



# DEPARTMENT OF TRANSPORTATION

# NEWS

## OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20590

66-DOT-72

REMARKS PREPARED FOR DELIVERY BY BENJAMIN O. DAVIS, JR., ASSISTANT SECRETARY OF TRANSPORTATION FOR SAFETY AND CONSUMER AFFAIRS, TO THE GRADUATING CLASS, EMPIRE STATE MILITARY ACADEMY, PEEKSKILL, NEW YORK  
July 14, 1972

Forty years ago, on a day much like today, just a few miles up the river at West Point, I took the oath you are taking today--promising to "defend the United States against all enemies."

I have never regretted that decision or the events it caused to follow. I hope that forty years from now you will say the same.

Your enlistment in the National Guard was a voluntary action taken in the best tradition of America, for this Nation has from its beginning drawn its strength from a self-reliant people prepared to take care of their own problems to the full extent of their resources.

As much as any institution with which I am familiar, the Guard embodies and preserves our country's pioneering heritage of free men banding together to protect their homes in times of natural catastrophe and civil disorder and at the same time standing ready to serve their country in the event of a national emergency.

We are meeting here today on the occasion of the 20th Annual Review and Graduation Exercise of the Empire State Military Academy. At this ceremony we honor the graduation and commissioning of the 2,500th officer for the New York Army National Guard and the 4,000th graduate of the Noncommissioned Officer Course.

In the context of our lifetimes a 20th anniversary has a somewhat venerable ring. But 20 years in the history of the National Guard is as little more than a passing moment in a man's lifetime.

The National Guard is the oldest established military organization in the United States. Its origin dates back to the year of 1636 when a small militia was formed in the Massachusetts Bay Colony. The concept of the National Guard predates the founding of our nation by more than a century.

That great American patriot, Daniel Webster, may have best expressed the need for the National Guard, when he said: "God grants liberty only to those who love it, and are always ready to guard and defend it."

From the days of the early colonists, Americans recognized the need and responsibility to defend their freedom and opportunity in a new land. Over the years, tens of millions of our countrymen have volunteered their services--many thousands have given their lives--to assure that freedom is not lost and that the United States remains a land of opportunity.

Yet even as we approach the 200th anniversary of our Nation's independence secured by the millions of Americans who have upheld the banner of freedom and have protected the integrity of our frontiers, there are those who seemingly call for the dismantlement of our defenses.

In his State of the Union Address, President Nixon warned that we must never compromise our national security. "And we never will," the President said. "For any step which weakens America's defenses will also weaken the prospects for peace."

President Nixon, since coming to office has been moving the Nation from a period of prolonged confrontation and arms competition to one of negotiation and arms limitation. He is moving us from a wartime economy to a peacetime footing and from dependence on the draft to reliance upon an all-volunteer army.

As he outlined the changing emphasis in military planning, President Nixon said: "As we take all of these steps, let us remember that strong military defenses are not the enemy of peace; they are the guardians of peace. Our ability to build a stable and tranquil world depends on our ability to negotiate from a position of strength. We seek adequate power not as an end in itself but as a means for achieving our purpose. And our purpose is peace."

To the many of us here who have dedicated our careers to the service of our country and to those about to embark upon that dedication, I recommend those words of President Nixon as a beacon upon which to set our course.

Since delivering that message to Congress in January, President Nixon has implemented it by his journeys to Moscow and Peking in the quest of peace. And although the memories of those trips are still fresh, we are now reaping the reward of an international atmosphere that holds promise for enduring peace.

The President has implemented his words by the further withdrawal of our forces from Viet Nam and the reiteration of the call for meaningful peace discussions in Paris.



But, the President and the Nation will succeed, our peace and security will be assured only so long as those with a stake in freedom are willing to come to freedom's defense.

Congress, 54 years ago, adopted on behalf of the American people a statement of patriotic principles that still stands as The American Creed. This Creed concludes with these words: "I believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag and to defend it against all enemies."

What the Creed asks of us all, it demands of those who wear the rank and uniform of our armed forces.

Yours is a responsibility not to be taken lightly, nor borne grudgingly. Our Nation needs and deserves the best you can give in personal devotion and professional service in your dual capacities as citizens and soldiers.

America's quest for peace is as enduring and unrelenting as is its defense of liberty.

A little more than 100 years ago, a great American President said: "With firmness in the right as God gives us to see the right let us strive on to finish the work we are in, to bind up the Nation's wounds...to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

Today, as it was in the time of Abraham Lincoln, there is no better definition of the cause we serve.

We owe posterity our fidelity to the principles of liberty wherever the flame of freedom flickers or the desire for human dignity is proclaimed.

Earlier, I commented upon the great history and strong tradition of the Army National Guard. In the ranking of American heroism the New York National Guard holds a special place.

Few military units have enjoyed such high-powered publicity agents as Pat O'Brien and James Cagney who immortalized on the screen the heroic exploits of The Fighting 69th.

But the fact is the New York 69th Infantry's reputation was solidly established long before it was boosted by Hollywood. Although most famous for its exploits in World War I, the Fighting 69th was engaged in 14 campaigns during the Civil War, beginning at Bull Run and ending at the surrender at Appomattox. And, of course, the 69th was reorganized in World War II and served with distinction with the 27th Infantry Division in the Central and Western Pacific Campaigns.

Then there is the heroic record of the 71st Infantry, which through more than 120 years of service has been designated as The American Guard.

The 71st answered President Lincoln's first call for volunteers for the Union cause. As did its sister unit, it fought through the Civil War from Bull Run to Appomattox.

During the Spanish-American War, the 71st was the first National Guard Regiment mustered into service and was the first New York unit to land on foreign soil at Siboney Beach, Cuba, in 1898.

The 71st served with distinction in France during World War I and in World War II was one of the few units to fight in both the European and Pacific Theaters.

And then there is the 187th Artillery whose distinguished record of heroism runs from the Civil War to participation in the first UN counter-offensive in the Korean War.

As a former military officer and as a political figure I realize I have committed a grievous tactical error by extolling the record of only three units of the New York Guard. I realize fully as well as you that all deserve equal attention and I wish there were time to permit that. One other unit I might well have mentioned--a unit that served with great distinction in World Wars I and II--is the old 369th Infantry Regiment of World War I, later reorganized as the 369th Coast Artillery Anti-aircraft Regiment of World War II. My father commanded the 369th Infantry in New York City in the late 1930's.

What I have attempted to demonstrate to all in attendance is a point I am sure you graduates already appreciate. That is the great heritage of the National Guard and the special traditions of the New York Guard that are now entrusted to you.

As we appear to be moving to a more stable world community, I fervently hope for you that the service you will be called upon to render will be peaceable. Certainly, that service will be in the cause of peace.

In your hands may the banners of freedom always fly high.

####



# DEPARTMENT OF TRANSPORTATION

# NEWS

## OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20590

76-DOT-72

REMARKS PREPARED FOR DELIVERY BY BENJAMIN O. DAVIS, JR.,  
ASSISTANT SECRETARY OF TRANSPORTATION FOR SAFETY AND  
CONSUMER AFFAIRS, TO THE NATIONAL CONFERENCE OF  
GOVERNORS' HIGHWAY SAFETY REPRESENTATIVES,  
WILLIAMSBURG, VIRGINIA  
SEPTEMBER 11, 1972

It's a pleasure to keynote this 1972 Conference. I come here with the greetings, and the blessings, of my boss, Secretary of Transportation John Volpe, who firmly believes that "no task before the Department of Transportation is more important than saving lives." Well over 50 percent of the Department's resources are dedicated to the realization of greater safety and security, wherever goods are moved or people travel.

Transportation is a lifeline of our society, vital to our commerce and our economy, indispensable to our daily bread and our personal mobility.

But the means of transportation can also be the deliverers of death and the messengers of misery. It's unfortunate, indeed, that transportation, which does so much for us, also costs us dearly. It's a sad commentary on the state of transportation in our society today that someone dies on our highways every 10 minutes, that thousands of lives are lost every year in needless accidents, millions are injured, and losses run into the billions of dollars.

Last year more than 59,000 persons died in transportation-related accidents in the United States. The vast majority -- 90 percent -- over 55,000 people -- six times the population of Williamsburg -- met death on our streets and highways.



Preliminary figures for this year are not encouraging. We are in danger of setting a new record in highway mishaps and mayhem, despite a coalition of Federal, state and industry efforts to make our cars, our drivers, and our highways safer.

Clearly we must do more, which is why this Conference must rank as one of the most important meetings of the year. Even though the highway fatality rate reached an all-time low last year -- 4.7 deaths per hundred million vehicle miles -- the number of actual deaths inched up over 1970.

If deaths had occurred at the same rate in 1971, with 1.2 billion miles of highway travel, as they did 10 years ago, when highway travel in the United States was roughly half what it is today, we would have counted 61,000 people dead in traffic accidents last year. This suggests that there are 6,000 persons alive today who owe their lives to past improvements in highways and motor vehicle safety.

By the same token, if we do not improve motoring safety even further in the 1970's, by 1980 we will be killing approximately 100,000 people a year in highway mishaps - based on the present rate and the projected growth in drivers and vehicles.

In fact, with new cars and new drivers taking to the highways in ever-increasing numbers, we must double and redouble our collective efforts to make driving safe. If we are to achieve the goal we set in 1969, a 50 percent reduction in highway deaths, we must actually achieve a two-thirds reduction in the fatality rate.

As Secretary Volpe said recently, "if we are to reach that goal, without surrendering or compromising the mobility the motor vehicle affords, we have to prescribe, and be willing to swallow, some pretty strong medicine."

A few months ago a Washington newspaper challenged a motor magazine's choice for "car of the year" on the grounds that the car had been selected for styling, speed and performance reasons, rather than safety. The editor of the magazine countered by contending that 50 percent of the highway deaths are caused by alcohol, 20 percent result from the neglect of lap and shoulder restraints, and concluded - therefore - that 70 percent of the lives now lost in traffic accidents could be saved by reforming the driver, not the car.

Certainly this is a familiar argument. Personally, I am inclined to agree that the greatest potential for saving lives rests with the driver.

But it is easier to redesign vehicles than to reprogram human beings. It is easier to change the driver's habitat than his habits. Cars will bend: people - too often - will not.

The issue before us, however, is not to fix fault, but to fix the problem. The policy of the Department of Transportation is to reduce the highway death toll and to make motoring safer by any and every means possible. That entails doing whatever is necessary to make vehicles, drivers and highways inherently safer.

The alternatives are simply unacceptable; in fact, unthinkable.

The automobile already ranks as a major health hazard, especially for our young and our elderly. Sometime this year, someone in our country will become the two millionth American to die on the highways. If the present trend were to continue, one of every two children born in the United States could expect to be killed or injured before reaching the age of 70.

We are fighting time as well as circumstances. There is no place for complacency, no time for procrastination, in our business. We can't let down our guard or let up in our efforts to instill safety in every fibre of the nation's transportation fabric. We must be vigilantes for safety 24 hours a day.

Highway safety is a national program in every sense of the word. It begins with President Nixon, who has called our highway death toll "a tragedy and an outrage of unspeakable proportions."

The authority for changing that situation rests in the Highway Safety Act, which directs the Secretary of Transportation to "assist and cooperate with other Federal departments and agencies, with state and local governments, and with private industry" to bring about the maximum in a safe transportation environment.

But the impetus for real progress in achieving new pinnacles of highway safety rests with people of influence and authority at the state and local levels, where the laws are made, ordinances are passed, and driving disciplines taught and enforced. State and local jurisdictions hold large and sobering responsibilities for highway safety; the greatest prospects for improving safety and saving lives lie at the same doorsteps.



Clearly we face an uphill battle. But the cause is not hopeless and we are far from helpless. We look for and encourage safety initiatives on the part of industry, the states, and the motoring public. President Nixon has done more, and we will continue to do more, at the Federal level to provide incentives and assistance as well as give direction to national highway safety programs. As I have already mentioned, and as you well know, ours is a three-pronged attack, aimed at safer roads, safer cars, and safer drivers. Let me mention briefly some of the projects you will be discussing in more detail during the course of this Conference.

First: we all want our highways to be as accident-free as possible.

All new Federally-assisted highways, of course, are built to strict safety standards. In the past, the responsibility for keeping streets and highways safe - for police patrol, maintenance and accident prevention - rested entirely with state and local governments. Under the terms of the 1966 Highway Safety Act, Highway Trust Fund resources became available for distribution to the states for safety purposes. Still, Federal funds today comprise only about three percent of the expenditures for highway safety. We hope to see that amount increased significantly. The DOT budget for this fiscal year contains \$85 million in the grant (402) program, and \$44 million in research (403) money for such activities as our Alcohol Safety Action Projects and our Selective Traffic Enforcement Program. Our target is \$180 million in Federal funds for highway safety purposes in FY 1974, and at least \$250 million for fiscal '75. We are well aware that the safety burden on state and local governments is a heavy one, and we believe that increased Federal cooperation and support will produce tangible benefits in improved safety.

