



U.S. Department of
Transportation

News:

Office of the Assistant Secretary for Public Affairs
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REMARKS PREPARED FOR DELIVERY BY
DEPUTY SECRETARY JIM BURNLEY
AMERICAN LEGISLATIVE EXCHANGE COUNCIL
TRANSPORTATION SAFETY CONFERENCE
DALLAS, TEXAS
MARCH 2, 1985

I congratulate the American Legislative Exchange Council on your outstanding effort in this Transportation Safety Conference. I know you have already heard Secretary Dole on videotape, but I want to emphasize her untiring dedication to the cause of transportation safety. The Reagan Administration believes that transportation's progress towards exciting new horizons in economic freedom goes hand-in-hand with a renewed and vigorous commitment to safety. The Administration stands ready to assist you in any way we can. As President Reagan told the American people in a weekly radio address a short while ago, "if we insist long enough and loudly enough, we can save lives."

I applaud those of you who have already expressed support for mandatory safety belt use legislation. You are on the cutting edge of this effort. As Secretary Dole noted, New York, New Jersey and Illinois were the first states to enact belt use laws. In Michigan and Missouri, laws are awaiting the signature of the governors. More than thirty state legislatures and the District of Columbia have safety belt use laws pending. Many of you will take a stand on this issue in the months ahead. I know your decision requires thoughtfulness, understanding and prudence. Your decision may not be easy, for this is not a simple issue. Strong feelings exist on both sides.

Today I want to tell you why I think state laws requiring occupants to "buckle up" make sense. I want to counter the arguments and dispel the myths you may confront as you debate this issue on the floor of your own state legislature. Let me add that there are few issues which generate more emotion and misunderstandings than protection of the occupants of automobiles.

Let me take a moment to remind you of the magnitude of the problem. More than 40,000 people will be killed in motor vehicle accidents this year. Nearly half of

the victims will be occupants of the front seat of passenger cars. More than 300,000 will be seriously injured. Many of those fatalities and injuries could be prevented by the use of safety belts.

The most frequent argument against a mandatory safety belt use law is that it would be "federally-imposed." This is myth. If I leave you with no other message today, I want you to know this: the federal government is not trying to force you to pass mandatory safety belt use laws. We are giving the American people the option between automatic crash protection systems — such as air bags or automatic safety belts — and safety belt use laws. Our occupant protection decision, which is required by federal laws as interpreted by the Supreme Court says that one or the other must go into effect.

The debate on automatic crash protection for motorists is not new. It has been in progress since the 1960s. The National Traffic and Motor Vehicle Safety Act of 1966 directs the Secretary to "reduce traffic accidents and deaths and injuries to persons resulting from traffic accidents." The Act authorizes the Secretary of Transportation to issue Federal Motor Vehicle Safety Standards. Since the initial issuance of the section of the standards dealing with protection of occupants, there have been approximately 60 rulemaking documents issued with respect to it. As originally issued in 1967, the rule merely required manual seat belts. In 1970 the agency amended the rule to include requirements for installation of automatic occupant protection. Regulatory and judicial reviews continued. This rule has a history of law suits: the Sixth Circuit Court decided in 1972 that testing procedures were not adequate. There is also a history of Congressional intervention: Congress overruled the interlock device in 1974.

In 1975, the Department deleted the automatic restraint requirement. The rule also has a history of attempts to gain public acceptance. In 1976 then Secretary William T. Coleman initiated a rulemaking which led to a demonstration program. The requirement was not reissued until 1977 by then Secretary Brock Adams. In 1981 the Department's National Highway Traffic Safety Administration rescinded the Federal Motor Vehicle Safety Standard that would have required the front seat positions in all new cars to be equipped with automatic restraints. Law suits were filed. The issue was taken to the Supreme Court. On June 24, 1983, the Supreme Court held that the Department had been too quick in dismissing the benefits of detachable automatic belts. The Court asked us to take a second look. We did just that.

