no-damage standards for those components, the Insurance Institute for Highway Safety has told the National Highway Traffic Safety Administration (NHTSA).

The comments were made on an NHTSA notice of proposed rulemaking that would provide two alternative damage levels for filler panels and stone shields. One proposal would permit damage up to three-fourths of an inch from the original contours and the second would permit unlimited damage.

"There has been no demonstrated functional energy absorbing purpose that filler panels and stone shields serve in damage protection," William Haddon, Jr., M.D., the Institute president, said in a letter to the NHTSA docket. "Filler panels and stone shields are essentially cosmetic components that cover the bumper shock absorber units. Some automobile manufacturers, including Volkswagen, American Motors Corporation and General Motors, do not even use filler panels or stone shields on certain models. In addition, bumper/front-end designs featuring soft-faced systems eliminate the use of filler panels and stone shields. The Motor Vehicle Information and Cost Savings Act's purpose is to reduce the cost of damage. To permit damage to cosmetic components is clearly contrary to the intent of the Act."

The use of filler panels and stone shields may actually add to vehicle damage in a crash, Haddon said, by permitting a buildup of trapped foreign material — such as ice or snow — that could interfere with proper operation of the bumper system.

UNNECESSARY ITEMS ADD COST

Additional costs are added in both purchase and repair of a vehicle equipped with filler panels and stone shields, Haddon pointed out. "For front/filler bumper assemblies," he wrote, "a sample of costs

shows that a 1977 Ford Pinto requires expenditures of \$27.20 to replace filler panels while a 1977 Ford LTD costs \$68.40. Other sample models show the component costs equal \$62.35 for a 1978 AMC Matador; \$35 for a 1977 Chevrolet Impala; and \$54.50 for a 1977 Oldsmobile Cutlass. Foreign vehicles are also subject to additional cosmetic costs. For example, replacement costs for a 1977 Honda Accord total \$14.30 while additional expenditures of \$112.85 are required for a 1977 Datsun 610. These figures represent only parts replacement costs for unnecessary components.”

Haddon cited another aspect of the wastefulness of cosmetic components shown in the testimony of Paul H. Taylor of Taylor Devices, Inc., during oversight hearings on the Motor Vehicle Information and Cost Savings Act last spring. Taylor testified, “To put that (a filler panel strip) on 5 million vehicles requires 22.5 million gallons of petroleum per year, to make the strip, and that is enough fuel to fly Pan American’s entire fleet of 747s, 737s, 727s for 10 days.”

Congress Rejects Passive Restraint Attacks

Congress has endorsed passive restraints by decisively rejecting efforts to overturn Transportation Secretary Brock Adams’ ruling requiring that increased levels of automatic crash protection be provided in new cars, starting with the 1982 model year.

After four days of hearings covering all aspects of the restraints problem, the Senate Consumer Subcommittee voted 5 to 0 to uphold the Adams decision. The Senate Committee on Commerce, Science and Transportation agreed with the subcommittee’s findings by a 9-to-7 vote and recommended to the full Senate that the resolution to veto Adams’ ruling be rejected. After an hour of floor debate, the full Senate agreed, 65 to 31, that the passive restraint decision should stand and tabled the resolution.

In the House, after two days of hearings, the House Subcommittee on Consumer Protection and Finance decided by a voice vote to recommend disapproval of the resolution to overturn the Adams ruling. Carried on to the full House Committee on Interstate and Foreign Commerce, the resolution twice was disapproved, the second vote of 16 to 14 tabling the matter in committee.

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	HOUSE	SENATE
<i>Subcommittee</i>	Voted to recommend disapproval of Shuster resolution to Commerce Committee (vote unrecorded)	Voted 5-0 to recommend disapproval of Griffin resolution to Commerce Committee
<i>Committee</i>	Twice voted down Shuster resolution, the second time tabling it in committee by a 16-14 vote	Voted 9-7 to send Griffin resolution to the floor with recommendation it be rejected
<i>Floor</i>	Not referred for action	Griffin resolution defeated by 65-31 vote

Quotes From Capitol Hill

Passive restraints drew strong endorsements on Capitol Hill during debate over the veto resolutions. Here are some of those comments:

Sen. Wendell Ford (D.-Ky.): "If the Department of Transportation's rule becomes effective, we can take a major step to end the carnage on our highways."