One common highway safety problem, that has been with us for too long, is the innate danger in the more than 220,000 grade crossings in the United States. There are more than 12,000 collisions every year between road and rail vehicles -- an average of 32 a day -- which caused 1,500 deaths and 7,000 injuries in 1971 alone.

Two weeks ago Secretary Volpe announced a recommended program for the protection of 30,000 grade crossings at a cost of about \$750 million. The proposal calls for a 10-year program upgrading some 3,000 crossings a year. That would be about three times the current rate of grade crossing improvements and should ultimately save at least 500 lives a year.



There is no doubt, of course, that today's highways are much safer than the roads of yesterday. The fatality rate on the Interstate system, in rural areas, is two to three times lower than it is on non-Interstate roads. It is also lower in urban areas -- 2.3 deaths per 100 million vehicle miles compared to 3.7 on the non-Interstates. Tomorrow's roads will be still better. We are learning everyday the benefits of breakaway signposts and light standards, energy-absorbing crash barriers, wider medians protected against crossovers, and improved lighting.

Then, secondly; we must have safer cars.

The motorist forced off the highway by a reckless driver deserves protection. The family hit head-on by a drunk speeding toward them in the wrong lane deserves a chance to survive. The driver who falls asleep and hits a bridge abutment deserves a second chance.

After-the-fact remedies such as rebuilt highways, tougher driver training programs, or alcohol correction treatments cannot reprieve lives already in jeopardy. In an accident situation, survival depends on the capacity of the vehicle to protect its occupants.

Cars have done this poorly in the past. Today's models are somewhat better. But there is no longer any escape from the fact that tomorrow's vehicles must come with a "lifetime guarantee" -- not on the car, but on those who use it.

This is the direction our ESV (Experimental Safety Vehicle) program is aimed. We believe a car can be developed which will protect occupants from death or serious injury, even in a high-speed, head-on crash. As a result of the initial competition, AMF has been awarded a \$2.15 million follow-on contract to perform a series of trade-off studies, analyses, and development tests as another step toward feasible crash-protection systems for future production cars.

But regardless of how successful we are in building a car that will take punishment, we see no way of assuring the safety of its occupants without the use of passenger restraint systems. In a crash, the first contact may crumple chrome and kill the engine. But it's the "second accident" -- the one that happens inside a car -- that crumples bodies and kills people.

I don't need to tell you that efforts to get people to use the restraint systems in today's cars have failed. Statistics vary, but according to reliable surveys fewer than 25 percent of the people wear lap belts; only

four percent use the shoulder harness. One California poll reported that only one person in 10 uses a seat belt; only one in 25 a shoulder harness. Yet, paradoxically, 43 percent of all drivers surveyed believe that belts save lives.

In Victoria, Australia, the traffic death rate dropped 16.8 percent during the first nine months the new seat belt law was in force. Other Australian provinces are now following Victoria's lead. The impact of mandatory seat belt usage is impressive when you consider that if the effective reduction in the traffic death rate achieved in Australia last year could have been transposed to America's highway death rate, more than 9,000 lives would have been saved.

Time magazine reported recently that an analysis of some 28,000 crashes in Sweden found no fatal injuries to any belted occupants in crashes under 60 mph.

For these reasons, the Department of Transportation is firmly committed to the concept of passive restraint systems for all passenger cars. The industry must provide such systems for the 1976 model cars. In the meantime, we believe that the decision to "buckle up" can no longer be left to choice or chance. Secretary Volpe has recommended that the states enact laws, no later than next year, making the wearing of seat belts compulsory while operating or riding in a motor car. There's nothing to stop you from making a move in that direction today!

In the third place, we must work to achieve greater degrees of driver competence, courtesy and responsibility.

Back in 1959, a report by the American Medical Association contained this statement: "Human failure overshadows all other factors in the production of highway accidents. There is no doubt that poor judgement, impaired reaction time, faulty attitudes, emotional disturbances, and physical disabilities are basically responsible for most accidents." End of quote.

That observation is probably just as valid today as it was 13 years ago. What the report failed to say in clear language was that many of those "human failure" deficiencies are due to an excess of alcohol. If we have made any progress in 13 years, it is that we are no longer reluctant to point the finger of fault at the drunk driver.



Half the highway deaths - about 28,000 last year - resulted from alcohol-related accidents. That statistic is made even more tragic by the fact that a relatively small group of problem drinkers - about seven percent of all drivers - cause most of the deaths in which alcohol is a factor.

So we are in the business of apprehending, convicting, and reforming drunk drivers. There are now 35 Alcohol Safety Action Projects (ASAP's) in effect across the country. Our purpose is to help local authorities get the dangerously drunk or chronically alcoholic driver off the road and into a treatment program. We believe the most effective approach is to join together all the necessary components -- enforcement, judicial, psychological and sociological -- in a composite, cohesive assault on the drunk driver problem. And I hope that all of you from states where our Alcohol Safety Action Projects are underway will agree that the experiment is working.

While data returns are still too skimpy to be conclusive, some of the results to date are very encouraging. In eight of the Project areas, for example, the death rate went down 8.6 percent while in the surrounding control areas it went up 1.5 percent. If the downward trend could have been applied to the entire nation, nearly 5,000 people who were killed last year could be alive today.

Alcohol abuse, of course, does not account for all the dangerous drivers on the highways. There are a frightening number who drive without the benefit of a license. There are others who never should have been granted a license in the first place; many who do not deserve to keep one.

If drivers were better trained, or drove with greater skill, or were motivated to be more conscientious in their handling of a motor vehicle, chances are we wouldn't need a widespread Driver Control Program.

But according to the National Safety Council, improper driving is a causal or contributing factor in 83 percent of all fatal accidents, and in 91 percent of all injury accidents.

So we are proposing a variety of measures to assist the states in implementing a series of driver licensing, evaluation, education and surveillance actions designed to implant and improve good driver habits, and weed out the unqualified, the incompetent, and the unfit. Initially \$1.1 million will be allocated, 80 percent to driver licensing, 10 percent to enforcement, and 10 percent to adjudication.

Our highway, vehicle and driver safety standards are going to get tougher. There is little doubt about that. Everyone who would put his hand to a steering wheel must be made to understand that the right to drive is a conditional privilege and must be respected as such. It can be granted only to those who prove competent, and will be taken away from all who abuse the privilege.

All of us in this room look upon automotive safety as a serious concern -- a matter of life or death. I am confident that because we care we do not intend to sit idly by while drugged, drunken and indifferent drivers ride into the valley of death, and take thousands of innocent victims with them. No one here wants his state to lag or languish in the business of building a better reputation for safety. No one wants to be last on the list of good conduct states in the profession of saving lives and making driving, as the ads say, "a good thing again."

As transportation gets safer, it will also get better. President Nixon's programs for the improvement of mobility in America represent the most progressive and comprehensive transportation reforms ever prescribed. Those reforms include not only greater safety for all who travel and greater security for the multitude of products that move by road, rail, air and water but new initiatives as well in urban transportation, with greater reliance on public transit, to help free city streets and urban expressways for those who must move the nation's commerce. That is also important to traffic safety.

President Nixon is equally committed to cleaner and quieter transportation, to more and better roads, and the achievement of true balance and better "connectivity" among the modes. His total program, as he has expressed it, is designed to make transportation "a better servant of the people."

Greater highway safety is a vital step in that direction. Your earnest and steadfast support is needed and appreciated.





# DEPARTMENT OF TRANSPORTATION

# NEWS

## OFFICE OF THE SECRETARY

WASHINGTON, D. C. 20590

77-DOT-72

REMARKS PREPARED FOR DELIVERY BY BENJAMIN O. DAVIS, JR., ASSISTANT SECRETARY OF TRANSPORTATION FOR SAFETY AND CONSUMER AFFAIRS, TO THE REGIONAL TRANSPORTATION CONFERENCE, GREATER PHILADELPHIA CHAMBER OF COMMERCE, PHILADELPHIA, PENNSYLVANIA  
September 13, 1972

It's a pleasure to be here in Philadelphia to participate in this Third Annual Delaware Valley Regional Transportation Conference. I note that I'm to address some remarks regarding airline security and the hijacking problem. I also note that the other participant in this discussion is Mr. Harry Murphy, Director of Security for the Air Transportation Association of America. I think the views we both will present here this morning might well lend meaning to the word "discussion."

This is not to say that Harry and I are not in complete accord on the necessity of eliminating air piracy. It's just that the airlines and the Department of Transportation don't always agree on the methods...and more importantly, the responsibility for preventive measures. However, these differences have obviously not been irreconcilable. By working

together, the airlines and the Federal Government have progressively reduced the percentages of successful hijackings since 1969 when 82% of the incidents succeeded! In 1970 the success rate dropped to 67%...in 1971, it was 44% and, as of today, the 1972 success record has been lowered to 28%...only 8 of the 29 U.S. hijackings have been successful.

Certainly, these figures seem to be an indication of the growing capability of all segments...the airlines, the airport operators, the Federal Government and the various law enforcement units, to successfully combat air piracy. Additionally, since November 24, 1971, when "D. B. COOPER" parachuted into seeming oblivion with \$200,000 more than ten million dollars have been demanded by airline extortionists. Of that, only \$503,000 has not yet been recovered. On the surface, this would seem to be a commendable record. But it isn't...it's a miserable record. Right now, the rate of hijackings in 1972 is the worst since the 1969 peak, and could quite possibly exceed that year.

To add to the frustration of these sheer numbers is the fact that the great bulk of them quite probably could have been prevented, if all parties involved had carried out the Federal Aviation Regulations. Under these regulations, the airlines are required to apply the hijacker profile to all passenger boarding operations. This takes no more effort or time than is presently exerted by the airlines to make sure the passengers pay their fare. The profile should have been applied to at least 16 of the 1972 air carrier hijackings. We know that in 12 of those incidents, the hijacker did meet the profile. Those hijackings could and should have been prevented. In four other cases, hijackers forced their way aboard the aircraft, either through the boarding gates or via the airport ramp. Effective implementation of airport security requirements, coupled with adequate law enforcement support could have also prevented these incidents. To me, this laxity does not bespeak a "commendable" record. On the contrary, I am forced to draw something of a "non-commendable" conclusion. I must conclude that our current program, properly and fully implemented by all parties involved...the airlines, the airport operators and law enforcement personnel...could have prevented at least 80% of the 29 U.S. air carrier hijackings which have occurred so far in 1972.



One of these incidents involved the longest hijacking on record...7,000 miles from the West Coast of the United States to Algiers in North Africa. During the course of the incident there were four stops, including a change of aircraft. There was ample opportunity to capture the UNARMED hijackers without endangering human life. However, the crew simply lived up to the terms of the company operating manual which said to acquiesce to all the demands of the hijacker. This seems to me to be something less than "commendable," and considerably less than the pioneer spirit once so closely associated with the flying community. Fortunately this attitude of acquiescence is changing and airline operating manuals have been changed. I do not believe opportunities like this will be ignored by flight crews.

Only a few months ago, President Nixon stated that commercial aviation in the United States had built a commendable record of service and safety. Then he declared: "I mean to do all in my power to help protect that record, by preventing air travel from becoming a vehicle for traffic in terrorism...We must not be intimidated by such lawlessness."

We, in the Department of Transportation, took that statement in the spirit in which it was meant...a Presidential order, a mandate if you will, to do something about it.

Secretary Volpe met with the chief executives of 11 major airlines on May 22nd and on June 7th I held a follow-up meeting with representatives of the airlines, airport managers and pilots. We stressed then, and we continue to stress, that: (1) all the Federal security regulations must be fully applied; (2) the payment of ransom or extortion money must be resisted to the fullest extent possible consistent with the safety of human life; and (3) hijacked aircraft must be gotten on the ground and kept there and crews and airline management must cooperate with the FBI.

Other actions have been continuing at an accelerated pace. The airlines, pilots, and the FAA are looking into the question of arming crews. The FAA is currently taking action to insure that weapons are not contained in passengers' carry-on baggage. FAA also has regulatory action pending which would call for armoring the bulkhead between the cockpit and the passenger cabin, and another action underway to prevent ventral or tail exits from being opened during flight. This has been a popular parachute escape route. A number of air carriers have already made this modification on their aircraft.

Particularly hard hit by hijackers this year are the operators of non-reservation "shuttle flights." On July 7th, following hijackings on two successive days of Pacific Southwest Airlines flights, President Nixon ordered that all passengers be searched before boarding shuttle flights. These orders are being carried out. Shuttle gates are being given priority for weapon detectors currently being purchased by the FAA.

Despite the fact that we have taken, and are continuing to take action on several fronts to bring the problem of air piracy under control, the skyjacking threat continues to exist...and if the last three months are any indication, continues to grow. Obviously, we must intensify our efforts to end these criminal acts.... And you can be sure we intend to do just that!

We have already discovered that efforts to achieve adequate ground security on a voluntary basis have proved to be considerably less than totally successful. As a result, we have found it necessary to mandate the security measures to be followed by airline and airport operators. These measures are preventive in nature and are properly the responsibility of the airlines and the airport operators. They are not a proper function of the Federal Government.

