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NEXTEA [National Economic Crossroads Transportation Efficiency Act] - Safety Issues

Stack:	Row:	Section:	Shelf:	Position:
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● Mark J. Schwartz

04/04/97 03:52:19 PM

Record Type: Record

To: Dorothy Robyn/OPD/EOP

cc: David E. Tornquist/OMB/EOP, Elizabeth Drye/OPD/EOP, David J. Worzala/OMB/EOP, Kenneth L. Schwartz/OMB/EOP

Subject: NEXTEA Safety Titles

Dorothy, FYI: Following up on some conversations I had last week with FHWA folks, there are currently several proposals which are bouncing around the Secretary's office at DoT which may be candidates for addition to the draft safety titles. The most important of these would be a provision concerning "speed management."

The proposal would require a study of the fatality rates in states which have adopted higher speed limits. If the evidence showed increased fatality rates states would then be tasked to undertake speed management steps -- that is, steps to mitigate the impact of raising the speed limit.

I have not seen a draft of the proposal but I understand it is being debated within DoT and that Secretary Slater has not decided whether to go ahead with it and is weighing the controversial nature of such a proposal and any flaws in the proposal against the purported merits.

Executive Order ____ of ____, 1997

Increasing Seat Belt Use in the United States

Each year, traffic-related injuries in America result in \$150.5 billion in economic costs, including \$17 billion in medical costs. Many of these costs are borne by taxpayers. Motor vehicle crashes are the principal cause of on-the-job fatalities, and the third largest cause of all deaths in the United States; only heart attacks and cancer kill more people. The estimated costs of motor vehicle crashes to business are \$53 billion annually.

Over the past 15 years, seat belt usage in the United States has increased from a seat belt use rate of 14 percent to a seat belt use rate of 68 percent. This result has been achieved through the passage of seat belt laws by State legislatures, effective enforcement and ongoing coordinated public education. We have established national goals of achieving an 85 percent seat belt use rate by the Year 2000 and a 90 percent seat belt use rate by the Year 2005. Reaching these goals will require a significant change in how Americans take responsibility for their safety, and their children's safety, in motor vehicles. If we achieve these national goals, we will save an additional 4,200 lives and prevent thousands of injuries annually.

To accomplish this change in behavior, we must work closely with public and private sector organizations that share our goals, and we must recruit new organizations that will work with us as partners to make increasing seat belt use in the United States a major health and safety priority.

To help reduce the deaths, injuries, and costs associated with motor vehicle crashes, steps should be taken to increase proper seat belt use by all adults and children throughout the United States. The Federal government can have an impact on achieving this goal by continuing to require that Federal employees use seat belts while on official business, and [by requiring that motor vehicle occupants use seat belts while in national park areas and on Department of Defense (DoD) installations], and encouraging Federal contractors, sub-contractors and grantees to adopt and enforce on-the-job seat belt use policies and programs. The policies and programs that are adopted can serve as examples for other organizations.

Accordingly, by the authority vested in me as President by the Constitution and laws of the United States of America, including the Highway Safety Act of 1966, as amended, 23 U.S.C. §§ 402 and 403, Section 7902 (c) of Title 5 of the United States Code, and Section 19 of the Occupational Safety and Health Act of 1970, as amended (29 U.S.C. 668), it is hereby ordered as follows:

Section 1. Policies (a) **Seat Belt Use by Federal Employees.** Each Federal employee occupying any seating position of a motor vehicle on official business, whose seat is equipped with a seat belt, shall have the seat belt properly fastened at all times when the vehicle is in motion.

(b) **Seat Belt Use [in National Park Areas and on DoD Installations].** Each operator and passenger, occupying any seating position of a motor vehicle [in a national park area or on a DoD installation], whose seat is equipped with a seat belt or child restraint system, shall have the seat belt or child restraint system properly fastened at all times when the vehicle is in motion.

DRAFT

The President's Initiative to Increase Seat Belt Use April 15, 1997

"If there is one thing we can do to save thousands of American lives, it is to increase seat belt use nationwide."

-- President William J. Clinton, December 28, 1996

Highway Safety: A National Challenge. Each year nearly 42,000 Americans die and over 3.4 million are injured on our roads, and highway crashes are the leading cause of death for children, teenagers, and young adults. In addition to the tragic toll on our families, crashes cost our economy \$150 billion annually, including \$17 billion in medical costs.

Seat Belts and Child Safety Seats *Work*. Seat belts cut by half the risk of death or serious injury in crashes, saving 9,500 lives annually. Child safety seats are even more effective in protecting small children: when used properly, they can reduce fatalities and serious injuries by 70 percent.

Challenges to Continued Progress. 49 states have laws requiring seat belt use, and 68 percent of Americans currently use them. However, increases in seat belt use have leveled off. Further progress will be hard because only 11 states have "primary" enforcement laws which enable police to ticket seat belt law violators even if no other law has been broken. In addition, half of all children killed in traffic crashes are not in child safety seats, and even when parents use such seats children often are incorrectly secured.

President Clinton's Directive. President Clinton recognizes the seriousness of this problem, and in his weekly radio address on December 28, 1996, he asked all Americans to always wear seat belts and to always keep children buckled in the back seat, where they are safest. He also directed the Secretary of Transportation to report on how to increase seat belt use nationwide.

New National Goals. Based on Secretary Rodney Slater's report, the President has set the following goals to save lives through increased use of seat belts and child safety seats:

- **Increase seat belt use to 85 percent by 2000 and 90 percent by 2005**
- **Reduce child fatalities 15 percent by 2000 and 25 percent by 2005**

Reaching 85 percent seat belt use would prevent an additional 4,200 deaths and more than 102,000 injuries. Achieving 90 percent seat belt use would prevent more than 5,500 ^{per year?} additional deaths and more than 132,000 injuries. Reducing child fatalities 15 percent would save the lives of 102 children annually, and reducing fatalities 25 percent would save 171 children each year.

