

Agency to Rely on Belt Use Education

NHTSA Abandons Automatic Restraint Standard

The National Highway Traffic Safety Administration (NHTSA) has issued an order to cancel the U.S. Department of Transportation's long-standing "passive restraint" regulation — which originally was to have become effective starting this fall — and with the order has published a lengthy report to support its action.

On Capitol Hill the decision was met by a demand for congressional action. Sen. John Danforth (R.-Mo.), chairman of the Surface Transportation subcommittee, filed a bill to require restoration of the standard.

NHTSA gave parties objecting to its decision until December 3 to file petitions for reconsideration with the Secretary of Transportation. It is understood that a number of groups, including insurance and consumer groups, are planning to file petitions and also may be considering taking the order to court before its effective date of December 8.

The order, despite the length of the justification accompanying it, has as its sole result the relieving of any obligation for auto manufacturers selling cars in America to provide their customers at any time with "passive," or automatic, restraints for improved protection in crashes. It was the development of air bag technology by U.S. motor vehicle makers and their suppliers more than a decade ago that originally prompted DOT to formulate the passive restraint requirement of its Federal Motor Vehicle Safety Standard (FMVSS) 208. Subsequently the companies developed automatic safety belt designs as an alternative if less

(Cont'd on next page)

NHTSA Sees Thousands More Dying on Highways

By the federal highway safety agency's own estimate, 19,000 more people may die each year on the nation's highways by 1990 than were killed last year.

The National Highway Traffic Safety Administration (NHTSA), in a newly published paper called "Traffic Safety Trends and Forecasts," projects that traffic fatalities could reach 70,000 by the end of the decade. That compares with an estimated traffic toll of approximately 51,000 for 1980.

NHTSA says the largest part of the increase, about 10,000 a year, will be the result of the continued downsizing of passenger cars and increased numbers and mileage of heavy trucks. Other factors in the increased toll, the agency predicts, will be an increase in the number of persons driving; an increase in vehicle miles travelled; more fatalities because of higher speeds; greater use of motorcycles, mopeds, and bicycles; and an increase in pedestrian fatalities.

(Cont'd on page 6)

NHTSA Abandons Automatic Restraint Standard (Cont'd from page 1)

effective way of meeting the requirements. Meanwhile, they have opposed any federal attempts to ensure that such technologies be provided on future new cars, and with a few exceptions also have declined to offer such systems as new-car options. (See *Status Report*, Vol. 14, No. 15, Oct. 9, 1979.)

The decision, as announced by Raymond Peck, NHTSA administrator, was not a popular one in the NHTSA headquarters. By Peck's admission, "there is great disappointment, great frustration, and great chagrin" among his aides over abandonment of the automatic protection rule. "I don't think anyone on my staff agreed with all aspects of this decision . . .," he told a press conference.

The NHTSA decision flies in the face of departmental, congressional, and court decisions over the past decade that have consistently favored federal action to put passive restraints – air bags or automatic belts – into new cars. It was foreshadowed earlier this year, first by inclusion of the passive restraint standard on the Administration's list of targets for deregulation, and then by issuance of an order to delay the standard's effective date from Sept. 1, 1981 – when it was originally to have taken effect for large cars – by one year. At the same time NHTSA issued a list of proposed alternatives to the existing standard, ranging from slight delay to complete rescission. It held a hearing on its proposals on August 5.

Rationale for Order

In defense of its order dropping the standard, NHTSA named two principal reasons: (1) "uncertainty" about the public acceptability and use of automatic safety belts of the type "which the car manufacturers planned to make available to most new car buyers," and (2) "the relatively substantial cost of automatic restraints . . ." Vehicle price increases of "approximately \$1 billion a year" would have resulted from the standard, it said.

It also cited the "possibility that adverse public reaction to the cost and presence of automatic restraints could have a significant adverse effect on present and future public acceptance of highway safety standards."

