

Statement of

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SUBCOMMITTEE ON TRANSPORTATION
COMMITTEE ON PUBLIC WORKS
HOUSE OF REPRESENTATIVES

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Mr. Chairman and members of the Subcommittee:

I welcome the opportunity to appear before you today to express the National Highway Traffic Safety Administration's views on the legislative needs of highway safety. We share your longstanding concern in this area.

The annual highway fatality toll continues its six year trend of fluctuating at or just slightly above the annual toll at the time of the passage of the Highway Safety Act in 1966. This trend reflects, in part, the progress that the States have made under the Act. It is remarkable in view of the tremendous increase during the same time period in the exposure of Americans to the risk of death and injury. From 1966 to 1972, the number of drivers increased 12%, the number of vehicles 20% and the number of vehicle miles driven 26%. As a result, the fatality rate per 100 million vehicle miles has fallen steadily. Last year, the rate

was at a projected record low of 4.5. That is a reduction of more than 17% from the 1966 level of 5.7.

This Subcommittee already has before it one highway safety bill, H.R. 2332. This bill was introduced by Representative Harsha and cosponsored by almost the entire Committee on Public Works. The essential thrust of the bill, insofar as the NHTSA is concerned, is to continue the existing programs under sections 402 and 403 of the Act and to provide substantially increased authorizations for those programs.

While we support some provisions of this bill and agree with the purposes of others, there are some aspects that we strongly oppose. I will, therefore, discuss our objections to H.R. 2332. Then I will outline the Department's legislative proposal for highway safety insofar as it affects the programs of the NHTSA under the Act. A formal legislative proposal will be forwarded to the Congress as soon as practicable.

H.R. 2332 would authorize the financing of the Act entirely from the Highway Trust Fund. We heartily support this sound step. We too believe that the cost of insuring the safe operation of highway transportation is properly considered an integral part of the cost of highway transportation.

We are deeply concerned, however, about the level of funding that the bill would provide for the implementation of the Act, particularly section 402. The limitations of the

section 402 program must be clearly recognized. It is one thing to provide the States with technical expertise, planning guidance, and seed money for the implementation of highway safety programs. It is quite another to provide substantial funds in the expectation of money alone making a significant impact upon the highway safety problem. The latter approach assumes the existence of a funding delivery system and a level of expert knowledge adequate to identify and concentrate efforts upon highly cost-effective countermeasures. It also assumes that the States have the will to take the tough measures necessary to reduce deaths and injuries.

However, we lack any substantial certainty as to how to design effective countermeasures except for a few aspects of the highway safety problem. We have identified target groups, such as the young, the elderly, the drunk, and the habitually or flagrantly negligent, that disproportionately contribute to the highway death and injury tolls. Our work in alcohol and traffic enforcement has begun to point the way. Beyond that, however, we have not yet developed and validated ways of cost effectively reducing the roles of these groups.

We have been working hard with the States and communities to overcome these obstacles to a more successful highway safety program. Pursuant to requirements in each of the highway safety program standards, the States have been providing us with data on the results of their highway safety efforts. These data are analyzed together with the data yielded by our broad research program under section 403. The Subcommittee is probably most familiar with our Selective Traffic Enforcement Projects and our attempt through the Alcohol Safety Action Projects to develop and validate effective combinations of alcohol countermeasures. By late spring, we will complete our analysis of the first year of STEP data and the second year of ASAP data. Until that time, the current level of effort should be continued. The spending authority we are seeking will enable us to implement any new findings revealed by the analysis.

In the coming fiscal years, we will be intensifying our continuing evaluative effort to identify the cost-effective areas to guide the States and communities in concentrating their efforts. However, this effort must be paralleled by a similar effort by the States and communities under the program standards. Unless the State and local evaluation effort is upgraded and made a permanent ongoing activity, the overall evaluative effort will be handicapped. Together we can develop new strategies for more effective use of available resources.

We firmly believe that, as cost-effective safety measures are identified, the most valuable use of section 402 Federal funds will be to encourage the States and communities to use them to implement those measures. This approach will maximize the catalytic potential of the funds by promoting innovation and the establishment of institutionalized and specially-adapted capabilities for dealing effectively with the target groups.

I fear that the section 402 financial assistance may sometimes be regarded as simply a minor operational subsidy. As such, there is danger that the assistance will perpetuate dependence upon Federal funding. Since the ratio of Federal highway safety funds to State and Community highway safety funds under section 402 is approximately 1:30, use of the Federal funds merely as subsidies is an improvident use of limited resources.

In view of the current status of the section 402 program, we believe that the amounts that would be provided by H. R. 2332 for the NHTSA's implementation of that program are excessive. We believe that program levels proposed in the President's 1974 fiscal year budget provide adequate funding for the section 402 program envisioned at this time. These figures were derived from the capacity of the section 402 program to use funds effectively and from the fiscal constraints upon the Federal government.

In addition to limiting the amount of funds that can be usefully expended under section 402, the inability to

Identify objective criteria also prevents assessment of state programs worthy of reward through incentive payments. If incentive payments were, therefore, to be awarded, we would necessarily need to rely upon subjective criteria to select the winning States. Further, we fear that use of incentives could simply benefit the wealthier States, that is, the "rich would get richer". Accordingly, we do not support the incentive provision in H.R. 2332.

H.R. 2332 also proposes funding the NHTSA's implementation of section 403 at a level higher than we believe is needed to cover adequately the costs of our research and development activities. We are proposing open-ended funding for these activities.