The
~~The President's~~ **National Strategy to Increase Seat Belt Use.** The President's ~~National~~ *accepted Secretary State's recommendations for a* Seat Belt Strategy ^{that} emphasizes our personal responsibility to buckle up and to properly secure all children. The four-point plan supports this by promoting:

- **State laws** for "primary" seat belt law enforcement and stronger child passenger safety
- **Active, high-visibility enforcement** of seat belt and child safety seat laws
- **Effective public education**, such as the "Vince and Larry" crash test dummy ads
- **Public-private partnerships** to promote correct use of seat belts and child safety seats

Administrative **Key Presidential Actions.**

- *The Administration has*
~~President Clinton will propose~~ that Congress provide states with incentives for adopting and enforcing strong seat belt laws and programs, including "primary" seat belt laws that enable police to ticket seat belt law violators even if no other law has been violated
- President Clinton will propose that Congress provide for states to transfer federal highway construction funds to safety activities if they fail by 2003 to either (1) achieve 85 percent seat belt use, or (2) enact a "primary" seat belt law
- President Clinton is issuing an Executive Order directing all federal employees to use seat belts while on the job and requiring all travellers on federal lands -- including national park visitors -- to use seat belts. The order also encourages federal contractors and grantees to use seat belts while on the job

Key Partner Actions. As outlined in the report prepared for the President, the National Strategy recommends actions that all Americans can take. It urges that:

- **States** support seat belt and child safety outreach programs and active enforcement of strong seat belt and child safety seat laws
- **Communities** encourage local public officials to emphasize strong traffic law enforcement
- **National organizations** educate their constituencies on the importance of correct, full-time seat belt and child safety seat use
- **Businesses** support seat belt and child safety seat legislation, enforcement, and education, because saving lives is good business *employee educ program?*
- **Private citizens** buckle up every time and on every trip, and properly secure every child in a vehicle in a child safety seat or seat belt -- *in the back seat, the safest place for children*

These actions can increase proper seat belt and child safety seat use, saving lives and preventing injuries. The President encourages every American to participate in this effort by buckling up properly on every trip: the life you save *will* be your own.

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met with her several times, and think she's terrific. Your Presidential Advisory Council on HIV/AIDS will meet in Washington this week and make two major recommendations: 1) that you should call for increased investment in research to enable the development of an AIDS vaccine by a date certain (probably within a decade); and 2) that Secretary Shalala should certify that needle exchange programs reduce the spread of HIV and do not increase drug use. The first recommendation is good news, and may help us overcome NIH's steadfast resistance to letting us earmark more resources for vaccine research or specify a target date. On needle exchange, we'll have to proceed more carefully.

✓ **4. Seat Belts and NEXTEA:** The Transportation Department has completed a report on measures to increase seat belt use toward a new national goal of 85% by the year 2000, but we need your sign-off on a key proposal. In most states, seat belt laws are enforced only when a driver is stopped for some other reason. But 11 states and D.C. have adopted primary seat belt laws, which allow for ticketing solely for failure to use a seat belt. Belt use in these states is 15% higher than in states with secondary enforcement laws. NHTSA estimates that enactment of primary belt laws by the remaining 39 states would save 1,800 lives a year.

✓ The NEXTEA bill you announced March 12 includes financial incentives (grants) for states to adopt primary belt laws. Secretary Slater would like to send Congress a new safety title for NEXTEA to strengthen states' incentive by adding a "soft sanction": States that do not pass primary laws or achieve 85% belt use by October 2002 would have to transfer 1.5% of their federal highway funds into their highway safety programs.

✓ The NGA opposes this proposal, as do the National Motorists Association, individual liberties groups, and some conservative and western members of Congress. A broad coalition of automakers, insurance companies, safety advocates, and law enforcement will support it. DOT believes the proposal has a good chance of congressional approval, in the wake of increased public outcry over airbags and attention to the importance of seat belts. Gene and I both recommend that you support Secretary Slater's proposal.

5. Tobacco: Federal Judge William Osteen in North Carolina has indicated he will not issue a decision on FDA's tobacco rule before April 14, but we expect him to issue his decision that day or shortly thereafter. Three general outcomes are possible: 1) the court upholds the rule; 2) the court rules that FDA has jurisdiction, but that portions or all of the rule are invalid; or 3) the court rules against FDA jurisdiction and the rule. We have worked with HHS, Justice, and other White House offices to prepare statements for each of these scenarios so you and others will be able to respond quickly to the decision. The Justice Department will review the decision immediately. If the decision is not completely favorable, we expect to be prepared to announce later that same day the Administration's intent to appeal. We are also working with the departments to prepare new policies you could announce within days or weeks after the decision to ensure further progress on tobacco as the FDA rule moves through the appeals process.

6. California Testing Feud: A few days after Delaine Eastin and 240 business leaders endorsed our testing initiative, the head of the California Board of Education (a Wilson appointee) wrote Secretary Riley contending that the state legislature would have to pass a new



ADVOCATES
FOR HIGHWAY
AND AUTO SAFETY

URGENT

FAX TRANSMISSION SHEET

DATE: 4/14/97

TO: Dorothy Robyn

FAX #: 456-2223

FROM: Jacqueline Gillan

PAGES TO TRANSMIT (INCLUDING COVER SHEET): 8

COMMENTS:

Tomorrow the White House is unveiling its highway safety plan. You should read the attached memo concerning the Administration's Safety Title immediately. In addition to the objectionable provisions we identified in the 3/21 proposal submitted by DOT to OMB, we have also learned that the freeze on truck lengths has been stripped out of the bill. Also, the Administration is going with a weak redirection instead of a sanction.

The zero tolerance sanction included in the NHS bill that President Clinton endorsed has already resulted in eleven states enacting this law. Six state legislatures are considering zero tolerance bills this year. Georgia has sent a bill that is awaiting Gov. Miller's signature.

The Administration should not submit this bill as currently drafted. The memo outlines our serious concerns and will leave the Administration vulnerable to criticism especially in light of Sec. Slater's statements to Congress that "safety is his top priority" and he "will be judged by his actions".

We would be pleased to meet with you asap to discuss this legislation. Please call me. Thank you for your help.



Jackie Gillan
Vice President

Please phone 202/408-1711 if there is difficulty receiving this material.

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**ADVOCATES
FOR HIGHWAY
AND AUTO SAFETY**

~~CONFIDENTIAL~~

MEMO TO: RODNEY SLATER

CC: MORT DOWNEY

MEMO FROM: JUDIE STONE
JACKIE GILLAN
JOAN CLAYBROOK

RE: "SAFETY TITLE" CONTAINS UNNECESSARY PROVISIONS
GUTTING KEY SAFETY AND CONSUMER PROTECTION
REGULATIONS IN CURRENT LAW

DATE: APRIL 11, 1997

We have just finished a quick review of a 3/21 document outlining the provisions of the Surface Transportation Safety Act of 1997. This document reveals a serious disconnect between your public statements and commitment to safety and the anti-safety provisions in the safety title. It is a fair characterization to describe the legislative proposal as a Trojan Horse. Although it is called a "safety title" and contains a weak redirection of funds for states that do not have primary safety belt laws and a freeze on truck lengths, (it does not freeze truck weights), it also repeals many provisions which weaken safety, especially in the area of truck safety.