Sen. Abraham Ribicoff (D.-Conn.): "I believe that these air bag (passive restraint) standards are one of the most important automobile safety advances which the government has ever undertaken. The potential savings in lives and dollars is great. The efficiency and economy of air bags has been well proven."

Sen. John A. Durkin (D.-N.H.): "If we wait for Detroit we will be tired and old before Detroit moves to resolve what is a very serious problem."

Sen. Lloyd Bentsen (D.-Tex.): "I am convinced that future efforts to reduce automobile deaths will find the greatest payoff through improvements in the safety features of the vehicles themselves. Based on the substantial evidence that is presently available, I have concluded that passive restraint systems are the most effective way to improve vehicle safety."

House Consumer Subcommittee report: "When realistic assumptions are made about the potential usage rates for the present active restraint systems, virtually all studies show a substantially greater effectiveness for both passive belts and air bags in saving lives and preventing injuries."

Thus ended efforts on Capitol Hill — at least for this year — to overturn the Department of Transportation requirement for increased automatic protection. (Since the initial federal motor vehicle safety standards came into effect in 1968, auto manufacturers have been required to provide several kinds of automatic protection, for example by means of redundant braking systems, rims that retain blown-out tires, energy-absorbing steering wheels, and minimum amounts of crash padding.) The increased automatic crash protection must be installed in all 1982-model full-sized cars, in mid-sized cars in the 1983 model year and in all new cars starting with the 1984 models.

PASSIVE OPTIONS PROMISED

Passive restraints as an extra-cost option should be available before those requirement deadlines. At the Congressional hearings, both General Motors and Ford representatives announced plans to introduce optional equipment on an earlier schedule. General Motors expects to offer automatic belts in selected models as early as the 1979 model year, with optional air bags following soon after. Ford plans a passive-belt option in at least one car line the following year. Volkswagen now offers a passive-belt option, and Toyota hopes to have a driver-only air bag by the 1980 model year.

The Department of Transportation has yet to respond to petitions for reconsideration of the passive restraints rule filed by the four domestic auto makers and other interested parties, including Ralph Nader and the Center for Auto Safety. While the department operates under no restriction on when

responses must be made, it is agency policy to deal with petitions within 90 days of their filing. In the case of the petitions on passive restraints, the responses would be expected in the first two weeks of November.

The Adams ruling also faces one court challenge, filed by the Pacific Legal Foundation, a public-interest law firm. The group's petition for review is pending in the District of Columbia Court of Appeals, but judicial action is not expected until sometime next year.

Quoted Without Comment

“The passive restraint . . . technology is available and the need is there. I think the only way passive restraints are going to get to first base is making them mandatory. Another test will prove nothing. Let the passive air cushion evolve like all other systems. By mandating the basic performance requirement and not telling the industry how it should be done will get the job done.”

—*The late Edward N. Cole, president of General Motors from 1967 to 1974, in a letter to William Haddon, Jr., M.D., president of the Insurance Institute for Highway Safety, Jan. 20, 1977.*

NTSB Opposes Lowered Highway Design Standards

Warning that the Department of Transportation's recent proposal to adopt substantially lowered highway design standards would “increase hazards and accidents,” the National Transportation Safety Board has recommended that “the lowered standards should not be advanced as a rulemaking.”

The board recommended that, before considering the standards reduction proposal further, DOT should “complete a comprehensive analysis” of the safety impact of altering the design of various geometric elements, and should “conduct public hearings nationwide to determine the public reaction” to the findings.

STATE SAFETY REPRESENTATIVES ALSO VOICE OPPOSITION

In a related development, the National Association of Governors' Highway Safety Representatives voted at its recent annual meeting to oppose adoption of the lowered standards.