In addition to providing authorizations for section 403, H.R. 2332 also separately authorizes funds for research or development activity in drug use and driver behavior, highway safety educational programming, citizen participation, a national center for statistical analysis of highway operations, and pedestrian safety. We fully agree that all of these activities are important elements in the total research and development effort to aid highway safety. However, we already possess and have utilized authority under section 403 to undertake each of these activities. We believe that the level of our efforts in these areas is adequate. Further, it is important to continue to allow administrative flexibility in emphasizing

certain activities within a comprehensive research and development program, depending upon the most urgent problems to be dealt with at any given time.

H.R. 2332 would also direct the Secretary of Transportation to conduct research and demonstration projects relating to the administrative adjudication of traffic infractions. We believe that the administrative adjudication of lesser traffic law cases may hold considerable promise for leaving higher tribunals freer to pass upon more serious traffic law offenses and for accelerating the disposition of all traffic law cases. This amendment appears unnecessary, however, since we possess and are using authority to examine the merits of this potentially useful concept.

In lieu of H.R. 2332, I urge that the Subcommittee act favorably upon the Department's legislative proposals which I will now outline insofar as they affect the NHTSA. A formal, two part legislative package embodying these proposals will be submitted to the Congress as soon as practicable. The first part will be a bill extending and improving the Highway Safety Act. The second part will be a Congressional resolution urging State adoption of laws requiring the use of safety belts.

The Department's bill will authorize the appropriation

both the section 402 and 403 programs out of the Trust Fund. In addition, we propose \$150 million of contract authority for the NHTSA's implementation of section 402 in fiscal year 1975. For the NHTSA's implementation of section 403, the authorization would be open-ended. The 1974 Budget shows \$41.9 million for section 403 activities.

By fiscal year 1975, we expect to have gained sufficient knowledge regarding the effectiveness of various measures to recommend their inclusion in the State and local programs. Current indications are that these measures will be in the following areas: (1) alcohol countermeasures; (2) selective and intensified traffic enforcement and related adjudication; (3) comprehensive traffic safety education; and (4) improved program planning, administration, and evaluation.

Our bill will also improve the effectiveness of the penalty for the nonimplementation of the section 402 programs by giving the Secretary more flexibility in assessing it. Under our bill, the Secretary will be authorized to withhold all or a portion of a State's section 402 Federal funds for the nonimplementation of an approved program. The State will have the incentive of being able to recoup the withheld funds if it remedies its failure within a specified period of time. Otherwise, the withheld funds will be redistributed to the

other States.

The problems of highway safety affect American Indians disproportionately as compared with other groups in this country. Our bill will include features to ensure that American Indians participate fully in the section 402 program.

Our bill will also facilitate the efforts by our multidisciplinary crash investigation teams to persuade parties to crashes to provide information necessary to successful research. The difficulty arises from fear of subsequent legal proceedings relating to the crashes. We do not believe that people who voluntarily contribute to highway safety research should be jeopardized by their very act of public spiritedness. We will propose, therefore, to prohibit the use of statements to research teams and of research team crash reports as evidence.

The second part of the Department's legislative package for highway safety will be a Congressional resolution urging the States to adopt voluntarily laws requiring the use of safety belts in motor vehicles. These laws would impact the highway death and injury toll more dramatically than any other measure yet implemented under the Act.

recognize that there has been much debate about such laws. .. concern has been expressed that the laws would impinge upon individual freedom solely for the purpose of requiring an individual to protect himself against danger of injury or death. This is simply not true. Seat belt usage does, of course, reduce by many times the chance of death or serious injury during motor vehicle crashes. In addition, however, it benefits people other than the user in many ways. By keeping drivers behind the steering wheel, safety belts can prevent a minor collision from resulting in a second, more serious crash. Further, by preventing deaths and serious injuries, safety belts can reduce the need for emergency medical vehicles, hospital bed space, public aid to the dependents of deceased or invalided crash victims, and higher insurance premiums.

There is considerable precedent for highway safety laws that require an individual to take action that protects himself as well as others. Since the earliest days of motor vehicle usage, speed limits have been established to prevent drivers from injuring themselves or others by driving excessively fast. I might note that speed limits apply to a driver even if there is no other vehicle being operated in his vicinity. A more recent precedent is the motorcycle helmet usage laws that have been adopted in more than 40 States pursuant to the Highway Safety Act. These laws have produced many of the same types of benefits anticipated from seat belt usage laws.

justification for the amount of the increase requested and has notified the carriers that requests for fare increases based on airport security costs must be filed by January 19. Answers to the proposed fare increases are due by February 2. The Department intends to file comments with the Board on this issue.

In summary, the anti-hijacking program of the Administration has been designed to protect America's air travelers. We hope that our citizens will not have to face again the terror of being hijacked at gunpoint by men who can only be characterized as the lowest and meanest of common criminals. This is a hope that can only be attained by wholehearted dedication to the task, and by complete cooperation between the various elements of Government--Federal, State and local--and the aviation industry.

In conclusion, I wish to assure you that:

- ... the Federal Government is committed to a policy
designed to protect air travelers
- ... we are committed to the closest of ties and cooperation with the aviation industry and local communities
- ... we are committed to support airports and airline moves to pass on, as necessary, the increased costs of a strengthened security program to the direct beneficiaries--those who fly
- ... we are committed to the proposition that no local community will lose air service because of security costs

... we are committed to the extension of international cooperation in the field of security, and

... we are committed to bringing every air pirate, every air saboteur, and every person who attacks an aviation facility to justice.

Mr. Chairman, that concludes my prepared testimony. Now I will be happy to answer any questions the Committee may have.