If the FAA dared to weaken aviation requirements concerning operations and pilots similar to what FHWA has recommended on truck operations and drivers, the press would have a field day in criticizing the Administration. In light of the recent, horrible truck crashes that have occurred on the Beltway and in other parts of the country and heightened public fear and concern about big trucks, the bureaucrats who drafted these provisions have made you vulnerable to harsh criticism by the press and the highway safety community. In fact, some of the motor carrier provisions in the DOT legislation build on the NHS truck exemptions and other truck safety rollbacks that prompted the safety groups and insurance companies to ask President Clinton to veto the bill.

Without some immediate changes, the announcement next week has the potential to embarrass the Administration and deflect its commitment to safety while focusing instead on the rollbacks in safety. Since we last met with you on March 10, we have been organizing a "SAFETEA" coalition of consumer, health, safety, law enforcement, insurance, business and environmental groups in support of your initiative. These problems, if not corrected, will hamper the coalition's interest in working to support key features of the bill but instead will direct our energy to stripping the bill of these objectionable features.

DETERMINED TO BE AN ADMINISTRATIVE

The attached memo outlines our specific concerns.

MARKING INITIALS: UB **DATE:** 2/15/17



MEMORANDUM

Date: April 11, 1997

Subject: Anti-Safety Provisions in NEXTEA "Safety" Titles

Title IX - Truck Size Limitations:

● **Sec. 9002(a):** This provision (amending 23 U.S.C. § 127(h)(2)(A)) allows continued reliance by the states on higher, grandfathered tandem axle limits that existed prior to 1974. Higher weight limits result in heavier truck loads that threaten public safety and increase damage to highway infrastructure. These higher limits prevail in at least nine (9) states. Any such rights should be limited to lawful operation on a date earlier than Jan. 1, 1997.

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● **Sec. 9003:** This provision (amending 23 U.S.C. § 127 to add a new subsection (i)) is unacceptable because it addresses only international intermodal containers, not domestic intermodal containers.

◆ The proposed text continues current "enforcement tolerances" which some states have used to allow systematically higher axle and/or gross weights by claiming that scales are not accurate enough to detect certain overweight percentages. Paradoxically, FHWA itself has argued against this practice and has taken states to task that use as high as 5% overweight tolerances. Exploitation of weight tolerances pose a public safety risk and impose damage costs on highway infrastructure.

◆ The provision as proposed keeps weight limits (in 23 U.S.C. § 127) only for the Interstate, as in current law. In order to protect public safety and the national investment in the highway infrastructure, the existing weight limits should be extended to cover at least the NHS.

Title X - Motor Carrier Safety:

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● **Sec. 10001(d):** This subsection (amending 49 U.S.C. § 31142) is anti-safety and completely objectionable because it would circumvent specific legislative requirements that FHWA has either failed to obey or has attempted through rulemaking to circumvent:

◆ The proposed text (§ 31142(a)) would eliminate the requirement that the Secretary conduct rulemaking to establish the motor carrier safety rating system and would also supersede the recent Court of Appeals decision finding the agency in violation of law for maintaining the rating system as a body of secret law.

◆ The proposed text (§ 31142(b) & (c)) would amend existing law that requires FHWA to tell a motor carrier of hazmat or passengers to cease operations at the end of 45 days if it has received an Unsatisfactory rating. This proposed amendment not only extends the time period that unsatisfactory carriers can continue to operate to 60 days, but would give FHWA discretion to expand the time period beyond 60 days during a rating review.

- ◆ Operators facing an unsatisfactory rating will always request a rating review and this review is to be conducted behind closed doors. This process has been objected to in comments last year. While the amendment proposes to broaden the scope of the cease-operations authority by extending it to all motor carriers, not just hazmat and passengers -- a positive safety initiative -- the agency accords itself unlimited discretion.
- ◆ The proposed text (§ 31142(e)) will undermine safety because only the safety ratings of carriers that have unsatisfactory ratings will be made available to the public. FHWA plans to eliminate conditional and satisfactory ratings but even if other ratings are still provided, the agency under this language would be permitted to conceal them. Under the FHWA proposed rating process, formal unsatisfactory ratings would only be assigned after a long process and only to a small number of carriers and then only those would be publicly available. Also, there is no requirement for publication of the unsatisfactory rating in the Federal Register.
- **Sec. 10002(c):** This provision eliminates the obligation to transmit vital safety information by striking (49 U.S.C. § 31303) the specific legislative direction to FHWA to require commercial drivers to notify employers, prospective employers, and state authorities of CMV driver traffic violations, license revocations etc., and previous employment history as a commercial driver. The substitute provision limits notification to drug violations only, and consigns the notification issue to agency discretion, calling for new regulations but with no date certain for completion of rulemaking.
- **Sec. 10002(d):** This provision repeals important Congressionally prescribed criteria for driver fitness and testing (49 U.S.C. § 31305) and leaves the issue entirely to agency discretion. The agency has shown a propensity to water down or eliminate non-statutory safety requirements for driver fitness and testing, such as physical/medical standards, minimum driver age, and driver testing requirements, among others.
- **Sec. 10002(e):** This provision would strike the statutory compliance date of December 18, 1994 (in 49 U.S.C. § 31307(b)) for issuing regulations governing LCV driver training standards. The agency has not met its statutory mandate and seeks an open-ended date by which to comply.
- **Sec. 10002(f):** This provision would eliminate mandatory provisions for the commercial driver license information system (CDLIS) (49 U.S.C. § 31309(b),(c)), which was intended to provide real-time information on driver status and licensing to federal and state officials. Development of the system would be consigned to FHWA discretion. The ability to obtain current information electronically was a key aspect of the single commercial drivers' license (CDL) legislation. The proposed provision would also delete the original compliance date of December 31, 1990 (§ 31309(d)(2)), for establishing a commercial driver biometric identifier. The agency has not complied with this requirement in over seven years. Further, 'shall' is changed to 'may' so that FHWA can choose not to establish a biometric identifier.