Further, while denying that its rescission of the standard would mean "safety losses" to the public, the agency at the same time said that the "expected results" of its "planned education program about safety belts" would balance "any potential losses" that might occur because the standard has been dropped. (Although the agency announced its intention to undertake a massive manual belt-use promotion campaign many months ago, it still has released no details of the planned campaign and no research findings pointing to effective approaches the campaign might adopt. See *Status Report*, Vol. 16, No. 13, Sept. 4, 1981.)

Dropping the standard might have meant "significant safety loss" if the standard would have even doubled present belt use, the agency said. But it found that because manufacturers intend to meet the standard on most new cars with "easily detachable" automatic belts, occupants "may treat the belt as a manual one," leaving it disconnected all the time and thus frustrating the standard's purpose of providing increased protection in crashes. It cited no evidence, however, that this would happen, and in fact stressed the "lack of any directly relevant data on the most important issue, i.e., the public reaction to and usage rate of detachable automatic belts."

As to the possibility of modifying the standard so as to preclude automatic belt designs that discourage use by being easily detachable, the agency took note of two alternative designs – one, the Volkswagen Rabbit automatic belts, which discourage disconnection except in emergencies by an interlock design that prevents the car from being started when the belt is disconnected, and the 1980 Chevrolet Chevette, which ensures quick emergency exit through a spool-out rather than a disconnect device. Both cars, it noted, have high reported belt-use levels.

NHTSA said that while it "believes such features would increase belt usage," it would not mandate them – specifically, in the case of the VW approach, because Congress in 1974 forbade the agency from requiring ignition interlocks as a means of inducing manual belt use. (The agency had adopted such a re-

Mercedes Was Ready to Use Air Bags in U.S. Cars

Mercedes-Benz, while expanding its marketing of a driver-side optional air bag "to most European countries," says it is withholding a "final decision" on whether to offer full front-seat air bag systems to its United States customers.

Had the U.S. passive restraint standard not been postponed earlier this year by DOT, a company spokesman said, it would have met it "by use of air bag technology," and would have sought to use such technology "across the entire model line . . . to the extent permitted by production and supplier capability restraints." Whether it offers air bags in America in the future, "will depend on the final outcome of DOT's Standard 208 rulemaking."

The Mercedes-Benz position was disclosed in a letter from a company vice president, Karl-Heinz Faber, to Ralph Nader. The letter also revealed that Mercedes-Benz has delivered more than 1,100 air bag-equipped cars since its program began in December, 1980.

quirement at the behest of Ford Motor Co., which was attempting to stall departmental action leading to a passive restraint standard.)

Further, the agency said that even if it required automatic belts with "use-compelling features," the result "could be counterproductive" because it "may well" contribute to resistance toward belt use by "many members of the public" who fear they could be "trapped by the seat belt after a crash."

Role of Air Bags

Air bag technology, whose development by domestic auto companies and their suppliers in the 1960's gave rise to the passive restraint standard in the first place, was discussed only briefly and in passing in the decision. NHTSA accepted without comment or criticism that, "Instead of installing air bags in approximately 60 percent of new cars, the manufacturers apparently planned to install them in less than one percent of new cars," with automatic belts - mostly of the easy-to-defeat kind - accounting for the rest.

It added that "the agency plans to undertake new steps to promote the continued development and production of air bags," but did not elaborate. And it said it "concur[s] completely" with the 1972 federal court decision upholding NHTSA's right to set "technology-forcing" standards under the National Traffic and Motor Vehicle Safety Act of 1966. Again without elaboration, it said it is "still committed" to the "widespread offering of automatic crash protection that will produce substantial benefits," and "intends immediately to initiate efforts with automobile manufacturers to ensure that the public will have such technology available."

Belt Use Outlook

Based on the data available to it, NHTSA said, it was "unable to assess the probability that the actual incremental usage" produced by easy-to-detach automatic belts "would fall nearer to 0 percentage point increase or nearer some higher value like a 5 or 10 percentage point." It added, however, that it "is not able to agree with assertions that there will be absolutely no increase in belt use as a result of automatic belts. Certainly, while a large portion of the population appears to find safety belts uncomfortable or refuses to wear them for other reasons, there is a sizeable segment of the population that finds belts acceptable but still does not use them. It is plausible to assume that some people in this group who would not otherwise use manual belts would not disconnect automatic belts."

