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AUTHORIZATION FOR THE HIGHWAY SAFETY ACT

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HEARING

BEFORE THE

SUBCOMMITTEE FOR CONSUMERS

OF THE

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION

UNITED STATES SENATE

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

S. 2541

TO AMEND CHAPTER 4 OF TITLE 23 OF THE UNITED STATES
CODE TO AUTHORIZE APPROPRIATIONS FOR CERTAIN HIGH-
WAY SAFETY PROGRAMS, AND FOR OTHER PURPOSES

APRIL 7, 1978

Serial No. 95-69

Printed for the use of the
Committee on Commerce, Science, and Transportation



DOCUMENTS

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(III)

AUTHORIZATION FOR THE HIGHWAY SAFETY ACT

FRIDAY, APRIL 7, 1978

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
SUBCOMMITTEE FOR CONSUMERS,
Washington, D.C.

The subcommittee met at 10 a.m. in room 5110, Dirksen Senate Office Building, Hon. Donald W. Riegle presiding.

OPENING STATEMENT BY SENATOR RIEGLE

Senator RIEGLE. The committee will come to order.

Today the consumer subcommittee of the Senate Commerce, Science, and Transportation Committee will conduct hearings on S. 2541. That bill provides for appropriations for the Highway Safety Act of 1966 for fiscal year 1979 and also includes a number of significant amendments to the Highway Safety Act.

The Highway Safety Act of 1966 authorized the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) to provide Federal assistance to the States in development and implementation of highway safety programs to reduce traffic accidents and death, injuries and property damage resulting from them.

Through periodic amendments of the Highway Safety Act, the Congress has directed the Department of Transportation to provide funding to the States to establish highway safety programs in accordance with safety standards promulgated by the DOT. The 1966 act was an effort by the Federal Government to provide unity, direction, and financial and technical assistance to State and local highway safety programs. The tremendous success of these programs have been evidenced by statistics that indicate that traffic fatalities have fallen from 53,000 in 1966 to 46,800 in 1977, even though the number of user miles has steadily increased.

The bill to be considered today by this subcommittee represents the last stage in the process of successive refinement and reevaluation of existing highway safety programs. S. 2541 which was introduced at the request of the Secretary of the DOT incorporates a number of recommendations made by the Department in a report submitted to Congress on July 1, 1977.

Acting in its oversight role of the NHTSA safety related highway programs, this subcommittee intends to carefully examine the significant programmatic changes proposed by the DOT in S. 2541. I might say that the subcommittee and the chairman of the subcommittee, I and other members of the committee are extremely interested in hearing the viewpoint of all interested groups and individuals with regard to the significant policy changes that are proposed by the bill that is before us today.

So we solicit not only those kinds of responses today in prepared testimony, but we also invite a continuing contact with and dialog and discussion with interested parties, with members of the subcommittee and the full committee and members of the staff.

[The bill follows:]

S. 2541

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10 (legislative day, FEBRUARY 6), 1978

Mr. CANNON (by request) introduced the following bill; which was read twice and referred jointly to the Committee on Commerce, Science, and Transportation and to the Committee on Environment and Public Works to consider section 3

A BILL

To amend chapter 4 of title 23 of the United States Code to authorize appropriations for certain highway safety programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled.*

3 That this Act may be cited as the "Highway Safety Act of
4 1978".

5 HIGHWAY SAFETY

6 SEC. 2. Chapter 4 of title 23 of the United States Code
7 is amended to read as follows:

II

1

“Chapter 4.—HIGHWAY SAFETY

“Sec.

“401. Authority of the Secretary.

“402. Highway safety programs.

“403. Apportionment

“404. State highway safety agency.

“405. Local programs.

“406. Program submission and approval.

“407. Federal share payable.

“408. Federal agency assistance.

“409. Indian programs.

“410. Innovative project grants.

“411. Highway safety research and development.

“412. National Highway Safety Advisory Committee.

“413. Authorization of appropriations.

2 **“§ 401. Authority of the Secretary**

3 “The Secretary is authorized and directed to assist and
 4 cooperate with other Federal departments and agencies,
 5 State and local governments, private industry, and other in-
 6 terested parties, to increase highway safety. For the purposes
 7 of this chapter, the term ‘State’ means any one of the fifty
 8 States, the District of Columbia, Puerto Rico, the Virgin
 9 Islands, Guam, and American Samoa.

10 **“§ 402. Highway safety programs**

11 “Each State shall have a highway safety program de-
 12 signed to reduce traffic deaths and injuries by identifying the
 13 causes of motor vehicle accidents, by adopting measures to
 14 reduce the frequency and severity of accidents, and by eval-
 15 uating the effectiveness of such measures. As part of its
 16 highway safety program, each State shall achieve uniformity
 17 in the collection of data related to highway safety through
 18 compliance with requirements to be issued by the Secretary

1 on such subjects as driver licensing, vehicle titling and reg-
2 istration, theft prevention, and traffic records. Each State
3 shall also achieve uniformity in laws and practices that
4 affect interstate motorists, through compliance with require-
5 ments to be issued by the Secretary on such subjects as the
6 rules of the road, traffic control devices, and highway design,
7 construction, and maintenance. Such requirements shall be
8 developed by the Secretary in cooperation with the States,
9 their political subdivisions, appropriate Federal departments
10 and agencies, and such other public and private organizations
11 as the Secretary deems appropriate. As part of its highway
12 safety program, each State shall also consider guidelines
13 which the Secretary is authorized to issue on all aspects of
14 highway safety.

15 **“§ 403. Apportionment**

16 “(a) Funds authorized to be appropriated to carry out
17 section 402 of this chapter shall be used to aid the States
18 to conduct the highway safety programs approved in accord-
19 ance with section 406 of this chapter. Funds authorized
20 to be appropriated to carry out section 402 shall be subject
21 to a deduction not to exceed 5 per centum for the necessary
22 costs of administering the provisions of the section, and the
23 remainder shall be apportioned among the several States.
24 Such funds shall be apportioned 75 per centum in the ratio
25 which the population of each State bears to the total popula-

1 tion of all the States, as shown by the latest available Fed-
2 eral census, and 25 per centum in the ratio which the public
3 road mileage in each State bears to the total public road
4 mileage in all States. For the purposes of this section, the
5 term 'public road' means any road under the jurisdiction of
6 and maintained by a public authority and open to public
7 travel. Public road mileage as used in this subsection shall
8 be determined as of the end of the calendar year preceding
9 the year in which the funds are apportioned and shall be
10 certified to by the Governor of the State and subject to
11 approval by the Secretary. The annual apportionment to
12 each State shall not be less than one-half of 1 per centum
13 of the total apportionment, except that the apportionments
14 to the Virgin Islands, Guam, and American Samoa shall not
15 be less than one-third of 1 per centum of the total
16 apportionment.

17 “(b) Notwithstanding the apportionment specified by
18 subsection (a) of this section, up to 25 per centum of the
19 funds authorized to be appropriated for any fiscal year may
20 be separately apportioned by the Secretary to the States
21 for carrying out high priority safety programs, including
22 expanded enforcement of the fifty-five mile per hour speed
23 limits, in accordance with an apportionment formula to be
24 determined by the Secretary.

25 “(c) On October 1 of each fiscal year, the Secretary

1 shall apportion the highway safety funds in accordance with
2 subsection (a) of this section, at which time the funds
3 shall be available for obligation under the provisions of sec-
4 tion 406.

5 “(d) Sums apportioned to a State for its highway safety
6 program shall continue available for obligation in that State
7 for a period of three years after the close of the fiscal year
8 for which such sums are authorized and any amounts remain-
9 ing unexpended at the end of such period shall lapse.

10 “(e) Nothing in this chapter authorizes the appropria-
11 tion or expenditure of funds for highway construction, main-
12 tenance, or design (other than design of safety features of
13 highways to be incorporated into standards).

14 **“§ 404. State highway safety agency**

15 “Each State shall provide that the Governor shall be
16 responsible for the highway safety program and shall ad-
17 minister the program through an agency which shall have
18 the authority, facilities, and organization to carry out the
19 highway safety program to the satisfaction of the Secretary.

20 **“§ 405. Local programs**

21 “(a) Each State shall authorize its political subdivisions
22 to develop and carry out local highway safety programs
23 within their jurisdictions as a part of the State highway
24 safety program if such local highway safety programs are
25 approved by the Governor and are in accordance with this

1 chapter, and shall assist political subdivisions in identifying
2 highway safety problems and developing measures to reduce
3 the frequency and severity of accidents.

4 “(b) Each State shall provide that from the Federal
5 funds apportioned under section 403 to such State for any
6 fiscal year, not less than 40 per centum shall be expended
7 by the political subdivisions of such State in carrying out
8 local highway safety programs developed by the political
9 subdivisions in accordance with subsection (a) of this section.

10 “(c) The Secretary is authorized to waive the require-
11 ment of subsection (b) of this section, in whole or in part,
12 for a fiscal year for any State whenever he determines that
13 there is an insufficient number of local highway safety pro-
14 grams to justify the expenditure in such State of such per-
15 centage of Federal funds during such fiscal year.

16 **“§ 406. Program submission and approval**

17 “(a) In each fiscal year, the State highway safety
18 agency shall submit to the Secretary for his approval a pro-
19 posed highway safety program for the ensuing fiscal year
20 together with a projection of future highway safety efforts.
21 The program shall describe the highway safety activities to be
22 undertaken by the State with such specificity as the Secretary
23 may require. The Secretary shall promptly review the State’s
24 compliance with the program development process specified
25 by section 402 of this chapter and its compliance with the

1 uniform requirements issued pursuant to such section. He
2 may approve the program in whole or in part, on the basis
3 of his review. His approval of the program, or portions of
4 the program, shall be deemed a contractual obligation of the
5 Federal Government for the payment of its proportional con-
6 tribution thereto, subject to the availability of funds.

7 “(b) Concurrent with the obligation of Federal funds,
8 the Secretary shall enter into a formal Federal-Aid agree-
9 ment with the State. Such agreement shall designate the
10 Federal, State, and local pro rata shares required for the
11 execution of the program.

12 “(c) The Secretary shall not withhold approval of a
13 State’s program in its entirety except upon a finding that the
14 State is failing to make reasonable progress toward imple-
15 mentation of the requirements specified in section 402, con-
16 sidered as a whole, or upon a finding that the State’s per-
17 formance has been substantially deficient in identifying high-
18 way safety problems, developing countermeasures, and evalu-
19 ating results.

20 **“§ 407. Federal share payable**

21 “(a) Except as provided in section 409 of this chapter
22 the Federal share payable on account of any program shall
23 not exceed 80 per centum of the total cost of such program.

24 “(b) The Secretary may, in his discretion, from time
25 to time as work progresses, make payments to any State

1 for the Federal share of costs incurred by the State or its
2 subgrantee.

3 “(c) The Secretary may advance to any State, out of
4 existing appropriations, the Federal share of costs incurred.
5 Such advance financing shall be through letter of credit in
6 conformity with United States Treasury Department
7 regulations.

8 “(d) Such payments or advances of Federal funds shall
9 be made to such official or officials or depository designated
10 by the State and authorized under the laws of the State to
11 receive public funds of the State.

12 “(e) The aggregate of all expenditures made during
13 any fiscal year by a State and its political subdivisions for
14 carrying out the State highway safety program shall be
15 available for the purpose of crediting such State during
16 such fiscal year for the non-Federal share of the cost of any
17 program under this chapter without regard to whether such
18 expenditures were actually made in connection with such
19 program, except that if any funds apportioned under sec-
20 tion 403 are to be expended by the State for the planning
21 and administrative functions of the State highway safety
22 agency, the State shall provide matching funds for such
23 functions of at least 20 per centum of the total funds so
24 expended.

1 **“§ 408. Federal agency assistance**

2 “The Secretary may make arrangements with other
3 Federal departments and agencies for assistance in the prep-
4 aration of uniform requirements for the highway safety pro-
5 grams contemplated by section 402 and in the administra-
6 tion of such programs. Such departments and agencies are
7 directed to cooperate in such preparation and administra-
8 tion, on a reimbursable basis.

9 **“§ 409. Indian programs**

10 “For the purpose of the application of this chapter on
11 Indian reservations, the terms ‘State’ and ‘Governor of a
12 State’ includes the Secretary of the Interior; and the term
13 ‘political subdivision of a State’ includes an Indian tribe
14 except that, notwithstanding the provisions of section 405 (b)
15 of this chapter, 95 per centum of the funds apportioned to
16 the Secretary of the Interior after the date of enactment of
17 this chapter shall be expended by Indian tribes to carry
18 out highway safety programs within their jurisdictions.

19 **“§ 410. Innovative project grants**

20 “(a) In addition to other grants authorized by this
21 chapter, the Secretary may make grants in each fiscal year
22 to those States which develop the most innovative approaches
23 to highway safety problems in accordance with criteria to be
24 devised by the Secretary in cooperation with the States.

25 “(b) A grant authorized by this section shall be

1 awarded on the basis of an application submitted to the
2 Secretary by the State agency specified in section 404 of
3 this chapter. Such grants may be used only for the purposes
4 specified in the application. Such grants shall be in addition
5 to other funds authorized by this chapter.

6 “(c) The Secretary shall establish a procedure for the
7 solicitation and selection of grant applications authorized by
8 subsection (a) of this section. In developing the procedure,
9 the Secretary shall consult with the States, political sub-
10 divisions, appropriate Federal departments and agencies,
11 and such other public and private organizations as he deems
12 appropriate.

13 “(d) Funds authorized to be appropriated to carry out
14 this section shall be subject to a deduction not to exceed 2
15 per centum for the necessary costs of administering the
16 provisions of this section.

17 **“§ 411. Highway safety research and development**

18 “(a) The Secretary is authorized to use funds appropri-
19 ated to carry out this subsection to carry out safety research
20 which he is authorized to conduct by section 307 (a) of this
21 title. In addition, the Secretary may use the funds appropri-
22 ated to carry out this section, either independently or in
23 cooperation with other Federal departments or agencies, for
24 making grants to or contracting with State or local agencies,
25 institutions, and individuals for (1) training or education of

1 highway safety personnel, (2) research fellowships in high-
2 way safety, (3) development of improved accident investi-
3 gation procedures, (4) emergency service plans, (5) demon-
4 stration projects, and (6) related activities which the Secre-
5 tary deems will promote the purposes of this section.

6 “(b) In addition to the research authorized by subsection
7 (a) of this section, the Secretary, in consultation with such
8 other Government and private agencies as may be necessary.
9 is authorized to carry out safety research on the following:

10 “(1) The relationship between the consumption and
11 use of drugs and their effect upon highway safety and
12 drivers of motor vehicles.

13 “(2) Driver behavior research, including the char-
14 acteristics of driver performance, the relationships of
15 mental and physical abilities or disabilities to the driving
16 task, and the relationship of frequency of driver accident
17 involvement to highway safety.

18 “(c) The research authorized by subsection (b) of this
19 section may be conducted by the Secretary through grants
20 and contracts with public and private agencies, institutions,
21 and individuals.

22 “(d) The Secretary may, where he deems it to be in
23 furtherance of the purposes of section 402 of this chapter,
24 vest in State or local agencies, on such terms and conditions

1 as he deems appropriate, title to equipment purchased for
2 demonstration projects with funds authorized by this section.

3 **“§ 412. National Highway Safety Advisory Committee**

4 “(a) (1) There is established in the Department of
5 Transportation a National Highway Safety Advisory Com-
6 mittee, composed of the Secretary or an officer of the De-
7 partment appointed by him, the Federal Highway Adminis-
8 trator, the National Highway Traffic Safety Administrator,
9 and thirty-five members appointed by the President, no more
10 than four of whom shall be Federal officers or employees.
11 The Secretary shall select the Chairman of the Committee
12 from among the Committee members. The appointed mem-
13 bers, having due regard for the purposes of this chapter,
14 shall be selected from among representatives of various State
15 and local governments, including State legislatures, of public
16 and private interests contributing to, affected by, or con-
17 cerned with highway safety, including the national organiza-
18 tions of passenger car, bus, and truck owners, and of other
19 public and private agencies, organizations, or groups demon-
20 strating an active interest in highway safety, as well as
21 research scientists and other individuals who are expert in
22 this field.

23 “(2) (A) Each member appointed by the President
24 shall hold office for a term of three years, except that (i)
25 any member appointed to fill a vacancy occurring prior to the

1 expiration of the term for which his predecessor was ap-
2 pointed shall be appointed for the remainder of such term,
3 and (ii) the terms of office of members first taking office
4 after the date of enactment of this section shall expire as
5 follows: Twelve at the end of one year after the date such
6 committee members are appointed by the President, twelve
7 at the end of two years after the date such committee mem-
8 bers are appointed by the President, and eleven at the end
9 of three years after the date such committee members are
10 appointed, as designated by the President at the time of
11 appointment, and (iii) the term of any member shall be
12 extended until the date on which the successor's appointment
13 is effective. None of the members appointed by the Presi-
14 dent who has served a three-year term, other than Federal of-
15 ficers or employees, shall be eligible for reappointment within
16 one year following the end of his preceding terms.

17 “(B) Members of the Committee who are not officers
18 or employees of the United States shall, while attending
19 meetings or conferences of such Committee or otherwise en-
20 gaged in the business of such Committee, be entitled to
21 receive compensation at a rate fixed by the Secretary, but
22 not exceeding \$100 per diem, including traveltime, and
23 while away from their homes or regular places of business
24 they may be allowed travel expenses, including per diem in
25 lieu of subsistence, as authorized in section 5703 of title 5

1 of the United States Code for persons in the Government
2 service employed intermittently. Payments under this sec-
3 tion shall not render members of the Committee employes
4 or officials of the United States for any purpose.

5 “(b) The National Highway Safety Advisory Com-
6 mittee shall advise, consult with, and make recommendations
7 to, the Secretary on matters relating to the activities and
8 functions of the Department in the field of highway safety.
9 The Committee is authorized (1) to review research projects
10 or programs submitted to or recommended by it in the field
11 of highway safety and recommend to the Secretary, for
12 prosecution under this title, any such projects which it
13 believes show promise of making valuable contributions to
14 human knowledge with respect to the cause and prevention
15 of highway accidents; and (2) to review, prior to issu-
16 ance, requirements proposed to be issued by order of the
17 Secretary under the provisions of section 402 of this chapter
18 and to make recommendations thereon. Such recommenda-
19 tions shall be published in connection with the Secretary’s
20 determination or order.

21 “(c) The National Highway Safety Advisory Commit-
22 tee shall meet from time to time as the Secretary shall direct,
23 but at least once each year.

24 “(d) The Secretary shall provide to the National High-
25 way Safety Committee from among the personnel and facili-

1 ties of the Department of Transportation such staff and facili-
2 ties as are necessary to carry out the functions of such
3 Committee.

4 **“§ 413. Authorization of appropriations**

5 “(a) There is authorized to be appropriated, for carry-
6 ing out the provisions of section 402 of this chapter (relating
7 to highway safety programs), by the National Highway
8 Traffic Safety Administration, out of the Highway Trust
9 Fund, \$175,000,000 for the fiscal year ending September 30,
10 1979, \$175,000,000 for the fiscal year ending September 30,
11 1980, \$200,000,000 for the fiscal year ending September 30,
12 1981, and \$200,000,000 for the fiscal year ending Septem-
13 ber 30, 1982.

14 “(b) For carrying out the provisions of section 402 of
15 this chapter (relating to highway safety programs), by the
16 Federal Highway Administration, funds shall be provided
17 in accordance with the provisions of section 151 of this
18 title.

19 “(c) There is authorized to be appropriated, for carry-
20 ing out the provisions of section 410 of this chapter (relating
21 to grants for innovative highway safety approaches), out
22 of the Highway Trust Fund, \$5,000,000 for the fiscal year
23 ending September 30, 1980, \$10,000,000 for the fiscal year
24 ending September 30, 1981, and \$15,000,000 for the fiscal
25 year ending September 30, 1982.

1 “(d) There is authorized to be appropriated, for carry-
2 ing out the provisions of section 411 of this chapter (relating
3 to highway safety research and development), by the Na-
4 tional Highway Traffic Safety Administration, out of the
5 Highway Trust Fund \$50,000,000 for the fiscal year ending
6 September 30, 1979, \$50,000,000 for the fiscal year ending
7 September 30, 1980, \$50,000,000 for the fiscal year ending
8 September 30, 1981, and \$50,000,000 for the fiscal year
9 ending September 30, 1982.”.

10 SEC. 3. (a) Section 154 of title 23 of the United States
11 Code is amended by adding at the end thereof the following
12 new subsections:

13 “(e) Each State shall certify to the Secretary before
14 January 1 of each year that it is enforcing all speed limits
15 on public highways in accordance with this section. The
16 certification statement shall consist of such data as the Sec-
17 retary determines by rule is necessary to support the state-
18 ment for the twelve-month period ending on September 30
19 before the date the statement is required, including data on
20 the percentage of motor vehicles exceeding fifty-five miles
21 per hour on public highways with speed limits posted at
22 fifty-five miles per hour in accordance with criteria to be
23 established by the Secretary.