- **Sec. 10002(g):** This provision (amending 49 U.S.C. § 31311) strikes the requirement that states adopt specific federal regulations on commercial driver out-of-service orders and sanctions, and instead invests FHWA with discretion to determine the regulations states are required to adopt.

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- **Sec. 10003:** This provision weakens the current DOT authority by removing reporting and recordkeeping failures as a basis for violations and penalties, and by deleting the power of inspectors to set dates for abatement of violations:

- ◆ **Sec. 10003(a),(b):** The proposal undermines safety by (amending 49 U.S.C. §§ 521 & 522) eliminating motor carrier recordkeeping violations, such as logbooks and other operating records, as well as reporting failures, as a basis for imposing civil penalties. This means that there are no fines for failing to maintain or produce required records and reports. In fact, the current provision that imposes penalties for recordkeeping and reporting violations (§ 522(b)) is amended specifically to exclude any penalties for reporting and recordkeeping violations.

- ◆ **Sec. 10003(c):** This proposal (amending 49 U.S.C. § 521(b)(5)) weakens the definition of 'imminent hazard' which is the basis for ordering an operator to cease part or all operations that threaten death or serious injury and a basis for vehicle out-of-service orders.

(1) The current definition permits the agency to abate hazards by ceasing all or part of a violator's operation if any condition exists that is likely to result in death or serious injury if not stopped immediately. The new definition requires a substantial likelihood of death or serious illness, or severe personal injury or a substantial endangerment to health, property, or the environment. Although expanding the reasons for taking action

-- a positive step -- the language unnecessarily increases the legal burden on the agency and will result in fewer cease-operation orders.

(2) The new definition specifically links cease-operation orders based on imminent hazards to formal proceedings (a hearing) that take place days later and are not mentioned in the current definition. Although this language may broaden the temporal scope of agency authority, the downside is that it may also inhibit use of the authority to cease operations.

(3) The new definition characterizes the proceeding as one undertaken only "to lessen [not eliminate] the risk of . . . death, illness, injury, or endangerment." This approach reduces the burden on FHWA to ensure public safety.

Title XI - Traffic Safety:

● **Sec. 11001(a):** This provision (amending 49 U.S.C. § 30113(d)) would eliminate the legislated ceiling of 2,500 vehicles annually that can be exempted from compliance with federal motor vehicle safety standards each year. It consigns noncompliance exemptions entirely to NHTSA discretion and provides too broad a grant of authority. The stated rationale of vehicle fleets testing experimental safety/environmental technology is unsubstantiated and begs the question of public involvement in determining the size of fleet approved for exemption.

● **Sec. 11001(b):** This provision will limit public awareness of potential safety problems by (amending § 30118(b)) eliminating all public notice and comment on motor vehicle inconsequential noncompliance evaluations by NHTSA. Many such requests are based on lighting requirement noncompliance and failure to observe other standards, not just labeling problems as stated by NHTSA. The agency will still be required to evaluate and determine the reason for the noncompliance and whether it can be deemed inconsequential, so this is strictly to avoid the burden of publication in the Federal Register and public knowledge.

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● **Sec. 11001(f):** This provision (amending 49 USC to add a new section 30148) opens a "Pandora's Box" and gives NHTSA, a safety agency, authority to pursue International Harmonization efforts that are essentially economic in nature. This initiative is based on reducing costs to the vehicle manufacturing industry and involves economic issues on repair and replacement of vehicle parts. This provision makes it official statutory policy to pursue International Harmonization and requires the Secretary to promote adoption of International Harmonized standards that are functionally equivalent or only "comparable" to US safety standards. It would also promote international cooperative programs and to cooperate with any authority, association, institution, corporation, foreign government, multinational institution in pursuing International Harmonization. This gives Congressional imprimatur to almost any activity undertaken in the name of International Harmonization. Even with the caveat to "maintain or improve the level of safety," enabling statute should not contain an international goal that may be at odds with US standards, and that represents an economic rather than a safety agenda.

● **Sec. 11002:** This provision (repealing 49 U.S.C. § 32302(c) and § 32303) undermines safety information distribution (both current and prospective) by eliminating all consumer information and insurer reporting of claims information on comparative vehicle damage/repair costs required under the 1972 Motor Vehicle Safety and Cost Information Act. While the only current information distributed is the IIHS/HLDI brochure, removal of this authority deletes the statutory obligation for NHTSA to develop safety-oriented consumer information. It also eliminates any obligation of dealerships to provide any government required information to prospective vehicle purchasers.

• **Sec. 11004:** This provision (amending § 33106(b)(2)) provides discretion to permit unlimited exemptions from the parts marking requirement in advance of the required Dec. 31, 1999, decision by the Attorney General on whether anti-theft devices are an effective substitute. No distinction is made between vehicle disabling technology and other anti-theft devices.

• **Sec. 11005:** This provision (amending 49 USC to add a new chapter 307 on Vehicle Titling) includes a definition of vehicle flood damage (§30701(1)) that will unreasonably reduce the value of vehicles to consumers and place unfair burdens on insurers by setting the threshold for flood damage at a minimal level of damage. This provision also sets a low threshold for defining a vehicle as a 'salvage motor vehicle' (§30701(10)).

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• **Sec. 11006:** This provision, requiring state enactment of Primary Belt Use Laws, is relegated to § 402 rather than being added as a stand-alone provision. The only sanction is limited to a 1.5%, and later a 3%, redirection of certain federal-aid highway funds to the state 402 safety program. Redirection of federal-aid funds have been opposed by state interests, for example under the Sec. 153 Program and the National Maximum Speed Limit compliance requirements, because it diverted funding from construction programs to safety, and because the state 402 programs are unable to absorb, and put to effective use, large increases in funding levels. Outright sanctions of federal-aid funds are a cleaner, more effective means of obtaining compliance without actual loss of funding, as exemplified by the sanction provision in the "zero" tolerance law (23 USC § 161).

Title XII - Hazardous Materials Reauthorization:

• **Sec. 12006:** This provision undermines the safe transport of hazardous materials by repealing (49 U.S.C. § 5109) the federal requirement for a uniform permitting system for hazmat transport and instead substitutes another open-ended pilot program for evaluating "the use of automated carrier assessment programs." FHWA has not carried out the original legislative directive for implementing the permitting program which was to be in place by Nov. 16, 1991.

• **Sec. 12010:** This provision will effectively increase the risk from hazmat transport by doubling the time period for hazmat special permits (in 49 U.S.C. § 5117(a)(2)) from two to four years.