But, NHTSA said, this "population" also can be reached by the "major national belt use educational programs" being promoted by the agency. While those are being "undertaken entirely apart from the pend-

(Cont'd on next page)

NHTSA Abandons Automatic Restraint Standard (Cont'd from page 3)

ing proceeding, the fact remains that this effort will predominantly affect the same population that the automatic belt would be aimed at.” NHTSA offered no evidence in support of this conclusion.

If the agency's belt-use promotion efforts succeed, NHTSA concluded, “obviously no further action would be needed” to require “further use-inducing or automatic protection alternatives.” But if they fail, “rulemaking would again be a possibility.” And if NHTSA fails in its planned “efforts with automobile manufacturers” to ensure availability of modern crash protection technologies to car buyers, the agency also will “consider regulatory action to assure that the last decade's enormous advances in crash protection technology will not be lost.”

(Editor's note: This editorial view of The New York Times, Aug. 23, 1981, was printed before the automatic restraint rule was revoked. © 1981 by the New York Times Company. Reprinted by permission.)

Don't Deflate Auto Safety

Last April 21, Lawana Hansen lost control of her 1975 Oldsmobile on Interstate 15, near Salt Lake City. She plowed head-on into a tractor-trailer at a combined speed of about 100 m.p.h. The car was demolished, but she and an 81-year-old passenger survived. She didn't know it when she bought the used car, but it contained inflatable air bags.

Few crash victims are that lucky. Only a few thousand cars built in the early 1970's came with these convenient, reliable safety devices. And if the auto industry gets its way — as now seems tragically likely — cars of the future won't come with either air bags or belt-type “passive restraints.”



Combination shoulder and lap belts provide adequate protection in most crashes — but only one driver in eight bothers to snap them shut. Thus for years, the National Highway Traffic Safety Administration has pushed hard for cars to include restraints requiring no effort to use. The auto manufacturers managed to stall the process. And now the Reagan Administration, unabashedly eager to prove that this Government is a friend of business, seems inclined to surrender altogether.

The car companies say air bags are too expensive and that belt-type automatic restraints, like those on VW Rabbits, would be quickly sabotaged by owners. The manufacturers have found powerful philosophical allies among conservatives who argue that it is not the Government's business to protect people who could easily protect themselves with ordinary seat belts.

The economic arguments do not bear close examination. Confidential industry documents (confirmed by independent auto parts suppliers) show that front-seat air bags would not cost \$500 to \$800, as the companies assert, but

\$100 to \$300. William Nordhaus, a Yale economist and no friend of regulation, estimates that the benefits of a passive restraint rule would far outweigh the costs: the estimated net reduction in injury costs for cars made in 1984 would exceed \$30 billion.

The ideological arguments are just as flimsy. Individuals may have the right to risk their own lives. But few of us would defend the right of a parent to risk the life of a child when protection can be provided at low cost. Besides, most of the cost of injury damage is borne by all society. Why should those who do wear seat belts have to pay higher insurance bills because others won't? Why should taxpayer-financed medical and welfare programs pick up the tab when insurance doesn't?

The real mystery here is why the auto industry fights safety so hard. Passive restraints would hardly add enough to the sticker price to make a dent in car sales. Indeed, the cleaner look and freedom of movement that air bags offer might be a sales plus on expensive cars. And now that Detroit is committed to smaller cars, inherently less crash-worthy, the added safety factor might be a prudent investment against product liability suits.

The explanation for the mystery may be as simple as it is sad: American auto makers, always ready to underestimate consumer sophistication and ever resentful of interference by Government, oppose air bags because they would give regulation a good name.

There is always the possibility that the Administration will have the courage and good sense to review its blanket opposition to auto safety regulation. A more realistic hope is that Japanese car companies will decide to do what Detroit won't — do well by doing good.