24 “(f) (1) For the twelve-month period ending Septem-
25 ber 30, 1978, the date submitted by a State pursuant to

1 subsection (e) of this section show that the percentage of
2 motor vehicles exceeding fifty-five miles per hour is greater
3 than 70 per centum, the Secretary shall reduce the State's
4 apportionment of Federal-aid highway funds under each of
5 sections 104 (b) (1), 104 (b) (6), and 133 (a) of this title
6 in an aggregate amount of up to 5 per centum of the amount
7 to be apportioned for the fiscal year ending September 30,
8 1980.

9 “(2) For the twelve-month period ending Septem-
10 ber 30, 1979, if the data submitted by a State pursuant to
11 subsection (e) of this section show that the percentage of
12 motor vehicles exceeding fifty-five miles per hour is greater
13 than 50 per centum, the Secretary shall reduce the State's
14 apportionment of Federal-aid highway funds under each of
15 sections 104 (b) (1), 104 (b) (6), and 133 (a) of this title
16 in an aggregate amount of up to 5 per centum of the amount
17 to be apportioned for the fiscal year ending September 30,
18 1981.

19 “(3) For the twelve-month period ending Septem-
20 ber 30, 1980, if the data submitted by a State pursuant
21 to subsection (e) of this section for that year show that
22 the percentage of motor vehicles exceeding fifty-five miles
23 per hour is greater than 30 per centum, the Secretary
24 shall reduce the State's apportionment of the Federal-aid
25 highway funds under each of sections 104 (b) (1), 104 (b)

1 (6), and 133 (a) of this title in an aggregate amount of
2 up to 5 per centum of the amount to be apportioned for
3 the fiscal year ending September 30, 1982.

4 “(4) For the twelve-month period ending September
5 30, 1981, and for each succeeding twelve-month period
6 thereafter, if the data submitted by a State pursuant to sub-
7 section (e) of this section for that year show that the per-
8 centage of motor vehicles exceeding fifty-five miles per hour
9 is greater than 15 per centum, the Secretary shall reduce
10 the State’s apportionment of Federal-aid highway funds
11 under each of sections 104 (b) (1), 104 (b) (6), and 133
12 (a) of this title in an aggregate amount of up to 10 per
13 centum of the amount to be apportioned for the fiscal year
14 ending September 30, 1983, and for each succeeding fiscal
15 year thereafter.

16 “(g) The Secretary shall promptly apportion to a
17 State any funds which have been withheld pursuant to sub-
18 section (f) of this section if he determines that the per-
19 centage of motor vehicles in such State exceeding fifty-
20 five miles per hour has dropped to the level specified for
21 the fiscal year for which the funds were withheld.”.

22 (b) The first sentence of section 141 of title 23 of
23 the United States Code is amended by deleting before the
24 period at the end thereof the following: “, and all speed

1 limits on public highways in accordance with section 154
2 of this title”.

3 SEC. 4. There are authorized to be appropriated, for
4 carrying out sections 307 (a) and 411 of title 23, United
5 States Code (relating to highway safety research and de-
6 velopment), by the Federal Highway Administration, out
7 of the Highway Trust Fund, \$10,000,000 for the fiscal
8 year ending September 30, 1979, \$10,000,000 for the fiscal
9 year ending September 30, 1980, \$10,000,000 for the fis-
10 cal year ending September 30, 1981, and \$10,000,000 for
11 the fiscal year ending September 30, 1982.

Senator RIEGLE. So we are very much interested in having the opportunity to have an important list of witnesses come before us today. Our first witness is Mr. Howard Dugoff, the Deputy Administrator, NHTSA of DOT. Let me welcome you to the committee today. Why don't you identify those who are with you for the record.

STATEMENT OF HOWARD DUGOFF, DEPUTY ADMINISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION; ACCOMPANIED BY CHARLES LIVINGSTON, ACTING ASSOCIATE ADMINISTRATOR FOR TRAFFIC SAFETY PROGRAMS; AND JOHN WOMACK, ASSISTANT CHIEF COUNSEL FOR GENERAL LAW

Mr. DUGOFF. It's a pleasure for me to appear here to discuss S. 2541 which would provide authorizations for fiscal years 1979 through 1982 for the implementation of the highway safety program and to discuss NHTSA's role in this area and our plans for the future. On my right is Mr. Charles Livingston, the Acting Associate Administrator for Traffic Safety Programs at NHTSA; and on my left is Mr. John Womack, our Assistant Chief Counsel for General Law.

S. 2541 would strengthen our State highway safety programs by encouraging States to identify and pursue programs which are most suitable to their needs. The bill also earmarks funds to support high priority programs such as the 55-mile-per-hour national speed limit.

As you have noted, this bill caps our comprehensive review of the highway safety program, which began with the passage of the Highway Safety Act of 1976. That act mandated a study and report on the adequacy and appropriateness of all the uniform State highway safety standards established under the Highway Safety Act of 1966. In reporting the results of this review to Congress on July 1, 1977, we recommended a number of fundamental changes in the States' highway safety programs that would be accomplished through this legislation.

The Department has made every effort to insure the meaningful involvement of interested and knowledgeable members of the highway safety community in its review of the program. The views of the States, their subdivisions, and private organizations concerned with highway safety were solicited in the preparation of the July 1977 report.

The report's principal recommendation, which is incorporated in S. 2541, is that the time has come to shift the emphasis of the program away from compliance with standards and toward the development by the States of methods to identify their most pressing safety problems and to develop their own specific solutions. By and large, the standards have succeeded in establishing a good framework for the highway safety program. The report we submitted to the Congress in July notes many instances in which State efforts to meet the standards have produced effective programs. It concludes, however, that in view of the greater sophistication and experience of the States in highway safety, insistence on nationwide uniformity in standards no longer serves the remedial purpose it once served.

In keeping with the report's conclusions, S. 2541 proposes to restrict the areas in which uniformity will be required to a very small number and to place a proportionally greater emphasis on the States' need to identify their problems, devise appropriate solutions, and evaluate the results, results obtained to rectify these problems. Uniform requirements would be retained in two key areas; first, data collection and analysis as related to traffic records, driver licensing, and vehicle registration; and second, those areas which facilitate safe interstate travel, such as uniform rules of the road and traffic control devices.

The content of these few uniform requirements would be drawn from existing documents developed by and with the cooperation of the States and the private sector, such as the Uniform Vehicle Code, maintained by the National Committee on Uniform Traffic Laws and Ordinances. Similarly, uniform data requirements would be those developed and supported by the American National Standards Institute in cooperation with the States.

Program approval, as expressed in the report to Congress and in S. 2541, would be based upon a State making reasonable progress toward implementation of the uniform requirements and upon its having a management process to identify problems, select appropriate remedies, and evaluate results.

The substantive program material for the existing 18 highway safety standards would be retained as program guidelines. Where the countermeasures contained in the guidelines apply to a specific problem identified as critical by a State, they could be funded and implemented with Federal funds. A countermeasure that is not included in the guidelines could also be funded where it meets a State's problems.

In our view, S. 2541's treatment of the standards continues a process that has been underway for some time. The Highway Safety Act of 1976 began the move away from the requirement of a strict compliance with the uniform standards by reducing the sanctions which could be imposed for noncompliance with the standards and by making it clear that the Secretary did not have to insist on compliance with every element of every standard. S. 2541 carries the process a step further—an appropriate step further.

The bill also provides for the strengthening of the State agency responsible for coordinating the statewide highway safety program by requiring that there be one agency at the State level with the necessary authority to administer the program and by requiring that agency to assist the State's subdivisions in effectively using their highway safety funds.

The bill would establish a program of innovative project grants in place of the present program of incentive awards which are based on annual reductions in fatalities and fatality rate in each State. These current awards are commonly viewed as reward for historical events which might or might not be attributable to programs initiated by the States.

The Department has concluded that the approach most likely to act as a true incentive would be one in which innovation is specifically encouraged by being the principal basis for an award. We be-

lieve that this change would provide a more direct motivation to the States to improve their highway safety program and would give them encouragement to experiment.

To promote greater stability within the program, the period of authorization would be for 4 years, fiscal years 1979 through 1982. The authorizations would begin at \$175 million for fiscal year 1979 and increase to \$200 million for fiscal years 1981 and 1982. The matching ratio would also be adjusted so that the Federal share payable would be 80 percent rather than the current 70 percent.

Up to 25 percent of funding authorized for the State and community highway safety program would be separately apportioned for high priority safety programs, such as increased enforcement of the national speed limit. The provision of funds for speed limit enforcement would respond to urgent and repeated requests of the States and State enforcement agencies for assistance in this critical area.

In addition to the current sanction for failure to post and enforce the 55-mile-per-hour speed limit, or to certify annually that they are enforcing the 55-mile-an-hour limit, the bill would add new criteria focusing on the actual speeds traveled by motorists.

For the record, I would like to add that the bill contains a section which would delete the penalties for enforcement under 23 U.S.C. 141. This section in the bill is the result of an error on our part. We would request that the record reflect that section 3(b) of the bill, lines 22 through 24 of page 18 and lines 1 through 2 of page 19, should be deleted.

Senator RIEGLE. We will take account of that and make that correction.

Mr. DUGOFF. Thank you. The bill would establish a four-step compliance schedule to supplement the existing procedure as follows:

It would require at least 30 percent compliance during fiscal 1978. By this, we mean that on roads posted with the 55-mile-per-hour speed limit, the measured speeds of vehicles traveling on those roads should reflect that no more than 70 percent of the vehicles are operating in excess of 55 miles per hour. This is essentially the current status.

In fiscal 1979, the compliance schedule would require at least 50 percent compliance with 55. In fiscal 1980, it would require at least 70 percent compliance with the limit.

During fiscal year 1981, and each succeeding year thereafter, 85 percent compliance with the speed limit would be required.

I might note that it's the traditional wisdom among experts in the traffic enforcement community that 85 percent compliance with the speed limit is just about the maximum obtainable, practically speaking, and constitutes evidence that the speed limit is being properly and appropriately enforced.

Partial loss of noninterstate highway construction funds of up to 5 percent for fiscal years 1980-82 and up to 10 percent for fiscal year 1983 and each succeeding fiscal year thereafter, would occur for any State's failure to reduce actual speeds in accordance with speed compliance goals.

If funds were withheld because of a State's noncompliance with the speed compliance goals, the funds would be apportioned to the State if its compliance improves to the level specified during the fiscal year for which the funds were withheld. We believe that these changes

would provide a fair but strong inducement to the States to improve their enforcement of the national maximum speed limit.

Finally, each State would be required to certify to the Secretary before January 1 of each year its 55-mile-per-hour enforcement with data requirements set by the Secretary.

This completes my formal statement. I would be pleased to answer any questions you might have.

Senator RIEGLE. Well, thank you. Let me ask you, first, I have a sense that these recommendations were developed, if I have the history straight, from a number of suggestions and comments that you received, many of which came out of the conference at Airlie House some time ago; and as I understand it, you tried to draft a package here that you felt responded essentially in the main to a lot of comments that were made by interested parties across the country.

Now, my further sense is that after that date, after that conference, and your effort to try to synthesize this into a package which is what we have before us, that some of the parties of interest had second thoughts. What seemed like a good idea at the outset may have, upon later reflection, whatever passage of time, didn't seem quite as attractive as it may have in the beginning.

I am just wondering, let me just ask you: What kind of feedback you have been getting on these proposals? In other words, I am not asking you to make somebody else's case for them against your ideas. I am simply asking what has been sort of the range of—and the profile of opinion that you have been getting since these proposals have been put on the table?

Mr. DUGOFF. Well, that's a very complicated question. First, I should state that, whereas the report which was developed and which constitutes the basis for our legislative proposal in very substantial measure reflected the inputs of people outside the Department, it was very consistent with views held within the Department, which views were in fact already shaping the evolution of the program. The conception that the State highway safety agencies had been developing capabilities and sophistication which render the old system obsolete was not new to us at Airlie House. This idea had already begun to mold our program into one which placed far greater emphasis on State initiatives and on State inputs into the process of the program.

We really found no great surprises at Airlie House. We left there and developed our proposal feeling that it was one which would be well received generally. By and large, in our efforts to solicit feedback during the process of writing the report and developing the legislative proposal, we had the impression that there was rather uniform support for the fundamental elements of the proposal. Quite recently, though, as you suggest, there do seem to be some second thoughts on the part of important members of the highway safety community, principally in terms of just how far it is appropriate to go in vesting responsibilities in the States for defining program objectives and project content and to what extent to let go of the standards.

It is a tough question. It is a question of just how quickly we can effect the transition from a highly prescriptive program to a program in which the States are really managing specific projects in accordance with a method of problem identification and analysis of countermeasure options that's truly independent.

I don't know that I have been entirely responsive.

Senator RIEGLE. Well, I think in general you have. I guess I am also wondering, too, what specific points have seemed to draw the greatest amount of controversy or discussion or second thinking or whatever?

Mr. DUGOFF. The most controversial, certainly the most fundamental point, is the question of whether to do away with the requirement for compliance with the standards or to what extent the requirement for compliance should be mitigated—at the one extreme, requiring compliance with every standard, with risk of sanction for noncompliance; at the other extreme, doing away with all but the very few standards which we believe are absolutely essential for uniformity.

There seems to be a spectrum of thought on just how far to go from one end to the other.

Senator RIEGLE. Let me come back to that in a minute.

In terms of the various standards and the different aspects of the problem that bear on improvement in highway safety, what sort of analytical work is done to identify the yield and improvement in safety from one of the particular factors versus another? In other words, are we far enough down the track in terms of the Federal analysis of the problem to be able to identify which guidelines give us, if you will, or criteria, the greatest payoff in terms of fewer accidents and fewer serious injuries and so forth?

Mr. DUGOFF. Generally, the answer is "No." We have struggled long and hard with that question and have never come up with analytical methodology which permits us to assess the bottom line payoff of the respective standards. That sort of analysis has been the subject of numerous studies by the agency and reports to the Congress over the years.

We have made substantial progress in being able to characterize the impact of countermeasures associated with specific standards, not in terms of numbers of deaths and injuries eliminated, but in terms of more pragmatically defined measures of effectiveness of implementation.

We have developed reports which relate the application of given countermeasures with measures of effectiveness, short of deaths and injuries averted, but which can be shown obliquely to have an effect on the traffic safety record.

For example, we can go out in a municipality and implement countermeasures for speed limit enforcement. We can measure very precisely the effectiveness of those countermeasures in terms of what they do to the speeds of the vehicles on the roads. We cannot translate that specifically, however, to deaths and injuries averted.

Senator RIEGLE. I am just wondering how much of the effort in your operation is devoted to the kind of research on what works and what doesn't work versus, you know, the constant job of sort of administering and sort of moving things and what have you?

I am just wondering if we are taking sufficient time to step back and really figure out what the payoff is.

Mr. DUGOFF. That is really a "hard rock" question that we face every day. What we think we have got is a balanced program in which, on the one hand, we are attempting to improve our ability to characterize the payoff of alternative countermeasures; but on the

other, we are advancing into the field with projects which involve countermeasures whose support range from sort of a gut feeling that they will pay off to, in some cases, reasonably definitive statistical evidence of payoff.

There are some program areas in which we do have rather direct evidence of payoff. One that comes to mind is motorcycle helmet use. A very controversial area, but one in which we have direct evidence that the promulgation of a helmet use law reduces highway fatalities by a very substantial amount.

We have reasonably definitive benefit estimates in respect to some alcohol safety countermeasures and in respect to some enforcement countermeasures.

Our quantitative benefit analysis is perhaps weakest in the driver education area. That is an area in which the States are spending millions of dollars. We have a program in the field right now in our 403 program area to try to come up with a quantitative and definitive assessment of the benefits of the driver education program.

Senator RIEGLE. If a given State is trying certain techniques, whether it is in highway construction, doing certain things with certain kinds of areas on roadways and so forth, that seems to be paying off—I mean either they find through their evidence that they have a major improvement or you spot that—is an effort made by your operation to disseminate that actively and quickly to the other States?

Mr. DUGOFF. Yes. I don't know that we do as well as I think we ought to; but that is one of our fundamental purposes. The whole area of technology transfer and dissemination of practical countermeasure ideas is one which I think, with the evolution of the program, is probably our principal job right now.

Senator RIEGLE. The reason I am getting into it, here we are talking about—and I am working my way back to the whole question of going to guidelines rather than rigid compliance requirements, and it seems to me one of the things the Federal Government can do that even the most ardent States rights people can't criticize too much is that if somebody develops a good idea in one part of the country, the Federal Government ought to be quick enough to spot it and help fan the idea across the board so we can get a multiplier in terms of improvement.

I would hope that we can really make sure we are getting that part of the job done, because that seems to be—that is one of the least expensive and the most high-yield operations plus, you know, it just recognizes the fact that not all the wisdom resides here.

Mr. DUGOFF. I couldn't agree with that more. I can assure you that it is our purpose, that one of our first priority purposes is to do that job well. I have to allow that in my view in the past we haven't been as effective in doing that as we could have been or that we intend to be.

Senator RIEGLE. A lot of this brief colloquy on that issue could be a recommendation and encouragement from this Senator to see if we cannot do more in that area.

To underline, underscore that piece of your testimony, you are testifying to the effect that the 18 present highway safety standards would be guidelines, guidelines and not rigid compliance requirements?

Mr. DUGOFF. Yes, with the exception of that subset of standards dealing with areas in which uniformity is deemed to be absolutely essential for its own right.

Senator RIEGLE. All right. Why wouldn't uniformity, if that is important in some areas, be just as important in the rest? In other words, how can you use that rationale for what is left of the group and then not extend it across the board to the others?

Mr. DUGOFF. My colleague is raring to have a go at this. Let me try to make a general statement, first.

We see two specific rationales supporting the concept of uniformity in and of itself. One is in the area of traffic records in which in order for States to be able to communicate effectively with one another, and for motorists to have really sufficient understanding of the rules of the game, it is desirable in and of itself that there be uniform requirements.

The second rationale relates to rules of the road. The motorist in this Nation typically doesn't confine his driving to one State, particularly in places like around Washington, D.C. It is extremely desirable that the motorist not be confused by having to deal with rules of the road and laws that are not consistent.

Beyond those two areas, we think that the differences among the States are sufficiently significant that it's not appropriate to hold all of the States to the same standards of accomplishment.

Now I will invite Mr. Livingston to elaborate.

Mr. LIVINGSTON. Thank you. In addition to what Mr. Dugoff said, Mr. Chairman, in many of the standards we have right now, we have specific countermeasures or programs to be implemented. Exclusive of uniformity requirements for rules of the road and traffic data, we hold to the basic concept that the States should determine which particular programs are related to their specific problems rather than requiring uniform national implementation of program content.

Senator RIEGLE. Senator Bayh has sent a letter to Chairman Cannon indicating that it is his opinion that the 402 program authorization should be increased to \$200 million for fiscal years 1979 and 1980. I am wondering what comments you have on Senator Bayh's request?

Mr. DUGOFF. I would restrict myself to the comment that the administration's budget was very carefully drawn up to—

Senator RIEGLE. But you would do your best to spend the money if we appropriated it, I take it?

Mr. DUGOFF. We would do our best to spend it effectively.

Senator RIEGLE. I am just wondering, apart from the fact that the budget request from the administration is what it is, if the Congress were to see fit to make it a larger figure, are there worthy things out there that the money could be spent on?

Mr. DUGOFF. I think so. We had substantial discussions with Mr. Bayh in the appropriations hearing. Generally speaking, the three areas which we deem to be the highest priorities right now for our traffic safety program efforts are the 55-mile-and-hour limit, the problem of the drinking driver, and then, generally, the area of attempting to alter driver behavior to make it more responsible, more sensible. To cite a particular and very important aspect of this third area, we are mounting far more substantial and, I trust, effective programs in the area of attempting to induce greater use of safety belts.

These are tough areas. Trying to change the behavior of motorists is something that we haven't been successful with in the past.

Senator RIEGLE. It is not easy.

Mr. DUGOFF. It is not easy.

Senator RIEGLE. With reference to enforcement of the 55-mile-an-hour speed limit, you stated that 2541 would add new criteria to the current sanction for failure to post and enforce the 55-mile-an-hour speed limit. I wonder if you could explain to us how these new criteria would work in conjunction with the current sanction?

Mr. DUGOFF. The current language of the statute requires the Secretary to withhold project approval if the State does not post and enforce the 55-mile-per-hour speed limit. The statute does not really define what enforcement means; and as a practical matter, we have not been able to come up with any adequate definition of what would constitute good as opposed to inadequate enforcement.

The proposed scheme would attempt to characterize the quality of a State's enforcement effort not in terms of the specific actions the State undertakes in the way of enforcement, because those are virtually impossible to quantify, but in terms of how well these State's enforcement actions succeed in achieving the purpose of that enforcement; namely, compliance with the 55-mile-an-hour limit.