• **Sec. 12014:** This provision (amending 49 U.S.C. § 5123(a)(1)) encourages hazmat violations by eliminating the requirement that a minimum penalty must be assessed for any hazmat violation.

**MEMBERS OF THE SAFETEA COALITION AS OF APRIL 13, 1997
SUPPORTING A FREEZE ON TRUCK SIZES & WEIGHTS, AND
A PRIMARY SAFETY BELT SANCTION**

Advocates for Highway and Auto Safety
Alliance of American Insurers
American College of Emergency Physicians
American Insurance Association
Arizona Consumers Council
Brain Injury Association
Brain Injury Services
Center for Auto Safety
Citizens for Reliable and Safe Highways
Coalition for American Trauma Care
Consumer Federation of America
Emergency Medical Services for Children
Emergency Nurses Association
General Federation of Women's Clubs
Independent Insurance Agents of America
Kemper Insurance Companies
Madison Township Police Department, Ohio
MADD Florida
MCR/LRI, Inc.
National Commission Against Drunk Driving
National Consumers League
National Fire Protection Association
National SAFE KIDS Campaign
National Safety Council
Nationwide Insurance Enterprise
Parents Against Tired Truckers
Police Foundation
Public Citizen
Safety Services, Inc.
State Farm Insurance
Think First/ Heads Up
Trauma Foundation

Friday, calling on its 113 member nations to freeze ties with Israel at existing levels.

The effects of such moves are starting to show up. The moderate Persian Gulf state of Oman, which had opened trade ties with Israel in recent years, recently refused to grant visas to two Israeli diplomats and turned down an Israeli request to take part in a book fair in Muscat last month.

Neighboring Qatar also has frozen its slow normalization with Israel since Netanyahu took power last June, reflecting concern over what are perceived as his hard-line policies. But neither of those Arab states has asked Israel yet to close its trade offices in their capitals.

When Israeli Foreign Minister David Levy visited Turkey this week, the first visit by an Israeli statesman with an Islamic leader since the Arab League decision, he received a cold welcome from Prime Minister Necmettin Erbakan of the Islam-based Welfare Party.

Even so, Erbakan reaffirmed his government's policy of improving ties with Israel, and the Turkish parliament ratified a free-trade agreement with Israel last week.

On a trip to the Far East this week, Israeli Minister of Industry and Trade Natan Sharansky and a team of company leaders found some new hesitation among the Japanese about doing business with Israel in light of the calls for a reinstated boycott.

However, the Japanese, long sensitive on the boycott issue because of their dependence on Arab oil, were eager to make an exception when it came to trade with Israel's booming high-tech sector.

Police brutality soars in Brazil, human rights report reveals By Laurie Goering Chicago Tribune (KRT)

RIO DE JANEIRO, Brazil Amid disturbing images of Rio police torturing, whipping and shooting civilians, a report this week documents police brutality as a pervasive problem across Brazil.

The human rights report says officers are rarely prosecuted for crimes short of murder and, in Rio, military police officers who gun down suspects are eligible for commendations for "bravery."

"Police violence is a national phenomenon, and impunity, unfortunately, is the rule," said James Cavallaro, the head of Human Rights Watch/Americas in Brazil. The group issued the report Tuesday.

In Rio, police since November 1995 have been eligible for salary bonuses and promotions for acts of "bravery" under a decree signed by the state governor.

The report found that a total of 72 civilians died in 92 cases where police were recommended for bravery awards.

"Police are receiving concrete financial incentives to be violent," Cavallaro charged. "Rio officials have not only failed to act against police violence, they've created incentives for it."

In the 17 months since the policy was instituted, police killings in Rio have risen sixfold, the report said. At one point so many bodies were arriving in Rio emergency rooms that the head of a major city hospital wrote to Rio's head of public security demanding he stop delivering corpses.

Fernando Fragozo, vice president of the Rio bar association, said he has filed a lawsuit challenging the bravery awards on constitutional grounds.

The Human Rights Watch report came out after Globo TV, Brazil's largest network, on Monday aired a home video of Rio military police whipping a group of young shantytown dwellers with belts and beating them with a heavy length of wood.

"It's horrible to see them act like that. It's not what you expect from the police," said the man who shot the film after his brother had previously been beaten.

Public anger over such images of police violence has prompted quick passage of human rights measures in Brazil this week.

On Monday, President Fernando Henrique Cardoso appointed the country's first national human rights watchdog, and also signed a bill passed by Congress making torture a federal crime.

"We want to show the country that we must make more and more progress in this area and that we are not happy with what was often a lack of action in the past," Cardoso said.

He warned that progress on curbing police brutality is likely to be slow. Many Brazilians condone police murders of those regarded as marginal members of society, such as thieves and street children, as an answer to soaring crime rates and an overburdened judicial system.

"Crooks are not civilians," Gen. Nelson Cerqueira, head of Rio state police, told Human Rights Watch/America researchers when questioned about police murders of suspects. "Crooks are crooks, dead or alive."

The report also quotes a Brazilian judge as observing that

"so-called human rights exist only to protect criminals from the law, when in truth they should exist to protect the honest citizen from the actions of crooks."

Violence by military police, patrol units left over from Brazil's long military dictatorship of 1964-85, has gotten worse since the dictatorship ended, the Human Rights Watch/Americas report shows.

During those years, police executed or helped "disappear" about 336 Brazilians, the report says.

In contrast, in 1992, Sao Paulo military police killed 1,470 civilian suspects, or about one out of three people murdered in the state that year. Police in New York City that year killed 24 suspects.

Brazil also has disturbingly high rates of deaths in police shootouts compared with other parts of the world. While most shootouts in the United States result in suspects being wounded, people rarely survive Brazilian shootouts.

To combat Brazil's problems with human rights abuses among the worst in South America alongside Colombia and Peru the report recommends that the country suspend violent police officers and prosecute those who abuse civilians.

It urges that violence cases, now investigated by military police themselves, be independently examined and that states and cities set up ombudsmen to hear charges of police violence.

Brazil already has acted on several of the report's major demands, including that torture be made a federal crime and that military police murder cases be tried in civilian courts.

"I'm impressed by the response" to the latest televised incidents, Cavallaro said. "This woke Brazilians up. They knew violence existed but now they've seen how ugly it really is."

States criticize Clinton for favoring bill to deny control of some federal safety aid by states lacking tough seat belt laws By Janet L. Fix Knight Ridder Newspapers (KRT)

WASHINGTON State safety officials are criticizing President Clinton for favoring legislation that would deny control of some federal safety aid by states that don't pass tough seat belt laws.