In almost every other segment of commerce, preventive security has traditionally been the responsibility of the private sector. This holds true even in areas with a high crime incidence. For example, there are about 4,000 bank robberies each year, each one threatening the lives of bank employees, customers and innocent bystanders. Yet preventive and deterrent measures in the form of vaults, alarms, guards, cameras, and the like have been the traditional and accepted responsibility of the banking institutions themselves. Neither Federal nor local governments screen bank customers or stand guard at banks and tellers' windows.

Nor is this concept foreign to the transportation industry. The largest and oldest private police organization in the Nation continues to protect the "rights-of-way," the property, the passengers and the activities of our Nation's railroads. They are railroad employees who operate under local police authorities.



The guard forces that patrol areas of our largest seaports, and stand guard at trucking terminals to protect the property and activities of private transportation interests are not Federal or local government personnel. They are employees of the private sector which recognizes and fulfills its security obligations.

It is certainly in keeping therefore, to assume as we do, that the screening and inspection of air passengers, baggage and cargo, as well as the safeguarding of aircraft, is an airline responsibility. Similarly, the protection and control of airport operating areas is the responsibility of airport operators.

But don't misunderstand me...this does not negate the responsibility of law enforcement, both Federal and local. It has a definite and important complementary role to play. In civil aviation security, as in the case of bank robbery or a theft from an interstate shipment, law enforcement support must be immediately available to respond promptly and properly to any actual or potential violation of law detected as a result of these privately applied security measures.

Currently, the Federal law enforcement personnel assigned to the civil aviation security program are performing this support function at many of the Nation's airports. We believe, however, that local authorities should eventually assume this ground support responsibility at virtually all of the approximately 500 air carrier airports throughout the Nation. Surely, airline and airport operations are entitled to, and should receive the same kind of law enforcement support provided by communities, cities and States to shopping centers, downtown business districts, sports centers and other commercial and private activities which make up our society. We are working toward that end, and despite the problems, considerable progress has been made. Local law enforcement support is now covering a substantial number of airports, and we're looking forward to another year of major achievements in the field of air security.

The main thrust of the year ahead will be directed towards strengthening the entire Civil Aviation Security Program. These efforts are expected to involve a continually increasing participation of the airlines, flight crews, airport operators, and the local

communities. Our goal is to prevent potential hijackers and saboteurs from boarding the aircraft. Clearly, this is the most effective means to end air piracy and sabotage. We have promoted this theory from the very beginning. We feel that sky piracy will then be well on its way to being a thing of the past. But it's going to take forceful, effective and continuing effort by all involved...the Federal Government, the airlines, the airport operators and state and local communities.

A very recent incident...as recent as last Thursday, bears out the results of this cooperative effort vividly. In Cleveland, a man attempting to board a flight for Tucson, Arizona, refused to allow airline personnel to open a violin case he was carrying on board. It contained, he said, a very valuable instrument. A Deputy U.S. Marshal was called, and the case was opened. The "valuable instrument" proved to be a 6.5 caliber rifle with a sawed-off barrel and a sawed-off stock with a bullet in the chamber, and five more in the magazine. Additionally, there were 44 extra rounds of ammunition and a butcher knife with a seven-inch blade. He also had two five-inch jackknives and a pair of brass knuckles on his person. We have every reason to believe that a hijack attempt was averted. In any event, we can be very certain that SOMETHING was averted! And we can also be very certain that this incident has demonstrated how forceful, effective effort by the airlines, the airport operators and the law enforcement agencies can be made to work successfully.





# DEPARTMENT OF TRANSPORTATION

# NEWS

## OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20590

78-DOT-72

REMARKS PREPARED FOR DELIVERY BY BENJAMIN O. DAVIS, JR., ASSISTANT SECRETARY FOR SAFETY AND CONSUMER AFFAIRS, TO THE RETIRED OFFICER'S ASSOCIATION, ANAHEIM, CALIFORNIA, SEPTEMBER 21, 1972

It is always a pleasure to participate in any of the Retired Officer's Association's activities, and it is particularly enjoyable to be able to be here in Anaheim for this 21st Biennial Convention. It gives me a chance to see and talk to a lot of old friends--or perhaps, it would be better to say friends of long standing--and it also gives me a chance to get some thoughts off my chest regarding the security and integrity--or more accurately--some of the reasons for the lack of security and integrity that seems to permeate our entire transportation system. Just as it seems to permeate almost every facet of our daily lives.

Surely, this has become a matter of great concern to all of us. The results of a recent poll taken by one of the political parties show that crime is one of the three subjects of major concern in the minds of the American public. Indeed, the survey suggests that people worry more about crime than they do about the Vietnam War. And well they should.



According to the latest FBI Annual Crime Report released last month, the national crime rate went up 7% in 1971. Some small comfort may be taken from the fact that this is the lowest rate of increase in 11 years. But little comfort can be taken from the reality that since 1966 the total crime rate has increased by 74% while the population has grown by only 5%.

L. Patrick Gray, Acting Director of the FBI, has suggested four reasons for the rising incidence of crime in America. First, he says: "We have been growing increasingly uncivil toward one another. The starting point to recovery must be the resurgence of a national civility--a reawakening of respect for each other and for our nation." Then, secondly, Mr. Gray points out the tendency on the part of many Americans to be apathetic to the problems of others. In the third place, he cites a drawing away from religion and from the faith of our founding fathers. Finally, he blames the disrespect for, and open disobedience to, duly constituted authority for much of this proliferation in criminal activity.

I heartily agree with Mr. Gray's four points. However, I would like to add some observations of my own, that particularly, but not exclusively, apply to the safety and security of both people and goods in transit. I would like to suggest that a portion of the blame rests on the shoulders of our entire society. The business community, the judicial, the legislative, the consumer and, in many cases, even the victims have all made some contribution, either through apathy, indifference or culpability. Some of these aspects are particularly noticeable in the transportation of cargo throughout all the modes. Joseph Cater, Waterfront Commissioner for the Port of New York noted that "it is impossible to fix the blame" for maritime cargo theft. Dock workers who do steal, do so brazenly. Port watchmen usually make no attempt to stop a thief in action, fearing for their own safety. Victimized businesses seldom attempt to bring charges against suspected or known thieves for much the same reason. There is often collusion between dishonest truck drivers and waterfront checkers. There is widespread pre-ordering of stolen cargo. Obviously, all this implies either gross negligence or downright dishonesty on the part of people whose duties are the protection of cargo. It also implies culpability on the part of the "honest" businessmen who reduce their costs by pre-ordering stolen cargo.

But perhaps you're not ready to believe that the "honest," or even the seeming legitimate businessman indulges in such nefarious

activities. And, I guess, if we're indulging in semantics, you're probably right. But let me cite another example. The records of the New York Police Department tell of two men who hijacked a liquor truck. They took the driver's delivery list, and locked him in the back of the truck. Then they drove to each of the "honest" liquor dealers listed, and explained that their order had been hijacked, but that they could have the goods for half price. By the end of the day, the entire load had been sold to the merchants to whom it was originally consigned. Certainly, this acceptance of crime as an integral part of doing business cannot be indicative of our entire society. Yet, too often this seems to be the case. Seemingly, this is the price our society is willing to pay for permissiveness.

Until very recently, the airlines, too, allowed themselves to become a part of this general indifference. Oh, they were concerned about hijacking, and they didn't hesitate for a moment to start crying "uncle"--and, as usual, they meant "Uncle Sam." But for a long time, they were reluctant to take matters into their own hands. Their philosophy was one of acquiescence. The air pirate was usually overindulged, over-accommodated and most certainly, overpaid. Additionally, they were accorded better treatment and faster service than first class passengers enjoy.

One such incident involved a 7,000 mile hijack from the West Coast of the United States to Algiers in North Africa. During the course of the incident, there was ample opportunity to capture the UNARMED hijackers without endangering human life. However, the crew simply lived up to the terms of the company operating manual and acquiesced to all the demands of the hijackers. This seems to me to be somewhat less than the pioneer spirit once so closely associated with the flying community. It also seems to me to be another dangerous step towards a totally permissive society. Fortunately, this attitude of acquiescence is changing along with airline operating manuals. I do not believe opportunities like this will again be ignored by flight crews.

There is no way our society can survive if we continue to condone such crimes as air piracy, the kidnapping of planeloads of hostages and the wholesale looting of goods in transit, at railheads, truck terminals and on the docks. Surely, if this trend is allowed to continue, our entire transportation system will grind to a halt, and America will be at a standstill.



However, transportation has not been the only culprit during this long period of moral degeneration. High on the list is drug abuse-- although for the life of me, I've never really understood why it's called "abuse." It seems to be that "drug use" is sufficient-- and it is largely responsible for motivating innumerable other crimes, both transport and non-transport related. Crimes of violence such as murder, rape, robbery and aggravated assault; crimes against property such as burglary, larceny and auto theft are often the direct result of drug abuse. Certainly this seems to be a reasonable assumption, when one observes that narcotic-related arrests between 1966 and 1971 increased by a staggering 469% according to FBI figures.

It would be gratifying indeed, if this increase in arrests also indicated a comparable increase in convictions. But, alas, that is rarely the case.

For instance in New York City last year, there were 94,000 felony arrests. A mere 552, or six-tenths of one percent, finally reached the courts as felony charges. The remaining 99.4% were either dismissed outright or charged with lesser offenses. Obviously, the complex procedures of our judicial system are not leading us very far down the road to law and order. Rather, it is countenancing permissiveness by eliminating retribution.

Today, the Department of Justice is faced with some awesome responsibilities in the administration of criminal justice throughout the Nation. However, it is making every effort to live up to those responsibilities by initiating a number of actions designed to pull our system together so that Federal, state and local authorities can work together as an effective prosecution team. The result, it is hoped, will be to unjam the backlogs and to meet the increased demands of the rising volume of crime.

But there is also some cause for optimism--some reason to believe that the rising volume of crime could cease to rise. The latest figures indicate that in the first quarter of 1972 the crime increase was only 1%. Eighty of the Nation's largest cities actually could report reductions in serious crimes during the first three months of 1972. By comparison, 59 cities showed a decrease during the same period of 1971, and only 22 cities in 1970.

I believe there are several reasons for this encouraging trend. I would agree, for example, with Mr. Gray that there is a gradual but clearly perceptible return to the precepts of law and orderly conduct, the administration of authority and a society ruled by reason. A wave of public resentment has come into being and lawlessness and permissiveness is no longer widely condoned. People are tired of being afraid to leave a door unlocked. They are fed up with being unable to walk the streets at night. They are sick of the dangers imposed by the threat of sky piracy. They want to do away with this nightmare and return, once more, to the real world. The world in which a friendly latchstring was always out. The world in which the streets were safe for walking. The world in which the parks were made for recreation. The world in which morality was a badge of courage.

In time, we are not so far from that world. It's not so long ago that society had no need for batteries of psychiatrists, sociologists and jurists to determine the difference between right and wrong-- it was instinctive. This is not to say the criminal was not in our midsts. He always was, and he probably always will be. But he was an outcast of society. The badge of authority was respected and breaking the law carried the promise of swift justice and the threat of retribution.

I sincerely believe that under President Nixon's leadership, we are well on our way towards returning to just such a world. The President has worked to curtail much of the civil disobedience of the past years by acting to remove or relieve the causes of unrest and unruliness. He strongly supported the vote for 18 year olds. The result has been a new atmosphere on the campus. Our colleges and universities are no longer in a state of constant disruption resulting from confrontations and violence. On the contrary, there's an entirely new trend--a trend towards a serious, constructive interest in politics--a trend towards religion and community service. "Rebellion" might not be a thing of the past on campus, but it has directed itself towards working for change within the system. Indeed, our colleges and universities have once again become citadels of learning rather than bastions of revolt. Our cities are no longer being consumed by the flames of civil disorders, and we've come a long way toward reducing the increasing crime rate--both by organized and individual perpetrators.

But in all reality, it must be admitted, we still have a long way to go, and it's going to require a lot of money to do it. Like everything else, the price keeps going up. In 1960 the total cost of police, the courts and penal institutions amounted to \$3.5 billion. In 1971 that amount had almost trebled--\$10 billion. That represents \$42 for every man, woman and child in the United States just to deal with criminals. The amounts they take out of the economy and the costs they add to the cost of living would easily dwarf that figure. Obviously, crime must be stopped. But perhaps more importantly our indifference to a crime-oriented society must be stopped.

Those of us here today are retired officers of the Armed Forces of the United States. We are accustomed to discipline. We respect authority. We have been trained to maintain decency and order. These elements remain inherent to our nature. Surely, we can no longer stand by and ignore the flagrant disregard for law and decency that we have been called upon to witness in recent years. Surely we, above all, cannot allow ourselves to become part of the apathetic many. Our President and our Country need us to bring every weapon at our disposal to bear against the forces of crime. All of us may be retired officers, but none of us have retired as Americans. Besides, at \$42 a head, we can't afford it.