So the schedule of 55-mile-an-hour compliance goals which we have defined is one which we believe is reasonable and one which gives the most direct characterization of just how well a State is doing.

Senator RIEGLE. Let me raise one other thing with you. This is something that I just happen to personally feel strongly about. I have been waiting to get hold of you for some time to raise this issue.

Michigan, which is my State, is probably as much responsible for keeping you and others in business as anybody because we are essentially the automotive-producing State. As a result, a great number of people in Michigan travel all over the country.

I mean, we are great travelers. What I find is I get an enormous number of complaints from people using the Interstate Highway System where what happens is they are traveling through some distant State and some local township police official, or somebody else, will be running a speedtrap or some other gimmick.

All of a sudden, they find themselves, maybe late at night, being pulled off the road and put into a situation where they are asked to pay a very large fine right on the spot; and there are all kinds of variations of how this is done.

I mean, it's a clear case of law enforcement people breaking the law. I am outraged by it. It seems to me that one of the things—one part of highway safety is making sure that people who travel the national highways cannot be intimidated and abused by law enforcement people or people traveling as law enforcement people, taking advantage of the situation in the locale in which they are found.

It is within my mind of falling within the area of highway safety to protect drivers traveling interstate highways from that kind of harassment. I am just wondering what if anything you are doing about that kind of a problem or what can you do about it?

Mr. DUGOFF. Well, as a former Michiganite, I happen to be very sensitive to that problem, too. We are concerned about it. We are undertaking—

Senator RIEGLE. Let me ask you this: Is it within your purview to draft legislation, to recommend legislation that we would have standard rules and regulations that would apply for violations on interstate highways, set fines; so that you cannot get some judge who is probably getting money back under the table through a crooked law enforcement system in some out-of-the-way spot, from bilking the American public and using, essentially, the Federal highway system as a way of doing it, and getting away with it?

Mr. DUGOFF. I believe the answer to that is, yes. I believe there also are things we can do under existing authorities. I would like to defer to my counsel on this, Mr. Womack, and have him discuss the possibilities and also perhaps say something about what has already been done in this area.

Mr. WOMACK. Mr. Chairman, there are a few things that we have been doing. The problem is one that affects anybody who travels from State to State. The agency—I could ask Mr. Livingston to speak further on this if he wants—has been sponsoring the development of the interstate driver compact. This is a system whereby States which are parties to the compact provide that a person from another State who is arrested in their State would be treated as a resident violator would be treated, rather than being held for bail or being assessed a penalty, which is one of the most aggravating parts of the problem.

A record of the arrest would be conveyed to the State of residence. So the violator would be fined as he would if he were a local violator. He would go on his way. There would be no requirement for bail or any other retention requirements.

That is something the States can do; a system has been developed for that. There are several States which have either subscribed to an earlier version of the compact, which are considering joining the compact.

Senator RIEGLE. I am not sure that is sufficient. The concern is that you still have a law enforcement person who pulls somebody over at 11 at night; and the degree to which he is going to know or be sensitive to what the laws are in 49 other States, you get the same thing—

Mr. WOMACK. His own State law would be governing him. The law enforcement officer would be subject to local laws which would conform to the compact. He would know that he would not have the authority to detain that person.

Senator RIEGLE. Why wouldn't it make more sense for us to develop what are a standard set of fines, if you will, for traffic violations, just on the Interstate Highway System? I think people ought to be able to travel across the country on the roads that they built without having these literally legal bandits holding them up on the way. I don't think the approach you are talking about is fast enough; I don't think it's efficient enough. I think there is a way to do it faster and cleaner, and to stop that kind of harassment.

Mr. DUGOFF. I would like to take this question under advisement. If it is all right with you, I would prepare a considered analysis.

Senator RIEGLE. Fine. I would appreciate it if you would do it. I am not prepared to sponsor a bill we could draft along those lines, but I will find a lot of cosponsors for it.

Thank you very much. We do want to hear from the other witnesses that are here.

Mr. LIVINGSTON. Thank you.

Mr. DUGOFF. Thank you.

[The following information was subsequently received for the record:]

The development of standard fines for traffic violations occurring on interstate highways is not the approach we have taken because the problems involved are general in nature and not limited to the amount of fines. As we see it, the problem is one of assuring equal treatment for both residents and nonresidents receiving citations for traffic violations. Such assurance is exactly what the Non-resident Violator Compact of 1977 would provide. A copy of this compact is attached.

We developed this model compact in conjunction with the Council of State Governments. The compact's procedures would enable a nonresident motorist to continue on his or her way after having received a traffic citation and not have to face immediate arraignment as a nonresident violator. The cited driver's home state would be notified of the violation under the compact's provisions and, if the driver fails to respond to the citation by appearing for a hearing in the resident state or by paying the amount of the fine, license suspension could result.

At the present time, Maryland and Kentucky have adopted the model compact. Since an earlier version of the compact was adopted by Delaware, Virginia, the District of Columbia, New Jersey, North Carolina, Pennsylvania, New York, and Florida, we expect these jurisdictions to ratify the compact in the near future. In addition, eight Midwestern States met during the second week of April to discuss the possibility of their adoption of the compact.

Our own efforts to encourage adoption of the compact has received considerable support by key groups of the highway safety community, including the Council of State Governments and the American Association of Motor Vehicle Administrators which acts as the compact's secretariat. Because of this kind of basic and widespread support for the compact, we anticipate its general adoption and implementation by all the states within several years.

At this juncture, we believe that our encouragement of State adoption of the compact is a responsive and responsible approach to the nonresident motorist problem. In our view, the effect of the compact should be fully evaluated before any authority is requested of Congress to go further into this matter.

Senator RIEGLE. Our next witness is Mr. Francis X. Colleton, the National Association of Governors' Highway Safety Representatives.

STATEMENT OF FRANCIS X. COLLETON, CHAIRMAN, NATIONAL ASSOCIATION OF GOVERNORS' HIGHWAY SAFETY REPRESENTATIVES

Mr. COLLETON. Good morning, Senator.

Senator RIEGLE. Good morning. Why don't you indicate for the record who you are here representing.

Mr. COLLETON. I am Francis X. Colleton, Governor's representative for highway safety, Commonwealth of Massachusetts, and presently chairman, National Association of Governors' Highway Safety Representatives, the membership of which is composed of the several States, territories of the United States, the "Indian State," the Commonwealth of Puerto Rico and the District of Columbia. The persons representing that membership are responsible for the conduct of the several Governors' highway safety programs mandated by the Highway Safety Act of 1966, as amended. I am most pleased with this opportunity to testify.

The national highway safety program as implemented by the States through chapter 4, title 23 has been successful to date. The numbers of persons killed annually on U.S. streets and highways has been brought under some control and the rising 1-million-mile death rate has been halted and placed in a declining pattern against a back-

ground of annually increasing vehicle registrations and newly licensed drivers.

While the National Association of Governors' Highway Safety Representatives does not object to the administration proposal, we believe there are meaningful alternatives to the direction which the administration proposes.

Chapter 4, title 23 has been proven to be highly successful and workable legislation. To essentially abandon chapter 4 in its present form and move in what appears to be a totally new direction, does not appear to be the best course of action available at this time.

We recommend that chapter 4 be retained with some relatively minor amendments. That recommendation has been approved by the executive board of the National Association of Governors' Highway Safety Representatives; 12 States voting for themselves on all issues and for regional member States on those issues which had been previously discussed. Thus, a consensus of approval of the majority of all States accompanies this testimony.

The recommendations to abandon highway safety standards as they have been developed over the years in favor of certain mandatory requirements goes too far in an attempt to provide program flexibility. To abandon the standards as such in favor of a limited number of mandatory requirements could in fact limit the ability of a State to impact on known problem areas. The National Association of Governors' Highway Safety Representatives favors the more traditional, proven successful approach with congressional guidance as provided in the past. While areas of impact may have been limited by the standards, we believe existing standards, as may be required and such others as may be recognized serving a basic program guideline, would provide a more sound basis for program development and implementation. Areas affecting interstate motorists should receive priority attention by the States and should be included as mandatory standards as we now know them. To fail to recognize existing standards as areas of concern in the development of State programs could cause their abandonment by the States. We do not consider this an appropriate course of action. We believe that our constituencies must be assured that critical problem areas will continue to receive attention with specific input to the problem identification process.

We consider the split in the 402 program recommended by the administration to be a step in the wrong direction. We place equal importance to the area of the current 31½ engineering related standards as we do to the current 14½ standards relating to vehicles and drivers. While section 151 of the administration proposal reserves agency delegation to the Governors, the policy position of the National Governors' Association recommends that the NHTSA and the FHA administer the highway safety program in a unified manner, as a single program. We reiterate that recommendation.

In the area of program disapproval and the withholding of funds, we strongly support that authority of the Secretary. That process is in place at the present time and with certain modifications should be continued. Of concern is the authority to disapprove a program or parts thereof without the requirement to show why a particular priority item within a State's program should not be included. While

this may appear to be an administrative item, the problem identification process requires that the States identify problems and set priorities for solution. The burden to refute those priorities and solutions, we believe, should be on the administration.

In the event the existing standards or a revised number of existing standards are maintained as standards as we now know them, we then favor retention of the Gray amendment.

In the event the standards become guidelines, the formal objection of a number of States will prevent needless confrontations between the States and the administration. As I have stated, the national highway safety program has been significantly successful. That success has been achieved only through the cooperative efforts of the State and both the National Highway Traffic Safety Administration and the Federal Highway Administration. Any actions taken to prevent or hinder the development of any adversary relationship can only foster the cooperative effort. The States welcome the true partnership which has developed over the past few years and earnestly desire the continuation and growth of that partnership.

The subject of incentive grants has been controversial since the grants were first awarded. Even the States who have not received incentive awards are in favor of the concept; a reward for a job well done. The proposal of the administration appears to have the potential of causing more dissatisfaction than that which now exists. Since the ability of some States to qualify for two incentive grants in a single year is the greatest objection, we propose that the incentive grant program be continued in its present form, but that no State be permitted to receive two awards in the same year. If this change is adopted, those States who do the best job would, in all probability, be rewarded without the available funds being depleted because of double awards to some States.

Section 403 Highway Safety Research is recommended for continuance in its present form. While there have been some problems in this area in the past, they are being addressed by the administration. We look for greater participation by the States in this effort with a resultant increase in usefulness to the States in the problem identification process.

In that regard, we also believe that the National Highway Safety Advisory Committee should be assured the opportunity to provide input to the highway safety research and development process established by section 403.

Section 406 school bus driver training is recommended for exclusion. The categorical apportionment has caused problems in many States who had school bus driver training programs in place. Since enactment, section 406 has caused those States who did not have such programs to develop and implement them. Without section 406, it is doubtful that many States would have made the significant accomplishments to date. We believe those programs will go forward with enactment of a modified pupil transportation standard or guideline without the penalty of categorical funding. We recommend that with the elimination of section 406, a waiver be enacted to permit obligation of unused section 406 categorical funds for the purposes of section 402. In the event section 406 is continued, we recommend that the administration be granted waiver authority for those States

who have identified problems in other areas but are prevented from impacting on those areas by the requirement that certain funds be spent only on school bus driving training. I am, of course, referring only to those States who have approved training programs in place.

The administration proposal contains a very ambitious approach toward achieving compliance with the 55-mile-per-hour national maximum speed limit. While the National Association of Governors' Highway Safety Representatives can be cited as completely supportive of the national maximum speed limit and its obvious lifesaving results, we cannot support the administration approach. In my testimony before Senator Bentsen's subcommittee on March 6, 1978, I iterated the 1977-78 policy position of the National Governors' Association which states that:

* * * That Governors pledge in good faith to support the 55-mile-per-hour national speed limit, and certification by the Governors that their speed control programs are fully operative should be sufficient to satisfy the intent of Congress.

I am most pleased to be able to state today that the position of the Governors has been modified. Rather than painting all the States with the same brush through imposition of hard and fast percentages of compliance with accompanying sanctions which could only be effectively administered by the creation of Federal speed monitoring teams to insure uniformity of the measurement effort in all the States, it is proposed that the enforcement program recommended by the National Highway Safety Advisory Committee be adopted.

This proposal, incidentally, was developed by Mr. Glenn Craig, commissioner of the California Highway Patrol who is a member of the National Highway Safety Advisory Committee, as well as president of the American Association of Motor Vehicle Administrators.

The 85 percentile compliance rate of 55 miles per hour within 4 years appears to be inappropriate.

Several factors lead us to this conclusion. The 85 percentile standard has long been used by traffic engineers as the basis for setting prima facie speed limits. This assumes that 85 percent of the motorists will drive at a reasonable and safe speed without a speed limit being posted. Enforcement officers are then only required to enforce the law against the 15 percent who are out of step with the overwhelming majority. This concept cannot be applied to a speed limit set well below a true 85 percentile.

Senator RIEGLE. Let me stop you there. Explain to me and explain to the committee why you can't enforce the law and get people to drive at 55 miles per hour?

Mr. COLLETON. I believe the law can be enforced, Senator.

Senator RIEGLE. What's the problem?

Mr. COLLETON. The problem is in the inaccuracies in speedometers, the inaccuracies in some radars. What we are proposing is that a 10 mile pace be established between 50 and 59 or 60 miles an hour, and that 85 percent of the drivers be required to operate their motor vehicles on the 55-mile-an-hour speed limit roads within that pace.

This we feel, as do enforcement officials across the country, is a proposal that the States can live with. The proposal of the administration is so hard and fast, set in concrete, we feel it would cause needless confrontations.

Senator RIEGLE. How long would it take you to get essentially all drivers into that 50-to-59-mile-an-hour range if that is what you want to work with; and with the capacity to spot and apprehend and ticket the speeder?

There are always going to be speeders, no matter what the limit is; but why can't you—I mean, how long does it take you to get that—

Mr. COLLETON. We believe it could be done within the same time limits that have been set by the administration.

Senator RIEGLE. How long is that?

Mr. COLLETON. I believe there is a percentage of vehicles exceeding 55 mph of not greater than 70 percent effective this year, and a—

Senator RIEGLE. I know. That's my point. Apparently it's stretched out over a 4-year period. Why can't we do that a lot faster than that?

Mr. COLLETON. There aren't enough policemen on the road, Senator.

Senator RIEGLE. Maybe we ought to have more policemen on the road.

Mr. COLLETON. Many States are limited by their State legislature in the number of members who can be in their highway patrols or State police. Other states are limited, in other ways—for example, they are not permitted to pay overtime to police officers, so as to put extra police on the road. There are many, many problems in the States in this regard.

Senator RIEGLE. Are the Governors out fighting to get the money to get the police to enforce the law?

Mr. COLLETON. They certainly are. In our State, we now have 85 new recruits in the State police academy. Fifty of them will be devoted entirely to the 55-mile-per-hour enforcement effort.

Senator RIEGLE. What does your research show you in terms of the degree to which penalties for people who are caught speeding repeatedly or even a first-time penalty have in really prompting people to conform to the law?

Mr. COLLETON. It is very effective in our State. We do find there are certain judges who are not behind it. What our enforcement people do is make sure their enforcement efforts are outside of the jurisdiction of the particular court in question.

Senator RIEGLE. You can't reach those courts?

Mr. COLLETON. Yes, sir, we can. At the present time in our State we have a court reform bill which is moving forward which will bring the courts under the jurisdiction of an administrator of the district courts so that each court will not operate autonomously.

Senator RIEGLE. Well, why don't you continue?

Mr. COLLETON. Enforcement officials are even required to only enforce the law against the 15 percent who are out of step with the overwhelming majority. This concept cannot be applied to a speed limit set well below a true 85 percentile. In some States 70 percent of the motorists at this time are exceeding 55 miles per hour.

Further, the motoring public generally believe themselves in compliance with the law if they do not exceed 60 miles per hour. This attitude has been brought about primarily because of police tolerance allowed in order to compensate for speedometer variations and inaccuracies. Nearly 60 percent of all so-called violations fall within this 5-mile-per-hour range (55 to 60 miles per hour). In addition many

courts dismiss traffic citations issued for speeders between 55 and 60 miles per hour.

Considering these factors, it seems unreasonable to expect enforcement effort to bring about an 85 percentile of 55-miles-per-hour within 4 years regardless of the money appropriated.

No State law enforcement agency has sufficient resources to bring this about without ignoring all other mandated responsibilities—\$40 to \$50 million annually spread across 50 States over a 4-year period will not rectify that situation. The Secretary would then be required to sanction all 50 States. This, of course, is an untenable situation for any administrator.

Concern has also been expressed with the concept of earmarking 402 funds for a specific purpose regardless of the State's identified priorities.

The following alternative to the administration-proposed criteria is offered for consideration:

(a) Require 85 percentile compliance within a 10-mile-per-hour pace speed between 50 and 59 miles per hour within 4 years.

(b) Once the criteria has been met, but subsequent certifications show noncompliance, the State should be given 2 years to comply before sanctions are imposed. This would allow 1 year to redirect efforts and 1 year for results to be obtained. Specific language to effect the proposal is attached.

This concludes my testimony. I will be happy to entertain any questions from the committee.

[The attachment referred to follows:]

NATIONAL ASSOCIATION OF GOVERNORS' HIGHWAY SAFETY REPRESENTATIVES—
PROPOSED 55-MILE-PER-HOUR ENFORCEMENT CRITERIA

Sec. — (a) Section 154 is amended by adding at the end thereof the following new subsections:

(e) In order to achieve maximum compliance with the 55 MPH speed limit required by subsection (a) of this section, each State shall certify to the Secretary by January 1, 1982, and each year thereafter, that it has achieved an 85 percentile compliance within a 10 MPH pace speed of no greater than 60 MPH for the twelve-month period ending on September 30 of the preceding calendar year. The certification statement shall consist of such data as the Secretary determines by rule is accurate to support the statement.

(f) If the data submitted by a State pursuant to subsection (e) of this section does not show an 85 percentile compliance within a 10 MPH pace speed of no greater than 60 MPH for the twelve-month period ending September 30 of the preceding calendar year, the Secretary may reduce the State's apportionment of Federal-Aid highway funds under each of Sections 104(b)(1), 104(b)(6), and 133(a) of this title in an aggregate amount of up to 10 per centum of the amount to be apportioned for the next succeeding fiscal year.

(g) Each State shall submit a report by January 1, 1979, 1980 and 1981, containing such data as the Secretary determines by rule is necessary to evaluate a State's progress in achieving the compliance required by subsection (e) of this section. The Secretary may extend by one year, to January 1, 1983, the compliance deadline required by subsection (e) of this section for any State which he determines is making reasonable progress.

(h) The Secretary shall promptly apportion to a State any funds which have been withheld pursuant to subsection (f) of this section if he determines that the State is in compliance with the requirements of subsection (e) of this section.

(i) The first sentence of section 141 is amended by deleting before the period at the end thereof the following: "and all speed limits on public highways in accordance with section 154 of this title".

Senator RIEGLE. Well, I have several things I want to raise with you. I am only going to raise a couple here. I am going to give you questions that I will ask you to respond to for the record, for the benefit of the other committee members and myself.

Mr. COLLETON. All right, sir.

Senator RIEGLE. You indicated in your statement, and I am quoting:

Recommendations to abandon highway safety standards as they have been developed over the years in favor of certain mandatory requirements goes too far in an attempt to provide program flexibility.

From the testimony we have heard today from Mr. Dugoff—and I am sure you were here to hear his testimony—he indicated that the highway safety standards will not be abandoned but will be maintained as guidelines for the States. I am wondering would your organization support maintaining the present 18 highway safety standards as guidelines rather than mandatory requirements?

Mr. COLLETON. Absolutely, Senator. The reason for our position is that the administration bill doesn't spell out the fact that the 18 highway safety standards would continue to receive consideration. We overwhelmingly support the administration in what has been referred to as the "six pack," certain areas affecting interstate motorists, data collection, and so forth.

We feel that the existing standards have been the basic foundation for the success of the program over the years. We would not like to see them completely abandoned. We feel that a State should be required to at least consider the existing standards in the development of their program and the establishment of their priorities.

After listening to Mr. Dugoff, we are on completely the same frequency.

Senator RIEGLE. In your testimony you indicated that you favor a modified mandatory 55-mile-an-hour enforcement program which we have talked about; but in your testimony before Senator Bentsen, you testified that certification by the Governors that they were enforcing the national maximum speed limit should be sufficient to meet the intent of Congress. I am just wondering if you can explain what seems like an apparent shift in the policy of the organization?

Mr. COLLETON. Yes, sir, it is a shift. After my testimony before Senator Bentsen, after House testimony before Congressman Howard, it became very apparent to us that unless we could convince the Governors that their position was too rigid, we, that is, the administration, the Governors' representatives, and the Governors, and the Congress, were on a collision course. We were able to convince the Governors to accept the modification that I have proposed here.