Doctors Concerned Over Flaws in New York Law

Although New York last spring became the fifth state to recognize the need for a law requiring use of child restraints in vehicles, the Physicians for Automotive Safety has expressed concern that flaws in the legislation will limit its effectiveness.

Annemarie Shelness, executive director of the physicians' group, finds these shortcomings in the New York law, adopted last March by the legislature:

- Although the law requires that children up to age 5 must be restrained in specially designed child restraints, most seats made for children will not accommodate, nor were they designed for use by, 4-year-old children of typical height and weight.
- There is no option for the use of safety belts in the absence of special child restraints, or for those children who have outgrown the restraints, even though belts offer an acceptable alternative to child restraints.
- The law specifies that only child restraints manufactured after Jan. 1, 1981, are satisfactory, even though some excellent child seats were made earlier.
- The law does not stipulate that child restraints be used correctly. Used incorrectly, they provide reduced protection or possibly none at all, so at the very least the law should state restraints must be used according to the maker's instructions.

The physicians' organization is wary of the danger that an effort to amend the newly adopted act might result in full repeal, but their leaders feel the risk must be taken. "Unless parents understand how to set about protecting their children and the demands made on them seem reasonable, it is unlikely that the number of children riding effectively protected will appreciably increase," Shelness said.

The Physicians for Automotive Safety had advocated passage of a child restraint bill introduced in the lower house of the New York legislature. However, it was a Senate bill that prevailed, and this is the one the safety group charges is flawed.

Congressman Calls for Extra Brake Light Rule

Rep. Anthony C. Beilenson of California has introduced a bill in Congress to require addition of a high-mounted center brake light on all new cars, starting with the 1984 models.

The Congressman explained that adoption of his proposal would not interfere with announced rule-making by the National Highway Traffic Safety Administration (NHTSA) but "would merely insure that the proceeding is completed in a timely fashion."

Beilenson referred to NHTSA research that indicates the high-mounted stop light can reduce the rate of rear-end collisions by about half. (See *Status Report*, Vol. 15, No. 9, June 10, 1980.) Those results were confirmed by Insurance Institute for Highway Safety research. (See *Status Report*, Vol. 16, No. 7, May 13, 1981.)

Institute Supports Simple Crashworthiness Ratings System

"Manufacturers should be required to include . . . crashworthiness ratings information *on the window stickers of new cars*," the Insurance Institute for Highway Safety has told the National Highway Traffic Safety Administration (NHTSA). In comments to the agency's docket, the Institute endorsed NHTSA's proposal to require auto manufacturers to provide car purchasers with information about the differences in crash protection offered by various vehicles.

The proposed ruling is part of NHTSA's fledgling New Car Assessment Program, authorized by Congress under Title II of the Motor Vehicle Information and Cost Savings Act of 1972. The act requires comparative ratings of new cars in three areas: crashworthiness, damageability, and ease of diagnosis and repair. (See *Status Report*, Vol. 15, No. 14, Sept. 17, 1980.)

A simple ratings system for the window stickers of new cars would be "the most effective way to communicate" crashworthiness information, the Institute said, but cautioned that comparisons of the ratings among cars would only be meaningful for vehicles of similar weight.

Frontal Barrier Crash Tests Specified

In addition to supporting the general concept of a ratings program, the Institute recommended specific program components. Crash tests on which the ratings are based should be frontal barrier tests, the Institute advised, since front and front-angle crashes account for more than half of all passenger car occupant deaths and injuries. The ratings should only be based on the head and chest injury criteria of FMVSS 208; additional criteria proposed by NHTSA should not be included in an initial program, the Institute further advised.

Manufacturers should provide *two* crashworthiness ratings for each of their car models, the Institute commented, one rating based on crash tests with dummy occupants restrained with available belts, and one with dummies unbelted. The Institute explained that this method of presenting information would "take into account the fact that 90 percent of passenger car occupants do not use available restraint systems."

NHTSA should require manufacturers to conduct frontal barrier crash tests at a minimum speed of 20 mph for unbelted occupants, and 35 mph for belted occupants, the Institute recommended.