NTSB's comments came in response to an Advance Notice of Proposed Rulemaking by DOT's Federal Highway Administration that suggests the use of substantially lowered design standards on future federal-aid highway reconstruction-type projects. (See *Status Report*, Vol. 12, No. 15, Oct. 13, 1977.) The lowered standards, developed by the American Association of State Highway and Transportation Officials (AASHTO) and FHWA, have already been adopted by AASHTO members for use on non-federal-aid projects. Highway reconstruction-type work — or so-called “resurfacing, restoration, and rehabilitation” (R-R-R) projects — first became eligible for federal funding in 1976. Such work is expected to constitute the majority of future highway work, since few new highways are due to be built.

In a lengthy letter to the FHWA and DOT Secretary Brock Adams, NTSB argued that the FHWA, in proposing to reduce highway design standards “without analyzing [such a move's] possible safety effects, is attempting to place the burden of proof of the safety effects on those who oppose the proposal. The burden of proof, however, should be on those who seek its adoption.”

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NTSB's letter specifically addressed several geometric design elements which have been lowered in the new AASHTO standards and asserted that the changes "cannot possibly improve safety." The board noted that even the authors of the reduced standards have urged that they not be used in designing reconstruction-type projects for freeways "because of the high levels of safety that are expected" by drivers on these roads.

Dismissing AASHTO's claim that differences among the various states' topography, climate, soil conditions, etc., make it difficult to develop national highway design standards, the board noted that "railroads operate through[out] the United States with one set of Federal Track Safety Standards."

WEAKNESS OF PROPOSED STANDARDS POINTED OUT

The Governor's Highway Safety Representatives' strongly worded resolution attacked the standards because their adoption would leave "roads with inadequate width and superelevation ('banking');" because they "start with the lowest possible design standards and require justification of higher standards, thus permitting highway safety construction to be degraded;" and because they permit "certain well-established minimum safety designs such as curvature, width of lanes, superelevation, width of bridges, and [elimination of] roadside obstacles to be violated without justification."

In a speech to the group, John O'Hara, associate counsel to the House Subcommittee on Investigations and Review, urged each member to "consider how these new, lower standards are going to affect future roadbuilding and safety" and to make their opinions known at FHWA.

The FHWA has said it will extend the period for comments on this proposal till November 22. Persons interested in commenting should write to FHWA, Docket No. 77-4, Room 4230, 400 Seventh St., S.W., Washington, D.C. 20590.

Haddon Objects To Task Force Recommendations

Several recommendations by the Federal Highway Administration's (FHWA) Regulations Reduction Task Force have been criticized as a threat to highway safety by William Haddon, Jr., M.D., president of the Insurance Institute for Highway Safety.

The recommendations were included in a report of the task force, which had been charged with the responsibility of reviewing "the entire spectrum of FHWA requirements with a view toward determining how the federal-aid delivery system might be improved and requirements reduced to an absolute minimum consistent with effective program management."

In a letter to FHWA Administrator William Cox, Haddon said that while the agency's efforts to minimize bureaucratic red tape and delays were "laudable," some of the proposals might "dismantle some of the most important safety checks and balances which have been carefully built into FHWA's administrative system over many years."

Haddon commented on these task force recommendations:

- *That, increasingly, federal-aid highway program funding categories should be consolidated to maximize state and local "flexibility" in determining priorities for spending.*

There's evidence, Haddon said, that when states are given "flexibility" in setting priorities they give a very low priority to funding safety improvement projects. "In fact," he urged, "the concept of *Status Report*

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earmarking money for safety should be *expanded*. The states' need for flexibility can be met by permitting states to transfer funds from one category to another upon demonstrating that they have no need for work in the first category – or that needs in another category are of justifiably higher priority than those of the first category.”

- *That FHWA adopt a “firm policy” that it “would not withhold project reimbursement as a corrective action (for discovered project errors or deficiencies) except in cases clearly illegal.”*

“Adoption of such a policy would be unwise, if not illegal,” said Haddon. By adopting such a “no-questions-asked” policy, he commented, the FHWA would be ignoring its “statutory duty to protect the federal interest in all federally funded projects and to participate in funding only projects which are ‘conducive to safety.’”