Senator RIEGLE. Let me just ask you one final thing: I spent a couple of years in Massachusetts. It seems that so many people I ran into in Massachusetts, from Francis X. Bellotti to Somebody X. So-and-so, to Somebody X. So-and-so, that "X" is a popular name. I see you have it, too. What does yours stand for?

Mr. COLLETON. Xavier.

Senator RIEGLE. Is there a reason every third person has it in Massachusetts?

Mr. COLLETON. Yes; Senator. Francis X. Bushman was very, very popular in Massachusetts many, many years ago.

Senator RIEGLE. I see. Very good. Thank you for coming today.

Mr. COLLETON. Thank you very much, Senator.

Senator RIEGLE. Our next witness is Mr. Vincent Tofany, the president of the National Safety Council.

STATEMENT OF VINCENT L. TOFANY, PRESIDENT, THE NATIONAL SAFETY COUNCIL; ACCOMPANIED BY HARRY N. ROSENFELD, GENERAL COUNSEL; AND RICHARD TIPPIE, MANAGER, TRAFFIC DEPARTMENT AND SECRETARY, TRAFFIC CONFERENCE

Mr. TOFANY. Thank you, Mr. Chairman. I am the president of the National Safety Council, an organization which, as you know, is a nongovernmental, nonprofit public service organization chartered by Congress to work to prevent accidents.

Seated with me is our general counsel, Harry N. Rosenfield, and Mr. Richard Tippie, the manager of our traffic department and the secretary to our traffic conference.

In the interests of complying with the time limits, I am going to excerpt from my statement which I have filed with the committee. For the record, I would like it to be placed in the record in its entirety.

Senator RIEGLE. Thank you. We will include your entire statement as part of the record. We would appreciate your summary. We would be pleased to hear it now.

Mr. TOFANY. We are pleased that through the hard work and commitments of many private organizations, including the NSC as well as government at all levels, we can report to you that motor vehicle death rates continue to decline. Nevertheless, last year approximately 45,000 Americans were killed and almost 2 million persons suffered disabling injuries as a result of traffic accidents.

In order to develop sound, workable, cost-efficient programs that reduce accidents, we must first establish priorities.

To help us establish priorities, we need to know the root of the problem—the cause—the reason traffic accidents happen in the first place.

Three factors must be considered in seeking to reduce traffic accidents: the road, the vehicle and the driver. At the outset, let me say that the National Safety Council strongly supports the highway construction program and the completion of the Interstate System; strongly supports motor vehicle safety; and strongly believes that safer roads and safer cars makes for improved traffic safety.

But today's hearing deals with the driver and I shall limit my remarks accordingly.

Through the national highway safety needs study mandated by Congress in 1975, through special studies conducted by the National Highway Safety Administration and studies by various private sector organizations, we have attempted to find the principal causes of traffic accidents.

Although all of these studies were independently conducted, the results were the same. Of the three principal factors associated with traffic accidents—the road, the vehicle, and the driver—human error or improper driving is a factor in approximately 85 percent of all traffic accidents.

If our goal is to reduce traffic accidents, and if the principal reason accidents occur is driver error, then it is incumbent on us to direct our attention—and priorities—to programs designed to improve driving behavior.

In the past this has not been where the Federal Government has directed its priorities. For instance, in the 10 years since the Highway Safety Act of 1966 became law, appropriations for highway safety programs totaled \$1.652 billion. As a contrast, appropriations for section 402 of the act, which includes driver-related programs, totaled only \$966 million.

So although driver error or improper driving was a factor in 85 percent of all accidents, only 58 percent of the appropriations for the past 10 years was devoted to section 402 programs, only half of which are driver-related programs.

The National Safety Council recommends that this committee and the administration adopt a 5-year program of national priorities that emphasizes the human factors associated with traffic accidents. This national priority program should be incorporated in any legislation enacted or as a directive to the Department of Transportation in the committee report.

The purpose of the 5-year program of national priorities is to provide a basis for Federal programing that is directed at preponderant causes of accidents, and to guide DOT's process of annual approvals of State programs under the proposed section 406. DOT has proposed such a 5-year priority plan pursuant to the Motor Vehicle Act. We urge the same be done for the Highway Safety Act.

The 5-year program of national priorities must be primarily concerned with:

1. Programs related to known high risk people-related accident syndromes, particularly driving under the influence of alcohol, youth involvement in motor vehicle accidents, and those involving pedestrians; and
2. Programs related to proved payoff techniques for all people-related accidents, particularly the 55-mile-per-hour speed limit, increased safety belt use, early voluntary use of passive restraints, and improved driver performance.

As this committee knows, the National Safety Council was one of the most ardent proponents of the 55-mile-per-hour speed limit when it was initially proposed. Council studies in 1974 and 1975—after the speed limit law became national—demonstrated conclusively that speed reduction accounted for more than half of the fatality reduction. The National Safety Council continues to support the 55-mile-per-hour national speed limit and has agreed to join with DOT in a campaign to encourage motorists to abide by the speed limit law.

This committee also knows that the National Safety Council was a forerunner in proposing the use of safety belts. We also support early voluntary use of passive restraints. We have suggested to President Carter that the Federal Government take the lead in serving as a model to the Nation by requiring full use of all occupant restraint systems, both active and passive, in Federal Government vehicles.

I urge Congress to direct the executive branch to make no further motor vehicle purchases before the effective date of the occupant re-

straint rule unless these motor vehicles contain both safety belts and passive restraints—as soon as they become available.

Improved driver performance is, of course, at the root of the traffic dilemma. The National Safety Council can document the successes of its defensive driving course which more than 9 million persons have completed since its inception in 1964. To date, more than 1 million licensed drivers are taught defensive driving techniques through this program every year.

The priority programs we have outlined are concerned with driver error or improper driving—a major factor in the cause of 85 percent of all traffic accidents. We believe it is essential that the Congress and the administration adopt this national program of priorities at the earliest possible date.

It is clear that the recommended funding for this section is woefully inadequate and not directed primarily at the cause of traffic accidents, or at least the major ones.

The National Safety Council recommends that Congress revise the national highway safety priorities to cope more adequately with the human factors associated with motor vehicle accidents.

Senator RIEGLE. Excuse me for a moment. I want to go back to what you said with respect to these defensive driving courses where you indicate now that more than 1 million licensed drivers are taught to use techniques in this program. You go on to describe it. Do we have any hard data that shows that those drivers are experiencing fewer accidents per thousand than others? Have you got the proof on that one?

Mr. TOFANY. We have studies, Mr. Chairman, conducted by both the council and independent agencies such as the State of Oregon and the city of Winnipeg, Canada, that document the effectiveness of the defensive driving course. I would be happy to furnish that and such other information as we have to the committee for its consideration.

Senator RIEGLE. Fine.

Mr. TOFANY. AS I was beginning to say, it's clear that the recommended funding for the section in S. 2541 is inadequate. I was about to make some recommendations.

To accomplish the priorities which I mentioned, we are recommending that Congress should raise the authorization from \$175 to \$200 million for fiscal year 1979.

I am happy to hear Senator Bayh sent his message on that subject.

Also we recommend that Congress provide that section 402 authorizations be increased by at least an average of 10-percent per year for the next 10 years; and continue 100-percent funding for section 402 from the Highway Trust Fund.

Mr. Chairman, while it should be quite apparent that the National Safety Council is not satisfied with S. 2541's proposed authorization level for section 402, we do support some of its other provisions.

For example, the bill would embark on a highly desirable approach to provide more flexibility for States and communities in selecting programs on which Federal funds may be spent. Such a change in direction will, we think, better enable States to target their programs and realize a higher safety payoff than would a more rigid series of mandatory Federal categories that may or may not be relevant to the needs of particular States.

S. 2541 has some restrictions and guidelines, such as those that appear in the early portion of section 402 and in the 25-percent limitation of the authorized funds for the 55-mile-per-hour speed limit. As we have previously stated, we believe in the safety and accident prevention value of the 55-mile-per-hour speed limit; however, we believe that funding limitation such as this will not prove as fruitful as will more flexible guidelines.

If the Congress decides to retain earmarked funds, they should be independent of section 402 funding and include on an equal basis, funds for high priority areas including the enforcement of the 55-mile-per-hour speed limit, encouraging expanded use of safety belts and early voluntary use of passive restraints.

Because DOT's passive restraint regulation does not require retrofitting existing cars with passive restraints, it will take at least 10 to 15 years before all cars on the road have them. It is important to remind all drivers that now, as well as after all cars are equipped with passive restraints, safety belts must be used. I am pleased to advise this committee that the National Safety Council in cooperation with other private and public organizations is planning to launch a nationwide campaign to persuade the American people to make greater use of their safety belts and to purchase cars equipped with passive restraints as early as they can be obtained.

In summary, Mr. Chairman, the National Safety Council recommends that the Government begin a 5-year program of priorities that attacks the human factors problem in traffic accidents and that you demonstrate your commitment to reducing the number of accidents by shifting appropriations this year according to these priorities.

Senator RIEGLE. Well, thank you for a very fine statement.

Let me ask you a couple of things I want to develop with you. One, we spent a lot of time on the seat belt passive restraint issue area in this committee over the past year. I have over the 7 years before that. I am persuaded that seat belts and shoulder harnesses that are now in most cars really provide profound benefit, if used, when they are used.

Yet we get this miserably low utilization by people. One of the great ironies is that even if—by the time we get to air bags, if that turns out to be the technology we use, a good part of the data indicates that if the air bag deploys in lots of different kinds of accidents, and the seat belt, shoulder harness aren't on, you don't get much of the benefit of the air bag.

The sooner we can solve this problem of how we get people to use the equipment that is there, it really gives us an enormous improvement, less serious injuries, lives saved, and so forth.

I am just wondering if you have developed any ideas as to how we could get people to use seat belts? There is the standard education approach. This works to a certain extent. It seems like there is a time loss to it, when there is a big campaign on. You get a higher incidence of people using seat belts, but then when the campaign ends, it sort of trickles down.

I am wondering if we shouldn't go to something much more direct than that, either a business where we make it illegal not to wear them, have fines for people who don't wear them, whether we ought to have some kind of device, if it is not an interlock system—which had some

difficulty around this place—whether it would be something as close to it, where maybe there was a light on the top of the car that went on when the belt was locked, went off when it wasn't, so that enforcement officers would know who to stop, whatever.

Have you come up with any ideas that go beyond the standard education program to get people to use the equipment that we have that we know saves lives?

Mr. TOFANY. To answer your question, first of all, the policy of the council in the past has been that they be mandatory. Unfortunately, the record is very clear that that's not an achievable end, at least under the current efforts that have been advanced.

This afternoon I have a meeting with the head of the NHTSA to discuss the plan that the council has developed, on which we are about to move forward.

This is a special emphasis plan. The heart of it is to involve the many elements of our constituency. We have within the National Safety Council constituency, all kinds of organizations and interest groups that are cross-sectionally representative of the American population.

What we are proposing to do is to develop the "how to" type program kits for the various groups within our constituent organizations.

For example, we would want to guide such groups in conducting safety belt programs within their own local clubs, local organizations.

The key is to involve people. The efforts in the past have been a massive media effort to influence human judgment or human conduct. As you pointed out the impact is there initially, but then falls off.

Here, I think, the effort we are talking about involves people across this country in their various organizations and community interest areas.

By involving people, making them the sales force, making them the key ingredients of the program, the success is certainly more likely to be achieved and more long-lasting in whatever effect that it has.

So we will be talking to each of these groups—to get more of them to wear their safety belts and influence those that they can influence to do the same.

So we are looking at such things as a "how to" book containing instructions.

We are conducting a safety belt use program among the particular interested constituent groups, a fact sheet on them, a booklet on the use, sample news releases for newspapers, club news letters, sample radio and television spots.

Senator RIEGLE. This still falls, essentially, into the same category. It is still sort of a campaign effort, you are going to do it person to person. I am sure it will work better. I am glad you are.

Is there anything beyond that that we have hit upon as a way to sort of get a very major increase in the use?

Mr. TOFANY. Not thus far. The only alternative to this is the mandatory law. It's proven, where that has taken place, there's been an effective downturn in highway deaths. We recognize that there is a fair percentage of the population that respects any law that requires a regulation of human conduct.

That, obviously automatically raises the level of compliance or the level of use. We have failed, on a State-by-State basis, to enact the mandatory law, and at the Federal level as well. Because of this, the Council felt an obligation, as a national organization with a concern for this and because our whole thrust is for voluntary efforts through voluntary programming, to step up to the issues as we are proposing to do, and join with the governmental forces and other private sector organizations to try to make a safety belt use campaign as massive and, therefore, successful, as possible.

Senator RIEGLE. Time is getting away from us. Let me touch quickly on two other things.

Do you have any analysis that would bear on the relationship of the amount and volume of truck activity on highways, impacting the incidence of accidents by motorists in automobiles?

In other words, is there—have we managed to identify what factor, if any, there is between the fact that a large number of large trucks are moving up and down the roads all the time and, obviously, are somewhat more difficult for motorists to sort of negotiate around than if they weren't on the highways?

I am just wondering, have we tried to nail that point down to find out the degree to which that may or may not have a bearing on the safety records for motorists in passenger cars?

Mr. TOFANY. I am not sure I can say. However, I will be glad to ask our statistical department that question. If there is a refined analysis, I would be happy to furnish it to the committee.

One current problem in the accident reporting systems used by the various States—the source of our information—is that there is no uniform set of definitions regarding the classification of motor vehicles. Therefore, the relationship of trucks to other motor vehicle classifications in the traffic accident picture is not clear at this time. I hasten to add however, that the traffic records committee within the National Safety Council is now working on the development of a uniform set of definitions for classification of motor vehicles. Within the classification of trucks, the committee intends to break out definitions of subclassifications, including, but not limited to vans, recreational vehicles, pickup trucks, straight trucks, tractor-trailer units, et cetera. In short, it's hard to answer your question specifically.

Senator RIEGLE. That's exactly what I would have guessed the problem is. You may very well have a truck-related automobile accident that never shows up that way, because somebody misjudges or the truck moves in fast or moves out fast or something, and somebody has an accident.

It would just appear, because they didn't hit the truck, there was nobody else necessarily involved.

I am interested from two points of view. One is this country provides an enormous subsidy to truck transportation.

We pay for the highways. We spend a ton of money in this area. It is one of the reasons the railroads are sick and a lot of other things take place. It may or may not be good national policy.

It certainly provides a windfall dollar subsidy to one particular kind of transportation industry.

I know, for example, when you get on certain kinds of highways, if you get on the old Pennsylvania Turnpike, which was designed for

another age—it is narrow, it takes you through terrain that is difficult, where there's a mixture of weather, and so forth—that getting around the trucks really takes some driving skill.

This is no rap on the truckers. They are probably the best drivers on the highway. I am not talking about the truckers as drivers. I am talking about trucks as obstacles to motorists' and passenger cars.

I think it would be very helpful for you to take certain stretches of highway that are very heavily traveled by large trucks and particularly older interstate highways that are more hazardous anyway, and—I would assume that there would be data that would show the proportions, 30 percent of the traffic is trucks, 70 percent is passenger cars, or whatever.

Find out if on those highways there's a higher accident incidence than there would be on other highways where the ratio of trucks to cars is different, which would be somewhat comparable kinds of highways, if you will.

My hunch is—just as a layman who has done a lot of driving—that you have got a factor here that probably is worth identifying. We haven't identified it. I think it is another cost to the fact that we really have a very big highway trucking system in this country. I think there are an awful lot of passenger car motorists that end up dead or maimed, as a result of the fact that it is a lot tougher to go down the highway, some highways—that is an obstacle course.

What I am getting to is, it may well be that we want to restrict the volume of certain kinds of vehicles on certain kinds of highways, until we rebuild those highways.

Maybe we restrict the hours. We would say to the trucks, "You can move at such and such a time; passenger cars will move at such and such another time."

There are ways to deal with it, if, in fact, it is something that we ought to take account of.

I suspect it hasn't been looked at closely enough. I think the trucking industry is following a good, normal free enterprise impulse—they are out to improve their bottom line. They do that by being the most cost-efficient system they can be.

We subsidize a big chunk of that. One of the subsidies, I think, is probably with more injuries to motorists in passenger cars, as a result of the dynamics of what it is like to drive in that situation.

I would like to ask you specifically to go after that.

See what you can find. If you are not collecting your data in a way that lets you really isolate that factor, let's talk about how we might do that. I am interested in pursuing it.

Mr. TOFANY. All right.

Senator RIEGLE. If it doesn't directly relate to the purpose of this bill, the purpose of the bill brought us together on that.

Mr. TOFANY. I might say—I didn't mean to interrupt—we work closely or attempt to work closely with the regulated organized trucking interests. We try to work with them in developing this kind of information. I am certain that we can step up to the question you asked.

Senator RIEGLE. You know there might be—it wouldn't necessarily have to go down this track. It wouldn't have to be in a way that would injure the truckers. We might decide, for example on certain road-

ways, at certain hours that they would be the priority vehicles. Maybe we wouldn't ask them to travel at 55 miles an hour, because we know in some instances, trucks are actually better gas users and energy users, and so forth, if they are moving at a different speed level.

If we sort of had the motorists out of harm's way at that time, it might be rational to think we could devise a different balance in this setup where everybody comes out a winner.

I have a hunch that we have a problem there that we have not identified. I would like to see if we can find it.

The question I want to pose here—and we will stop, because I have to get to the next witness—is this: You did not comment in your testimony on the administration's new proposed enforcement criteria for the 55-mile-an-hour speed limit. I am wondering if you can give the committee some indications as to whether you favor the 55-mile-an-hour enforcement mechanisms that would be set up in S. 2541?

Mr. TOFANY. Mr. Chairman, in anticipation of that issue arising, we did attempt, in the limited period of time while preparing for this hearing, to sample some of the State. Unfortunately, Michigan wasn't one of them. For that I apologize.

There were some 10 State highway patrols we spoke to on this very issue. The impression that we have is that the criteria or the sanction aspect of it is not the principal thing of concern. It is the timetable.

I think we recognize that for the States to step up to the timetable and the phased percentages, year to year, requires a fairly expanded effort over what they have been able to do up until now. That's why we asked for designated funding for that purpose, so that they could be assisted in the monetary aspects of the problem, in terms of more patrolmen, and so on.

I think the difficulty is that it is not practical to expect that they can achieve the level indicated for 1978. It would be our suggestion that perhaps rather than run the risk of losing the total concept by starting quicker than is practicable, that a deferral of 1 year, which would enable the States to get in position to enforce the 55-mile-per-hour limit, would be a more practical approach.

Senator RIEGLE. Well, we appreciate your testimony today. We appreciate your efforts.

Thank you for coming.

Mr. TOFANY. Thank you. We would be happy to submit anything you need.

[The statement follows:]

STATEMENT OF VINCENT L. TOFANY, PRESIDENT, THE NATIONAL SAFETY COUNCIL

Mr. Chairman, I am Vincent L. Tofany, President of the National Safety Council, a nongovernmental, nonprofit, public service organization chartered by Congress to work to prevent accidents.

Although the National Safety Council's accident prevention programs encompass every aspect of daily living—including in the home, on the job and while engaged in recreational activities—one of our highest priorities over the years has been to reduce the number of traffic accidents and the injuries and deaths that result from them.

We are pleased that through the hard work and commitments of many private organizations, including the NSC as well as government at all levels we can report to you that motor vehicle death rates continue to decline. Nevertheless, last year approximately 45,000 Americans were killed and almost two million persons suffered disabling injuries as a result of traffic accidents.

I know you share with us a concern and commitment to reduce these figures significantly in the future.

PRIORITIES

In order to develop sound, workable, cost-efficient programs that reduce accidents, we must first establish priorities. If we had billions of dollars to allocate to traffic accident reduction, our task would be much easier. Instead, we have to allocate the resources we have—both our time and money—to programs that will do the most good for the most people.

To help us establish priorities, we need to know the root of the problem—the cause—the reason traffic accidents happen in the first place.

Three factors must be considered in seeking to reduce traffic accidents: the road, the vehicle and the driver. At the outset, let me say that the National Safety Council:

Strongly supports the highway construction program and the completion of the Interstate system;

Strongly supports motor vehicle safety; and

Strongly believes that safer roads and safer cars make for improved traffic safety.

But today's hearing deals with the driver and I shall limit my remarks accordingly.

Through the National Highway Safety Needs Study mandated by Congress in 1975, through special duties conducted by the National Highway Traffic Safety Administration (NHTSA) and studies by various private sector organizations, we have attempted to find the principal causes of traffic accidents.

Although all of these studies were independently conducted, the results were the same. Of the three principal factors associated with traffic accidents—the road, the vehicle and the driver—human error or improper driving is a factor in approximately 85 per cent of all traffic accidents.¹

If our goal is to reduce traffic accidents, and if the principal reason accidents occur is driver error, then it is incumbent on us to direct our attention—and priorities—to programs designed to improve driving behavior.