Only 11 states currently have such laws. Fewer than two-thirds of Americans regularly buckle up, and Clinton is launching a major initiative designed to increase seat belt use to more than 90 percent.

Part of that effort would be pushing legislation that would reward states with financial incentives for passing tough belt laws and deny control of some federal highway aid in states that don't.

Specifically, legislation drafted by the administration would redirect 1.5 percent of a state's federal highway construction money to safety education programs if states don't adopt tough belt laws by 2003. After that year, 3 percent of those funds would be redirected away from the state, according to sources familiar with the legislation.

In an April 1 letter to Transportation Secretary Rodney Slater, the National Association of Governors' Highway Safety Representatives criticized the proposed sanctions and the Clinton administration for not first consulting with them since they are the individuals in 50 states who direct safety enforcement and education efforts.

The Transportation Department "is making a decision which will significantly impact states without first discussing the issue with them," said Laura Ludwig, chairman of the highway safety representatives group.

"If states can achieve increased seat belt usage without enacting laws which may be controversial," she wrote, the Transportation Department "should allow them to do so."

Sanctions are a bad idea, this group and other safety officials say.

"States don't like to be told what to do by the federal government," said Phil Haseltine, president of the American Coalition for Traffic Safety, an safety education group funded by the auto industry.

"Now more than ever, state legislators are prone to get their back up if they feel they're being blackmailed by the feds."

His group has proposed legislation that would reward states with incentive grants if they pass belt laws that carry big fines and penalty points on drivers licenses. Seat belt laws in most states have fines of less than \$25 and no penalty points.

In the 1980s, President Reagan successfully used the threat of sanctions to get legislatures in all 50 states to adopt 21 as the legal drinking age.

But more recently, states and Congress balked at sanctions designed to force a national 55-mph speed limit. And in recent years, the federal use of sanctions is viewed suspiciously as nothing more than unfunded mandates by the federal government.

3 months after he was fined \$300,000, Gingrich still agonizing over how to pay By David Hess
Knight Ridder Newspapers (KRT)

WASHINGTON Three months have passed since Speaker Newt Gingrich was handed a \$300,000 fine by the House ethics committee and the Georgia Republican is still agonizing over how to pay it.

In prolonging the suspense over the fine, Gingrich has erected an impediment to his efforts to rehabilitate his leadership credentials. Even Republicans say as long as the shadow of the ethics committee's penalty looms over Gingrich, his charter to lead his partisans will be stained.

"If he would just do it and get this behind him," said Rep. Matt Salmon, R-Ariz. "I think he could somewhat calm the turbulence around his political career. It would clear the air some."

Over the past two weeks, Gingrich's confidants have floated various trial balloons on how he should pay the fine, which was levied by the bipartisan ethics panel to reimburse Congress for the extra time and expense it took to find that he had misled the panel about using tax-exempt foundations to finance political goals.

That could violate federal tax law, and the Justice Department is still looking into whether it has a case against Gingrich.

Some House members, mostly Democrats, believe the speaker should pay the entire fine out of his own pocket. And even a few Republicans, such as GOP Caucus Chairman John Boehner of Ohio and Rep. Marge Roukema of New Jersey, think it would be politically advantageous for Gingrich to do so.

But congressional sources close to Gingrich said that his wife, Marianne, is convinced that the charges against her husband were politically orchestrated and is "absolutely and totally opposed" to paying the fine from the family's resources.

"She thinks this was all trumped up against Newt, and that he shouldn't feel any obligation to suffer financially, personally, from it," said a Republican congressman close to Gingrich.

The speaker now appears to be leaning toward a hybrid solution, under which he would pay about \$50,000 of the fine from personal resources and the rest from either his ample election-campaign fund which exceeds \$1 million or from a special legal defense fund that he would have to create from scratch.

Another option would be to pay the entire amount from his campaign fund, which would then be reimbursed in the future from "assessments" against the campaign funds of House Republican committee and subcommittee chairmen.

As one leadership aide put it, "They owe their chairmanships to Newt. We wouldn't be in the majority were it not for him. So why shouldn't they help him out?"

House Appropriations Committee Chairman Bob Livingston, R-La., deflected a question about that, but argued that Gingrich should not be expected to pay the penalty from his own pocket.

"I'm dead-set against him paying it out of personal funds," Livingston said. "Look, we rise or fall in elections every two years, and voters have the final say. Simply by bringing charges, the ethics committee can ruin our career, causing us to lose. Isn't that sanction enough? To set this precedent in allowing the committee to recapture assets you've earned is extremely punitive. After all, this committee is not a criminal forum."

Rep. Curt Weldon, R-Pa., a staunch Gingrich defender, said the speaker is not particularly popular in his district, but that the issue over paying the fine appears to be of little concern there.

"It's not an issue at all in my district," he said. "Actually, I think he should set up a legal defense fund to pay for it. That's what everybody else has done. President Clinton, (former House Ways and Means Chairman) Dan Rostenkowski, (former Oregon Sen. Bob) Packwood. Why shouldn't Newt do it that way?"

Several Gingrich supporters believe the Washington law firm Wiley, Rein & Fielding that represented him in the case should pony up part of the fine, perhaps in the form of a partial reimbursement for the legal fees he paid.

"If I were the law firm, I'd offer to help out, even pay it all," said Rep. Christopher Shays, R-Conn., who said he thinks the firm dropped the ball in failing to impress on Gingrich the significance of inconsistencies in his sworn statements that prompted the ethics committee's findings.

However Gingrich finally decides, there is precedence in the House for using an installment plan to pay penalties and reimbursements for misconduct. So even if he decides to pay all or part of it from his own pocket, he could stretch out the payments over several years.

Senate Republicans broaden inquiry of campaign fund-raising by agreeing to subpoena GOP records By Steven Thomma Knight Ridder Newspapers (KRT)

WASHINGTON Senate Republican investigators broadened their inquiry of campaign fund-raising practices by agreeing Wednesday to subpoena records from the Republican National Committee, the Dole for President campaign, and groups tied to the GOP.

Democrats praised the agreement, saying it signals the kind of bipartisan investigation ordered by the Senate last month in a 99-0 vote. And some analysts have said the inquiry will be taken seriously by the public only if it is bipartisan.

Until now, the Senate committee investigating the controversy has focused on potential fund-raising abuses by President Clinton and the Democrats.