Based on our extensive review, we revised our 1981 assessment. The new facts led to the conclusion that the costs of automatic restraint systems were reasonable, when compared to the overwhelming potential benefits in lives saved and injuries reduced. Furthermore, the costs of safety belt use laws were much lower. Their effectiveness was even greater. With this evidence in hand, the Secretary announced a rule last July that provides the American people a choice between the two approaches.

Another frequent argument is that it is not the government's role to require citizens to wear safety belts. Some have even argued that they should be allowed the freedom to kill themselves if they want. Think about that for a minute. When you go through the windshield of your car, and are killed or seriously injured, the impact on your family and fellow citizens is profound. If you are the primary wage earner, your family may immediately face severe financial difficulties in addition to their grief. If

you incur huge medical bills not fully covered by insurance, their financial burdens will be compounded. If you have the good fortune to survive, you may face many years as an invalid, with your family having to make immense sacrifices to care for you.

The economic costs immediately imposed on the taxpayers by these tragedies are staggering. The bill for states and localities is \$3 1/2 billion a year. This includes payments to victims or survivors, Medicaid, welfare and workmen's compensation, lost revenue and other costs. The cost to the federal government is \$2 1/2 billion annually. This includes the expenses of public assistance, food stamps, survivors benefits, and more. The federal government also loses an estimated \$5 billion in tax revenues.

Automobile insurance premiums, which are imposed by law on every car owner in this country, are also higher than would otherwise be the case because of claims by unbelted victims. These are more than mere numbers. They represent human beings. The cost in human terms is even higher: no one can measure the suffering and grief of crash victims and their families. It is very clear that if everyone buckled up, up to ten thousand lives per year could be saved.

Not only would such laws save lives now, they would save more lives than restraints such as airbags or automatic safety belts. Consider this comparison: each proposed state law would immediately cover the entire fleet of automobiles within the state. We would not have to wait 10 to 15 years for an automatic occupant protection system to become installed in the entire fleet through replacement of old cars with new ones.

In state legislatures where safety belt laws have been debated, the most vocal supporters are crash victims and others who know the lifesaving benefits of safety belts. You have heard many examples today and I'm sure you will hear more. As more states consider belt use legislation, public opinion will continue to mount in favor of safety belt legislation as it did in the child safety seat campaign. Public acceptance will continue to become more widespread.

For those who argue that belts are a "nuisance," "inconvenience," "intrusion," the same could be said of all traffic ordinances.

The Reagan Administration feels strongly that government cannot and should not regulate every aspect of what we do. President Reagan came to Washington to remove as many constraints on the people as possible and prudent. But driving an automobile is a "privilege," not a right. There is no constitutional or God-given right to go through the windshield of your car. The legislatures of this land may condition it with reasonable precautions for the safety of human lives as you have done since the invention of the automobile. Unbelted persons present more than a danger to themselves. They can threaten the lives and safety of others.

Unbelted passengers can interfere with the ability of an operator to respond to the collision, and unbelted drivers may lose control of a vehicle, causing death and injury to others, including those not involved in an initial collision. This scenario is confirmed by crash tests with dummies in all four seats. In frontal collisions, the unbelted dummies in the back seat are thrown forward into the dummies in the front seat. The same is true for side collisions, depending on the angle of impact.

To those who have expressed the hope that state legislatures will fail to act and that "air bags" will be installed in all cars by 1989, I want to say: beware. What they may not realize is that the Secretary's rule does not require air bags. It is an automatic occupant restraint rule. It allows auto manufacturers to select any automatic restraint technology that meets our 30-mile-per-hour protection tests. Automatic safety belts will likely be the most widely used because they are less expensive than airbags. Although automatic belts would result in some increased usage, mandatory use laws, based on foreign experience, should result in even higher usage. We know this is true in America, too, because we have the early results from New York. With its new belt use law, which went into effect January 1, New York has experienced a dramatic increase in belt usage — from 17 percent to an estimated 70 percent.