FUNDING

In the past this has not been where the Federal Government has directed its priorities. For instance, in the ten years since the Highway Safety Act of 1966 became law, appropriations for highway safety programs totalled \$1.652 billion. As a contrast, appropriations for Section 402 of the Act, which includes driver-related programs, totalled only \$966 million.

So although driver error or improper driving was a factor in 85 per cent of all accidents, only 58 per cent of the appropriations for the past ten years was devoted to Section 402 programs, only half of which are driver-related programs.

We are cognizant of the fact, Mr. Chairman, that in recent years, especially since 1974, the amount of funds invested in Section 402 programs has increased at a far greater rate than have the total appropriations for highway safety programs.

The Congress and the Administration now have an opportunity to review the priorities of the past, and to continue to redirect them for the future. We have an opportunity now to attack the major causes of traffic accidents and the injuries and deaths that result. If we do not attempt to eliminate such causes, we cannot very well expect the traffic accident statistics I related earlier to improve significantly.

NATIONAL PRIORITIES PROGRAM

The National Safety Council recommends that this committee and the Administration adopt a five-year program of national priorities that emphasizes the human factors associated with traffic accidents. This national priority program should be incorporated in any legislation enacted or as a directive to the Department of Transportation in the committee report.

¹ The national highway safety needs study concluded that human factors were involved in 83.2 percent of all traffic accidents. The NHTSA study concluded that human factors were definitely identified in 77 percent of all motor vehicle accidents and the probable level of involvement was more than 95 percent. The Society of Automotive Engineers has concluded that human factors were certain in 73 percent of all traffic accidents and had a probable level of involvement in 96.7 percent. For more than a decade the National Safety Council's publication "Accident Facts" has reported that improper driving has been a factor in 84 to 90 percent of all traffic accidents in the United States.

The purpose of the five year program of national priorities is to provide a basis for federal programming that is directed at preponderant causes of accidents, and to guide DOT's process of annual approvals of state programs under the proposed Section 406. DOT has proposed such a five-year priority plan pursuant to the Motor Vehicle Act. We urge the same be done for the Highway Safety Act.

The five-year program of national priorities must be primarily concerned with :

1. Programs related to known high risk people-related accident syndromes, particularly driving under the influence of alcohol, youth involvement in motor vehicle accidents and those involving pedestrians ; and

2. Programs related to proved payoff techniques for all people-related accidents, particularly the 55 mile per hour speed limited increased safety belt use, early voluntary use of passive restraints, and improved driver performance.

55-MILE-PER-HOUR LIMIT

As this committee knows, the National Safety Council was one of the most ardent proponents of the 55 mile per hour speed limit when it was initially proposed. Council studies in 1974 and 1975—after the speed limit law became national—demonstrated conclusively that speed reduction accounted for more than half of the fatality reduction. The National Safety Council continues to support the 55 mile per hour national speed limit and has agreed to join with DOT in a campaign to encourage motorists to abide by the speed limit law.

OCCUPANT RESTRAINTS

This committee also knows that the National Safety Council was a forerunner in proposing the use of safety belts. We also support early voluntary use of passive restraints. We have suggested to President Carter that the Federal Government take the lead in serving as a model to the nation by requiring full use of all occupant restraint systems, both active and passive, in Federal Government vehicles.

I urge Congress to direct the Executive Branch to make no further motor vehicle purchases before the effective date of the occupant restraint rule unless these motor vehicles contain both safety belts and passive restraints—as soon as they become available.

DEFENSIVE DRIVING COURSE

Improved driver performance is, of course, at the root of the traffic accident dilemma. The National Safety Council can document the successes of its Defensive Driving Course which more than nine million persons have completed since its inception in 1964. To date, more than one million licensed drivers are taught defensive driving techniques through this program every year. Currently, 24 governors are using the Defensive Driving Course for state employees who drive ; 17 state motor vehicle departments are using the course as a driver violator or point reduction program. Many local jurisdictions are using DDC as a court referral program.

The priority programs we have outlined above are concerned with driver error or improper driving—a major factor in the cause of 85 per cent of all traffic accidents. We believe it is essential that the Congress and the Administration adopt this national program of priorities at the earliest possible date.

The earliest possible date is right now—as you consider funding Section 402, which includes driver-related programs.

It is clear that the recommended funding for this section is woefully inadequate and not directed primarily at the cause of traffic accidents.

RECOMMENDATIONS

The National Safety Council recommends that Congress revise the national highway safety priorities to cope more adequately with the human factors associated with motor vehicle accidents. To accomplish this, the Congress should :

Raise the authorization from \$175 to \$200 million for fiscal year 1979 ;

Provide that Section 402 authorizations be increased by at least an average of 10 per cent per year for the next ten years ; and

Continue 100 per cent funding for Section 402 from the Highway Trust Fund.

These amendments will help the Congress, the Administration and the nation begin reshifting its priorities toward programs that can be effective in reducing traffic accidents, injuries and death.

FLEXIBILITY

Mr. Chairman, while it should be quite apparent that the National Safety Council is not satisfied with S. 2451's proposed authorization level for Section 402, we do support some of its other provisions.

For example, the bill would embark on a highly desirable approach to provide more flexibility for states and communities in selecting programs on which Federal funds may be spent. Such a change in direction will, we think, better enable states to target their programs and realize a higher safety payoff than would a more rigid series of mandatory Federal categories that may or may not be relevant to the needs of particular states.

S. 2541 has some restrictions and guidelines, such as those that appear in the early portion of Section 402 and in the 25 per cent limitation of the authorized funds for the 55 mile per hour speed limit. As we have previously stated, we believe in the safety and accident prevention value of the 55 mile per hour speed limit, however, we believe that funding limitation such as this will not prove as fruitful as will more flexible guidelines.

If the Congress decides to retain earmarked funds, they should be independent of Section 402 funding and include on an equal basis, funds for high priority areas including the enforcement of the 55 mile per hour speed limit, encouraging expanded use of safety belts and early voluntary use of passive restraints.

NEW CAMPAIGN ANNOUNCED

Because DOT's passive restraint regulation does not require retrofitting existing cars with passive restraints, it will take at least ten to 15 years before all cars on the road have them. It is important to remind all drivers that now, as well as after all cars are equipped with passive restraints, safety belts must be used. I am pleased to advise this committee that the National Safety Council in cooperation with other private and public organizations is planning to launch a nationwide campaign to persuade the American people to make greater use of their safety belts and to purchase cars equipped with passive restraints as early as they can be obtained.

DATA

To help us establish priorities such as those we have discussed, we need up-to-date, sophisticated data. Therefore, the Council strongly recommends that the Congress conduct careful oversight of any DOT future activities in this area to assure that we avoid duplicating data systems, and to guarantee the maximum effective use of all existing public and private data collection systems, and that they are coordinated with any new DOT systems.

SUMMARY

In summary, Mr. Chairman, the National Safety Council recommends that the Government begin a five-year program of priorities that attacks the human factors problem in traffic accidents and that you demonstrate your commitment to reducing the number of accidents by shifting appropriations this year according to those priorities.

Senator RIEGLE. Next we will have Mr. Douglas Fergusson, safety advisory panel chairman, Highway Users Federation.

I want to read a letter I received into the record from Senator Glenn in which he says as follows:

This letter will introduce Mr. Douglas Fergusson, Director of Safety for the Nationwide Insurance Company. Nationwide is headquartered in Columbus, Ohio. I am pleased Mr. Fergusson is testifying at hearings before the Consumer Subcommittee. He will be able to contribute the benefit of his expert knowledge, understanding, and experience during these hearings. I am confident you will find his participation to be helpful to the Committee's consideration of this important measure. John Glenn.

That is a very nice word to hear.

**STATEMENT OF DOUGLAS M. FERGUSSON, DIRECTOR OF SAFETY,
NATIONWIDE INSURANCE CO., APPEARING ON BEHALF OF THE
HIGHWAY USERS FEDERATION; ACCOMPANIED BY PETER G.
KOLTNOW, PRESIDENT**

Mr. FERGUSSON. Mr. Chairman, thank you very much. I thank you for taking the committee's time to read that very gracious note from Senator Glenn. I am Douglas Fergusson, director of safety for Nationwide Insurance Co. I am appearing today in behalf of the Highway Users Federation. My company is a member of the federation, and I am chairman of its highway safety advisory panel.

Accompanying me today is Mr. Peter Koltnow, president of the federation.

We do have a complete statement that we would ask be entered in the record. I have, in the interests of your time, elected to abbreviate that comment today.

Senator RIEGLE. Your full statement will be made a part of the record. We would appreciate having a summary.

Mr. FERGUSSON. Thank you, Mr. Chairman. I will go directly to our views of the provisions in S. 2541. We do support much of the bill, which, as you have noted, is in a large measure a matter of the Airlie House Conference, a conference in which I personally and members of the federation staff participated.

We believe that the States and communities have developed sufficient administrative and technical skills to carry out a flexible program effectively.

The bill wisely provides that each State be permitted to identify and set priorities and develop accident countermeasures, in accordance with its specific needs. We were especially glad to see that the bill also would require States to evaluate and report on their progress in meeting needs, as a guide for the future.

At the same time, we recognize—as does S. 2541—that national uniformity is highly important in some areas. We are in complete agreement with the provisions of the bill which designate the six safety program areas in which States will achieve a required level of uniformity. There should be a thorough review of the requirements for these six areas by both public officials and interested members of the private sector. To assure this, we strongly recommend that the Secretary promulgate these requirements under provisions of the Administrative Procedure Act.

We support the provision in the bill requiring that Federal guidelines be established in other areas of proven value to help assure balanced programs. However, the Secretary of Transportation should be directed to establish those guidelines in cooperation with the States, their political subdivisions, appropriate Federal agencies and other interested public and private sector organizations. We recommend that this be written into the bill.

The program submission and approval process called for in section 406 of the legislation is adequate to assure the proper use of Federal funds. Current law has granted the Secretary power to sanc-

tion the States for failure to conform to Federal standards. State safety programs have developed to the point where this threat—never invoked—is no longer justified.

The proposed change from the present incentive grant program to a system that rewards development of innovative countermeasures is a good one. An examination of the list of States that have received grants under the incentive program fully bears out the statement of the Secretary of Transportation to Congress that these awards have been “almost random in character.” The program has been controversial from the start, and we support its removal.

As for the new innovative grant programs, we recommend that it be moved to and funded as a part of section 411, “Highway Safety Research Development.” This is logical for an effort whose purpose is the exploration of safety countermeasures options responsive to “real world program needs.”

We also recommend starting the program in fiscal year 1979 rather than delaying it to fiscal year 1980, as S. 2541 provides.

We recommend further that the legislation specifically provide that the results of all Federal research and development activities be communicated to the States and localities promptly, and in terms understandable to safety program officials and practitioners.

The bill indicates that there is a need for special emphasis activities in areas of general national concern. We recognize this, and propose that such areas be identified and funded separately from other programs, as their needs indicate.

We do not support the provision in the bill which earmarks 25 percent of 402 funds for high priority programs at the discretion of the Secretary. This is out of keeping with legislation designated to increase flexibility for the States.

In the alternative, we propose two programs to be certified as having high priority and to be specifically funded.

The first of these is the 55-mile-per-hour national speed limit. We strongly support compliance with this limit and its enforcement, and would resist its appeal.

The approach to achieving compliance proposed in S. 2541, however, is impractical. Before issuing compliance levels, the Department of Transportation should undertake demonstration projects to determine the most effective methods to achieve compliance, and the costs and benefits of these methods. We propose that the Secretary be directed to report these results to Congress no later than January 1, 1980, along with recommendations to achieve compliance based on those results.

The second high priority program is increased use of safety belts. Two kinds of activities are suggested.

First, we recommend major education campaigns, conducted cooperatively by the Federal Government and the private sector.

Second, we urge that the Secretary of Transportation be given funds for grants to States which pass laws requiring use of safety belts or child restraint systems. The funds should be used to help States implement and evaluate these programs. Legislative forecasts indicate that at least 13 States will consider such laws during the next 2 years.

The DOT estimates that 9,000 lives could be saved annually if the use of safety belts were increased from the current level of 20 percent to 70 percent. Such an increase also would prevent hundreds of thousands of injuries. The 1976 national highway safety needs study identified mandatory belt use laws as the most effective highway safety counter-measure.

It will be many years before all cars are equipped with passive restraints. Federal encouragement to the public to use belts, already in place, is highly justified.

Turning to the subject of funding, in testimony before the Senate Transportation Subcommittee October 12, 1977, the Federation recommended a section 402 funding level for National Highway Traffic Safety Administration activities of \$175 million for fiscal year 1979, rising to \$230 million by fiscal year 1982, in incremental increases.

There is attached to our testimony a table which sets forth these figures. In the interest of time, again, your time I will skip over the details.

These recommendations were premised on the existing State and community programs with 18 highway safety program standards requirements. However, with the substantial changes proposed in this bill, we believe the States would be able effectively to utilize a higher level of 402 funding. We would support such an increase up to the \$200 million level.

In summary, our views on this proposed legislation are:

1. We support giving the States greater flexibility—and confining specific requirements to the six areas outlined in the bill—but we recommend that these requirements be promulgated as regulations.
2. We favor having Federal guidelines for other program areas and recommend that various agencies and the private sector participate in forming them.
3. We support the program submission and approval process in the legislation and agree that sanctions are not needed.
4. We recommend making the innovative grants part of research and development and we further recommend directing that the results of all research and development activity be communicated to the States and communities in understandable terms.
5. We recommend spelling out high priority programs and their funding—rather than earmarking 402 funds. The program we propose for this legislation concern observance of the 55-mile-per-hour speed limit and use of safety belts.
6. We propose a staged rise in Federal funding for highway safety over the next 4 years.

Thank you for the opportunity to present these views.

Senator RIEGLE. Mr. Fergusson, let me ask you: I am not familiar with exactly who belongs to the Highway Users Federation. Can you tell me two things?

By the way, I thought your presentation was very well put and very helpful for us to have it.

Mr. FERGUSSON. Thank you, sir.

Senator RIEGLE. Who belongs, by category group, and who picks up the tab?

Mr. FERGUSSON. I would ask Mr. Koltnow to respond.

Mr. KOLTNOW. We have about 500 industry and association members. They fall roughly into two categories. Some of them are users of highways. Farm Bureau, Letter Carriers, AAA, groups of that sort who use the highways as part of their business. The other category consists of those who supply highway transportation services. The people who build automobiles, provide fuel, make rubber tires, insure cars, fund the purchase of vehicles, publish advertisements and the wide range of industries and businesses that have some connection with highway transportation.

Senator RIEGLE. Is it about a 50-50 split?

Mr. KOLTNOW. The manufacturing and service side would be larger. Probably three-quarters-one-quarter.

Senator RIEGLE. I have one question that I want to raise with you, and that is, I am wondering if you could expand upon your statement that the administration's suggested approach to S. 2541 to achieve compliance with the 55-mile-an-hour speed is impractical? I am wondering what specific parts of the administration's compliance proposal do you think are impractical?

Mr. FERGUSSON. Yes, Mr. Chairman, as briefly as possible, I would make several points. First of all, we are not sure that technically, and, maybe, legally, precise compliance levels can be legislated. In some jurisdictions by law, as I assume you know, there is a tolerance level if speed determination is made by mechanical devices.

So to take compliance to a specific speed level may be impossible, if not illegal.

No. 2, as we said in our statement, we are not sure that compliance, large percentage compliance is best achieved at this time by massive enforcement efforts.

I think that we also ought to determine what the best way of increasing compliance is, educational programs or behavioral change approaches should be explored in their ability to increase compliance on a cost/benefit basis.

Senator RIEGLE. Thank you both for your presentation.

Mr. FERGUSSON. Thank you.

[The statement follows:]

STATEMENT OF DOUGLAS M. FERGUSSON, DIRECTOR OF SAFETY, NATIONWIDE INSURANCE COMPANY FOR THE HIGHWAY USERS FEDERATION

I am Douglas Fergusson, Director of Safety of Nationwide Company, and I am appearing today in behalf of the Highway Users Federation. My company is a member of the Federation and I am Chairman of its Highway Safety Advisory Panel.

The Federation is a non-profit business league comprising more than 350 businesses and industry associations. Affiliated with it are highway user conferences in all 50 states and in 40 metropolitan areas. Besides insurance companies—such as my own—members include automobile and trucking associations, food producers, banks, news media, petroleum, rubber, motor vehicle manufacturers and dealers, and other industries that either are major consumers or suppliers of highway transportation.

Closely tied to the Federation and an integral part of its operation is the Automotive Safety Foundation. ASF has a history of effective involvement in the nation's safety affairs going back to the mid-thirties. In the late 'thirties and early 'forties, ASF directed major technical effort to the identification of high-priority safety areas, thereby providing a framework for many individual state and community programs. Since then, ASF—and more recently the Federation, which now provides its staffing—have helped and supported these programs.

In the mid-'sixties, ASF conducted comprehensive state studies to determine how traffic safety activities could best be organized to make the most effective use of the framework already developed. The organization of the current federal grant-in-aid program, established by the 1966 Highway Safety Act, is very close to what came out of those studies.

But, throughout these years, and especially since the National Highway Safety Act of 1966, there have been many changes. In 1976, it was recognized generally that the time had come to take a new look at the federal-state-community relationships. The 1977 report of the Secretary of Transportation to Congress on the national highway safety program constituted such a re-evaluation. That report was preceded by conferences among officials and interested members of the private sector. Members of the Federation staff and I, personally, participated in those conferences.

S. 2541 follows many recommendations in the Secretary's report and we support much that is in the bill.

NATIONAL UNIFORMITY AND THE 402 PROGRAM

We believe, for example, that the states and communities have developed sufficient administrative and technical skills to carry out a flexible program effectively.

The bill wisely provides that each state be permitted to identify and set priorities and develop accident countermeasures in accordance with its specific needs. We were especially glad to see that the bill also would require states to evaluate and report on their progress in meeting needs, as a guide for the future.

At the same time, we recognize—as does S. 2541—that national uniformity is highly important in some areas. We are in complete agreement with the provisions of the bill which designate the six safety program areas in which states will achieve a required level of uniformity. There should be a thorough review of the requirements for these six areas by both public officials and interested members of the private sector. To assure this, we strongly recommend that the Secretary promulgate these requirements under provisions of the Administrative Procedure Act.

OTHER PROGRAMS

We support the provision in the bill requiring that federal guidelines be established in other areas of proven value to help assure balanced programs. However, the Secretary of Transportation should be directed to establish those guidelines in cooperation with the states, their political subdivisions, appropriate federal agencies, and other interested public and private sector organizations. We recommend that this be written into the bill.

SANCTIONING POWER

The program submission and approval process called for in Section 406 of the legislation is adequate to assure the proper use of federal funds. Current safety legislation has granted the Secretary power to sanction the states for failure to conform to federal standards. State safety programs have developed to the point where this threat—never invoked—is no longer justified.

INNOVATIVE GRANTS AND RESEARCH AND DEVELOPMENT

The proposed change from the present incentive grant program to a system that rewards development of innovative countermeasures is a good one. An examination of the list of states that have received grants under the incentive program fully bears out the statement of the Secretary of Transportation to Congress that these awards have been "almost random in character." The program has been controversial from the start and we support its removal.

As for the new innovative grant program, we recommend that it be moved to and funded as part of Section 411, Highway Safety Research Development. This is logical for an effort whose purpose is the exploration of safety countermeasures options responsive to "real world program needs."

We also recommend starting the program in fiscal year 1979 rather than delaying it to fiscal year 1980, as S. 2541 provides.

We recommend further that the legislation specifically provide that the results of all federal research and development activities be communicated to the states and localities promptly, in terms understandable to safety program officials and safety practitioners.

HIGH-PRIORITY PROGRAMS

The bill indicates that there is a need for special emphasis activities in areas of general national concern. We recognize this, and propose that such areas be identified and funded separately from other programs, as their needs indicate.

We do not support the provision in the bill which earmarks 25 percent of 402 funds for high priority programs at the discretion of the Secretary. This is out-of-keeping in legislation designed to increase flexibility for the states.

We propose two programs to be identified as having high priority and to be specifically funded.

NATIONAL SPEED LIMIT

The first of these programs is the 55 mile per hour national speed limit. We strongly support compliance with this limit and its enforcement, and would resist its repeal.

The approach to achieving compliance proposed in S. 2541, however, is impractical. Before issuing compliance levels, the Department of Transportation should undertake demonstration projects to determine the most effective methods to achieve compliance, and the costs and benefits of these methods. We propose that the Secretary be directed to report the results to Congress no later than January 1, 1980, along with recommendations to achieve compliance based on those results.

SAFETY BELTS

The second high priority program is increased use of safety belts. Two kinds of activities are needed.

First, we recommend major educational campaigns, conducted cooperatively by the federal government and the private sector.

Second, we urge that the Secretary of Transportation be given funds for grants to states which pass laws requiring use of safety belts or child restraint systems. The funds should be used to help states implement and evaluate these programs. Legislative forecasts indicate that at least 13 states will consider such laws during the next two years.

