

STATEMENT OF JOAN CLAYBROOK, ADMINISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, BEFORE THE SUBCOMMITTEE ON SURFACE TRANSPORTATION, HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, CONCERNING THE IMPLEMENTATION OF THE HIGHWAY SAFETY ACT OF 1978, MONDAY, MARCH 19, 1979.

Mr. Chairman and Members of the Subcommittee:

Thank you for inviting me to appear before you today to discuss what the National Highway Traffic Safety Administration has done and plans to do to carry out the "Highway Safety Act of 1978." This new law makes a number of significant changes to the Highway Safety Act of 1966.

Your letter of invitation requested a discussion from three perspectives: the schedule and means of effecting the provisions; the budget requests for fiscal years 1979 and 1980; and the possible need for any technical amendments which we may have identified. My statement contains a brief section-by-section account of the highlights of what we are doing, and our budget requests for fiscal years 1979 and 1980 are attached. We have not found any technical amendments to recommend.

With me today are Dr. Kenneth W. Heathington, Associate Administrator for Traffic Safety Programs, Charles F. Livingston, Deputy Associate Administrator for Traffic Safety Programs, and John G. Womack, Assistant Chief Counsel for General Law.

Section 204. National Driver Register Study.

Under section 204, the National Driver Register Study, the Secretary is directed, in cooperation with the States, to make a comprehensive study of the need for and means to establish an automated Driver Register to assist the States in electronically exchanging data regarding the driving records of certain problem drivers. The Register helps States exchange information on the status of their licenses, which is particularly beneficial because we do not have a Federal driver's license in this country.

The study plan we have developed includes the following approaches:

1. The current Register operation using mail communications;
2. The current Register operation using on-line electronics communications;
3. The system proposed in H.R. 11733, including rapid-response, on-line capability;
4. Alternative systems; and
5. Elimination of the Register.

Although a final report on this study is not due to Congress until November 6, 1979, we are hoping to get our report to Congress at an earlier date. We will not have substantive comment on the Register's future until that time.

Section 205. National Maximum Speed Limit.

Last year Congress amended the 55 mph law to permit a better assessment of State performance under the program. We all recognize the tremendous benefits in lifesavings and energy conservation that result from compliance with the 55 speed limit. While there have been suggestions in some states to raise speed limits, none have been willing to challenge the law originating in this Committee and compromise their Federal-aid highway funds.

The 55 program has the support of the President, the Congress, and the Cabinet. Secretary Adams has been a forthright advocate of the program from his first day in office, and has told the States he will not hesitate to enforce the law.

The new speed limit provisions came at an opportune time. The recent developments in the Middle East have again focused national attention on the uncertainty of our oil supply. There is no question but that this Committee's action on the 55-mph speed limit last year was far-sighted and will play a pivotal role in the nation's ability to adjust to a reduction in the supply such as that caused by the revolution in Iran.

The Secretary has consistently encouraged the States to have fine and point levels that make the speed limit meaningful. In keeping with this view, we are looking at

the steps being pursued by some States that could weaken their speed limit penalties. We have conducted a canvass of State traffic enforcement laws that gives us a good view of the differences among them. We intend shortly to ask those States whose penalties for 55 mph violations are notably weaker than for other types of speed violations to explain the rationale for this discrepancy so that we can assess their conformity with the law.

The new approach in the 1978 statute for measuring compliance with the 55 mph speed limit makes good sense. The statute now makes compliance the principal criterion of a State's success. The statute's compliance levels become progressively more stringent to meet as the percentage of motorists exceeding 55 mph must be reduced from the 70-percent level allowed for by September 1979 to the 30 percent level required by September 1983. We believe that this progression makes sense and that most States will be able through hard work to reach the final goal. According to the States' speed certifications for 1978, only five States -- Kansas, Missouri, Texas, Vermont, and Wyoming -- need to make further reductions to meet the 1979 compliance level.

The NHTSA and FHWA will continue to support the States' efforts through technical assistance and funding. We have tried to foster good ideas in speed enforcement wherever we encounter them. A good example of this is the CARE program

which worked effectively at holiday times in the Mid West and which has now expanded into a nationwide program.

Another example is Maryland's so-called "Yellowjacket" program, which works by skillfully publicizing the use of innovative enforcement methods. In New York we are working with the State in an intensive deployment of troopers on limited access highways in an effort to evaluate the effectiveness of "saturation" enforcement.

