

Staff H. 590A



National Transportation Safety Board

Washington, D.C. 20594

Safety Recommendation

Date: JUL - 1 1997

In reply refer to: H-97-7

To the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, and the National Association of Towns and Townships (see attached mailing list)

In severe frontal crashes, air bags clearly increase the chances of survival, particularly for unbelted adult drivers. The protection afforded by air bags, however, does not extend equally to all passenger vehicle occupants. Between 1993 and 1996, 38 children died because they were struck by an air bag in what would have otherwise been a survivable crash, and 23 adults were also killed by their air bags in crashes they should have survived. The increasing public concern about air bags and urgent questions regarding the effectiveness and the potential danger of these life-saving devices prompted the National Transportation Safety Board to convene a 4-day public forum in March 1997 to discuss concerns related to the role of air bags, to identify who is vulnerable to injuries, to examine the experience with air bags in other countries, and to address ways to increase seatbelt and child restraint use.¹ The National Highway Traffic Safety Administration (NHTSA) participated in the forum, along with representatives from Australia, Canada and Europe; the automobile industry; air bag suppliers; insurance, safety, and consumer groups; and family members involved in crashes where air bags deployed.

Several points became evident during the forum. The "one-size-fits-all" approach to air bag design is obsolete: air bags need to be designed to protect all people in a variety of crash situations. With regard to passenger vehicles on the road today, children need to be in the back seat, and everyone needs to be buckled up and seated as far back as possible from the air bag. NHTSA needs to move quickly on a decision regarding air bag deactivation. NHTSA's databases of crash information preclude a proper evaluation of the effectiveness of air bags because the information is not comprehensive in one database and the sample size is insufficient in the other. Finally and perhaps most importantly, societal attitudes must change with regard to seatbelt use. The United States remains far behind other countries in seatbelt use, and the Nation pays a high price for it in terms of lives lost. Elected officials need to take responsibility for tough enforcement programs and to consider financial incentives (or penalties) if the Nation is to increase seatbelt use.

¹ National Transportation Safety Board. 1997. Proceedings of the National Transportation Safety Board public forum on air bags and child passenger safety; March 17-20, 1997; Washington, D.C. Report of Proceedings NTSB/RP-97/01; PB97-917001.

The Safety Board's concerns about motor vehicle occupant protection have led it to examine and recommend action on a wide range of safety issues throughout its 30-year history. Important changes have already occurred, including improved designs of seatbelts and child restraint systems, the required installation of lap/shoulder belts at all outboard seating positions, the mandated use of child restraint systems in all 50 States and seatbelts in 49 States, an increase in public education about the importance of restraint use, and increased child restraint and seatbelt use rates. Additional improvements, however, are still needed.

According to NHTSA, lap/shoulder belts, when used properly, reduce the risk of fatal injury to front seat passenger vehicle occupants by 45 percent. Increasing the seatbelt use rate is the most effective way of cutting the highway death toll. According to NHTSA, increasing the nationwide seatbelt use rate from the present 68 percent to 85 percent would prevent an estimated 4,194 fatalities and 103,518 injuries annually. This reduction in injuries and deaths would result in an economic savings of about \$6.7 billion annually. A 90-percent use rate would prevent 5,536 fatalities and 132,670 injuries and save \$8.8 billion annually. Seatbelts are the most effective means of reducing fatalities and serious injuries when traffic crashes occur; they are estimated to save 9,500 lives in the United States each year.