# DEPARTMENT OF TRANSPORTATION

# NEWS

## OFFICE OF THE SECRETARY

WASHINGTON, D. C. 20590

97-DOT-72

REMARKS BY BENJAMIN O. DAVIS, JR., ASSISTANT SECRETARY  
OF TRANSPORTATION FOR SAFETY AND CONSUMER AFFAIRS,  
BEFORE THE 1972 ANNUAL MEETING OF THE MONTGOMERY-  
GREENE COUNTY, TRANSPORTATION COORDINATING COMMITTEE.  
DAYTON, OHIO  
NOVEMBER 2, 1972

It is always a gratifying feeling for me to come back to Ohio. I spent a good number of my formative years here and I have since served in this State in varying capacities. I know it to be one of the great States of the Union and one of great diversity. Ohio has more towns and cities of over 50,000 population than any other state and yet it is one of the major farm producers. Its annual gross product exceeds that of the continent of Africa, twice that of Spain and Sweden. It leads the nation in producing glass and rubber and is the second State in steel and auto making. Ohio is also a cultural center of the world. There are some 350,000 college students in Ohio, more than those attending college in the whole of Great Britain.

It would be easy to go on. The State of Ohio could provide me with impressive figures at great length. But I am here to discuss with you the Department of Transportation's plans for highway and transit safety. And that leads me to a more sobering presentation of facts and data.

In 1966, not very long ago, the chances were rated 50-50 that every child born in the United States would become an eventual traffic statistic. The safety experts rated it even up that every other American child would either be killed or seriously injured in a traffic accident. Highway fatalities had risen to over 50,000 a year and the number of injured was in the millions. That year, Congress passed two laws, the Highway Safety Act and the National Traffic and Motor Vehicle Safety Act. Since 1966, Congress has appropriated almost \$300,000,000 dollars to aid states in implementing the 16 Federal Standards set by the Highway Safety Act. Yet, this year, Secretary of Transportation John Volpe declared, "No state has taken all legislative and administrative actions needed to fully implement the standards."

Surely we are at a crossroad. While it is true that the laws enacted in 1966 have been beneficial in reducing the traffic toll it is also a fact that the driver and motor vehicle populations are growing enormously. There are more cars every year, and more drivers, and they are traveling more miles. By 1980, we estimate that Americans will be driving 1.7 trillion miles a year.

1966 was a ghastly year on the highways and since then, we have just managed to hold the line on traffic casualties. Fifty-four thousand seven hundred people died last year and 2 million were injured. Before the end of 1972, the two millionth American will be killed on the streets and highways.

Federal, state and local authorities, which have done their utmost to control the traffic toll, now must do more. We have designed and built safer highways each year. State and local resources have increasingly been channeled into safety programs. We have mandated safety features in the construction of new automobiles.

But the fact remains that we are in a deadly race with production and population. We must move decisively in this contest and we must use every resource that we have at hand. I regard the Federal Standards as our primary base. It is imperative that they be implemented by all the states; and if they are not, we could lose this race and the Department of Transportation estimates that fatalities could reach 80 to 90 thousand a year by 1980.

When the Government attempts to assess national progress toward highway safety, it must take into account just how complex and varying the 50 States are. When we require, from Washington, D. C., compliance with the national standards, we also have to consider the wide differences in the geographic, financial and political makeup of these states. Some, it is obvious, will not reach full compliance with Federal Standards for years to come. Others are wealthy enough and well motivated enough to achieve those goals with much greater facility.



With that thought in mind, the DOT has initiated a rating system in its evaluation of the states and their implementation process. It is, in effect, a "report card" that takes into account the capabilities and liabilities of each of the 50 States along with the District of Columbia and Puerto Rico.

I assume that you would like to know where Ohio stands on our books. Ohio rates "almost above average." That is, it ranks number 3 from the top in the average column. Keep in mind that many of the states which are "above average" are small and sparsely populated. But the nation's two largest States, New York and California, also are in the "above average" listing. Virginia ranks first in the ratings as being in almost full compliance while Alabama stands last.

I would like to examine with you today the position of Ohio on our DOT report card, where it stands now and where it might progress in relation to our national highway safety program. You have 7 million drivers and they travel a long distance on one of the finest state highway systems in the country. In 1971, Ohio's traffic fatality total was the lowest in several years. The total of 2,381 dead was 8 percent lower than the 2,575 recorded in 1970 and 15 percent less than the 1969 total. The 1971 mileage death rate is estimated to be 4.0 which is the lowest ever recorded by the State. For the first 5 months of this year, Ohio traffic fatalities were running slightly above last year's figure. Through May 1972, there were 902 deaths recorded, compared to 860 at the same time last year. Then, in mid-August, Ohio had its worst weekend accident and fatality record to date. Forty-two fatalities were recorded between August 11 and 13, many of them in multiple-death accidents.

That blemish aside, the overall picture of Federal/State progress in both planning and safety is encouraging. Urban transportation has been under continuing study as part of the Federal-aid Highway Act. The Federal Highway Administration, part of the Department of Transportation, developed an overview of the planning process, obtaining travel data within an urban area so that urban highways could be planned more effectively. The FHWA issued a Policy and Procedural Memorandum which provides the definitions and interpretations of the urban transportation planning process...this is a prerequisite to program approval for projects in communities of more than 50 thousand population.



The result, all over Ohio and in your area, is a comprehensive planning process that takes both motor travel and other modes into account. Statewide, as of June of this year, Ohio had improved and opened to traffic 89 percent of its Interstate Highway system. A total of 1,364.4 miles are now in use.

In the safety sector, Ohio has been apportioned almost 22 million dollars by the Highway Safety Acts of 1966 and 1970. However, obligation limitations were imposed on the State by Congress, which held actual expenditures to 14.6 million dollars through June of this year. The bulk of those funds went to driver education, traffic records systems, emergency medical services and police traffic services.

The record shows that the Federal funds were well spent. Ohio has reason to be proud of its emergency and medical programs, and its safety programs, in general, are well managed. On the other hand, the State is weak in the area of driver licensing and has no driver improvement program.

1972 did see important action on the State level. Last August, Governor John Gilligan called for the creation of a State Department of Transportation. The Governor, addressing the Transportation Advisory Commission, said, "the rapid growth of transportation in the past quarter century has made it essential that the State have a comprehensive plan for all modes of transport and travel."

A bill was introduced in the legislature and, after some legislative wrangling, was enacted into law. As introduced, the bill would have created 8 divisions in the transportation field. When it finally emerged from the State Senate, the number was down to two, highways and transportation planning, and that was the way the Governor signed it. It was gratifying action to Secretary Volpe, who advocates a transportation department in all the states.

While we applaud these State action, it leads us to another rough spot in the compliance area. The Ohio system of vehicle inspection is at variance with the Highway Safety Standards, which require annual checks on the total vehicle population. An exception to this is when the State is conducting an approved pilot or demonstration project. Also, Cincinnati and its suburb of Norwood have had twice-a-year compulsory inspection for resident vehicles. But this random system leaves the State unqualified by the Standard. If the State makes application for approval, stating a reasonable case, then it is possible that Ohio could qualify. Ohio's grade



for implementation used to be a rather dismal "D", the lowest possible. This year, under a different grading system, it achieved 41 out of a possible 100. I might say that the Department of Transportation is open to any reasonable argument in this area.

There are other areas where the Federal and Ohio State efforts mesh very well. The State's traffic records system has one-line-telecommunications terminals throughout the State and it is interconnected with the National Crime Information Center and the nationwide Law Enforcement System. This linkup, made possible by the Highway Safety Act, brings together all the traffic records information into one data processing unit for analysis and rapid retrieval.

Of primary concern, in every facet of highway safety, is the most dangerous human being on the road, the drinking driver. He is a contributing cause of half of the traffic fatalities in this country. The first thought in any safety program should be removal of the drunk and the problem drinker from behind the wheel. The City of Cincinnati is now one of 35 sites around the country where Alcohol Safety Action Projects are being conducted under the auspices of the National Highway Safety Administration. The 2 million dollar program will concentrate on identification of problem drinker/drivers, pre-sentence investigation of violators, driver behavior and public information. The Cincinnati project became operational the first of this year.

The State of Ohio had earlier adopted an implied consent law and, at the same time, a presumptive level for intoxication. Last year, this level for Blood Alcohol Content was dropped to the DOT standard requirement of .10 percent.

A further example of Federal and State cooperation is the new Motor Vehicle Compliance Test Facility that my Department is putting up at East Liberty. The 9.6 million dollar complex will be adjacent to the Ohio Transportation Center, and the two projects will be used to test all aspects of the road, the driver, and the vehicle. They will also do research in mass transit and high-speed ground transit. The DOT facility will also work closely with Ohio State University, the Universities of Akron and Toledo, Cleveland State and the Battelle Memorial Institute.



So you can see that, in most areas, the Federal authorities concerned with safety and the State and local communities in Ohio have attained a very high level of cooperation, but we can do better. In the DOT rating card, you rank as "Upper Middle Class" out of the 52 jurisdictions. I know that the Gateway State can improve on that status by full compliance with the Federal Standards. The Department of Transportation stands ready to help you in that elevation.

It is just a fact of life that highway safety would be vastly improved if we could get more people out of automobiles. If there is a solution, it must lie to a large degree with mass transit. I believe it is fair to say that the Nixon Administration has done more to build a Federal/State partnership in the area of transportation than any other in our history. When President Nixon took office, mass transportation was a very lowly item on the list of national priorities. It is now a one billion dollar a year program and a going concern. The Administration has rescued or stabilized the transit systems of over 60 cities.

With mobility and transit systems in mind, the Administration has taken a hard look at the Federal-aid Highway Program and the Highway Trust Fund that support it. Although both programs have served the nation well, the emphasis since 1956 has been on highway construction in this country. The concept, we feel, should change. The Administration gave its backing this year to the Cooper-Muskie amendment to the Federal-aid Highway Act. The Senate approved an allocation of 800 million dollars annually for urban transportation development and funding. I regret to say that as Congress closed out this past session, the Cooper-Muskie amendment died with it.

I am convinced that the Nixon Administration (which I anticipate will be around for a while) will swiftly revive that legislation next year. It would leave to state and local elected officials the determination of what portion of the Federal funds goes to highways, and what share should be held out for urban transit...bus or rail. Greater urbanization certainly has its limits and its breaking point and I believe that what the Montgomery-Greene County Transportation group is doing will show excellent results. You have developed and adopted a short-range priority improvement plan and program, in addition to surveillance, and all 10 basic elements of FHWA's Memorandum are included.

The City of Dayton is unique in its time-honored reliance on the trolley-coach as the backbone of transit service. I understand that the over one hundred trolley buses have been the only privately-owned vehicles of their kind in the nation. Diesel motor coaches have played a completely subordinate role. Fares in Dayton have also been a unique quantity, perhaps the lowest of any major city in Ohio. At the same time, the service has compared favorably with that in the larger cities, such as Columbus and Cleveland, and has been far better than that of Cincinnati. Dayton, in fact, operated as late as World War II on a 5 cent fare. That would be comparable in its time frame to a nickel cigar in New York and a 10 cent crab cake in Baltimore.

Today, Dayton is preparing for the future. You are one of eleven cities under the DOT's Urban Corridor Demonstration Program. I understand that your original plan called for the use of a railroad right-of-way for an exclusive bus roadway. Now, you have a light rail system under study and are exploring a Southeast corridor. Urban Corridor funds have reached 35,000 dollars for fiscal year 1972, with the FHWA providing 400,000 dollars from 1971 funds to purchase a bus right-of-way. If further study indicates that a light rail system is desirable, then FHWA funding would be out and the system will have to depend on grants from the Urban Mass Transit Administration.

With settlement reportedly reached over the Regional Transit Authority's purchase of the City Transit Company, I know that there are divisions on the future course of transportation here. There are factors ranging from the economic to the ecological. Retention of the trolley cars is an issue.

To many riders, the lack of fumes and noise make up for the absence of esthetic values. To others, the unsightly power lines are a blemish on both business and residential areas. Some argue that a new generation of buses are on the way and the value of the old trolleys cannot make up for their obsolescence. Let me say very hastily that I would hesitate to enter this local controversy or voice an opinion on a family quarrel.

I would like to declare that the Department of Transportation will be behind the efforts of local officials and authorities when their plans are formulated and approved. Safety is the watchword. We ask compliance and, at the same time, we offer help.



I have attempted to give you the Government's viewpoint, looking at the states, in particular this State, in our common aspirations toward better transportation. If the automobile and the highways are burgeoning, then we will improve them. If people are the main problem, then we will rehabilitate or eliminate them from the highways. And if the motor vehicle is threatening strangulation, and our urban areas cannot cope with it, then we will turn to mass transit in its many forms. Your plans and ours point straight to the future.

Again, however briefly, it is good to be back in Ohio.



# DEPARTMENT OF TRANSPORTATION

THD 493

# NEWS

## OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20590

99-DOT-72

REMARKS BY BENJAMIN O. DAVIS, JR., ASSISTANT SECRETARY  
OF TRANSPORTATION FOR SAFETY AND CONSUMER AFFAIRS,  
BEFORE THE CHAMBER OF COMMERCE, HARTFORD, CONNECTICUT  
NOVEMBER 6, 1972

I am delighted that you asked me here. I know Hartford to be a lovely and progressive city, which retains the charm of older times but has an innovative eye to the future as well. I am aware of the commendable work of members of the Chamber of Commerce here, particularly in their sponsorship of the Greater Hartford Process. As you know, the Department of Transportation is deeply involved in urban planning and it is very gratifying to us when a community takes the initiative as Hartford has done.