Additionally, proponents of air bags fail to tell you that air bags alone only help in frontal collisions. They're are not much good in rollovers, side impacts or rear end collisions.

The facts are irrefutable that simple manual safety belts can begin saving lives now in all kinds of crashes.

To those who have the notion that public opinion is against safety belt use laws, I say wrong again. A national newspaper published a survey earlier this year showing 86 percent of people believe using seat belts would save a significant number of lives; sixty-eight percent would like to see their states adopt belt use laws. Another opinion survey shows seventy percent of New Yorkers favor the new safety belt law. I am convinced this momentum will continue.

To those who say such a law will be ineffective, I say: look at New York. Look at Great Britain. Safety belt usage increased in Great Britain from 40 percent prior to the law to about 95 percent; fatalities have declined 25 percent. About 30 percent of Australians wore safety belts before the law, and 80 percent after the law. Those Canadian provinces that have adopted safety belt laws experienced substantial increases in belt usage.

A law which experience tells us will increase safety belt usage — and therefore decrease death, injury and costs — is effective. The success and acceptance of child safety seat laws affirms this point. In essence, the law is designed to educate.

Many points of this issue are disputed by no one. Those who support state use laws and those who oppose them agree that the laws will promote the greater use of safety belts. They also agree that the greater use of safety belts will save lives, reduce injuries and save billions of dollars in health care costs.

Moreover, the American public has already invested billions of dollars in safety belts since they were required to be installed in the sixties, and they are available now in virtually every car on the road.

After analyzing the facts, and dispelling any myths that have gotten in the way of understanding this issue, I am confident you will reach the same conclusion I have reached: Such belt use legislation will promote the health and safety of the people of your state, save money for your taxpayers, and do so in a reasonable and constitutional manner. I urge you to support safety belt use laws.

For the sake of ourselves, our families and our fellow citizens the time has come for America to "buckle up."



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REMARKS PREPARED FOR DELIVERY BY
DEPUTY SECRETARY OF TRANSPORTATION JIM BURNLEY
PRIVATE CARRIER CONFERENCE
WASHINGTON, D.C.
MARCH 20, 1985

I am delighted to be a part of the opening day of this 14th annual safety seminar program and to talk with so many representatives of private carriers.

I know I do not have to convince you that motor carrier safety enhances truckers productivity and helps the economy. You know better than anyone the real market value of motor carrier safety. You have the best answers to questions such as: How much does productivity improve when cargo reaches its destination on time instead of being strewn out along an interstate highway? How much does productivity suffer when a trucker sits in a three-mile backup while a crash is being cleared from a city beltway? What effect does the "patchwork quilt" of state safety laws have on trucking productivity? I don't have to dwell on these issues with you. I just want you to know Secretary Dole and I are well aware of your concerns.

We also recognize your tremendous impact on the economy. The 4,000 manufacturers, distributors, shippers and carriers of this Conference represent a sizable part of the commerce of America. Private carriers roll up nearly 60 percent of the nation's intercity truck mileage and operate three and a half million commercial vehicles. If I leave you with no other message here today, let it be this: the Secretary and I know how important your industry is to our economy and national well-being, and we stand ready to work with you in every way we can for a stronger, safer, more productive motor carrier industry.

The motor carrier industry in general and private carriers in particular are operating in a very fluid environment; — but I believe you have a bright future influenced by technology, motivated by a need to achieve higher productivity and stimulated by a freer economy, an economy on the move.

The continual changes your industry makes to meet the nation's diverse transportation needs also present new challenges in maintaining your positive safety record. While the number of total accidents reported to the Bureau of Motor Carrier Safety declined slightly in 1982 and again in 1983 — to 31,628 — and the number of fatalities remained about the same in those two years, all of us in this room still have a great deal of work to do. The 1984 statistics, due in June, will give us a clearer picture. However, as the economy expands and personal and commercial travel miles

continue to increase, we will have to redouble our safety efforts. Additionally, the trend toward larger commercial vehicles and smaller automobiles necessitates renewed attention to operation of both on our highways. As you know, in recent years the Congress has taken a greater interest in these challenges.