The Department of Transportation estimates that 9,000 lives could be saved annually if the use of safety belts were increased from the current level of 20 percent to 70 percent. Such an increase also would prevent hundreds of thousands of injuries. The 1976 National Highway Needs Study identified mandatory belt use laws as the most effective highway safety countermeasure.

It will be many years before all cars are equipped with passive restraints. Federal encouragement to the public to use safety belts, already in place, is highly justified.

FUNDING

In testimony before the Senate Transportation Subcommittee October 12, 1977, the Federation recommended a Section 402 funding level for National Highway Traffic Safety Administration activities of \$175 million for fiscal year 1979, rising to \$230 million by fiscal year 1982, in incremental increases. (See attached table.)

These recommendations were premised on the existing state and community programs with 18 highway safety program standards requirements. However, with the substantial changes proposed in this bill, we believe the states would be able effectively to utilize a higher level of 402 funding. We would support such an increase.

We recommend that the innovative grant program be funded at an annual level of \$15 million starting fiscal year 1979, as part of the total research and development program in Section 411. For all research and development, including the innovative grants, we propose \$65 million.

We recommend that the two high priority programs we have proposed be funded as follows:

For developing and implementing a program to insure continued driver compliance with the 55 mile per hour speed limit, we recommend \$25 million per year.

To help states implement and evaluate mandatory safety belt or child restraint programs—\$2.5 million; to encourage safety belt use through an effective public information campaign, a sum in the range of \$25 million annually would appear reasonable, considering the potential safety benefits to be gained from a well conceived, adequately funded effort of this nature.

In summary, our views on the proposed legislation are:

1. We support giving the states greater flexibility—and confining specific requirements to the six areas outlined in the bill—but we recommend that these requirements be promulgated as regulations.

2. We favor having federal guidelines for other program areas and recommend that various agencies and the private sector participate in forming them.

3. We support the program submission and approval process in the legislation and agree that sanctions are not needed.

4. We recommend making the innovative grants part of research and development and we further recommend directing that the results of all research and development activity be communicated to the states and communities in understandable terms.

5. We recommend spelling out high priority programs and their funding—rather than earmarking 402 funds. The programs we propose for this legislation concern observance of the 55 mile per hour speed limit, and use of safety belts.

6. We propose a staged rise in federal funding for highway safety over the next four years.

Thank you for the opportunity to present these views.

HUF PROPOSED NHTSA FUNDING LEVELS

[In millions of dollars]

	Fiscal year—			
	1979	1980	1981	1982
State and community grants (sec. 402).....	175.0	190.0	210.0	230.0
Incentive grants.....	0	0	0	0
Highway safety research and development (sec. 411), includes \$15,000,000 for innovative grants.....	65.0	65.0	65.0	65.0
High priority programs:				
55 mi/hr compliance.....	25.0	25.0	(1)	(1)
Safety belt education (up to).....	25.0	25.0	25.0	25.0
Use law implementation and evaluation.....	2.5	2.5	2.5	2.5
Total (estimate).....	292.5	307.5	302.5	322.5

¹ Level to be determined by 55 mi/hr demonstration project.

Senator RIEGLE. Next, we will have Mr. Richard Peet, president of Citizens for Highway Safety.

I am going to step out for 1 minute to take a phone call. Let me ask you to get a fresh glass of water and get comfortable. I will be right back.

Mr. PEET. Thank you, Senator.

[Brief recess.]

Senator RIEGLE. The committee will resume.

Let me ask everyone who is in the room to find a seat, if they would, so we can get started again.

Mr. Peet, we are pleased to have you before the committee today. Why don't you give us a summary of your remarks?

STATEMENT OF RICHARD C. PEET, PRESIDENT, CITIZENS FOR HIGHWAY SAFETY, WASHINGTON, D.C.

Mr. PEET. Thank you, Senator.

My name is Richard Peet. I am president of Citizens for Highway Safety, a tax-exempt, nonprofit organization supported by companies, foundations, and citizen memberships,

I am grateful for the opportunity to testify. We are very active in many of the fields of interest to this committee.

In opening, I want to mention the fact that—about Airlie House, we were in substantial disagreement, although a participant, with some of the Airlie House recommendations at the time. We requested the opportunity to file minority views, but were not accorded that privilege.

Since that time, a number of other groups have surfaced some of their concerns about the Airlie House Conference.

Senator RIEGLE. Today you have an opportunity to file minority views.

MR. PEET. Well, I wish I had the time, Senator, to direct your attention to a lot of these things.

In general, I might say, however, with regard to the making of the standards guidelines than strictly enforceable sanctions, we do agree with that.

We agree with that, because after a dozen years, we can't quantify what these standards have done, what they wouldn't do, if they were abolished. We think, however, we have recommendations which might provide a better approach towards encouraging states to adhere to those standards.

I will refer to those later, as the safety accomplishment incentives.

First, I want to mention our deep concern about the administration proposal to utilize sanctions to encourage and—to require enforcement of the 55-mile-per-hour speed limit.

In response to a comment you made, I would like to suggest that we have always had trouble strictly enforcing speed limits. When the speed limit was 75, there was always a forgiveness factor or a tolerance level where a motorist went to 85 or beyond.

Even when the speed limit is 25 miles an hour, I assume you have experienced driving along that people tend to exceed by a fair amount, even if there's police enforcement, they give a tolerance level, a wide tolerance level to enforcement to assure when they get to court there case will stay.

When we talk about a 55-mile-an-hour speed limit, I truly think it is unrealistic to seek to enforce it strictly in accordance with the term 55.

However, we are very much in favor of making the 55-mile-an-hour speed limit.

If it is demonstrable, the results over the years have prevented 36,000 deaths since 1973.

I am afraid that if the sanction approach becomes—is enacted that we—that the 55 mile will go the same way that the motorcycle helmet law went, that the interlock went, and that other provisions offering promise went in times past.

There are constituencies out there in the United States that are violently opposed to 55.

They have not organized, because of the tolerance levels, because of the way 55 has been enforced, particularly in those States in the West where 55 is severely out of favor. There have been a lot of excesses, but nonetheless, we still maintain the 55-mile-per-hour speed limit as a national speed limit.

It is saving those 9,000 lives.

I think there is a better way to encourage enforcement of the 55 than the sanctions. I refer to incentives or bonuses for those States that

achieve the identical types of reductions that are called for in the administration bill.

Thus, I guess it is this year, if the rate—if—I have here the—I had jotted down the administration proposals insofar as percentile enforcement, but on a scale based, identical with the administration's approach, if we offered substantial cost benefits to States which adhere to the 55-mile-an-hour limit, within those percentiles, I think we would encourage a lot of States to enforce the law in accordance with the incentives offered.

I think incentives. Safety accomplishment incentives, can be used across the board as goals for States to encourage them to do things which a dozen years of sanction have shown they have not done.

You can take any aspect, for example, a 5-percent incremental increase in safety belt use. Give them an incentive bonus. Any of a number of other areas, encouraging a child restraint use, only about 10 percent of parents harness their small children, 4 and under, in child safety seats.

That's tragic, because 1,000 of those children die each year, many of whom could be saved, probably half or more, if they were using child restraints.

I think through a carefully drafted incentive approach, we could achieve much more, much more State cooperation in requiring child restraint use. We could do the same in the area of vehicle inspection. When I was out in California recently, which has no vehicle inspections, I drove a car which—of a friend—which should not have been on the road. Its brakes didn't work, its lights didn't work, the whole thing was a death trap, literally, to drive.

I had a mission to perform. I performed it.

I got out in a cold sweat. In most States that car wouldn't be on the road. Yet California has no vehicle inspection. If we offered States substantial cash bonuses for adopting such programs and included such things as energy conservation, pollution controls, and the like, I think we might have far better results than we have had to date in these areas.

I have one other recommendation which I want to stress. Then I think I will hold myself available for questions.

One of our problems in dealing with the NHTSA has been that with regard to programs that we initiate and propose, we have to enter—if they are visible programs—we have to enter a competitive bidding approach. We conceive the program, bring it to the attention of NHTSA, think it is promising, the next thing we know the only way we can continue to participate, is if we happen to win out in the competitive bidding process.

The competitive bidding process is so complicated that groups and organizations and universities around the country have whole sections that are constantly preparing proposals for governmental use. We don't have these kind of resources.

As a result, it is almost hopeless for us to think that we will be able to participate in something that we have conceived.

I cite, for example, the national bicentennial highway safety program. We lobbied it through the Congress. President Ford proclaimed it. We had the participation of lots of groups and organizations around

the country, an estimated—which represented 4 million people. The program was enthusiastically endorsed by the Secretary of Transportation, by the administrators of the FHA and the NHTSA, but not 10 cents of moneys were forthcoming in support of any aspect of the program.

Yet, I viewed the Bicentennial Safety Year in conformance with then President Ford's goal of improving the quality of life for all Americans. As a matter of fact, I don't know of any other program which offered such a potential for the American people, as the National Bicentennial Highway Safety Year. I regret very much that the Federal Government did not help support it.

So we urge the adoption of a private sector innovative program in conjunction with the innovative program sought to be adopted or recommended by the administration for State organizations.

If such a program were adopted, we think that you could put the private sector Highway Safety Committee on its mettle to produce the kinds of results which could bring the highway death and injury total down to irreducible minimums.

Absent such a provision, I think we will continue to go along with a Government-type of program with a missing link between Government and the people.

Unless we involve people in highway safety, we can never accomplish our mission.

Finally, I say I encourage greater power, authority, and participation of the Governors' highway safety representatives in all aspects of the highway safety program.

Senator RIEGLE. Thank you very much for your testimony. We will make the entire statement a part of the record. It is a very interesting statement.

Mr. PEET. Thank you, Senator.
[The statement follows:]

STATEMENT OF RICHARD PEET, PRESIDENT OF CITIZENS FOR HIGHWAY SAFETY

My name is Richard Peet. I am President of Citizens for Highway Safety, a tax-exempt, non-profit organization whose sole mission is to reduce deaths and injuries on the Nation's highways.

I am grateful for the opportunity to testify here today. The Subcommittee is grappling with some very tough decisions in the field of highway safety. I hope my remarks will shed some light and, in the process, assist it in its difficult deliberations.

I first became involved in this field while serving as a counsel on the Committee on Public Works and Transportation—in the other body. Since 1974, I have served as President of CHS. For me, the opportunity to participate in a continuing campaign that can lead to dramatic reductions in the death and injury toll is a compelling challenge.

Highway deaths are the biggest killers of Americans under age 40—bigger than cancer, heart and all the other dread diseases. Actuarially, their impact is even greater. While statistics are not available, loss of life expectancy due to automobile accidents is probably higher than any other factor.

We don't have a cure for cancer, nor do we have one for heart disease nor for any of the other dread diseases.

But we do have some state-of-the-art cures for the highway slaughter—cures which, I believe, can cut the death and severe injury toll by half.

For a very long time, we were stymied in our efforts to effectively address the highway carnage because of the "nut behind the wheel" myth which blamed 90 percent of all accidents exclusively on the driver. Both the condition of the road and the vehicle were virtually ignored. As a result, many of the improvements

we have the capability of focusing in on and changing for the better were delayed long after we had developed the knowledge and wherewithal to address them.

Exclusive concentration on "the nut behind the wheel" is like putting the blame on people alone for getting sick because of poor diet or hard living and abandoning any real effort to discover causes and cures. Of course people make mistakes when they drive. Of course some people drink too much and drive; or they use drugs—both hard and soft—and drive. And, of course, there are individuals on the road who are overly aggressive, who are troubled, who have other maladies, such as poor vision, which makes them vulnerable to themselves and to others.

But we have long known that through correction of road hazards and elimination of roadside obstacles, we can prevent many accidents from occurring. The extraordinary record on the Interstate System is proof positive of that.

And we have long known that there is much we can do to improve motor vehicles to make them safer and more responsive to drive; to reduce injuries or prevent death if an accident occurs. And over the past decade, as a result of new initiatives, the forgiving highway and the forgiving vehicle are on the way to realization.

But not everything we have tried has worked as well as we had hoped. And that is to be expected when you are grappling with a problem as difficult as the highway carnage. That's why it is important when experience confirms that programs are not producing anticipated results, changes should be made and new approaches taken in order that maximum progress can be assured.

S. 2541, introduced by Senator Howard W. Cannon, contains the Administration's recommendations for shifting direction along more constructive lines. I agree that such a shift is warranted. I think it is time to move away from mandatory standards in some areas and to focus on achieving uniformity through concentration of effort in others.

It's time to shift more authority and responsibility to the states. And it's time to clothe the Governor's Highway Safety Representatives, who are responsible for carrying out highway safety programs, with the status, authority and facilities they need to successfully carry out their mission.

And, it is time to upgrade the research effort. Since its founding, a major portion of the National Highway Traffic Safety Administration's efforts have focused on the alcoholic and drinking-driver problem. Yet poor driving associated with excessive drinking is part of a much bigger problem—the disease of alcoholism. And very little research money is actually being expended to find a cure for that disease. More should be.

The same holds true for the drug-using driver. So I approve the Administration's recommendation to continue and expand research on the relationship between the consumption and use of drugs and their effect upon highway safety. Research on driver-behavior patterns and practices would also be upgraded. This provision was originally included in the 1973 Safety Act and I am happy to see it continued.

Finally, I favor Section 410, the proposal for innovative project grants. It is important to provide the states with a mechanism for initiating and funding new ideas and approaches in highway safety. And this new project grant proposal will encourage that.

Approval having been registered for the foregoing, I do have a serious reservation to record and some recommendations to make which, I think, will be useful and productive.

My reservation relates to the use of scaled-up penalties to force compliance with the 55 mph speed limit—an approach fraught with peril as I see it. As an alternative, I recommend that serious consideration be given to the use of Safety Accomplishment Incentive bonuses which would be made available to states which do, in fact, comply with the national speed limit. As my remarks will show, the incentive approach can be used to encourage national uniformity in virtually every aspect of highway safety.

In addition to the use of Safety Accomplishment Incentives, I propose the establishment of a "Private Sector Innovative Program", to test whether we can stimulate private sector initiatives in the field of highway safety through judicious grants to groups and organizations. All of my experience convinces me that we can, and that generating such activity is, or should be, a primary goal of the Federal highway safety effort.

In addition, I urge that consideration be given to establishing a "Traffic Enforcement Research and Demonstration Program" to develop much-needed information on improving police participation in the safety process.

Finally, I urge an upgrading and expansion of the duties and responsibilities of the Governor's Highway Safety Representatives. They are the point-men of the government's safety efforts and should be given the authority and funding they need to get the job done.

Now to specifics—the first of which relates to the proposed amendment to Section 143 which would establish scaled-up penalties to compel enforcement of the 55 mph speed limit. Frankly, this proposal scares me to death. And when I say the word "death", I mean it literally for potentially thousands of Americans.

The 55 mph speed limit was not enacted into law as a safety measure. It was proposed as a device to conserve fuel. And, to a modest degree, it has accomplished that objective.

But it has also produced a huge lifesaving bonus. Estimates indicate that 36,000 Americans owe their lives to the 55 mph speed limit. Yet, it is extremely doubtful that the Country would ever have accepted a national speed limit solely for safety. Absent the stimulus of the fuel crisis, it is questionable that the 55 would ever have been approved.

And now, in frustration over lack of full enforcement by the states, the Administration has proposed a series of penalties to force them to raise adherence to the 85 percentile. I applaud the end sought to be served by this measure. But I am apprehensive over the result likely to be achieved.

By my lights and by my observations, penalties don't work. Attempts to enforce them against the states almost always fail. Worse still, such attempts inevitably more opponents to organize to wipe the slate clean of the offending provision. That's what happened when NHTSA threatened to impose penalties against states to require them to pass motorcycle helmet laws. And that's what happened with the interlock.

There is great hostility to the 55 mph limit in certain quarters. Some motorists and some drivers strenuously oppose it. Even some police organizations around the country are less than enthusiastic—despite the lifesaving record achieved.

What I fear is that if the proposed penalties requiring increased compliance go on the statute books and are sought to be enforced, the enemies of 55 will organize and, because of their strength and influence, succeed in making changes whose practical effect will be to kill it. If that happens, 9,000 American lives will be forfeit each year.

The rationale for the proposed penalty approach is that too many Americans are exceeding the speed limit—and I agree. But haven't people always exceeded all speed limits to some degree? When the limit was 70 to 75, some drivers, a substantial portion of them, drove their cars at 80 mph and beyond. Indeed, most drivers exceed the posted limits by five to ten miles an hour or more, even in 25 mile-an-hour zones. I state this as a fact, not to condone excess speed. That is why to put at risk the 55 mph limit in order to achieve full compliance—a goal we never achieved when the limits were higher, strikes me as unrealistic. And to set in motion a system of penalties which will inevitably lead to confrontations with many states which are unable or unwilling to achieve the 85 percentile through enforcement may well lead to a serious challenge to the national speed limit law. In fact, if threats of penalties are ever sought to be imposed—as I am certain they will be—the outcry will be so furious that I doubt the 55 mph speed limit will survive. It will be expunged from the statute books in record time.

So I ask: Is it worth it to risk this marvelous lifesaving tool—particularly in view of the sorry record of penalties to compel compliance in the past? I think not.

To say this, however, does not mean that we should curtail our efforts to encourage adherence to the national speed limit. As the following chart shows, the higher the speed in which you are involved in an accident, the more likely the consequences will be fatal.

SPEED AND SURVIVAL—THP RISK FACTOR IN ACCIDENTS

Chance of occupant survival

Vehicle speed at time of accident :

Miles per hour :	
31 to 40.....	97-1
41 to 50.....	88-1
51 to 60.....	31-1
61 to 70.....	7-1
71 or over.....	1-1

DATA SOURCE : National Safety Council.

SAFETY ACCOMPLISHMENT INCENTIVES

I submit, however, that instead of using the "stick" to encourage enforcement, we should try the "carrot". After all, a spoonful of sugar not only helps the medicine go down, it may even make the patient eager to take it. We can do this through the use of incentives.

Incentives are tried and true mechanisms which have frequently been used with great success to encourage positive action in both the public and private sector.

Tax deductions encourage home ownership. Tax credits encourage business expansion. Tax supports encourage farmers to grow crops.

President Carter in his recent State of the Union Message announced his intention to use incentives in several new legislative areas. For example, his new policy for urban areas contains an incentive program likely to run as high as \$3 billion a year for states that develop coherent growth plans which target public investment to communities in need.

Incentives also receive high marks from the private sector. Commenting on government regulation, Henry Ford II had this to say in a recent speech:

"It seems to me that we have made too little use of incentives in attempting to resolve many of our most difficult social and environmental problems . . . Even a donkey will respond to a carrot as well as a stick."

Given their proven record of success in stimulating action, and given the stakes involved in highway safety, why should we not use incentives to encourage action and participation by states and localities in highway safety programs?

What form should they take?

The 1973 Safety Act serves as a guide. It contained a provision (Section 219) with a two-part incentive program.

The first was to encourage states to adopt safety belt use laws. The second provided incentives to states which achieved substantial death rate reductions.

Concerning the former, within twelve months of the approval of the safety belt provision by the Congress, thirty states introduced legislation to make buckling-up mandatory. But then the unexpected happened. The Interlock controversy developed. Interlocks were installed in 1974 model cars. They incorporated what I characterize as the "nuisance" approach to highway safety. They made your car inoperable and your life miserable with buzzers. Not surprisingly, they provoked an immediate outcry from new car owners.

Both Houses of Congress responded by introducing, considering and passing legislation which repealed the Interlock requirement. It was the unfortunate fate of the safety belt incentive to be considered for appropriations in the House for the first time during this unpropitious period. As a result, during initial floor debate, the House voted for a provision inhibiting any expenditure to carry out the incentive provision (confusing it with the hated Interlock). Subsequently, in Conference, at the insistence of the Senate, the inhibition was removed.

Despite this enlightened action, however, the then-Administrator of the National Highway Traffic Safety Administration made a policy decision not to allocate any safety belt incentive monies and to make no future budget requests for them. That he had the power to expend Section 402 funds for this purpose is attested to by the fact that he had already awarded a safety belt incentive grant to Puerto Rico before the appropriations controversy developed.

As mentioned, thirty states introduced safety belt use legislation in response to the incentive provision. It is conceded that a number of the states, including the District of Columbia, would have adopted mandatory safety belt use laws had incentive monies been available. Unfortunately, such monies were not available.

A year and a half ago, Charles Pulley, President of the American Safety Belt Council, addressed the National Society of State Legislators in Denver. In Pulley's own words:

"I talked safety belt use laws. Their attitude was, if you want to do us any good, get the hell back to D.C. and get those incentives reinstated.

"You're wasting your time with us, Mr. Pulley. You go back there and get Congress to reinstate the incentives and we'll get use laws passed."