I think you would agree that life in this country today is one of constant propulsion. Contemporary America is witness to the daily transportation of millions of people and billions of tons of goods. We travel at great speeds, increasing the rate with every year. And every year, we ask of our machines and ourselves more.

We are all caught up in the vortex. We are all affected by the severe test that transportation puts to human safety. In fact, I cannot think of a more common problem. It applies to the citizen who flies 20,000 miles every year or to the one who drives 5 blocks to work every day. Each is seeking safe conduct in a perilous world of technology.



I can tell you that I speak to you as a representative of a concerned Government. Secretary of Transportation John Volpe has said, "no task before the Department of Transportation is more important than saving lives." I would add that this is really our primary mission. My Department was brought into being to advance the cause and the means of safety in the United States. That is why, speaking from the Government's side, I say that the initial step in preserving our lives and well being is adherence to and compliance with the law. There are standards and regulations set down to preserve life and property. The difficult thing is determining, with those outside of the Federal compound, whose methods should be used and who is responsible.

Air safety is an area very representative of that problem. Civil aviation is a constant exercise in caution, an unrelenting search for safer ways to fly people and material. It is a vital quest, and here the Federal Government and the air carrier must reach the highest accord.

In the decade of the 1960's a new danger to civil aviation developed--the hijacker. Over 10 years later, Government and industry are still in the process of eliminating him. The hijacker remains the greatest single threat to passenger lives in the American air lanes.

It began with the overthrow of Batista in Cuba. From 1958 to 1961, thousands of Cubans fled to the United States via commandeered aircraft. In May 1961, the pattern was suddenly reversed. A lone Cuban took over a U. S. airliner in flight and directed it to Havana. That opened the floodgates. U. S. and Latin American aircraft were seized all over this hemisphere and flown to Cuba or elsewhere. During some periods in the 1960's, as you recall, the incidents averaged one or two a week. The publicity and the press coverage kept pace. The evolution of a more sinister brand of hijacker was almost inevitable. Following the Cubans came the aerial extortionists, seeking large amounts of ransom money at gunpoint. Finally, men practicing the politics of terror, the fanatics, added their dimension to the crisis of hijacking.

Today, air travelers rightly demand to know how the airlines and the Federal Government are coping with the presence of air criminals. I can answer in part. We are reducing the percentages of hijacking success. In 1969, 82 percent of these attempts succeeded. By 1970, the figure was down to 67 percent--by 1971, it was 44 percent--and, as of today, the 1972 record of hijackings actually pulled off is a low 28 percent. Only 9 of the 30 hijackings this year have been successful, more or less.



Of those 21 hijackers, although they did control and divert the planes, 3 are in jail, 7 are in "protective custody" in Algeria and the remaining 11 fugitives are in Cuba where life is not treating them too well, I understand. Eighteen of the hijackings this year involved extortion demands against the airlines. In each case, the extortionist was killed or captured. I might add that when hijackers are captured, things go very hard for them. Last September, two men, convicted in separate incidents of hijacking, were sentenced to life in prison.

I do not read off these figures to you with an expansive sense of accomplishment. They are not enough. We cannot slowly close the door to air pirates; we must slam it shut. Here we have the absolute necessity of compliance with the law. Most of these hijackings or hijacking attempts could have been prevented if everyone charged with responsibility had carried out the Federal Aviation Regulations. The FAA has laid down the rules and it is up to the airlines, the airports, and law enforcement personnel to abide by them. We just don't want to let the hijacker on the plane in the first place.

Where the regulations have been applied, they have consistently paid off. In the first 6 months of this year, nearly 1500 arrests were made on the ground before boarding, 37 arrests were made on the aircraft, and over 1100 weapons of every conceivable type were confiscated. Airport and local policemen have seized everything from knives to rifles and shotguns, not to mention thousands of dollars worth of narcotics.

Some of you, I am sure, already know about the methods of detecting a potential hijacker. Usually, the time element is no more than that expended in paying the fare and checking a bag. FAA requires, first of all, that all passengers undergo an evaluation involving application of a behavioral profile. Most of the people boarding are not even aware they are being looked over. The criteria of the behavioral profile are so precise that only one in every 200 persons fits. So very few people are ever detained. Yet, if the profile had been applied in all cases in 1972, at least 16 hijackings or attempts would have been averted. We know that in 12 of those incidents, the hijacker did meet the profile and should have been stopped on the ground.

You also know that we employ metal detectors at the airport gates, both active and passive. The passive detector senses disturbances in the earth's magnetic field caused by metal objects. This was the first type used when our campaign began.



The active type, most recently installed at airports, features a system of coils on either side of a doorway. This kind of detector is more discriminating in the discovery of weapons per se. But, according to the FAA, they are safer for undeveloped film, magnetic tape, and even pacemakers.

We know the metal detectors are invaluable in finding weapons. The testimony comes from all of the airports trash baskets, potted palms and bathroom towel bins where people discarded their guns for fear of detection at the gates.

Secretary Volpe and the FAA announced some weeks ago that over two million dollars worth of metal detection equipment, both hand-held and walk-through, would be installed in the nation's airports this year and early next year.

Earlier, Secretary Volpe conferred with the chief executives of eleven major airlines and I met with officials of the air carriers, the pilots and the airport management. Our message was simple--resist.

We emphasized three basic concepts of resistance (1) all the Federal security regulations must be fully applied; (2) the payment of ransom or extortion money must be resisted to the fullest extent possible consistent with the safety of human life; and (3) hijacked aircraft must be gotten on-the-ground and kept there, while the plane crew and the airline management comply with the orders of the FBI.

Since it is almost inevitable that we will sometimes fail in ground screening, we are examining contingencies for inflight emergency. The airlines, the pilots and the FAA are discussing the question of arming the crews. The FAA also has a regulatory action in the works which would armor the bulkhead between the passenger cabin and the flight deck.

We are also sealing off the egress used by a number of intrepid extortion men in the past couple of years. You will recall that one D. B. Cooper, parachuted out of a jetliner in November of 1971 with 200, 000 dollars and hasn't been captured yet, presuming that he is still alive. Others have tried to escape by parachute since, with less success. Now FAA is moving to prevent ventral or tail exits in DC-9 and 727 aircraft from being opened while in flight. A number of air carriers have already made that needed modification.



Again, and I must continue to stress the point, the Government has found voluntary adherence to our regulations is sadly lacking. We must therefore mandate these measures and other airlines and the airports to strengthen their security. They have Federal backing and Federal funds to help but they must do the job.

In the closing hours of the last session of Congress, legislation to crack down on hijackers died in a House-Senate conference. The bone of contention was a Senate amendment in the bill which would have maintained a Federal force guarding airlines and airports. The Nixon Administration was wholly opposed to that provision. We contend that the screening and inspection of passengers, baggage and cargo is an airline's responsibility.

In almost all other transportation fields, the police wear a company badge. The oldest and largest private police force in the nation protects the railroads. They are railroad employees who act under local police authorities. Trucking firms supply their own guards. Areas of our large seaports are patrolled by uniformed men in the employ of the shippers and terminal owners.

Yet, they act under Federal Regulations, with a complementary and support role played by Federal law enforcement officials. We believe that is the way civil aviation should protect itself and its customers.

Going from air safety to the massive problems of the highways can be done with an analogy, a rather horrifying one. Suppose that three huge 747's or DC-10's crashed every week, killing a thousand people. We would never tolerate a fatality rate of that scale in civil aviation. It would ground the airline industry. Yet, the equivalent happens every week on the nation's highways. One hundred fifty lives are lost every day in traffic or about a thousand a week. Fifty-four thousand seven hundred people were killed on American streets and highways last year and 2 million were injured. Before the end of this year, the two millionth American will have died in traffic.

What can be done? The principal difficulty lies with the clock. We are in a race with time, and population growth and production. As bad as it is today, it will surely get worse with more people and more cars. By 1980, the DOT estimates say that the nation will be driving 1.7 trillion miles a year. Federal, State and local authorities must gear their problems to those future figures. We do build new highways every year. We do mandate safety features in new automobiles. But it will not be enough.



Again, I return to my initial premise. In order to achieve safety in any mode of travel, the first step is: implement the law. Since 1966, Congress has appropriated 300,000,000 dollars to the States so that they can carry out the 16 Federal Standards set by the Highway Safety Act. Yet, no state has taken all of the legislative and administrative actions needed to fully implement the Standards. They range from periodic motor vehicle inspection to traffic control devices, and from driver education to driver licensing. Here, in the area of driver licensing, traffic records, along with law enforcement and the courts, we get down to the root of the traffic problem--the driver.

The greatest physical danger posed to mankind in travel is man himself. It is true in the air. It is doubly true in motoring. The National Safety Council says that improper driving is the cause or the contributing factor to about 80 percent of all fatal accidents and 91 percent of all injury accidents.

The conclusion is obvious that we must get to the driver first. Driver control programs emphasize all of the driver factors, take them into account, and spell out the corrective steps. Rehabilitation is a process that either puts the subject back behind the wheel or removes him from it.

It is a fact that the greatest impairment to the driver's faculties is alcohol. All of the records bear it out. Alcohol is a contributing or causal factor in half of all the traffic fatalities in the country. Of the 27,000 alcohol-related deaths every year, the problem drinker is responsible for about two-thirds and the social drinker and young people make up the remainder. In 1971, 5 states conducted roadside surveys in the evening hours. They found that between the hours of 7. p. m. and 4 a. m., one out of every 25 cars coming down the road was operated by a drunk. Their condition was rated by a Blood Alcohol Content--or BAC--of .10 or higher. So, one out of every 25 drivers in that 5-state survey was not somebody with just a cocktail or two on board, but a drunk. We have no figures on those drivers who were just tipsy, or a little hazy from drink, but they would have been considerable.

Armed with the national statistics, the Department of Transportation has elected to move against the drunk driver. A comprehensive program is now in effect and operating in 35 locations throughout the country. It is called Alcohol Safety Actions Projects--or ASAP.

The Federal Government provides the funding and the guidance but the states and the local communities carry out the program. Where ASAP has been in business long enough to evaluate, there are encouraging results. There was a sharp decrease in traffic deaths in those areas. At the same time, arrests and traffic court cases went up by 72 percent. In one area in the Mid-West, where ASAP has been operating for a full year, fatal accidents have been reduced by almost 10 percent, and total traffic mishaps declined by two thousand from the previous year.

While we make the laws in Washington and provide funds, the real battle is being waged on Main Street. The bad driver or the drunk driver is intercepted by local law enforcement officers, tried by local authorities, treated locally by medical and rehabilitation personnel, and held up to the scrutiny of local public opinion.

I trust that I have not just treated you to a lesson in civic responsibilities. Hopefully, I have provided some insight into the workings of safety programs in two vital areas. With every advance in technology, there are accompanying problems. The Jet Age brought us benefits undreamed of by the aviation pioneers. It also brought the hijacker.

Mass produced and inexpensive automobiles gave Americans an unparalleled mobility and access to material goods. They also proved that human frailty is too often displayed behind the wheel.

We must travel. Our economy, and our nature are geared to it. But we have the right to demand that our equipment is of the highest order. We also deserve protection from the most dangerous quarters. Too often, that is our fellow man. Each of us is seeking safe conduct.

President Nixon in the last four years has done more to build transportation, and to make it safer, than any other President in the history of this nation. Under his guidance, we will reach our goals under the authority of law. Speaking of the President, we are on the eve of a very notable day in his life. And I look for four more years of transportation progress.





# DEPARTMENT OF TRANSPORTATION

# NEWS

## OFFICE OF THE SECRETARY

WASHINGTON, D. C. 20590

100-DOT-72

REMARKS BY BENJAMIN O. DAVIS, JR., ASSISTANT SECRETARY  
OF TRANSPORTATION FOR SAFETY AND CONSUMER AFFAIRS,  
BEFORE THE TRANSPORT INSURANCE COMPANY'S ROUNDTABLE,  
DALLAS, TEXAS  
NOVEMBER 9, 1972

The theme of your program, "Partners in Progress, " is a good term and a fitting one. A few months ago, in June, we used something of the same wording at the second Cargo Security Conference in Washington. The Conference had as its theme "A Progress Report." We found ourselves a bit maligned from some quarters. There were those who called it a presumptive theme. What progress, they asked? Well, I believe that we had accomplishments to talk about and I want to discuss them with you today.

The tone was set at that second conference by President Nixon. In his message, the President said of cargo theft, "We must stop the heavy toll that these crimes take as they feed inflation, contribute to organized crime, erode profits and insidiously add to the costs of the products we purchase." President Nixon went on to say he had directed Secretary of Transportation John Volpe to continue his leadership of the total Federal effort...and that meant the coordination of cargo security plans and procedures of all concerned Federal agencies. That conference, I feel, dispelled a lot of doubts about the ability of many people, from different interest areas, to work together. We had a group comprised of Government agencies, industry representatives, and spokesmen from the shippers, labor, receivers and insurers. We encompassed about every kind of divergent view in the book-- and we still made progress; there were tangible results.