"My optimism that we will be able to conduct a fair and comprehensive investigation is growing," said Sen. Joseph Lieberman, D-Conn. He said the agreement to also investigate Republicans was "a significant break in what was a logjam in this investigation."

Sen. Carl Levin, D-Mich., said "it represents an overdue but significant step."

The agreement was announced by Sen. Fred Thompson, R-Tenn., chairman of the Senate Governmental Affairs Committee, and Sen. John Glenn of Ohio, the senior Democrat on the panel, after intense negotiations.

The two also announced that the committee would issue subpoenas for the Democratic National Committee and the Clinton/Gore campaign and said they had reached agreement with the White House that will allow Senate investigators to obtain White House documents and interview staffers without having to issue subpoenas.

But it was the decision to extend their inquiry to Republicans and private groups expanding the inquiry into a look at the entire campaign system that was most significant. A House investigation is looking only at Clinton and Democrats, and a Justice Department inquiry is focusing mainly on questions of foreign influence in the 1996 election.

Thompson had to navigate among his fellow Republicans, with conservatives urging that the probe be limited to the president and Democrats, and moderates pushing for the broader inquiry.

"This has not been easy," said Senate Minority Leader Tom Daschle, D-S.D. "Sen. Thompson has had a great deal of internal dissension as I understand it and some difficulty in bringing about a consensus on his side on this matter."

Despite last month's Senate vote ordering a broad investigation, the subsequent request from committee Democrats for 11 subpoenas set off partisan wrangling.

Specifically, the Democrats wanted to subpoena documents from such private interest groups as the Christian Coalition and the National Right to Life Committee that they suspect of improperly trying to help Republican candidates in violation of their tax-exempt status.

Thompson agreed to subpoena six of the 11: the National Policy Forum, Citizens for the Republic Education Fund, Citizens for Reform, Americans for Tax Reform, Coalition for Our Children's Future, and Triad Management Services.

He did not agree to subpoena the Christian Coalition or other groups, but a committee source said the language of the subpoena for the RNC will seek party records on any involvement with the Christian Coalition. Moreover, Levin said the Democrats on the committee may try again for a direct subpoena of the other groups.

The subpoena of the Democratic National Committee will include a call for any records mentioning the AFL-CIO, the Teamsters or the National Education Association, a committee source said. Republicans want to examine whether the unions acted properly in their independent campaigns against the GOP.

White House spokesman Mike McCurry welcomed the agreement to make material and staff available to Senate investigators, contrasting it to the more adversarial relationship between the White House and House investigators.

"We've indicated that we will be cooperative and we intend to work with them to produce the people and the materials they seek," he said of the Senate inquiry. "The situation in the House is indeed more complicated, and the discussions have been more difficult."

Clinton Calls for States To Stiffen Seat-Belt Laws

By a WALL STREET JOURNAL Staff Reporter
WASHINGTON — President Clinton wants to require states to toughen seat-belt enforcement or face having some of their federal highway money shifted into seat-belt enforcement programs.

According to a plan being finalized by the Transportation Department, the administration would require that states adopt "primary" seat-belt laws, which allow police officers to stop a car when a driver or passenger isn't buckled up. Congress would have to approve the proposal.

Administration officials said the White House plan, expected to be announced next week, will likely require states to adopt primary seat-belt laws by Sept. 30, 2002, or have 1.5% of their highway construction funds shifted to seat-belt enforcement programs. That amount would increase to 3% in later years. States could be exempt if they show that at least 80% of their drivers buckle up.

The administration's goal is to boost the percentage of drivers who buckle up from 68% nationwide to 85%.

U.S. to Hire 10,000 People From Public-Welfare Rolls

By a WALL STREET JOURNAL Staff Reporter
WASHINGTON — President Clinton, seeking to practice what he preaches on welfare reform, committed the federal government to hiring 10,000 workers off of public-assistance rolls over the next four years.

"We have all got to take responsibility to see that the jobs are there so that people can leave welfare and become permanent members of the work force," Mr. Clinton told his cabinet. The cabinet meeting was called to review welfare hiring plans for agencies throughout the government. The White House will take on six welfare workers, the president promised.

"The federal government has to do its part," Mr. Clinton said.

Mr. Clinton was harshly criticized by many Democrats last year for signing a welfare-overhaul bill that stripped the federal guarantee of cash welfare benefits for families who qualified. It also required welfare recipients to go to work after two straight years on public assistance, and put a five-year lifetime cap on benefits. Since then, the president has been trying to soften the new law's impact by urging private employers to hire welfare recipients. Earlier this year, he signaled the government's intention to do the same.

Mr. Clinton promised that the work the government provides "will not be make-work jobs" but "jobs that actually need to be filled and work that needs to be done for the American people." Many posts are expected to be worker-training positions under a program that prepares people for civil-service employment.

White House Moves To Expand Medicaid For People With HIV

By a WALL STREET JOURNAL Staff Reporter
WASHINGTON — The Clinton administration is taking steps to try to expand Medicaid eligibility so that more low-income people with HIV, the virus that causes AIDS, can get the new drug treatments before they are disabled by the disease.

Vice President Al Gore directed the Health Care Financing Administration, which runs Medicaid, to report back to him within 30 days on setting up a pilot project to provide the drugs. Currently, most people with AIDS don't become eligible for Medicaid, the state-federal program for the poor and disabled, until they are officially determined to be disabled, which occurs at an advanced stage of the illness. As a result, people who haven't developed full-blown AIDS sometimes can't get the promising, but expensive, new drug therapies.

AIDS activists say that easing the Medicaid eligibility rules would improve the health of many people and keep them working longer. They say it would also save money by reducing the number of related infections and hospitalizations.

AIDS Action, which represents community organizations that serve people with AIDS, praised Mr. Gore's move, saying it could help thousands of people who otherwise wouldn't be able to afford the new medications. Officials with the group met about a month ago with top administration officials to discuss expanding Medicaid eligibility.

A pilot project would likely be limited to a handful of states, but if the results are good, it could be implemented nationally by changes in legislation, administration officials say.

Line-Item Veto Law Is Struck Down By Federal Judge as Unconstitutional

By EDWARD FELSENTHAL
And GREG HITT

Staff Reporters of THE WALL STREET JOURNAL

WASHINGTON — A federal district judge struck down the line-item veto law enacted last year, ruling that it violated the Constitution by giving the president powers that were intended for Congress.