- *That approval by FHWA of a state’s application to operate under Certification Acceptance should be granted at the state’s request, based upon an FHWA finding that the state is capable of accomplishing federal legislative objectives; and that the applicant state need not submit any documentary material to support its “certification” that it has the necessary laws and procedures to meet the federal objectives.*

“Many states have not yet demonstrated the capability of designing, building and maintaining/improving roads correctly without substantial federal supervision,” Haddon said. He also pointed out that “FHWA has not yet described – in this report or anywhere else – how they will ‘find’ a state to be, in fact, ‘capable’ of operating under CA or CA-like processes.” (Certification Acceptance is a procedure by which the federal government allows states to supervise their own highway construction and hazard removal projects on most of the federal-aid highway system. See *Status Report*, Vol. 11, No. 5, March 19, 1976.)

- *That FHWA should use the CA concept – process review, rather than step-by-step project review – for overseeing states’ federal-aid highway program actions, even in program areas statutorily excluded from CA and even in states which have not applied for or been granted CA approval.*

Haddon expressed doubts that this recommendation could be implemented under the existing law, and added that “in the absence of ‘on-the-road’ evidence of states’ ability to perform well without federal oversight, FHWA should be extremely cautious about eliminating project-level surveillance.”

DOT Plans Renewed Speed Limit Campaign

In a report to President Carter, Transportation Secretary Brock Adams, noting increasing violations of the 55-mile-per-hour speed limit, has outlined a program to secure at least 85 percent compliance.

That goal is far above current levels, the report states, but is “realistic, provided that a reasonable time frame is provided.” The most recent figures indicate that the percentages of vehicles exceeding the speed limit by state during the first half of 1977 ranged from 30.5 to 77 percent. The percent of vehicles exceeding 60 m.p.h. ranged from 7.5 to 40 percent.

“The 55 m.p.h. speed limit has proved its effectiveness, but it is in danger of losing its punch,” Adams explained in a speech to the International Association of Chiefs of Police. “It is sensible and reasonable – ‘A law we can live with.’ Unfortunately, this good law is not being taken seriously by all our citizens.”

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SAVING OF LIVES IS MAJOR RESULT

The speed limit was enacted in January 1974 primarily as a fuel-saving measure, but DOT reports, "The major impact . . . has been the saving of lives." In its first year, DOT said, highway deaths dropped by 9,353, a 16.8 percent decrease from the previous year. The annual fatality rate (fatalities per 100 million vehicle miles) dropped 14.7 percent in that year.

In addition to saving lives, the DOT report explains, the speed limit also has reduced the number of significant injuries. "Neurologist Dr. Simon Horenstein (of the St. Louis University School of Medicine) told an American Medical Association convention in 1976 that the number of spinal cord injuries caused by auto accidents had dropped by 60 to 70 percent at his hospital," DOT reported, "with the most important factor being the reduced speed limit." The report also cited an estimate by the Epilepsy Foundation of America that the speed limit has prevented at least 90,000 epilepsy-causing head injuries each year.

While all states have enacted 55 m.p.h. limits, there is a wide range of penalties for violations, from a fine of up to \$500 and assessment of driver's license points in Maryland to a \$5 fine and no penalty points in Idaho. DOT expresses concern over the matter of penalties. "A trend toward lower penalties has become more evident in the last six months," the department reports. "Some state legislatures have apparently determined that they can blunt the effectiveness of the speed limit by rendering penalties virtually meaningless. This approach maintains the official 55 m.p.h. speed limit, but in effect 'nibbles' away at the limit by decreasing or eliminating the deterrent."

WORST OFFENDERS ARE IDENTIFIED

The 10 states showing the highest percentages of vehicles exceeding the speed limit, as reported by DOT, are: Wyoming, Connecticut, Missouri, Maine, Texas, North Dakota, Arizona, Utah, Indiana and Tennessee. The states identified as having the lowest percentages of speed offenders are: Virginia, Louisiana, Hawaii, New York, Kentucky, Colorado, Alaska, New Jersey, New Hampshire and Pennsylvania. The report was based on speeds on all roads with a posted speed limit of 55 m.p.h.

Under provisions of the legislation calling for the 55 m.p.h. limit, the Secretary of Transportation is authorized to withhold approval of federal-aid highway projects from states that fail to enforce the speed limit. This has not been done, although DOT requires each state to submit their enforcement records each year with their certification of compliance. "The Department has had difficulty in reviewing these submissions," DOT reported, "and determining the adequacy of state certifications, due to the absence of 'enforcement' criteria by which to evaluate state performance under the statute."