First, we defined theft-related losses in cargo. The problem is no longer a nebulous and incurable malady or a dull pain that won't go away. We know now how much is stolen from the transportation system, where in the system it is being stolen, the kind of commodities that disappear, and the identity of the thief. Most importantly, we believe that we know what to do about it.

An analysis was made of the recently instituted Quarterly Loss and Damage Reports submitted by Class I Motor Carriers to the ICC. The analysis confirmed, at least to the degree such partial data could confirm, that cargo theft and pilferage losses take a hefty share of the claims paid dollar--approximately 50% by our estimates. The analysis underlined the correct theory that the problem is not regional but national.

Every year, 16 billion dollars is charged to crime against all business in this country. The annual price tag for cargo crime has been set at one billion dollars, but we believe that the figure could be as high as two billion. At any rate, it is a "provable" figure that cargo losses that are theft-related take away 5 to 12 dollars annually from every man, woman and child in the United States. The principal victims are the consumer and the businessman. The public suffers because of replacement expenses, higher insurance premiums, higher administrative costs. They all add to the price of merchandise at the retail level. Across the counter, the honest merchant can be wrecked by cargo loss, especially the small businessman. Consider the small manufacturer who has successfully competed for, and won, a contract to produce, say, electronic accessories for a major assembly plant. He has cut his profit to the bone in order to land the contract. He is banking upon payment under the terms of that contract to meet his payroll, to continue production or even to stay in business. The manufacturer relies on the transportation industry to meet the delivery deadline. Time is of the essence and he can be ruined by interim cargo theft and loss.

On the receiving end of the line, the electronic assembly plant has tailored production based on contract delivery date. When the equipment is not received, production schedules must be modified, with a resulting increase in costs. Delivery is delayed; the final product arrives late on the market place; sales go down; profits are lost.

The large manufacturer is hurt, of course, but the small producer of accessories may have lost his shirt. In the end, the already-burdened consumer winds up paying much more for the product.

In investigating this billion dollar yearly loss to the economy, the obvious place to start is identification of the criminal. We are conditioned, as a people, to think immediately of organized crime. A lot of us are still around who remember the wild days of prohibition with all of its highway buccaneering. If the contemporary novels and motion pictures are to be believed, we have graduated from the prohibition era to the "Godfather." The mobster is still with us, alright. We still read about truck hijackings, and diversions of merchandise running into the millions of dollars. Last August, a news commentator with some inside information reported that in New York City, in 1971, 2,419 trucks were either plundered or hijacked. The loss in cargo--over 15 and a half million dollars. The New York Times reported in late October that four men had been indicted on charges of hijacking a truckload of women's slacks worth 44,000 dollars. The average bank holdup nets about 4,500 dollars so the hijacker really does much better in his business. The Cargo Protection Bureau issued a report last year saying they had investigated the theft of 112 trucks over a three-month period and the per theft loss averaged 47,000 dollars. I have heard of one case involving the hijacking of an entire truckload of liquor. The police found out later that the hijacker simply delivered the stuff to the retailers listed on the manifest. He charged them only half price and no questions were asked.

Yet, daring robberies and spectacular hauls account for only 10 percent of the total losses to industry. Add to that, burglary, just five percent, and that leads us to the real villain of the piece.

We know, and you know, that theft-related losses are principally an "in-house" problem. We arrive in true perspective when we say that 85 percent of stolen cargo goes out the "front gate." The losses occur during normal operating hours; the cargo is in the possession of persons and on vehicles authorized to be on the company's premises. The theft of caseload lots makes up about 60 percent of the loss. This freight is leaving through the gates, usually in short haul and delivery trucks and in private vehicles. It goes out pass the identification check, past the guards and the closed circuit TV, and promptly lands in the underground market.



We might well ask, why does the thief do it? In most cases, he is not a functionary of a national syndicate or a mob. Nor is the thief a needy soul who must provide for a big and demanding family and lots of friends. Our suspect is very rarely a contemporary version of Bob Cratchet. We believe that 60 percent of stolen goods goes into the market place. Nor is the thief just a compulsive taker, like a shoplifter on a grand scale. Our evidence shows that the culprit is a driver, a checker, the platform man on a shipper's or receiver's dock, a dispatcher, a clerk, a terminal manager--even a corporate official. He does what he does, putting it simply, because he sees the way open to a fast dollar.

Another significant fact that we established is this: much of the theft-related loss goes unreported; statistics available to the insurance companies do not show what is really happening. We have had representatives of truck, maritime, rail and air cargo industry users say, "you are getting only part of the story." A clothing manufacturer told us, not long ago, that his 30 years of experience led him to believe that less than 25 percent of theft and shortage losses were reported to the police or the insurance companies. In many a company's report, losses are charged to "shipping errors," "shortages," and even "mysterious disappearances." This is simply begging the question of inside stealing.

The exception to the rule, as to cargo theft, is on the rails. There is internal crime, certainly, but the bulk of railroad cargo loss is the work of outsiders. I have been in the marshalling yards of the Penn Central in New York City and watched railroad police chasing whole gangs of looters. They literally swarm through the yards in the big cities, shopping through the unlocked freight cars on sidings. The Penn Central produced a documentary film about this problem--a modern-day version of "The Great Train Robbery." CBS portrayed the pillaging of the Chicago freight yards on its TV program "60 Minutes." It is common practice in the large urban areas and the result is often the classic cops-and-robbers scenario that I witnessed in New York. It's terribly expensive. Pilferage and vandalism cost the Penn Central more than 60 million dollars last year.

The protection of goods in transit depends upon superior security. We believe that the initiative must come from the transportation industry's front office. While it is true that the shipper, the law and courts, and the public all have responsibility--management is the "must" factor. Transportation companies have to face irrevocable fact. People are going to steal, so long as there is the opportunity and so long as they can get away with it. And we must stop them. My Department is attempting to convince industry that simple thievery should be the exception and not the rule on their company's premises, that there is nothing petty about theft that reaches the billion dollar plus mark a year. And we must start with supervision. As the president of a firm with 40 years of experience put it, "dishonesty is the byproduct of poor management."

There are factors and factotums that management must weigh in order to protect itself. First of all, the cargo thief does not take the indiscriminate anything he can lay his hands on; he is very selective. Just 13 commodities account for 90 percent of all losses. Naturally, they are items with an instant market value.

In order of desirability to the thief, they are clothing, electrical appliances, auto parts and accessories, and hardware. Following these are plastics, alcoholic beverages, food products, furniture and drugs and cosmetics. In the air industry, we find that jewelry makes up less than one percent of volume, but accounts for over 20 percent of the claims dollars.

The point here is obvious. A blanket operation may not be the best thing. The transportation management needs to concentrate its security on its hottest merchandise. Keep in mind, too, that very little is stolen while it moves. The carrier in all modes must move the customer's freight from shipper to consignee in the shortest possible time. The faster it moves, the less vulnerable it is. It is when the cargo stops and is stationary that it becomes prey to the thief.

I can tell you that both government and industry are moving toward greater security consciousness. Our government Interagency Committee on Cargo Security has been at work for nearly a year and a half now. Since President Nixon charged Secretary Volpe with carrying out his mandate, we have compiled a library of theft prevention publications, including a security textbook for shippers and receivers, guidelines for physical security and a guide for security equipment.



That cargo security textbook, by the way, is a best seller. The Government Printing Office has sold out of its original 3,500 copies printed last May and a second printing of 5,000 is underway.

We have begun to issue Cargo Security Advisory Standards, which are set procedures and techniques to protect cargo against theft. These standards are not regulatory, instead they are intended to assist the transportation system. Our first two, now going through the coordination process, deal with seal procedures and security cribs. We will be issuing Advisory Standards in the coming months on locking devices for railroad boxcars, on containers, and on piggyback trailers.

We sponsored a type of wire cable that secures trailer and boxcar doors. The Nation's largest piggyback operator reported a 75 percent reduction in break-ins in the first few months that cable was used. We are also cutting down the incident of freight car break-ins, thanks to a 15 cent locking device.

Other standards will apply to screening, handling of returned freight and documentation procedures among other things. Secretary Volpe made it clear in June that we are not going to wait for legislation.

We have taken steps that involve personnel for security purposes. A number of Coast Guard Reservists has gone back on active duty to work with Treasury's Customs Bureau in promoting greater security awareness among cargo handlers. The DOT is now conducting a theft prevention training course at the University of Louisville and we have set up a model port program at the Port of Bayonne, New Jersey.

The Department of Transportation is also concerning itself with gadgetry, where it is effective. Access controls systems are under study and in operation. Because so much of the loss is "inside" or at least results from the use of inside information, we are experimenting with a positive identification system based on electronic readings of a person's hand geometry. Industry is investigating a laser access control system which uses a coded personnel identification card and a laser hologram locking device that will unlock a door for 90 seconds when the employee's coded card matches the information punched into the keyboard.

On the outside of the plant, we are employing helicopter surveillance and motion sensors for parked trucks. As a result, one company reports lower security costs and better insurance coverage at lower premiums. Sometimes, the simpler ideas are really the best. We have been experimenting with markers on the tops of trucks so that any rig can be easily identified from the air. In the first test of the truck-marking technique, one of the trucks was actually hijacked. It was spotted in short order and the hijackers were slapped into jail, still not knowing how they were singled out.

So, government and industry have a few tricks, too. I do not know that I advocate harsher laws, necessarily. I believe that our watchword must be "prevention." Law is the final action. There is a good corollary here in the latter part of the 18th century and the first part of the 19th in England. In 1819, British justice had dispatched a record number of criminals to the gallows or to the colonies, and there were still more than 223 offenses on the statute book punishable by death. Yet, crime was rampant, particularly in London and the larger cities. It was not safe to venture out onto the streets by night or day. So, severity of punishment will not do the job alone. Again, referring to management, I would add to "prevention" the word "awareness." Poverty is not the basic cause of crime. Our statistics show that crime is also the bedfellow of prosperity and, as the man said, the byproduct of poor management.

This is a rich country, but its material resources are not unlimited. Americans, as a people, have come to realize in recent years how badly we have taxed our natural wealth, and now environment is a dominant factor in all our planning. It can just as well be said that we have allowed the rupture of cargo theft to drain the national economy almost without limit. We have made it easy for those who practice this criminal act; now, we must close off the opening and halt the flow and the waste. Government, working with an aware management, can accomplish this vitally important objective.

Americans have traditionally professed concern for the "little man." Well, in the process of cargo loss and theft, this "little man" is the ultimate loser. We, therefore, have to act under the proposition that cargo theft must be stopped; the American public deserves no less.





# DEPARTMENT OF TRANSPORTATION

# NEWS

## OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20590

101-DOT-72

REMARKS BY BENJAMIN O. DAVIS, JR., ASSISTANT SECRETARY  
OF TRANSPORTATION FOR SAFETY AND CONSUMER AFFAIRS,  
BEFORE THE WESTERN TRANSPORTATION SYMPOSIUM,  
SALT LAKE CITY, UTAH  
NOVEMBER 17, 1972

I am sure that this first Symposium will be the first of many  
and that key figures in the transportation industry will continue to  
join with Federal and state officials in making them productive.

In the Rocky Mountain Region, I would imagine that you  
sometimes contemplate your wide and majestic spaces, draw in  
a breath of bracing air, and give humble thanks that you live and do  
business here.

You have, indeed, an environment and an atmosphere to be  
envied. As industrial leaders, you also work in a highly favorable  
atmosphere. I read with interest about the development of your new  
"superport," the highly innovative project that will more readily link  
the West with world markets. The intermodal distribution center will  
be located just 20 miles west of here, at the southern tip of the Great  
Salt Lake and just across from the spot where a golden spike joined the  
first transcontinental railroad almost a century ago.

So, there is a great air of progress in your region. At the same  
time, you are a vital force in the transportation future of this area and  
subject to its present anxieties. I don't have to tell you that they are  
manifold. And chief among our transportation problems today is crime.  
No region can escape it, although the Rocky Mountain States are less  
afflicted by the cargo criminal than their counterparts in the eastern  
third of the nation or on the West Coast.



Recently, the Department of Transportation and the Interstate Commerce Commission completed a joint analysis of losses in the trucking industry. The loss data was submitted by Class I Motor Carriers of general freight for the first quarter of 1972. In that period, DOT and ICC estimates show that 50% of claim payments made by the carriers was in theft-related losses--theft, pilferage, shortage, mysterious disappearances and hijacking. Class I carriers, a small but highly important segment of the trucking industry, reported claim payments of nearly 17 million dollars for the first three months of this year.

The analysis went on to break down the losses into national regions. Dollar value loss was highest in these three--the mid-Atlantic States, from New York to West Virginia; the Central States, Illinois, Indiana, Ohio and Michigan; and the Southern Region, from Virginia to the Deep South and Florida. Utah, Colorado, Idaho, Montana, New Mexico and Wyoming recorded the highest average claims payments. The majority of the claims was paid on the most desirable commodities in cargo theft--clothing, furs, and radio and television appliances. Another aspect is that fewer claims are filed in the Rocky Mountain Region, with fewer losses, because of direct shipping.