I know that some members believe our level of financial support should be higher than it is. We have asked for \$40 million in the 1980 budget request, to continue the funding level established for this year. It is our view that this is a level that can be used effectively by the States. It is our goal to make efficient use of all resources, both Federal and State. I am confident that the requested level of funding can and will be put to efficient use.

Section 207. Highway Safety Programs.

Section 207 amended the section 402 State and community highway safety programs in four respects:

1. A standard can now be waived on a showing that the State has an alternative program to identify problems, develop countermeasures and evaluate the results.
2. Effective January 1, 1979, the programs are to be administered through "State highway safety agencies" instead of "State agencies";
3. The State programs now have to expressly include programs to encourage safety belt use; and

4. A hard match for the Federal share is required for planning and administration.

The chain of responsibility established for administration of the 402 program (from NHTSA headquarters through our Regional offices, to the State Highway Safety Agency in each State) provides the framework to implement these changes, and we are working with the States to carry them out.

Section 208. Innovative Project Grants.

A new section 407 was added to the highway safety chapter authorizing the Secretary to make additional highway safety grants to States, their political subdivisions, and non-profit organizations for the development of innovative approaches to highway safety problems. The Secretary is directed to devise criteria and procedures for making and administering the grants and to report annually to Congress on the projects and on each application received for a grant. We are developing the necessary guidelines, procedures, and criteria. Because of the tight budget situation, however, no funding for this new program is proposed for FY 1980.

Section 210. Motorcycle Helmet Study.

The Secretary is directed to make a full and complete

study of the effect of the revocation in the Highway Safety Act of 1976 of penalties for States not enacting motorcycle helmet use laws. The report on this study, together with the Secretary's recommendations, is to be submitted to Congress no later than November 6, 1979.

Motorcycle deaths in 1977 were up 24% over 1976, and one important element of this increase was a decline in helmet use. Preliminary estimates for 1978 are for approximately 4,500 fatalities, a 9-percent increase over the 1977 total.

In January we released a summary of several motorcycle helmet studies conducted by NHTSA over the past two years on the effects of helmets and helmet use laws on highway safety.

The report draws two major conclusions:

First, motorcycle helmets work. They reduce head injuries significantly without causing neck injuries. In the areas studied (Oklahoma, Kansas, South Dakota, Colorado, and Southern California) motorcyclists involved in crashes who were not wearing helmets were twice as likely to suffer a head injury as those who were. They are three to nine times more likely to suffer a fatal head injury. Most of those being killed and injured on motorcycles every year are male and under 30 years of age. The report also answers

the key objections to motorcycle helmets. It finds that helmets do not interfere with a motorcyclist's vision and hearing and that they do not cause neck injuries in an accident.

Second, States with motorcycle helmet use laws have use rates which are extremely high (over 95%), while States without laws have much lower rates (50 to 60%).

In 1975, when the Federal requirement was in effect that all States enact a motorcycle helmet law on penalty of withholding of Federal funds, 47 States, the District of Columbia, and Puerto Rico had helmet laws. But as a result of the removal by Congress of the penalty for not passing a helmet law, today only 21 States, Puerto Rico, and the District of Columbia still require all cyclists to wear helmets.

The studies we have completed demonstrate that States which repealed their helmet laws experienced dramatic declines in helmet use and disturbing increases in head injury rates. In Colorado, Kansas, South Dakota, and Oklahoma, helmet wearing rates have dropped to below 60% since repeal of their helmet laws. Fatal head-injury rates have doubled.

As a result of these findings, we are doing a number of things:

First, I have written letters to all State Governors sending them a copy of this preliminary report. We are

urging Governors in States which still have helmet laws to support their retention, and we are urging Governors in States which have repealed their helmet laws to work for their re-enactment.

We are also encouraging all States to collect their own data on helmet use. Michigan and Pennsylvania, for example, have both conducted surveys which show a majority of motorcyclists (55%) actually favor mandatory helmet use laws.

Second, I am writing letters to motorcycle manufacturers, insurance companies, and State insurance commissioners to bring the findings of this report to their attention, and to suggest they do what they can to encourage helmet use.

Third, we are notifying the medical community, voluntary safety organizations, and citizen action groups to make them aware of this report and to recommend that they support helmet use laws.

A notice has been sent to the Federal Register for publication to request public comments on the preliminary report. In addition, letters will be sent to motorcycle manufacturers and groups representing motorcycle users, requesting their comments on the study. We are also requesting comments from any interested members of Congress.