To achieve the goal of increased compliance with the speed limit, Secretary Adams recommended the following actions:

- An aggressive, long-term public information and education program to boost voluntary compliance.
- Increased federal commitment to the program including steps to assure that federal employees and vehicles are in compliance.
- An allocation of \$30 to \$50 million in the NHTSA budget to give funding assistance for state enforcement.
- A request for Congressional authority for DOT to establish federal compliance standards.
- Federal technical assistance to states to improve enforcement.

The DOT report makes no mention of the fact that Adams has the authority, as a life-saving measure, to require manufacturers to lower the top speeds they design their vehicles to be able to reach. These built-in speed limits have commonly exceeded 100 miles per hour by considerable margins. In 1970, NHTSA issued a notice of proposed rulemaking to set a maximum speed capability for cars at 95 m.p.h. A 1975 NHTSA staff memorandum recommended dropping the proposed standard, and there has been no further official action on the proposal. (See *Status Report*, Vol. 12, No. 8, May 17, 1977, and Vol. 10, No. 8, April 11, 1975.)

States Adopt Weakened Moped Laws

Thirty-two states and the District of Columbia have now passed legislation weakening the laws under which mopeds can be operated. Passage of these laws followed intense lobbying by moped manufacturers and dealers.

Previously, most states classified mopeds as motorcycles. Moped operators were then required to meet the same standards as motorcycle operators regarding driver testing, licensing, helmet use, minimum age for operation, mandatory liability insurance, etc. Now, however, many states are classifying mopeds either under a separate category – such as motor-assisted bicycles, motorized bicycles or mopeds – or simply as bicycles.

In general, the legislation in the various states sets maximum speeds at 20-30 miles per hour and minimum age requirements for operators at 12 to 16 years. Hawaii and Maryland, however, have set no maximum speeds for mopeds, and New Mexico has no minimum age requirement for operators. Only one state, New York, has a helmet-use law.

The Federation of Insurance Counsel (FIC) and the National Highway Traffic Safety Administration have recently questioned these weakened laws. The FIC is an organization of insurance attorneys and company representatives that, among other things, disseminates information on motor vehicle crash losses.

FEDERATION OF INSURANCE COUNSEL

In a letter to the governors of all states, the president of FIC, Dominic J. Cornella, said, “The issue of mopeds is one that gives us great concern. The state laws are being changed to permit their operation (in most cases as bicycles) when no U.S. statistics are available to give guidance as to their danger. This concern is deepened by the fact that some states may never get such information since a number of them do not require these vehicles to be registered and, therefore, accurate crash statistics will be unavailable.”

The FIC also questioned some of the assumptions that have led to the laws:

- *“Savings in gas consumption; mopeds get 100 miles to the gallon – Savings such as these are only savings if another mode of transportation is replaced. No adequate evidence has been offered that this is in fact the case. There is some indication that purchasers of these vehicles are predominantly young people and are using them principally for pleasure driving. Consequently, we may be using more rather than less gas.*

- *“Mopeds are safe; rate of fatalities is three times less than motorcycles – Less than motorcycles, yes; but six times higher than bicycles. These statistics are based on European studies where the vehicle density and use may differ than in the United States. No U.S. statistics are currently available.*

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'Safety Is Not A Game'

In a recent speech to the International Association of Chiefs of Police, Transportation Secretary Brock Adams was sharply critical of the use of radar-detection devices by the motoring public to evade arrests for speeding. "Unlike the CB radio, which has value in emergency situations, the only purpose of the radar detector is to help motorists beat the system," he said. "Highway safety is not a game and I do not think we should permit this kind of gamesmanship."

- *"Safety equipment unnecessary* – These laws remove the helmet requirement for mopeds, yet mopeds operate in the same traffic mix as motorcycles and in the speed ranges involving motorcycle crash fatalities and serious injuries. In addition to this lack of protection, many states permit mopeds to be operated by untrained or unlicensed drivers."

The Federation asked the governors to "review the present status of your moped laws and ask some hard questions concerning the benefits and detriments of the vehicle's use in your state." The FIC also asked that it be told of any procedures being used to gather data on moped related injuries and deaths.