It is interesting to note that out of the 37.2 percent shortage rate reported by the Rocky Mountain States, 4.9 percent was blamed on theft. This is in contrast with 6 percent in the nationwide claims payments. Furthermore, in the first quarter of 1972, the Rocky Mountain States had zero percent loss from hijacking. In the last three months of 1971, there was just one incident of hijacking reported and the total loss came to \$5,000. This would certainly seem to point to a commendable security program here in the West.

Outright and sensational criminal acts must be combated, of course. But, from those actions, the transportation industry suffers a much more subtle and lingering malady. I would like to elaborate for a moment on the hidden effects of cargo crime and the true nature of these effects.

Last June, when the second Cargo Security Conference opened in Washington, President Nixon sent a message about cargo loss and theft. The President said, "we must stop the heavy toll these crimes take as they feed inflation, contribute to organized crime, erode profits, and insidiously add to the costs of the products we purchase." "Insidiously" is the word, I believe, that best describes the problem. Cargo theft is a constant, gradual, but not readily apparent eating away of the financial structures relating to transportation.

Whatever is stolen, securities or shavers, shoes or steel, the most attention is given to the value of the goods, the direct financial loss. But that is only the most obvious consequence. In the overall reckoning, the value of the goods represents but the tip of the iceberg and the true dimensions of the loss are submerged.

Let me give you a few examples of just how insidious are the effects of cargo stealing: A spokesman for a clothing manufacturer's association cites the increases in insurance premiums resulting from theft. For some companies they have gone up 67%. Some of the insurers added deductible clauses to their policies. Several manufacturers whose policies were canceled had a hard time getting new insurance and others could not secure coverage at all.

The president of a trucking firm, specializing in transporting cigarettes, used to have his insurance premium paid by the shipper. After several hijackings, that arrangement ceased and the trucker began paying a \$17,500 annual premium for a policy with a maximum coverage of \$35,000 per incident. After another hijacking, the premium went up to \$28,000 and maximum coverage dropped to \$20,000 (the value of half a load) with a \$5,000 deductible. The trucker went out of business.

Estimates are that claimants, and the party against which the claim is filed, often spend from two to seven times the amount of the settlement in processing and litigation costs.

In the statement of a traffic director of an apparel manufacturer, we find that until fairly recently all of the people in his business sold their goods f. o. b. their shipping point. Now, because of theft and the refusal of carriers to pay claims, the retailer has been forced to take the position that he does not pay for goods he does not receive. Therefore, until the goods are in the retailer's store, the manufacturer has no sale. That calls for extra claims personnel and the disruption of just about every schedule. And the end result: both the manufacturer and the retailer cannot duplicate the loss in many cases.

Counsel to a retailers' association has observed that even if the retailer was paid the full value of the goods stolen enroute, he is not made whole. "He has the possible loss of sale; he has lost his customer's goodwill if the merchandise is not available; he has had his money tied up over a period where there is no turnover."



Another item: An insurance investigator relates that a stolen truckload of imported woolens valued at \$50,000 resulted in a total loss to a men's wear manufacturer of \$250,000. The goods were seasonal and irreplaceable.

More and more carriers are coming to realize that adequate countermeasures against cargo theft represent the cost of staying in business. According to the past president of an association of security officers, "theft of individual shipments, of complete trailers, has become such a complete problem that to eliminate it means the difference between conducting your business and bankruptcy."

Yet, at this point, I have to amend my description of the consequences of cargo loss. I have been quoting people who were talking about the major diversions of cargo, the hijackings of whole loads, the big hauls. To bring us closer to perspective, let me relay the words of an official of an importers' association. He says, "the greatest problem is the systematic pilferage and theft of comparatively small quantities from almost every shipment."

To round out the point, it is increasingly evident that mere stealing leads to ruinous consequences far beyond the initial dollar value and that the small operators do the most damage.

There are figures to bear this out and they are overwhelmingly lopsided in percentages. Ten percent of cargo theft is attributed to the hijackers, gangs, men who commandeer trucks or speed off with an entire load. Five percent is laid to burglars who enter a plant or terminal after hours. But 85% of stolen cargo leaves the premises during working hours; it is transported through doors and gates that are functioning during the business day; and it is in the hands of persons or on vehicles authorized by the company to be there. Sixty percent of that eighty-five percent loss is removed in caseload lots. With the sole exception of the railroads, where most theft is an external matter, the shipping industry is pirated by its own.

In the case of four-fifths of the merchandise stolen from shippers and handlers, it is an "inside" job or employs information furnished from the inside. Stolen freight is leaving through the front gate--in short haul and delivery trucks, in private cars, or even hand-carried in packages and clothing. It goes out past the plant guards, the closed circuit TV, and the identification checkpoints.

Keep in mind, this loot is not just anything that isn't nailed down. Cargo thieves are discriminating and they take items with an instant market value. The Department of Transportation has ascertained that 10 categories of merchandise account for about 90 percent of all thefts. Clothing heads the list, followed by electrical appliances, auto parts and accessories, and hardware. Rounding out the "top ten" are plastics, alcoholic beverages, food products, tobacco products, furniture and drugs and cosmetics, in that order. These are things easily sold on the streets, exchanged for money in back alleys, or put back into the mercantile system through a fence. The "fencing" system, the underground market, may be the closest brush that we have with organized crime in the 85 percent range of theft-related loss. While the fence may be a functionary of a crime cartel, the actual thief usually performs as an individual.

It is a natural query to ask why a company's employee, possibly of long and respected service, would steal. A practicing psychologist, perhaps, would tell us that the thief acts under a degenerate morality or that he just resents tales of the executive who pads his expense account and wants his own share. I cannot verify any of the reasons but I will advance a more simplistic theory. The cargo thief sees the way to a fast dollar and knows he can get away with it. He may have operated this way for years without fear of retribution.

His criminal act is swallowed up in the company's reports of "shortages" and "mysterious disappearances." Even management, in many cases, looks away or chalks it up as just part of the business. Yet, this seemingly petty exercise in pilferage amounts to an enormous annual loss. The cost of cargo crime has been set at one billion dollars a year but we have reason to believe the figure could be as high as two billion. However it adds up, it means higher prices for the consumer.

Obviously, action is called for and we are taking it. The primary weapon is "awareness," of making the transportation companies themselves aware of the extent of this economic drainage. It is not the government's intention to coerce companies into tightening their security; the need should speak for itself. But we do want to dispel the casual attitude of some toward theft and pilferage and bring them into a concerted effort against it. As I have cited earlier, for many a shipper and receiver, bankruptcy may be closer than they think.



As a result of government and industry cooperation--a team effort headed by Secretary of Transportation John Volpe--we are far better informed than we were, say, 18 months ago. We know how much cargo is being stolen, and where, and who is doing it. We are moving rapidly to cope with the people responsible. Quarterly loss and damage reports are now required by the ICC and the Civil Aeronautics Board and through them, we can evaluate our loss reduction programs. The DOT has assembled a library of prevention publications. One, a cargo security textbook, has already sold out and more copies are being printed. We have compiled guidelines for physical security and for the application of cargo security equipment. Since the second Cargo Security Conference last June, the Department has been developing Advisory Standards applying to all modes in the transportation industry.

As of this date, two of the Standards have been issued for review and comment; one concerns the use of seals for all containers, the other recommends that high value cargo be stored in the so-called "security cribs."

Government and industry have called upon technology to aid in this campaign; new detection devices and alarm devices are under study. Motion sensors and helicopter surveillance are proving worthwhile in augmenting the time-honored preventive devices of fences, floodlights and police dogs. Simple safeguards sometimes prove to be the best. The nation's largest piggyback operator reports the reduction of break-ins by 75 percent during the first few months he used one rudimentary procedure. He secured all boxcar and trailer doors with an extremely tough wire cable.

Keeping in mind that 85 percent figure, we are making sure that the door is locked outside and inside. Experiments are being conducted on a laser access control system which uses a coded personnel identification card; also, a positive identification system based on the electronic reading of a person's hand geometry. There is a laser locking device that should prove valuable. It unlocks a door when the employee's coded card matches the information punched into a coded keyboard.

We are also utilizing the machinery of the law. This Administration has emphasized that the cargo thief belongs in the category of a criminal, however small his profit. Petty or professional, he is liable to prosecution and the number of Federal cases initiated under the Interstate Commerce Statutes has increased 33 percent since 1970.

Because we stress the responsibility of the transportation industry, I have attempted to single out the employee on the premises as the principal culprit in cargo theft, and this includes supervisory personnel and even management. I do not believe that a region such as yours is the potential victim of a newly arrived mob, hoodlums driven out of their natural habitat by a law enforcement crackdown. We just do not consider most cargo criminals as part of a monolith, subject to migration. The main trouble is right at home.

Again, "awareness" is our watchword. The front office of the transportation industry must recognize the problem, must be determined to do something about it and initiate an action program. Management must surely know its own business and can utilize the knowledge for its own assessment of corrective steps.

I would urge the setting up of freight accountability procedures to establish an audit trail when freight goes astray; the initiation of special procedures for high loss commodities, covering their receipt, handling and dispatch. I would advocate a long, hard look at the operating environment, the personnel who handle the freight and the vehicles that are used for transport. There should be management followup and adequate supervision exercised continuously. Flexibility should be a built-in quality to allow the necessary changes and adjustment. This can all be done without laying the foundation for a repressive company atmosphere.

I might say that the Department of Transportation fully recognizes the involvement of labor organizations in this matter. We have taken steps to enlist the support of the major unions, making contact within the Department. We are well aware of their concern and we are confident of their willingness to assist in better security.

After all, everyone is hurt by the thief. We speak of government, industry, personnel, the employee--we are all consumers. The voice of the consumer has risen in this country in recent years and I believe that the correction of past wrongs has become a part of our national purpose. Cargo theft has gone its expensive and destructive way almost without notice. And the insidious part is this: every man, woman and child in the United States is robbed of 5 to 12 dollars a year by the practice of cargo stealing. Yet, the person who is directly involved in transportation is a potential candidate for much worse. He can be ruined.



Pilferage has a petty sound about it. It has the same kind of childish connotation as snitching or swiping. Multiplied into 85 percent of theft-related cargo loss, however, or a billion dollars plus a year, it has the ring of economic disaster.

We know the problem now and we can move against it. Most especially, we know it is a matter of the greatest urgency.

DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
Washington, D.C. 20590  
Official Business

POSTAGE AND FEES PAID  
DEPARTMENT OF  
TRANSPORTATION  
DOT 518  
**FIRST CLASS**





# DEPARTMENT OF TRANSPORTATION

# NEWS

## OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20590

102-DOT-72

REMARKS BY BENJAMIN O. DAVIS, JR., ASSISTANT SECRETARY  
OF TRANSPORTATION FOR SAFETY AND CONSUMER AFFAIRS,  
BEFORE THE 84th ANNUAL CONVENTION OF THE NATIONAL  
ASSOCIATION OF REGULATORY UTILITIES COMMISSIONERS,  
NEW ORLEANS, LOUISIANA  
NOVEMBER 29, 1972

Late in September of this year, Secretary of Transportation John Volpe met with the Conference on State Transportation Issues of the Seventies. The meeting was in a symbolic setting, at Friendship International Airport near Baltimore. There, jet airliners were taking off and landing momentarily; buses were rolling up before the terminal doors; and the sounds of traffic from a busy highway nearby were clearly audible. In his greeting, Secretary Volpe said this, "we all knew several years ago, when the Department of Transportation Act was passed, that the fruits of a progressive approach to transportation development would not come into full being until we had a strong transportation constituency at the State and local level." The Secretary went on to say that state government was, indeed, meeting the challenge of putting together the various modes of transportation into a whole program--one that successfully relates to our urban and rural communities. Mr. Volpe then cited the overriding issues in our Federal/State planning and the first thing he mentioned was safety. This is what I would like to discuss with you this morning, in the context of government and state.



It is natural enough, when you consider travel safety, to look first to the skies; flight is the hallmark of our age. And the growth rate of air travel is both remarkable and alarming. The number of aircraft operations under instrumented flight rules in this country will climb to 33 million annually by 1975, and then probably double in the next 5 years after that. It is an already crowded sky and it will, increasingly, require more and more control.

1971 was a good year for aviation safety in the U. S., at least by comparison with the 1964 to 1970 period. There were two really calamitous crashes involving commercial aircraft last year; 50 people killed in an airliner-jet fighter collision over California; 111 lost their lives in a single plane disaster at Juneau, Alaska. But, 1971 also saw U. S. certified route and supplemental air carriers, the "skeds" and the "charters," fly 6,210,000 hours with only 47 accidents, the lowest rate in the past eleven years.

According to the Federal Aviation Administration, most of the country's piston-engine airliners were being phased out and replaced with turbine craft. What is called second-generation jet equipment and improved technology combined to make air travel even more reliable. Air traffic control systems improved their capability in the delicate business of keeping aircraft safely separated, especially around the hub airport terminal areas. There were new regulations imposed on the design and engineering, manufacture and maintenance of air carriers and general aviation aircraft.