The Safety Board has previously recommended that the States enact strong legislation regarding child restraint and seatbelt use. In 1991, the Board recommended that the 12 States without mandatory restraint use laws (MULs) enact legislation that would require occupants of all passenger cars, vans, and light trucks to use lap/shoulder belt systems in seating positions equipped with such belt systems. In 1995, the Board recommended that the States enact legislation that provides for primary enforcement of mandatory seatbelt use laws. Because of the importance of this issue, the Board placed this recommendation on its "Most Wanted" list of safety improvements.² Today 49 States, the U.S. Territories, and the District of Columbia have MULs.³

Of the 49 States with mandatory use laws, only 11 States, the U.S. Territories, and the District of Columbia have provisions for primary enforcement, which means that a vehicle can be stopped solely for a seatbelt violation.⁴ In the other 38 States, the law is a secondary enforcement measure, which means that an officer can cite a motorist for a belt-use violation only if the officer has already stopped the vehicle for another infraction. As a result of the Safety Board's 1996 study on child passenger protection, the Board reiterated the following recommendation to the States without primary enforcement.⁵ The recommendation was originally issued in 1995:

² The purpose of the "Most Wanted" list, which is drawn up from safety recommendations previously issued, is to bring special emphasis to the safety issues the Board deems most critical.

³ New Hampshire does not mandate seatbelt use beyond age 12.

⁴ Maryland and Oklahoma recently passed primary seatbelt enforcement laws become effective on October 1 and November 1, 1997, respectively.

⁵ National Transportation Safety Board. 1996. The performance and use of child restraint systems, seatbelts, and air bags for children in passenger vehicles. Safety Study NTSB/SS-96/01. Washington, D.C.

Enact legislation that provides for primary enforcement of mandatory safety belt laws. Consider provisions such as adequate fine levels and the imposition of driver license penalty points. (H-95-13)

In 1996, 82 percent of the States with primary law enforcement had seatbelt use rates of 68 percent or higher, but only 27 percent of the States with secondary law enforcement had seatbelt use rates as high. Seatbelt use rates average about 15 percent higher in States with primary enforcement laws than in States with secondary enforcement laws.

The Safety Board recognizes and commends the States' efforts and the efforts of the highway safety community to encourage the States to address this important issue. However, because of the continued loss of lives on the Nation's highways, and the consequential cost in health care, taxes, and public assistance, States and communities must find additional ways to encourage seatbelt use. Experience has shown that strong legislative initiatives, dedicated and highly visible enforcement, and public information campaigns are the most effective methods to increase seatbelt use. States and countries where the usage rate has remained high provide valuable insight on which methods work.

North Carolina has demonstrated that a primary enforcement seatbelt law in combination with a dedicated and visible seatbelt traffic enforcement program increases restraint use and saves lives; the State reported a reduction of 100 fatalities in the first year following its "Click It or Ticket" occupant restraint enforcement campaign. The Safety Board is aware of several other seatbelt enforcement programs in addition to the one in North Carolina.

Use rates in Australia, Canada, and Germany exceed 90 percent, whereas use rates in many western European countries exceed 80 percent. Seatbelt use laws in these countries typically allow primary enforcement and also cover occupants of light trucks and vans in addition to passenger cars. Fines in these countries are generally higher than in the United States, and some jurisdictions assess demerit points against driver licenses for violating seatbelt use laws.

Seatbelt enforcement programs, however, may not be a priority for many law enforcement organizations that are responsible for traffic safety. An active seatbelt enforcement program combined with a primary seatbelt law has more potential for reducing highway deaths and injuries than most other traffic enforcement programs.

One of the key factors in the success of the North Carolina program is the strong support from Governor Jim Hunt and other elected officials. The Safety Board has recommended that the Governors of the States and Territories and the Mayor of the District of Columbia should encourage and support efforts by enforcement organizations to conduct dedicated and highly visible occupant restraint enforcement programs that focus on increasing the use of seatbelts and child restraints. Likewise, the Board believes that the elected officials of cities, counties, towns, and townships should take the same action.

Therefore, the National Transportation Safety Board recommends that the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, and the National Association of Towns and Townships:

Encourage and support efforts by enforcement organizations to conduct dedicated and highly visible occupant restraint enforcement programs that focus on increasing the use of seatbelts and child restraints. (H-97-7)

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "...to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any actions taken as a result of its safety recommendations and would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendations H-97-7 in your reply.

Chairman HALL, Vice Chairman FRANCIS, and Members HAMMERSCHMIDT, GOGLIA, and BLACK concurred in this recommendation.

By: 
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Chairman

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