NHTSA INVESTIGATION

NHTSA is currently conducting several studies of moped use and moped crashes to determine "the accident potential of mopeds."

Lewis Buchanan, NHTSA's motorcycle safety specialist, recently wrote an article on mopeds in NHTSA's newsletter. Acknowledging that three years ago, "NHTSA eased some of the Federal Motor Vehicle Safety Standards applicable to motorcycles in order to facilitate importation and sale of mopeds," he said that safety officials now view mopeds as "mixed blessings."

Speaking of the weakened state laws, Buchanan said, "One wonders whether the states have perhaps moved too quickly with this legislation, and whether deaths and serious injuries will occur needlessly because of lack of adequate driver licensing procedures, lack of adequate training for riders and failure of legislators to provide for safety helmet use."

Recently, NHTSA head Joan Claybrook wrote to the Motorized Bicycle Association (MBA), the moped trade association, asking its position on a number of state safety laws.

Although the MBA has been active in lobbying for moped laws and does not support such basic safety requirements as helmet use laws, its position on a number of issues is stronger than many state laws. For example, the MBA supports licensing, local registration of mopeds and prohibition of mopeds on certain high-speed roads. Many states with moped laws have no such requirements.

Correction

The previous issue of *Status Report* (Vol. 12, No. 15, Oct. 13, 1977) reported that the governor of Texas vetoed a law repealing that state's motorcycle helmet use law. The governor did not veto the law, which allows motorcycle riders over 18 years old to ride without helmets.

UPDATE . . .

TRUCK AND BUS WHEEL LOCK: Last month, the National Highway Traffic Safety Administration's Truck and Bus Safety Subcommittee (a citizen advisory group) passed and then "set aside" a resolution recommending that NHTSA "defer" the provision of the highway safety standard (FMVSS 121) that prevents "lock-up" of wheels during braking.

The controversial safety standard has been fought by truck manufacturers and trucking firms, but defended by the Teamsters Union, highway safety organizations and others. (See *Status Report*, Vol. 10, No. 19, Nov. 24, 1975.)

At a September 20 meeting the subcommittee voted 9 to 7 to recommend the lock-up provision of the standard be deferred "until the system is further developed and proven successful by a representative number of fleets large and small."

Two days later, a mail ballot was sent to all members of the subcommittee recommending that the resolution be set aside and that an ad hoc committee be formed to present "a range of alternatives for future action regarding the wheel lock provisions of 121." This mail ballot was passed 13 to 5 with 3 abstaining.

REAR UNDERRIDE PROTECTION: Pennsylvania's Bureau of Traffic Engineering has endorsed the U.S. Department of Transportation move to require improved protection on trucks to prevent underride by other vehicles in rear-end collisions. Pennsylvania officials pointed out that state accident investigation data "indicate that truck underriding is increasing on Pennsylvania highways due primarily to increased traffic volumes, greater mix of vehicle types and increased small car registrations."

In comments to the docket, the Pennsylvania engineers said they concur with "the direction taken by the Insurance Institute for Highway Safety." (See *Status Report*, Vol. 12, No. 6, March 29, 1977.) The state bureau suggests a "bar and rail" type structure suspended beneath the rear frame members, covered by a plate bearing reflective material and accented by increased rear marker lights.

The New York State Automobile Association, representing a membership of more than one million motorists in its 19 AAA clubs, also has filed comments urging that "countermeasures against this hazard (rear underride) are long overdue." The association explained, "While we take no specific position on the type of device to be used or where it should be placed, we believe that standards should include the front of large trucks and trailers since their bumpers are often higher than those on passenger cars."

DOT is proposing both to upgrade the 25-year-old Bureau of Motor Carrier Safety standard applying to commercial interstate trucks now on the road, and to have the National Highway Traffic Safety Administration issue an underride standard for new trucks. An advance notice of proposed rulemaking for both actions was issued August 29.

Comments on the advance notice may be submitted by Nov. 30, 1977, to the Bureau of Motor Carrier Safety (Docket No. 77), Room 3402, 400 Seventh St., S.W., Washington, D.C. 20590.

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the highway loss reduction

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