Of course, all aircraft comprising the civil air fleet are certified by the Federal Aviation Administration but, until recently, airports were not. The air terminal, its plant protection, safety facilities, engineering, passenger handling--all had been a local or private responsibility.

Furthermore, the FAA found that state and local airport authorities had been placing too much emphasis on new airport construction at the expense of modernizing and expanding all facilities.

Believing that the airport is as critical to passenger safety and well being as the aircraft flown, the Federal government moved toward a new concept. President Nixon, with the aid of bipartisan Congressional support, enacted the Airport and Airway Development Act of 1970, with a planned funding of 2.5 billion dollars through 1980. Combined with matching funds from the local sector, it should provide more than 5 billion dollars for upgrading the nation's airports.



Last August, Secretary Volpe announced the apportionment amounts of the 280 million dollars authorized for fiscal year 1973. Governors and State agencies were put on notice as to the funds available for each state. Two hundred fifty million dollars will go for airports served by certified air carriers and those designated airports serving general aviation, thereby relieving air congestion. The remaining 30 million is earmarked exclusively for general aviation airports.

Upgrading is the word that fits our aviation planning. Along with pilot skills and aircraft design, we continue to upgrade the system of flight control. FAA's National Aviation System Plan calls for the expenditure of over 20 billion dollars over the next 10 years, with outright allocation to the states and local authorities as well as programs with matching funds.

Of primary importance to FAA planning is semi-automation of enroute air traffic control. It will make for safer and more efficient use of airspace; it will reduce pilot-controller voice communications and thereby cut down the cockpit workload. The pilot will be able to devote more time and attention to actually flying his aircraft, and watching out for others. In addition, the principal tool in controlling traffic--radar--will be improved and updated.

All the while, the Department of Transportation will be shifting more of the planning and decisionmaking in aviation toward state and local needs and more funds to work with. We anticipate that state aviation agencies will be the architects of the aviation industry's future. And there is no travel endeavor more conscious of safety.

Many people, when they hear of a plane crash, or a disaster at sea, react very strongly to the news. Those mishaps occurred in elements that remain somehow strange and forbidding. Yet, millions of Americans appear to regard the daily highway traffic toll with almost fatalistic acceptance. I believe that acceptance is only on the surface. We average 1,000 traffic deaths a week; by the end of 1972, the two millionth person may have died on our streets and highways. We cannot greet statistics like those with a simple shrug of resignation and I know the majority of Americans are not impervious to this daily drain of life.



Federal, State, local authorities and plain citizens are trying to combat the mounting list of casualties. But, there are more motor vehicles every year, more drivers, and they are traveling more miles, an estimated 1.7 trillion miles a year by the end of this decade. Speed is increasing, nearly a mile an hour each year. Small cars, motorcycles and motor scooters proliferate. So do young people. It is a very deadly race that we are in.

Our Federal/State planning for safety has to reckon with the crowded future, and face the danger of being overwhelmed. It is true that safer highways are designed and built every year. Increasingly larger portions of state and local resources are commanded by safety programs. We mandate safety features in new automobiles and trucks and the automotive industry is stepping up its experimentation with safety vehicles and seat belts. Still, it is not enough.

To really begin to cope with present and future traffic problems, we have to start with the law. Since the terrible year of 1966, with a record highway toll, Congress has made laws--beginning with the Highway Safety Act--and has appropriated almost 300 million dollars to aid the states. The states, in turn, were to implement 16 Federal Standards established by that legislation. Yet, this year, it is a fact that no state has taken all of the legislative and administrative actions necessary to fully implement the Standards.

Because of this, the Department of Transportation has initiated a "report card" system for the various states. In effect, we "grade" them on their achievements in attempting to meet the national standards, at the same time taking into account the varied political and financial makeups of the states. We find it a good way to resolve their particular problems. Two years ago, for instance, our report found that the **South-eastern States** were having a hard time in planning and implementing safety programs. A high fatality rate underscored their difficulties. Accordingly, the National Highway Traffic Safety Administration met with state and local officials to examine their problems and to plan for the future. Government and state representatives found ways to better channel their resources and to encourage wider support for the highway safety effort. The result was a considerable improvement in the South-eastern area.



Above all, in the pursuit of highway safety, we must be realistic. Defective vehicles and bad roads account for only a small percentage of accidents. The root cause is the driver. He operates the machine and he either abides by or breaks the law. Improper driving causes or contributes to 80 percent of all fatal accidents, 91 percent of injuries. And the greatest impairment to the driver is alcohol. It is responsible for half of all traffic fatalities. I could quote a lot of statistics on the drinking driver but I will content myself with just one. In Kansas City, traffic researchers recently found that anyone driving the streets between 1 a. m. and 3 a. m., could expect to encounter another car operated by a drunk every 4 minutes--15 times an hour.

Because of chilling **figures** like that one, the Department of Transportation is striking hard at the alcoholic or problem drinker who drives. He must be ruled off the road or rehabilitated. And we employ, as the initial measure of the driver's condition, Blood Alcohol Content or BAC. If he registers .10 or higher, the man is considered intoxicated.

The Department of Transportation has put into effect a comprehensive program called Alcohol Safety Action Projects, ASAP for short. It is now at work in 35 locations throughout the country, using the BAC application, and we find the results to be highly encouraging. Flint, Michigan, has had ASAP operational for a full year and fatal smashups there have been reduced almost 10 percent. Arrests and court cases have risen 72 percent and 95 percent of the drinking drivers taken in **were** recommended for rehabilitation. Here we have the classic case of Federal/State cooperation on a vital project. The Federal Government gives funding and guidance but only the states and local autonomies can make the program work.

The steel rails that link this nation are ubiquitous and a traveling public seldom thinks about railroad safety. The rails are one of the **safest** forms of transportation. Last year, in fact, railroads were the only carriers showing a decline in fatal accidents. From 706 deaths in 1970, the rails recorded a 14 percent decrease to 607 deaths in 1971. There was not a single passenger fatality in the first six months of this year. Even the train wreck in Chicago in late October, the worst rail disaster in this country since 1958, was not an interstate but an urban commuter mishap.



The Railroad Safety Act of 1970 gave new authority to the Secretary of Transportation in the improvement of rail safety, setting standards for the operation and maintenance of tracks and equipment. At the same time, the Act provided for a comprehensive study of the grade crossing problem. This is the really dangerous area in railroading and it suffers from lack of publicity. People killed at grade crossings become highway statistics and there is scant attention paid unless they are included in the periodic tragedies of train-school bus collisions.

Yet, of the 232,000 such crossings in the United States, about 80 percent are improperly protected. Motorists caught by a speeding locomotive at a blind crossing haven't got a chance. A modern car is crushed like a paper box by one of those juggernauts. Each year, the grade crossing claims 1500 lives and injures 3500 and the worst places claim their victims time and again. A newsman once told me he used to cover an average of two train-car accidents a week along one two-mile stretch of railway between Washington and Baltimore. There are near misses all the time. Since 1967, according to some safety experts, school buses alone barely escape collision on an average of 250 times a year.

Why is this so? It used to be up to the railroads to keep the crossings safe. Instead, over the years, equipment has been allowed to deteriorate, signals have not been updated, foliage has crept across the older warning signs. Many signs, in violation of state law, were never reflectorized for visibility at night or in bad weather.

These things are not done because the railroads plead poverty. I cannot blame them. If all 232,000 crossings were replaced with overpasses or underpasses, the cost would probably come to more than the net worth of all the railroads put together. Still, there must be corrective measures and the government is taking steps to help out. Secretary Volpe announced just this month a new policy that will allocate a greater share of Federal funds to the state highway departments for improving the grade crossings. At the same time, the Department wiped out the requirement that railroads pay 10 percent of the cost for installing automatic protective devices.

We realize that the grade crossing problem is primarily economic. But there is still operating room for improvement. In a joint report, the Federal Highway Administration and the Federal Railroad Administration contend that improved protection at 15,000 crossings would reduce accident costs by nearly three times the expense of installation and maintenance. That is, the investment of about 445 million dollars would result in an accident cost reduction of one billion plus. Therefore, the report concludes, the most pressing need is for an economic breakthrough in protective technology. The government is moving in that direction.

Our Transportation Systems Center, at Cambridge, Massachusetts, is looking at present and potential application of technology to improve protection. They have progressed to the point of using lab developed hardware at crossings in the Boston area. The Center has under study systems that include radar and microwave telemetry.

At the same time, the Federal Railroad Administration and the National Highway Traffic Safety Administration have jointly funded a human factors research project; it will evaluate driver behavior at grade crossings.

In August, the DOT, the National Safety Council and the Highway Research Board sponsored a 3-day conference at Ohio State University in Columbus. Among the suggestions made were these: Reroute school buses--keep them away from crossings or let them cross only where there is protection from automatic devices. Replace the crossing-buck with the automatic short-arm gate. Use electric-eye devices to activate signals, instead of the old underground cable. Install new signs, like the experimental types erected at 204 crossings between Washington, D. C. and Parkersburg, West Virginia. The Federal Government manufactured the reflectorized signs at a cost of 14,000 dollars while Maryland and West Virginia paid for the installation.

The Department of Transportation has conceded that the railroads do not have sole responsibility. In keeping with a changed attitude, the government has provided the states with 530 million dollars in highway trust funds, but the money must be spent on Federal highways. Some of the bad crossings are on state and local roads. Twelve states have set up grade crossing and maintenance funds of their own, but a few of those states divert the money to other projects. I believe that the DOT and the states will arrive at a proper



application of both Federal and state funds, with increased emphasis on mass transit planning. That would augur well an ultimate solution to the grade crossing dilemma. As you may know, the DOT's Northeast Corridor Report, dealing with one of the most crowded areas of the country, calls for high speed rail service and, at the same time, the elimination of grade crossings entirely.

Let me emphasize again that Secretary Volpe and I are determined to reduce the accident in every transportation mode, to make the movement of people and products in transit safer. The record for pipeline safety is good. It can be better. In 1971, 45 people were killed injury toll is running lower. But with the energy crisis we face, there will be greater demands on existing systems and increasing advances in technology. Our safety efforts must keep up with those demands.

During the past 4 years, the DOT has been working closely with state agencies and we have strengthened Federal/State relations under the gas pipeline safety program. Right now, 48 states, plus the District of Columbia and Puerto Rico, are cooperating with the Department. At the outset, there may have been apprehension among some state agency personnel of an eventual Federal takeover. I believe that has now been laid to rest. We are interested in building state governmental control of pipeline safety and the Department does not seek any in a state agency. In those cases where our people are inspecting gas facilities, it is only because the state government has not put its own house in order.

In the field of liquid pipelines, a very recent amendment has transferred the safety responsibility from the Federal Railroad Administrator to the Office of the Secretary. The Office of Pipeline Safety now oversees safety programs involving more than 100 interstate oil and products operators, having about 230,000 miles of system.

Within the States themselves, over the past 4 years there have been solid legislative moves toward better safety. In 1968, only two states had statutes on monetary sanctions complementing the related provisions of the Federal law. Today, there are 44 states in that category. In 1968, with 35 states having municipal gas systems, only 10 exerted safety regulatory jurisdiction. Since then, legislation has been enacted in 17 states to place municipal facilities under the safety regulation of a state agency.



Just a few states had ongoing gas pipeline safety programs covering intrastate facilities, before the Natural Gas Pipeline Safety Act became law. Now, a number of other states have enacted comprehensive statutes, with expanded staffs to carry out the new responsibilities. Some of the states have created gas pipeline safety divisions with additional staffing, and others are contemplating such a move.

The trend here is favorable, without a doubt. But in some states there is a genuine need for more action. We know that conditions vary from state to state; some are progressing rapidly and a few apparently are sitting on their hands. The Office of Pipeline Safety has uncovered a number of program deficiencies during its initial monitoring visits to state agencies and I will cite a few.

In a number of states, the statutes need to be amended in order to place within the framework of a state agency, safety regulatory jurisdiction over all intrastate gas facilities that are subject to the Federal law. It is pretty poor management to have some intrastate gas facilities subject to safety regulation by a state agency, while other similar facilities answer only to Federal regulation.

Money, too, is a problem. Some of the state agencies lack adequate funds for the effective development of programs and the hiring of sufficient inspection personnel is curtailed. The DOT should be able to help out in this area with Federal grants-in-aid for pipeline safety.

In some cases, even where the state agency has statute authority and funding, there is a need for improved documentation. Information on the inspections made, the areas where noncompliance with safety standards have been uncovered, and the actions taken by the state agency and the operator all need to be properly documented.

I might add that all of these problems, and related ones, will be part of the report to Congress on Federal/State relations under the gas pipeline safety program. The report will identify the things that need correcting and it should serve as the basis for Federal and state legislative and administrative action. Special credit belongs to you gentlemen since NARUC sponsored the Congressional directive for the study.



I believe that the Federal Government and state governments are reaching a partnership, one that will assure the citizens of the United States a "total transportation system." At the same time, we will achieve a "balanced system"--a balanced application of all modes of travel. As Secretary Volpe said, we are building a strong constituency at the state and local level. We are realizing the fusion of our goals and our principal dedication is to the cause of safety.