Section 212. Marijuana and Other Drug Report.

Section 212 directs the Secretary to make a full report to Congress no later than December 31, 1979, about the progress of efforts to detect and prevent the use of marijuana and other drugs by operators of motor vehicles. In addition to other information, the report is to include recommendations for needed legislation and specific programs aimed at reducing drug use by motor vehicle operators. The study is not to duplicate existing studies and is to be coordinated with other Federal agencies.

We are making progress to carry out the purpose of this section. We already have much of the information required by this report and we are preparing a contract modification which will be useful in preparing the report to Congress.

Section 213. Safety Belt Program.

Section 213 contains a non-codified requirement which earmarks the expenditure of two percent of each State's 402 apportionment (which totals \$3.4 million) for programs to encourage safety belt use. We have issued memoranda to all of our Regions outlining the types of activities the States should consider for the effective use of the earmarked funds, such as:

- o Public information and education to organize public support for safety belt use.

- o Child restraint emphasis programs encouraging legislation and parent education.
- o Inclusion of safety belt use information in driver education instruction.
- o Augmentation of driver licensing procedures to cover advantages of safety belt use.
- o Inclusion of safety belt anchorage webbing and buckle inspection in existing periodic motor vehicle inspection programs.
- o Instituting required use by drivers and passengers in State owned fleet vehicles.
- o Data collection for program effectiveness and evaluation needs.

We also sent our Regions and the States copies of A Manual for Use By State Legislators and State Offices on Techniques to Increase Safety Belt Use, which provides a framework for a coordinated Statewide Plan within each State's Highway Safety Plan that no doubt will be of great assistance to the States in developing their programs.

In addition, we are conducting 10 Regional Workshops for State and local officials on this manual in order to fully acquaint them with its content and to work with them in designing the most effective safety belt use program. We are also conducting 10 Regional Workshops for grassroots citizen organizations on child restraint programs, and continuing our efforts with Tennessee to implement and evaluate the effectiveness of their child restraint legislation. The unique legislative effort in Tennessee coupled with public information and education have raised the use of child restraints from about 11 percent to about 20 percent in some urban areas in the first 10 months of operation.

We are expanding our public education program regarding safety belt use, and in this regard I know you will be interested in our efforts to work with other national organizations on coordinating safety belt and other occupant restraint educational efforts. We, the National Safety Council, the Motor Vehicle Manufacturers Association, the American Seat Belt Council, the Insurance Associations, the American Medical Association and other important organizations are meeting regularly to share information, to communicate program activities, and to identify materials that can be used by the States. We believe this is the first such national undertaking and we are proud to have been an initiatory part of it.

We will be monitoring and evaluating the programs implemented by the States to ensure that this requirement of the Act is met, and to determine what programs are most effective and provide whatever assistance is available.

Section 214. Safety Belt Study.

Section 214 directs the Secretary to arrange with the National Academy of Sciences to "conduct a comprehensive study and investigation of methods of encouraging the use of safety belts by drivers and passengers of motor vehicles, including the use of various types of financial incentives and financial disincentives to encourage safety belt use."

The results of this study, together with its recommendations, are to be submitted to Congress no later than November 6, 1979.

The Academy is in the process of putting their proposal for the study in final form. After the formal submission of the proposal and the award of the contract, the Transportation Research Board of the Academy will formally appoint a Steering Committee of 12-16 persons drawn from the major organizations interested in and involved in the project. The Steering Committee will then conduct the requisite study and oversee a series of regional hearings during May and June on methods to improve use rates. They will then submit their findings and recommendations to NHTSA by September 1 in order that NHTSA officials and managing personnel of the Academy will be able to comment on the recommendations before the report is submitted to the Congress in November.

Section 215. Prohibition.

Section 215 bans the use of highway safety funds to retrofit State-owned vehicles with passive restraint systems. We have advised our Regional Administrators of this restriction, and have made certain that the direction was passed along to the States.

Section 317. Retread Tire Manufacturers Exemption From Recordkeeping.

Section 317 amended the National Traffic and Motor Vehicle Safety Act of 1966 to exempt manufacturers of retreaded tires from the registration requirements of section 158(b) of that Act. An amendment to our regulation on tire identification and recordkeeping has been published as a final rule to implement this Congressional mandate.

This completes my prepared statement. I would be pleased to answer any questions you may have.