Motor carrier safety has been guided by two acts of Congress since the 1980 Motor Carrier Act removed some economic regulation from the trucking industry. In that Act, Congress intended to promote a more competitive and efficient trucking industry. The Act was meant to meet the needs of shippers, receivers and consumers by allowing price flexibility and encouraging greater efficiency. In addition, it offered increased opportunities for new carriers to get into the trucking business and for existing carriers to expand their services. Seventeen thousand new carriers have entered the business since enactment of the 1980 Act and those already in business are offering a dazzling array of new services and pricing packages. The Act is serving its purpose and, as the President made clear in his State of the Union message, we will be asking Congress to complete economic deregulation of the trucking industry.

Next, the Surface Transportation Assistance Act (STAA) of 1982 provided the Department with additional tools to assure the safe and efficient operation of motor carriers. The STAA supplied the funding for reconstruction of our highways and bridges, thus significantly enhancing the safety of both. Since its enactment, \$26.9 billion has been allocated to the states. Earlier this month Congress approved emergency legislation similar to that which Secretary Dole had proposed in January to release seven billion dollars in Interstate construction and other funds. We had been very concerned that without prompt action by the Congress on this legislation, the 1985 construction season would be lost. It was signed by the President on March 13, and it does not create costly new spending authorizations or change the legal status of any highway project. The bill is consistent with the President's budget, and it furthers our goal of completing the Interstate System, so important to your industry, by the early 1990's.

Another safety tool the Department received as a part of the STAA is the Motor Carrier Safety Assistance Program. This five-year truck and bus safety grant program is designed to improve state monitoring and enforcement of commercial motor vehicle safety rules. It focuses on key safety areas: driver qualification, drivers' duty hours, vehicle operations, the inspection and maintenance of equipment and the loading and handling of hazardous materials. As of February 1985, 48 states have joined the program.

During fiscal 1984, the Department provided training for more than one thousand state enforcement officers from 13 states in uniform inspection procedures. In addition, 250 state enforcement personnel were trained in the roadside vehicle inspection procedure.

This past fall, the Department of Transportation was given expanded responsibilities over truck and bus safety. The Motor Carrier Safety Act, signed by the President on October 30, 1984, offers new opportunities for the Department and the industry to work together to achieve our mutual objectives.

First, it requires us to review the Federal Motor Carrier Safety Regulations and bring them up to date. We will be re-evaluating those regulations in the months ahead. We plan to take full advantage of this opportunity.

Second, the Act provides for a review of state laws and regulations to determine consistency and compatibility with Federal requirements. The objective is greater uniformity with its consequent productivity and safety benefits. The Secretary will name a Commercial Motor Vehicle Safety Regulatory Review Panel to assist the Department in analyzing and reviewing state laws and regulations pertaining to motor carrier safety. This panel can greatly assist the Department in making sound judgments regarding the impact of the various state laws on interstate commerce.

Third, we are exploring ways to improve inspections of all large commercial motor vehicles. Currently, the Department's safety regulations require a motor carrier to perform periodic maintenance on its vehicles. To encourage compliance, Federal Highway Administration field investigators evaluate these maintenance practices during their audits of motor carrier facilities and during roadside commercial motor vehicle inspections.

The standards under development may result in a more formalized process to ensure that a vehicle's safety related mechanical components are evaluated on at least an annual basis. Notwithstanding the requirement of annual inspections, motor carriers will be required to systematically maintain vehicles on a regular basis and be subject to roadside inspections. Rulemaking has begun. An advance notice of proposed rulemaking was published in the Federal Register on January 10, 1985. It sought public comment on the broad spectrum of vehicle/maintenance standards and on ways to ensure the maintenance process. The comment period closed on February 25. We are analyzing the comments before preparing the Notice of Proposed Rulemaking. I thank many of you for the thoughtful comments submitted and encourage you to participate in the future phases of this rulemaking process.