The Institute said the certification should be required to apply to *all* cars of the same model, so that manufacturers would have to take into account test-to-test variability. Requiring that ratings apply to *all* cars would "ensure that the public will not be subjected to the risk of acquiring 'safety lemons'," the Institute pointed out.

Urging NHTSA to move forward with its crashworthiness ratings and information program, the Institute emphasized the necessity of keeping the program simple to maximize impact. "It is imperative for NHTSA to specify that this information will be communicated to the public in the *simplest and most straightforward manner*," the Institute concluded. By confining ratings information to the results of frontal barrier crash tests . . . the agency will be able to produce an initial, uncomplicated, easy-to-use ratings program."

NHTSA Sees Thousands More Dying on Highways (Cont'd from page 1)

The only offsetting factor that NHTSA could project is a decrease in fatalities because of an anticipated smaller percentage of young drivers.

It took 52 years from the time the first traffic fatality was reported for the cumulative toll to climb to one million; that was in 1951. The two millionth fatality occurred in 1974, 23 years later. Based on NHTSA's newest projections, the toll will reach three million by 1990, after an interval of only 16 years.

This editorial by Larry Givens, editor of Automotive Engineering, a magazine published by the Society of Automotive Engineers, Inc., appeared in the July 1981 issue of the publication and is reprinted here with permission of the publisher.



Speaking Personally

Once in a while, something occurs in our lives which dramatically transforms the abstract into the concrete.

Such an event took place in my own life on May 9th when my sixteen-year-old son was involved in a serious automobile accident. Three late-model cars were totally demolished — but all seven occupants of the cars walked away from the scene with only minor sprains and abrasions.

After the initial shock of the incident had worn off, I began thinking about what would have happened to the occupants of those three cars if this accident had occurred a couple of decades ago, before the advent of the Federal Motor Vehicle Safety Standard series. Very probably, each of the three drivers would have been impaled on his steering column, the other occupants would have been mangled in various ways, and all seven people could easily have perished in flames from ruptured fuel systems. Suddenly the FMVSS 200 series (Injury Protection) and 300 series (Post-Accident Protection) became very real concepts to me, instead of just abstract rules on pieces of paper.

Regular readers of this page will remember that I have occasionally criticized the extent to which government regulations have been thrust upon the auto industry, particularly in the emissions area. But when I saw, first-hand, those three demolished cars from which seven people walked away, I realized as never before the value of mandated impact-absorbing steering columns, occupant restraints, fuel system integrity, glazing material standards, crush resistance standards, door lock and retention standards, windshield zone intrusion standards, and other life-saving regulations. Without them, my son would probably be six feet under.

Speaking personally, I extend my sincere admiration and thanks to the automotive engineers who have risen to the difficult challenges of these safety standards and made modern automobiles safe. They saved my son's life.

Larry Givens
EDITOR

On The Inside

- **AUTOMATIC RESTRAINT** requirements for passenger cars have been abandoned at the direction of the NHTSA administrator. . . . Page 1
- **TRAFFIC FATALITIES** could reach 70,000 a year by the end of the decade, NHTSA's own analysts have projected. . . . Page 1
- **MERCEDES-BENZ** says that had FMVSS 208 not been revoked, it would have used air bags on its U.S. cars. . . . Page 3
- **'DON'T DEFLATE AUTO SAFETY'** is the title of an editorial from *The New York Times* that is reprinted by permission. . . . Page 4
- **NEW YORK'S LAW** requiring use of child restraints has some serious flaws, the Physicians for Automotive Safety organization says. . . . Page 5
- **A HIGH-MOUNTED BRAKE LIGHT** would be required on all new cars under a bill filed by a California congressman. . . . Page 5
- **CRASHWORTHINESS RATINGS** information should be included on new car window stickers, the Institute tells NHTSA. . . . Page 6
- **'SPEAKING PERSONALLY'** is an editorial from *Automotive Engineering* giving a compelling argument for vehicle standards. . . . Page 7

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