So to the question: Will incentives work? The answer is: You bet they will, if promised Federal monies are forthcoming.

Incentives to encourage death rate reductions have been awarded since 1974. Prior to that, a state's performance was measured in what was euphemistically known as a report card. Success was determined by grades given, not for reducing deaths and injuries, but for adherence to prescribed "paper" standards set in Washington. To be sure, there have been complaints about the way death rate reduction incentives have been awarded. Clearly, those states which have achieved the lowest death rates and maintained them year after year should not have been denied an incentive award. That was an oversight in the 1973 Safety Act—one which should have been anticipated and has since been corrected.

And the approach of providing an incentive award to states for actual reduction in traffic fatalities is another step in the right direction.

But incentives offer promise in other areas as well. While there does not seem to be any realistic prospect of enacting an incentive to encourage states to adopt mandatory safety belt use laws, surely an incentive should be available for states which increase safety belt usage by increments of say five percent or more. Such an increase in usage would save upwards of a thousand lives each year. It is certainly an objective worth encouraging and rewarding.

Another area where an incentive would prove extremely useful would be in encouraging enforcement of the 55 mph speed limit. Many states are presently avoiding their duty in this regard in a variety of ways.

As mentioned, to overcome this, the Administration has proposed in the Highway Safety Act of 1978, a four-year, phased-in penalty approach to encourage greater adherence to the 55 mph speed limit. Up to 10 percent of Federal-aid highway funds would be forfeited by states which fail to comply. I tremble to think what will happen—notice I do not say what may happen—if this measure is approved. I have no doubt that opponents of 55 will mobilize to remove it from the books. And because of the power that they possess, the arguments they can make, and forces they can muster, I believe they will succeed.

An incentive approach to reward those states which do, in fact, provide effective enforcement of the 55 mph speed limit presents no such danger. And, if the past be prologue, it will likely produce better results overall.

Incentives can also be used to encourage states to adopt programs to inspect motor vehicles. As the imposition of new vehicle requirements expands to include not only operational safety but pollution control, fuel efficiency, and now passive restraints, the need for regular inspection of motor vehicles becomes more important than ever before. What is the use of mandating enormous investments to achieve national goals, if we do not see to it that the devices needed to accomplish such gains are in good working order?

California is one of those states which does not regularly inspect the vehicles on its roads. On a recent trip to the Golden State, I borrowed a car from a friend. It was in deplorable shape. It had no turn signals. Its transmission barely operated. And the brakes, as I found out to my despair, almost failed on several occasions. Such a vehicle would not be permitted on the road in a state with vehicle inspection.

Evaluation of vehicles for economy, efficiency and safety should become standard practice in all states. Special incentive funds to reward states for adopting such programs, and for upgrading on-going programs, can produce tremendous safety dividends for the Nation.

Yet another area where incentives can prove extremely useful is child restraints. Less than 10 percent of parents now use such devices to protect their children. The result: 1,000 youngsters, four and under, die each year in traffic accidents.

Tennessee recently enacted the first child restraint law in the United States. If an incentive were offered to states which protect their youngsters in this way, Tennessee's action would be quickly emulated and thousands of young children would be saved from death and disability each year.

Other promising lifesaving areas can likewise benefit from the availability of an incentive bonus approach where mandates under threat of penalties, i.e., withdrawal of Federal-aid construction funds, have failed.

Examples include incentive bonuses for—

1. Encourage commonality of accident data for use in the Road Safety Improvements Program.
2. Up-to-date inventories of hazards and potential hazards.
3. Evaluation of Road Safety Improvements Programs.
4. reductions in pedestrian-types of accidents as a result of various treatments employed.
5. marking of all highways carrying 250 vehicles per day.
6. achieving the greatest progress in carrying out Road Safety Improvements Programs.
7. helmet use and other motorcycle-related safety activities.
8. coping with and reducing alcohol-related accidents and injuries.
9. implementing motor vehicle inspections for energy, efficiency, pollution control and safety.

The list of quantifiable goals which can be set for making a state eligible for an incentive bonus is almost endless. And the lifesaving results which will be achieved if states, through such bonuses, are encouraged to intensify efforts in targeted, high-pay-off areas, will make such bonuses—even if substantial—extremely cost-beneficial. And, since the ultimate test of any highway safety program can only be translated into reductions in deaths and serious injuries, an ultimate incentive should continue to be provided for those states which achieve the most significant overall progress in reducing deaths and serious injuries.

As mentioned, President Carter spoke very favorably of incentives in his State of the Union Message this year and he is utilizing the incentive approach in several new programs. But none of them promise the kind of results, the kind of cooperation, the kind of constructive Federal-state-local relations, that incentives in the field of highway safety promise. Nor do any have the potential of yielding the lifesaving benefits and reductions in societal damages that safety accomplishment incentives will produce.

In view of the Secretary's report which recommends that the current mandatory standards be abandoned, and especially in view of the demonstrable failure of the sanction approach, safety accomplishment incentives are our best hope—and perhaps our last hope—of bringing a measure of uniformity nationally to the highway safety effort. Incentives are clearly a highway safety idea whose time has come.

PRIVATE SECTOR INNOVATIVE PROGRAMS

From the beginning of the automobile age, it has been realized that involving the private sector in programs to reduce death and injuries on our highways was an important aspect of a successful highway safety program. And, prior to 1966, the movement was carried forward almost wholly as a result of private initiatives. National groups and organizations, and their state and local counterparts, mobilized individual citizens to participate in targeted activities.

While the 1966 Act focused on building a governmental infrastructure at the Federal and state levels to carry out highway safety programs, a primary aim then as now has been to encourage individual citizen activities. Unless the individual citizen can be informed and educated, he is not likely to become involved. And without people, it is unlikely that we will ever be able to reduce the highway carnage to irreducible minimums.

But how to mobilize citizen interest is the \$64,000 question. Governmental efforts to date have proven less than successful. And, since 1966 at least, attempts by private sector organizations to do so, no matter how well intentioned, and despite the dedication of those who conceived them, have, almost always, failed to achieve objectives. A primary reason for this is that while billions of tax dollars have been spent to fund governmental efforts, the private sector has had to rely on voluntary contributions from an unaroused and frequently indifferent public.

It is submitted that anemic funding is a primary reason that private sector highway safety campaigns fail. CHS' experience with the National Bicentennial Highway Safety Year provides a concrete example. Approved by Congress, proclaimed by President Ford, the year-long effort focused on a different aspect of highway safety during each month of the Bicentennial Year. Each campaign was sponsored by a major National organization. For example:

July, 1976—Safety Driving—The American Trucking Associations.

August, 1976—Roadside Obstacle Elimination—The National Association of Women Highway Safety Leaders.

September, 1976—Save Our Children—The United Auto Workers.

October, 1976—Better Signalization—Institute of Traffic Engineers.

February, 1977—Bridge Safety—American Road and Transportation Builders Association.

These organizations represented over 4 million people. According to Honorary Chairman, Jason Robards, Jr., no other Bicentennial Program better symbolized the primary aim of our Nation's 200th Birthday Celebration, articulated by President Ford "to improve the quality of life for all Americans."

Yet despite Congressional approval, the Presidential Proclamation and the endorsement of the Department of Transportation, not one cent of Federal monies was given to support any aspect of the program. As a result, despite its focus and the dedication of countless citizens, the National Bicentennial Highway Safety Year fell far short of its potential.

If such efforts are as important as I believe they are, if they can help alert and inform the American people of the highway safety opportunity, if they can truly involve millions of people in organized efforts to reduce the slaughter, then such efforts are well worth providing funds for.

Private highway safety organizations can operate at a fraction of what governmental agencies require. They can mobilize volunteers, influence opinion-makers, and generate widespread media support. Indeed, only through individual citizen participation can community action programs really take root and succeed.

The missing ingredient in the past has been money—modest amounts of money. If we are serious about reducing the carnage, limited funding should be extended to encourage individual citizen activity. Several tax-exempt, non-profit organizations like the National Safety Council, the Highway Users Federation, the National Association of Women Highway Safety Leaders and my own Citizens for Highway Safety already have track records of success in carrying out citizen-oriented programs. And there are countless other groups operating at the national, state and local level.

Our only limitation has been money. I urge the Committee to consider establishing a private Sector Innovative Program to test whether given adequate support, we can, as we claim, mobilize millions of Americans in campaigns to substantially reduce the carnage on our highways.

TRAFFIC ENFORCEMENT RESEARCH AND DEMONSTRATION PROGRAM

Rigorous enforcement of our traffic laws is absolutely essential if we are to permanently reduce the carnage on our highways. The over-aggressive driver, the speed maniac, the drinking driver, the overaged driver and the unlicensed driver, take a tremendous toll of innocent lives each year.

The traffic enforcement process is not working as well as it can and should, however. When you talk to police about it, they frequently reply, by way of defense, that they are short of personnel and, hence, devoting all of their resources to crime prevention. As a practical matter, the traffic carnage is far more costly to society than crime. Many more people are killed and many more injured. And the societal damages are infinitely higher. Yet, as many legislators have recognized, the 55 mph speed limit is not being enforced as vigorously as it should be. In addition, tailgating has become a national epidemic. Vehicle intrusion into pedestrian crosswalks is a scandal. And accident investigations assessing fault provide little assistance in identifying and correcting the dangerous road conditions which caused them.

The situation was brought home to me recently in what I regard as nothing less than a traffic emergency. A traffic light at a major intersection had broken down during the rush hour.

As a result of it, motorists, including myself, were playing the equivalent of traffic roulette, as we worked our way through the intersection.

A few blocks down the street, I spotted a police officer and told him of the problem. His response: "I don't have any time for that. Get moving or you'll be in trouble." Then he proceeded to perform his more important duty—ticketing a parked car.

We need to learn, and the police need to learn, what pays off and what does not in traffic law enforcement. And we need to learn how to motivate the police to follow through and enforce those traffic laws which promise to yield the greatest safety dividends. The establishment and funding of a Traffic Enforcement Research and Demonstration Program would go far towards finding answers and solutions. And it would furnish the data to support implementation at the Federal, state and local level of those solutions.

GOVERNOR'S HIGHWAY SAFETY REPRESENTATIVES

Establishment of a Governors' Highway Safety Representative in each state was provided for in the Highway Safety Act of 1966. In the years since enactment of that legislation, Governors' Reps have been appointed in all fifty states and in the territories as well. From a slow and faltering start, they have acquired expertise and professionalism until today they constitute an invaluable, but under-utilized, force for safety in the states.

But, as the Secretary's recent report to the Congress, "An Evaluation of the Highway Safety Program" has shown, the benefits of the standards which the Governors' Reps administer, while acknowledged as beneficial, are almost impossible to quantify. Hence, the contribution they make cannot be assessed.

In recognition of this, the Secretary has recommended that implementation of most of the present standards be made optional. This at a time when the road safety improvements programs, which are concededly producing very dramatic results, are receiving greater and greater attention.

Except in a few states at the present time, the Governors' Representatives are not actively involved in the Road Safety Improvements Programs. Few have review authority or input into where and how road safety funds are spent. Many are not equipped to provide such review and input. Thus, the very group which is assigned the task of mobilizing state energies on behalf of highway safety, is not equipped to participate in what is certainly one of the most promising of all safety activities—making our highways more forgiving. Citizens for Highway Safety thinks that the time has come to involve the Governors' Representatives in the Road Safety Improvements process. We think that such involvement would produce a catalytic effect which would further enhance the cost-beneficial results being achieved. So strongly do we feel in this regard that our Board of Directors passed a Resolution at our Annual Meeting last September to this effect. It states:

"Be it Resolved that it shall be the policy of Citizens for Highway Safety to support the statutory roles of State Highway Safety Representatives and encourage them to work with their local community counterparts to make highways safe.

"Be it further Resolved that Citizens for Highway Safety support the active involvement of State Highway Safety Representatives in the planning and use of road-safety construction funds."

We hope that the Congress will write strengthening language in the new law which will assure a role for the Governors' Highway Safety Representatives in the Road Safety Improvements Programs.

SUMMING UP

We now have it within our power, with programs already known, to slash the highway death and injury toll by half. That means we can save 25,000 lives and reduce serious, crippling, maiming, disfiguring injuries by a quarter million each year.

In the process, we can reduce the societal costs of motor vehicle accidents by \$10 billion a year—or more.

It will take a decade or more to accomplish, but these results can be obtained despite the fact that there will be more people and more cars on the road and, a significant increase in the number of miles driven, than ever before.

Because I thought you might be interested in the arithmetic involved in achieving this result, I have prepared the following table:

TABLE III.— *Saving 25,000 lives by 1990*

	<i>Death reductions</i>
1972 toll.....	57, 000
55 miles per hour (9,000 saved annually).....	-9, 000
Subtotal	48, 000
Road safety improvements (10,000 saved annually).....	-10, 000
Subtotal	38, 000
Restraints (passive and active) (9,000 to 12,000 saved annually) ..	-9, 000
Subtotal	29, 000
Vehicle front end redesign (4,000 pedestrians saved annually) ----	-4, 000
Subtotal	25, 000
Alcohol (?).....	25, 000
Death toll.....	25, 000
Potential death reductions.....	32, 000

The above estimates are cited for illustrative purposes only. They are only suggestive of benefits to be derived if certain programs are implemented. But the estimates are in reasonable accord with realistic probabilities. And note that the benefits from alcohol and other similar programs have not been factored in.

Are these estimates pie-in-the-sky? I submit not and I challenge any competent authority to refute them.

If they are reasonable and achievable, the big question for this Committee, the Congress, the Department of Transportation and the Administration is are you ready, willing and able to exercise the leadership and commit the resources needed to achieve this remarkable lifesaving goal?

For all our sakes, I hope you are.

Senator RIEGLE. Thank you, Mr. Peet.

Finally, Dr. Cushman, the Executive Director of the American Driver and Traffic Safety Education Association.

Dr. Cushman, why don't you begin?

STATEMENT OF DR. WILLIAM D. CUSHMAN, EXECUTIVE DIRECTOR, AMERICAN DRIVER AND TRAFFIC SAFETY EDUCATION ASSOCIATION, WASHINGTON, D.C.

Dr. CUSHMAN. Thank you, Senator.

I am William D. Cushman, executive director of the American Driver and Traffic Safety Education Association (ADTSEA). ADTSEA is a national professional association, whose purpose is to work toward accident prevention and its concomitant benefits by means of improving and extending driver education and specifically related activities in safety education in schools and colleges. The association tries to accomplish its purposes through conferences for the improvement of teaching, through programs of teacher education in colleges and universities, through dissemination of materials designed to improve teaching in this field, and through other appropriate activities.

Our membership is comprised of driver education teachers, school supervisors and administrators, college and university instructional personnel, State Department of Education personnel, and others in-

terested in drive and traffic safety education. Our members work and reside in all of the 50 States; 49 State driver education associations are ADTSEA affiliates.

Our Association has been interested in and involved with the legislative process of the Highway Safety Act since its inception in 1966. Most recently, a number of our members, including me, participated in a meeting sponsored by the National Highway Traffic Safety Administration at Airlie House in Virginia to study the act and recommend further directions for the national highway safety program. The basic recommendations emanating from this conference are reflected in S. 2541.

My comments on the bill are limited to chapter 4—"Highway Safety"—and, specifically, to article 402, "Highway Safety Programs."

We support the flexibility offered the States by S. 2541.

We support wording of the bill that would require States to: Identify causes of motor vehicle accidents; adopt corrective measures; and to evaluate the effectiveness of such measures and overall program.

We support, in general, the concept of regulations for six areas that lend themselves to uniformity of compliance and evaluation.

We support the development of guidelines for other areas that exist as standards under the current Highway Safety Act.

We question whether the last sentence under article 402 is sufficiently definitive.

In effect, it directs that States "consider" guidelines which the Secretary is "authorized" to issue on all aspects of highway safety not included in the six uniform regulations.

In view of the importance of these other aspects of highway safety such as pupil transportation, pedestrian and vehicle occupant safety, traffic law enforcement, emergency medical services, motorcycle and bicycle safety, traffic engineering, and, specifically, driver education, we are concerned that the language is not sufficiently precise.

We urge an expansion of the last sentence to include reference to those of the present standards not included in the six regulations and also a rephrasing which would direct the Secretary to issue guidelines in each of these areas in cooperation with States and interested private sector groups.

This will assure that the States are encouraged to administer balanced programs which address all the major aspects of highway safety as outlined in H.R. 1700.

I thank you for this opportunity to express our views.

Senator RIEGLE. Dr. Cushman, you stated in your testimony you wished the language of S. 2541 to be rephrased so it would direct the Secretary to issue guidelines in each of the highway safety standard areas. Mr. Dugoff has indicated here today—and I think you were here when he testified—that the Secretary would utilize the existing 18 highway safety standards as guidelines for the new proposed highway safety program.

Now would this use of those 18 highway safety standards as guidelines comply with the recommendations that you have made to the committee just now in your testimony?

Dr. CUSHMAN. Indeed, they would, sir.

Senator RIEGLE. Would you go beyond that? Are you satisfied with that generally?

Would that be a good way to do it?

Dr. CUSHMAN. Our concern, sir, is that the language of the act, as it is written, simply authorizes the Secretary to issue these guidelines. It doesn't direct him to do so.

In the event that such guidelines not be prepared, we feel that many States would lose the encouragement that they need in these other important areas.

Senator RIEGLE. Well, I appreciate your testimony today. I appreciate your patience. It is always hard to come at the end of a long list of committee witnesses. I appreciate your coming today and your thoughts that you have given to us.

I also again thank the other witnesses.

The committee stands adjourned at this time.

[Whereupon, at 12:10 p.m., the hearing was adjourned.]

ADDITIONAL ARTICLES, LETTERS, AND STATEMENTS

STATEMENT OF THE AMERICAN SEAT BELT COUNCIL

Mr. Chairman, the American Seat Belt Council appreciates the opportunity to present its views on S. 2541, the Highway Safety Act of 1978.

The American Seat Belt Council is a non-profit organization whose members include manufacturers of active and automatic seat belts and webbing. Because of our concern with the needless injuries and deaths on our highways, since 1961 the Council has worked to educate the public about the benefits of seat belts and to provide more comfortable and convenient belt systems.

It is a tragic fact, however, that at least 10,000 Americans still die on our nation's highways each year because they fail to make use of their seat belts—a proven life saver that is already installed in 95 percent of the cars on the road today.

ASBC believes that the private sector—seat belt producers, automobile manufacturers, insurance companies, and various safety organizations—should be involved in encouraging Americans to drive safely and to wear their seat belts. As you may be aware, the National Safety Council, which has in the past conducted successful campaigns on seat belt usage, is planning to launch a new nationwide campaign to persuade the American public to make greater use of occupant restraints. As in the past, we plan to cooperate with them in this effort.

Nevertheless, we also believe that the Federal Government has an obligation to help finance and direct such safety programs and to provide funds and encouragement to the states for the development of similar programs.

This is where the Congress can take an active role. As you know, the National Highway Traffic Safety Administration, NHTSA, under DOT, is responsible for administering the Highway Safety Act. Section 402 of this Act deals specifically with driver-related programs—including programs designed to increase belt usage. Unfortunately, these programs have been few and far between.

Through Congressional studies, and through studies conducted by NHTSA and by various private organizations, it has been determined that human error or improper driving practices are a factor in 85 percent of all traffic accidents.

Yet, in the ten years since the Highway Safety Act has become law, only 58 percent of the appropriations have been devoted to 402 programs—programs specifically designed to correct driver error. And, only a very small portion of this 58 percent has been devoted to seat belt programs.

For example, according to its own figures, in Fiscal Years 1973 and 1975 NHTSA spent absolutely no money on promoting the use of seat belts. In fiscal year 1974 the agency spent \$41,000—the majority of it on a successful and well-attended seat belt use conference. Some \$18,000 of these funds were earmarked for a demonstration program to encourage states to enact seat belt laws but this program was cancelled before it really got underway.

In fiscal year 1976 NHTSA provided a \$36,000 grant to the University of North Carolina Highway Safety Research Center to develop a manual for state officials on methods to increase belt use. This is an excellent manual and should be made more readily available as soon as possible to educators, legislators, police officers, drivers license examiners, physicians, and others interested in highway safety.

In fiscal year 1977 NHTSA spent \$196,000 to begin evaluating Tennessee's child restraint law that went into effect this year. We hope the Administration will distribute the results of this evaluation to other states and encourage those states to pass similar legislation providing safeguards for our children.

In the current fiscal year NHTSA has spent \$306,326 to print and distribute nine different brochures on seat belts, suggested belt use programs, and games geared to educators. We understand that 13 million of these brochures have been distributed and we believe this is a step in the right direction.

As you can see by these figures, the Department of Transportation has spent very little time and effort to promote seat belt usage.

These figures are particularly appalling when one considers the advantages seat belts offer. Surely no one in this room can doubt the effectiveness of these belts, given the hundreds of tests and thousands of real life experiences with seat belts.