Fourth, the 1984 Act increases the penalty provisions which may be applied to motor carriers violating the motor carrier safety regulations. Most carriers make every effort to comply with the rules. The Department believes, however, the increased potential liability will encourage the few who currently fail to comply to meet their safety obligations.

A final important aspect of the 1984 Act is the Title dealing with Tandem Truck Safety. It gives the Department increased flexibility in truck route designations. It provides us with the authority to exempt Interstate segments from the length or width requirements for larger STAA-authorized vehicles, if the segments are not capable of safely accommodating the longer or wider vehicles. Our authority in this area was limited to permitting states to impose "reasonable restrictions" such as lane and peak hour restrictions.

The Act also resolves legal ambiguities regarding the operation of larger and wider trucks on designated primary lanes with less than 12 feet, and provides reasonable access for — the "pups" — the decoupled 28-foot single trailers of tandem configurations to points of loading and unloading.

I also want to mention an internal step we are taking. The Federal Highway Administration appointed a task force to examine the operations of the Bureau of Motor Carrier Safety. As a result of that review, the FHWA will establish an Associate Administrator for Motor Carriers with direct line authority to the regions and the states. This will greatly enhance the visibility of motor carrier issues within FHWA and the Department. It will streamline the management of the BMCS. Yet, it also will

provide enough flexibility to serve a nationwide industry as diverse as yours. Uniformity should be balanced with flexibility so that rules which seem perfect for the Northeast do not impede progress in the Southwest.

Our goal is to set firm, effective ground rules within which a motor carrier can provide efficient, yet safe transportation. We think our planned motor carrier safety program meets this goal and we will, in the future, continue to strive to provide reasonable levels of safety to the public at a reasonable cost.

Let me return to something I said at the beginning about the real market value of motor carrier safety. I am speaking of better use of assets and people. As private carriers you may be more appreciative of this than some in the trucking industry. You are an important operational arm of another industry. Your organizations have their own fleets because they recognize the essential role trucking plays in moving raw materials through the process to the end customer. More and more firms are restructuring their manufacturing, marketing and distributing systems in an attempt to make better use of assets. This restructuring is occurring because of the premium placed on predictability and consistency for the trucking industry. All of you in this room will be ahead of the game because you have taken time to give thought to the high priority that must be placed on safety. It means your goods are much more likely to arrive at the appointed hour and place.

I am convinced that the result of our joint safety efforts will extend well beyond greater economic gains. Shippers, carriers and the traveling public with whom your drivers and equipment share the road will benefit from the spirit and resolve we carry away from this meeting.

Let us not lose sight of the larger context in which we consider the issues on your conference agenda. All Americans will benefit from the President's efforts to reduce the federal deficit and thereby foster a strong economy. For transportation, the President's budget calls for another major step in the fundamental reassessment of the federal government's role that began in 1981. Seventy percent of the Department's current budget is paid for by user fees. We want that to increase to 85 percent in the next fiscal year. Our budget focuses attention and resources on truly national needs; leaves local matters to state and local authorities, and returns to the private sector those transportation functions best left to the free market. This course leads us to such moves as ending subsidies for Amtrak, selling Conrail to the private sector and accelerating the phase-out of the Essential Air Services subsidy program. The taxpayers are the ultimate beneficiaries of this redefinition of the proper federal role in transportation.

During his second Inauguration festivities President Reagan invited some grassroots Americans — average citizens — to lunch at the White House, and one of them was the truck driver of the year, an Alabamian named N. F. Plunkett. Mr. Plunkett is a driver for a private carrier. He works for Chevron Oil. He symbolizes that special quality about America and about your great industry — that Americans have much strength of character, and that working together, we have unlimited potential.

We may not make that long lonesome road any shorter for your drivers, but we can surely work together to guarantee that it will be safer. The American traveling public needs it. Prudence and sound business practices require it. Our conscience demands it.