Twenty-one countries or provinces in Canada believe belts are so effective, for example, that their use is mandatory when driving. Every one of these jurisdictions that has used even minimal enforcement and penalties has found that increased belt use has decreased deaths and serious injuries on the order of 20 percent to 30 percent as well as providing impressive savings in medical costs.

In every case where the law has been at all successful, it has been preceded by strong promotional campaigns.

For example, right here close to home Ontario, Canada has had a seat belt law since 1976. According to their figures, between January and September 1977 driver deaths declined 6.9 percent and passenger deaths declined 18.3 percent. Other jurisdictions are reporting similar results and I have attached, for your information, a survey we did recently of all countries requiring the use of seat belts.

Seat belts not only save lives, they also save money. NHTSA has estimated that if 80 percent of all Americans had used belts in 1974, \$12.6 billion dollars in societal costs—medical, insurance, and services—would have been saved due to a reduction in deaths and serious injuries.

During the first three months of 1976, Ontario experienced a \$1 million decline in active treatment costs for injured motorists due to the new seat belt law and lower speed limits.

Experience has shown that motorists frequently need to be reminded to buckle up their seat belts. The costs of encouraging this habit, however, are low when compared with the cost of lives lost due to lack of seat belt use.

A final reason for promoting active belt usage is tied directly into action taken last year by DOT and the Congress. As you know, by 1984 all new automobiles sold in this country will have to have passive restraints—either automatic seat belts or air bags.

This ruling, we fear, will create the false impression among motorists that there is a "better mousetrap" just down the road. Why buckle up now when my next car will have passive restraints?

The answer is obvious. It will be well into the 1990s before most cars will have such restraints. Meanwhile, thousands upon thousands of motorists will die because they failed to use the seat belts already in 95 percent of the cars on the road today.

Even with passive restraints—particularly the air bag—NHTSA officials have agreed that to be fully protected motorists will still need to wear their lap belts. While the air bag will be effective against most front-end accidents, the lap belt will still be vital if a motorist is to be protected against side and rear collisions, roll-overs or multiple crashes.

If you don't believe it is important to continue promoting belt usage even with the air bag, then you should take a look at a recent report by General Motors. In that report, GM said that of all the air bag-equipped cars involved in accidents, only 9 percent of the drivers used their lap belt—less than one-half the national average.

The entire question of passive restraints brings me to another point our Council would like this Subcommittee to consider as it completes action on S. 2541.

We believe that NHTSA has done almost nothing to promote automatic belt systems as one way to meet the passive restraint mandate.

Several examples will suffice. NHTSA is now sending out several brochures on passive restraints. One brochure has a picture of an automatic seat belt, but each brochure devotes a total of three short sentences to automatic belt systems. The rest of the brochures explain why the passive restraint mandate was issued and go into detail on the operations of the air bag.

The second example is a letter NHTSA sent to automobile fleet owners and operators—such as rental car companies—encouraging the purchase of air bag-equipped cars. In an accompanying question and answer sheet, NHTSA said, "Since passive belts are cheaper, comparatively easy to produce, and present few liability problems, we expect the manufacturers to lean toward these systems. We feel, however, that air bags will be preferred."

Certainly the Council has no objection to efforts by NHTSA to promote automobile safety or the air bag. On the contrary, we encourage it. But we believe the agency is overstating the case for air bags while neglecting the merits of automatic seat belts.

It is to the advantage of all interested parties that Americans fully understand how all passive restraint systems work prior to 1982 when they will begin appearing in all small cars. We need not remind you of the problems

created in 1974 by an interlock system which was never fully explained to the American public.

The question then becomes, what can Congress do to help promote both active and automatic belt systems?

First, we would like to see Congress increase the amount of money appropriated for Section 402 for driver related safety programs. Senator Bayh, for example, has proposed increasing this amount from \$175 million to \$200 million and we would concur.

Second, we would like to see the Commerce, Science and Transportation Committee direct NHTSA to use a greater percentage of these funds to promote the use of both active and automatic belt systems. This can be done through a variety of ways, including public service announcements, seminars for state and local officials, public demonstrations, assistance to driver education teachers, and through cooperation with private organizations involved in seat belt promotion such as the National Safety Council and the American Seat Belt Council.

Based on the life-saving potential of seat belts, we concur with the recommendation made by the Highway Users Federation that \$25 million be set aside for such a program.

This figure is based on several items. The National Highway Safety Needs Report, issued in 1976, listed as the top measure for reducing highway deaths a mandatory seat belt law to increase belt use. The second best thing, we believe, is raising belt use voluntarily through public education. Since the Administration proposes to spend \$40 to \$50 million on the second most important need listed by that report, enforcement of the 55 mph speed limit, we believe it's reasonable to spend at least half that amount on belt promotion.

Secondly, the Motorists Information, Inc. campaign in Michigan, which was designed to raise belt use, cost \$2 million. If even one-quarter that amount were spent on each state in the Union, the cost would be \$25 million. Let me note here that ASBC is not recommending a similar campaign based solely on radio and television announcements, but a full-scale program that would involve a variety of programs.

And, third, we would like to urge the Committee to require that the Secretary of Transportation be given funds and instructed to grant them to states which pass laws requiring use of safety belts or child restraints. These funds should be used to help states implement and evaluate these programs.

However, we believe the life-saving potential is so great—and the need so immediate—that Congress must play an active role if these programs are to get underway as quickly as possible.

The Congress and the Administration now have an opportunity to review the priorities of the past and redirect them for the future. This Subcommittee has the opportunity to attack one of the major causes of death and injury in this country—highway accidents—and do something to curb this epidemic.

We urge Members to consider these priorities and include them either in S. 2541 or as directives to DOT in the Committee report. Your actions will demonstrate your commitment to reducing the number of accidents on our nation's highways.

STATEMENT OF THE AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS

The American Association of Motor Vehicle Administrators (AAMVA) appreciates the opportunity to comment on the provisions of S 2541.

AAMVA is the association of state and provincial officials responsible for administration and enforcement of the laws pertaining to the motor vehicle and its use in the United States and Canada. Our members include directors of motor vehicle agencies and chiefs of highway patrol and state police organizations. They also include the major division leaders of such safety-related line functions as driver licensing and control, motor vehicle registration and titling, periodic motor vehicle inspection, and traffic records systems.

Our Association was founded in 1933, and this year will hold its 46th Annual International Conference. Our members played a prominent role in helping Congress to shape the landmark Highway Safety Act of 1966, and have continued to play similar roles in subsequent amendments to this legislation.

Our Association's Executive Director, Donald J. Bardell, was on the 14-member Steering Committee that developed the agenda for a Conference on the Future of the Highway Safety Program, conducted by the National Academy of Sciences in mid-1977, under contracts from both the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration

(FHWA). Several of our members and staff participated in this Conference, which provided substantial input for the Secretary of Transportation's 1977 Report to the Congress, which evaluated the state of the highway safety program, including the "adequacy and appropriateness" of the existing Highway Safety Program Standards. This report was, of course, the basis for the Administration's current highway safety legislation, including much of what is contained in S 2541.

Because of this unique opportunity to provide input, our Association supports many of the provisions contained in S 2541.

The AAMVA feels that one of the most significant provisions of S 2541 is the one which would permit states substantially more flexibility in administering their highway safety programs by moving away from mandatory Highway Safety Program Standards. We are convinced that the states are now able to draw from their own experience—experience gained in the decade that the Highway Safety Act has been in effect—to identify their own problems, devise their own remedies, and evaluate their results. The states are acutely aware of the need for interstate cooperation in matters related to highway safety.

Our Association is in basic agreement with the requirement/guideline concept contained in Section 402 of S 2541. We fully subscribe to the need for states to achieve uniformity in the collection of data, as well as in laws and practices that affect interstate motorists. The bill further stipulates six areas in which national requirements would be desirable: Rules of the Road, Driver Licensing, Vehicle Registration, Titling, and Anti-Theft; Traffic Records Systems, Traffic Control Devices, and Highway Design, Construction and Maintenance. Since AAMVA members have direct operational responsibility for implementing state programs in four of these six requirement areas, we would hope that the Secretary of Transportation would consult extensively with our members and our Association in the promulgation of these requirements. However, to ensure that this consultative process is accomplished, our Association recommends either that language be incorporated into S 2541 *directing* the Secretary to consult with appropriate public officials and interested parties in the private sector, or a provision that the requirements be promulgated pursuant to the Administrative Procedures Act.

Our members generally support the flexibility that would be provided by the guidelines, which would be *considered* by the states in developing their respective highway safety programs. We feel that a consultative process, similar to that outlined above for requirements, would be appropriate for the Secretary of Transportation in establishing these guidelines, and that it also should be specified in the legislation. Furthermore, in order to provide a modicum of support for state programs that have been developed pursuant to the Highway Safety Act of 1966, and the Highway Safety Program Standards subsequently promulgated, we feel that it would be appropriate to specify, for state consideration, all of these standards that do not become requirements in the guidelines.

Our Association also has been concerned about the coordination and management of state highway safety programs. One of the principal objectives of the Highway Safety Act of 1966 was to promote the development of comprehensive statewide highway safety programs. The Governor of each state was charged with the responsibility for the overall management of the program. His agent, with the responsibility for the day-to-day operation of the program, was referred to as the "Governor's Representative," a designation which has remained in use for more than 10 years.

Amendments to the Highway Safety Act in 1970 modified this assignment of responsibility and required that the highway safety program be managed by "a state agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such programs." While the intent of the statute seems to be clear, the federal government has never precisely defined what constitutes a suitably equipped agency organized to carry out the highway safety program. Although the language has been modified some in Section 404 of S. 2541, we feel that the same problem still exists.

With respect to funding authorizations, our Association realizes that Section 402 funding levels in S 2541, for Fiscal Years (FYs) 1979 through 1982, are above what currently is authorized. However, we believe that with the growing

sophistication of state-level programs, that the states will be increasingly able to utilize higher levels of 402 funding. Therefore, we would respectfully recommend that the authorizations for FYs '79 and '80 be increased to \$200-million annually, which would make the authorization levels consistent with the bill (HR 11733) currently being marked-up in the House of Representatives.

From the AAMVA's perspective, one of the most serious weaknesses in the Administration's highway safety bill is the provision that would empower the Secretary of Transportation to apportion up to 25 percent of a state's 402 funding "for high priority safety programs, including expanded enforcement of the 55-mile-per-hour speed limit . . ."

First, it should be emphasized, our Association strongly supports the 55-mph speed limit, and believes that it should be enforced effectively.

However, our Association is concerned about the concept of earmarking 402 funds for a specific purpose (such as 55-mph compliance), regardless of a state's identified priorities. We believe that endorsement of such a concept by the Congress would set an extremely dangerous precedent, which could lead to a general eroding of state flexibility. In this respect, we would believe that this provision is inconsistent with the concept of added flexibility for the states that would be extended by the requirements/guidelines concept.

In addition to the dangerous precedent that earmarking 402 funds would set, our Association also is concerned about the adequacy of the amount that would be set aside for 55-mph enforcement. Given the current 402 authorization levels in S 2541, this provision would provide a maximum of \$43.75-million to \$50-million annually for expansion of 55-mph activities. This total, when spread across 50 states, would appear to be grossly inadequate.

Finally, with respect to the 55-mph enforcement issue, our state law enforcement administrators have expressed grave concern about the compliance criteria that the Administration has developed, pursuant to the provisions of the highway safety bill. The compliance criteria developed by the National Highway Traffic Safety Administration (NHTSA) proposes a gradually improved compliance rate over the next four FYs, to get to an 85th percentile compliance rate by FY 1982. This means that 85 percent of all traffic in each state would have to be traveling at 55-mph, or less, by FY 1982, or the Secretary of Transportation would be required to impose sanctions on each of the states that does not comply.

The 85 percentile standard has long been used by traffic engineers as a basis for setting prima facie speed limits. It assumes that 85 percent of the motorists will drive at a reasonable and safe speed without a speed limit being posted. In such instances, enforcement officers are only required to enforce the law against the 15 percent who are out of step with the overwhelming majority.

However, it is difficult to apply this concept to a speed limit set well below a true 85 percentile. In some states 70 percent of the motorists are exceeding 55-mph! Furthermore, most of the motoring public generally believe themselves in compliance with the law if they do not exceed 60-mph. This attitude probably has been brought about by police tolerances allowed in order to compensate for speedometer variations and inaccuracies. About 60 percent of the violations fall within this five-mph range, and many courts dismiss traffic citations issued for speeds falling within this range.

Considering these factors, and the general inadequacy of the authorization level in S 2541, we respectfully submit that it would be unreasonable to expect enforcement efforts to bring about an 85 percentile of 55-mph, within the four FYs addressed by this proposed legislation. It is conceivable that under the provisions of this legislation, the Secretary of Transportation would be placed in the unenviable position of being required to sanction all 50 states. This, our Association feels, would be an untenable situation for all parties concerned.

In view of these observations, our Association would like to suggest the following:

If earmarked funds are to be authorized for 55-mph enforcement, the AAMVA feels very strongly that they should be apart from, and in addition to, other 402 authorizations. We would respectfully recommend both the concept employed, and the \$100-million per FY funding levels authorized, in HR 11733, pending in the House.

Requirement of 75 percentile compliance, within a 10-mph pace speed between 50 and 59 mph, within four years. Once the criteria has been met, but subsequent certifications show noncompliance, states should be given two years to comply before sanctions are imposed. This would allow one year to redirect efforts and one year for results to be obtained.

Our Association has long been on record as opposing sanctions that would withhold a state's highway funding for its failure to comply with a Highway Safety Program Standard. Furthermore, we believe that state safety programs have reached the point where they have demonstrated a strong commitment to achieving viable programs, and that the threat of sanction no longer is necessary. We believe that the program submission and approval process, outlined in Section 406 of S 2541, will adequately assure that federal funding is appropriately applied by the states—if such an assurance is indeed needed.

Incentive grants were one of the methods proposed in the Highway Safety Act of 1973 as a positive means of offsetting the negative concept inherent in funding sanctions. However, states have found that decrease in traffic fatalities and mileage death rate are not necessarily appropriate measures of a state's overall commitment to highway safety. The incentive program has been controversial from the outset and has evolved into a virtual lottery for the funding that has been appropriated. Therefore, our Association supports the concept of authorizing the Secretary of Transportation to award grants for innovative approaches to highway safety problems to supplant the incentive grants program.

However, as an alternative to creating a new grant program for the innovative approaches, our Association would respectfully recommend that this concept be funded as part of Section 411 (Highway Safety Research and Development), since innovation and research efforts are closely paralleled. We also strongly recommend that a provision be incorporated into S 2541 directing the Secretary of Transportation to transmit to the states promptly the results of all federal research and development activities.

In addition to research and development activities, Section 411 of S 2541 provides the Secretary of Transportation with discretionary authority to allocate the expenditure of this funding for: (1) training or education of highway safety personnel; (2) research fellowships in highway safety; (3) development of improved accident investigation procedures; (4) emergency service plans; (5) demonstration projects; and (6) related activities which the Secretary deems will promote the purposes of this section.

Our Association and its members have found that throughout the history of the Highway Safety Act virtually all of this funding (formerly known as 403 funding) has been expended on either research activities or demonstration projects related to alcohol in relation to highway safety. These are commendable activities, but we question whether almost all of the funds should be expended in these two areas, given the broad latitude of discretion that is available. Pursuant to this objective, our Association would recommend that language be incorporated into S 2541 that would direct the Secretary to allocate funding for expenditure in other of the areas specified in the legislation.

Section 407 of S. 2541 provides for an 80/20 percent federal/state match in funding of state highway safety efforts. As an alternative, our members would suggest the 90/10 percent match that is contained in HR 11733, pending in the House.

In summary, our Association believes that there are many very positive attributes contained in S 2541. Furthermore, we feel that if the changes that we have suggested are incorporated into the legislation, it will be a substantial step toward providing state motor vehicle and traffic law enforcement agencies the wherewithal to more effectively and efficiently meet their highway safety responsibilities to the motoring public in their respective constituencies.

Our Association is grateful for the opportunities to comment on this legislation.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., March 17, 1978.

HON. HOWARD CANNON,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate,
Washington, D.C.

DEAR HOWARD: Recently I had the pleasure of taking the testimony of Joan Claybrook and her associates concerning the fiscal year 1979 budget needs for

the National Highway Traffic Safety Administration. One of the major programs of NHTSA, as you are aware, is the so-called section 402 program. This program, which was first authorized by the Highway Safety Act of 1966, enables the Secretary of Transportation to provide Federal assistance to the States in the development and implementation of highway safety programs to reduce traffic accidents and the death, injuries, and property damage resulting from them.

Over the past several years that I have served as Chairman of the Transportation Subcommittee of the Appropriations Committee, I have stressed the importance of this effort each year and have repeatedly offered amendments in the Subcommittee markup of annual Appropriation bills to increase the budget request up to a figure more in line with the levels authorized for the 402 program. Each year, I have been greatly encouraged by the results that have been forthcoming by the various States because of these additional funds being made available to them. Virtually every state has written to us in support of continued funding levels that at least keep up with past years' efforts.

I am concerned that the DOT authorization request for the state and community highway safety grant program contained in the legislation that is now before your Committee is not adequate to continue the progress that is being made in this very important area. I therefore respectfully request that careful consideration be given to a 402 program increase from \$175 million for fiscal years 1979 and 1980 to at least \$200 million.

That will insure that the total Federal-State program will continue at last year's level of around \$250 million. As you know, the 80% Federal share contained in the bill will buy less total program than the previous 70% amount. Also, during the testimony by Ms. Claybrook, it came to my attention that the amount of 402 funds that will be spent on 55 mph enforcement this year will go up dramatically over past years and that it is expected to reach \$40 million for fiscal 1979. That creates an additional drain on uses that can be made of these funds in the programs traditionally carried out under 402. Therefore, please consider whether it wouldn't be better to add a new section in the bill to fund the 55 mph program over-and-above the 402 program levels. Obviously, there are tremendous benefits to better enforcement of the limit, not only in savings of lives but in reducing energy consumption, as well. That does not mean, however, that the state and community safety grant program should be required to absorb such a large program with no additional authorization.

I have attached two tables prepared by the Subcommittee staff that provide further details on these matters. Thank you for your consideration and please let me know if I can assist you in any way.

Sincerely,

BIRCH BAYH,

Chairman, Subcommittee on Transportation and Related Agencies.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, 402 OBLIGATION CEILING

[Dollar amounts in millions]

	Fiscal year—					
	1978 (actual)	1979 DOT bill		1980 DOT bill	1981 DOT bill	1982 DOT bill
		Amount	Percent			
NHTSA (70 percent).....	\$172	\$175	80	\$175	\$200	\$200
States (30 percent).....	73	44	20	44	50	50
Total program.....		245	219	219	250	250
Federal level of authorization needed to continue fiscal year 1978 program level.....		200	80	200	200	200
Plus 10 percent growth (inflation).....		220	80	242	266	292

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION ANALYSIS OF 402 FUNDING LEVELS

[In thousands of dollars]

	Obligation limitation					Obligations for 55 mi/h enforcement
	Authoriza- tion	Budget request	House action	Senate action	Conference action	
Fiscal year 1976:						
Basic.....	150,000	80,000	71,885	92,000	92,000	¹ (15,000)
Incentive.....	56,500	13,000	13,400	13,000	13,000	
Total.....	206,500	93,000	85,285	105,000	105,000	(15,000)
Transition quarter 1977:						
Basic.....		22,000	21,250	26,250	26,250	¹ (3,000)
Incentive.....	3,750					
Total.....	3,750	22,000	21,250	26,250	26,250	(3,000)
Fiscal year 1977:						
Basic.....	122,000	88,000	88,000	114,000	114,000	¹ (30,000)
Incentive.....	15,000	15,000	15,000	15,000	15,000	
Total.....	137,000	103,000	103,000	129,000	129,000	(30,000)
Fiscal year 1978:						
Basic.....	137,000	114,000	114,000	157,000	157,000	² (40,000)
Incentive.....	15,000	15,000	15,000	15,000	15,000	
Total.....	152,000	129,000	129,000	172,000	172,000	(40,000)

¹ Estimated.² Dedicated funding under administration proposal, "Highway Safety of 1978".

U.S. SENATE,
Washington, D.C., April 7, 1978.

HON. DONALD E. RIEGLE,
Senate Office Building,
Washington, D.C.

DEAR DON: This letter will introduce Mr. Douglas Ferguson, Director of Safety for the Nationwide Insurance Company. Nationwide is headquartered in Columbus, Ohio.

I am pleased that Mr. Ferguson is testifying at the hearings of the Consumer Subcommittee of the Committee on Commerce, Science, and Transportation on the National Motor Vehicle Safety Act.

Mr. Ferguson will be able to contribute the benefit of his expert knowledge, understanding, and experience during these hearings, and I am confident you will find his participation to be beneficial to the Subcommittee's consideration of this important measure.

Best regards.
Sincerely,

JOHN GLENN.