Legislators were aware that the law faced significant legal obstacles. But the decision by Judge Thomas Penfield Jackson in Washington was nonetheless a blow after many years of wrangling and failed efforts to pass such a measure.

In a 37-page opinion, Judge Jackson said the act violates the concept of separation of powers by allowing the president to pick and choose what parts of a spending bill he would allow to become law. The law "hands off to the president authority over fundamental legislative choices," Judge Jackson wrote. "That power is possessed by Congress alone, and, according to the framers' careful design, may not be delegated at all."

The action was a setback for Republican leaders and President Clinton, who had hailed the line-item veto as a key tool in controlling federal spending and narrowing the deficit. Judge Jackson, who was appointed by President Reagan, one of the strongest proponents of a line-item veto, acknowledged the problem of "run-away spending." But he said constitutional values can't be sacrificed in the name of budgetary efficiency.

The question is certain to be appealed and, under a special provision in the law to

expedite the process, could reach the Supreme Court for argument as early as this spring.

The controversial law, which took effect in January, let the president cut specific items — a construction project or a weapons system, for example — from spending bills. It also let the president cancel some tax breaks passed by Congress and new spending for benefits programs, such as Medicare. Congress could try to restore the spending or tax provisions by passing a new measure reviving each of them, which the president could still veto.

The line-item veto was a top priority of Republican leaders. While many lawmakers had their doubts about the measure, they supported it in hopes that a president could make the tough spending decisions that lawmakers, swayed by their local constituents, often don't.

Early this year, the line-item veto was challenged in court by six lawmakers who argued that the law, which took effect Jan. 1, violated the Constitution by shifting budgetary power to the executive branch from the legislative branch. The suit was filed by Reps. Henry Waxman (D., Calif.) and David Skaggs (D., Colo.) and Sens. Robert Byrd (D., W.Va.), Daniel Patrick Moynihan (D., N.Y.), Carl Levin (D., Mich.) and Mark Hatfield (R., Ore.)

"I am very pleased with the court's decision, which I believe to be a great victory for the American people and our Constitution," said Sen. Byrd, who led opposition to the bill.

Clinton Limits Agenda to Avoid Offending Democrats

By HILARY STOUT
And DAVID WESSEL

Staff Reporters of THE WALL STREET JOURNAL

WASHINGTON — It's not just a bum knee that's interfering with Bill Clinton's hopes for a history-making second term.

Mr. Clinton's reluctance to antagonize congressional Democrats, whose support he needs for both a balanced-budget deal and his defense in the burgeoning campaign-finance scandal, has stymied a number of key initiatives on the president's second-term agenda — including promised overhaul of federal entitlement programs and critical trade legislation.

The president has made a balanced-budget agreement with Congress the supreme priority. "Getting a balanced-budget deal alone would secure a positive year for the president on economic policy," says Gene Sperling, the White House economic-policy coordinator. Others in the White House say Mr. Clinton's place in history depends on reaching an agreement to balance the federal books.

As a result, other priorities are taking a back seat.

White House aides say that while the talks continue, they are eager not to antagonize House Democrats, who have a particularly vocal and nettlesome spokesman in Minority Leader Richard Gephardt, considered Vice President Al Gore's strongest rival for the 2000 Democratic nomination. Complaints from Mr. Gephardt and other House Democrats convinced the president last month to back away temporarily from an endorsement of an adjustment in the consumer price index, a move that would lead to lower Social Security benefits and higher taxes in the future, but also help make a budget deal possible.

Despite such gestures, White House relations with the House Democrats remain volatile. This week, for instance, the White House enraged House Democrats by neglecting to apprise them of plans to offer an additional \$18 billion in proposed Medicare savings.

With the budget moving slowly and other major initiatives on hold, President Clinton has little to show for the first few months of his second term.

Restructuring of the Social Security and Medicare programs has been put off until the end of the budget talks. Mr. Clinton is unlikely to even appoint a bipartisan commission to study the matters, as he said he intended to do upon re-election. "Clearly they're holding back on longer term Medicare and Social Security," says John Rother, legislative director of the American Association of Retired Persons. "They don't even want to talk about it publicly."

Mr. Clinton's plan to offer "fast-track" legislation that would make it easier for him to negotiate trade pacts has also been hung up because of opposition from liberal Democrats. Administration officials say the so-called "fast-track" legislation is still a top goal, but officials continue to fight over when to begin pushing that legislation.

Mr. Clinton may begin a drive to get fast-track authority by discussing the issue in a speech today to the American Society of Newspaper Editors. But the White House still hasn't decided when to send the fast-track legislation to Congress. U.S. Trade Representative Charlene Barshefsky and other trade officials want to press ahead and get the bill to Capitol Hill.

But some officials at the White House, including Vice President Gore, a firm supporter of the administration's free-trade agenda, are said to be arguing for holding back on the fast-track trade legislation because it would drop labor and environmental conditions and thus anger liberals.

A narrower proposal, aimed at modernizing the financial sector by revising New Deal-era laws that separate banking and nonfinancial commercial firms, is also being held hostage to the budget. In conversations with lawmakers, Treasury Sec-

Still Undone

- Send fast-track trade legislation to Congress
- Offer a fix for long-run Social Security and Medicare problems
- Propose bank-reform bill
- Fill Federal Reserve vacancies



President Clinton

retary Rubin has discussed a plan to allow banks to buy commercial firms as long as the commercial operation's business doesn't exceed 25% of the bank's total business. A number of top Senate Democrats have lined up against the proposal before it has even formally been made.

The senior Democrat on the Senate Banking Committee, Paul Sarbanes of Maryland, is as vociferous an opponent of this as Mr. Gephardt is of the fast-track trade legislation. Sen. Sarbanes has been an administration ally, helping to defeat the balanced-budget constitutional amendment among other things, and some in the administration are reluctant to antagonize him. Moreover, a number of other senior Democrats in the Senate, including Minority Leader Thomas Daschle, side with Sen. Sarbanes.

Mr. Clinton's sensitivity to liberal backlash was evident in deliberations on adjusting the consumer price index, the government inflation measure that determines cost-of-living increases for Social Security recipients and other beneficiaries

of federal benefits.

At an emotional meeting between labor leaders and President Clinton's top budget negotiators, AFL-CIO President John Sweeney implored the White House to drop the idea.

Mr. Sweeney said it was a mistake to characterize this issue as just about the federal budget and benefits, according to labor officials. He pointed out that the CPI is the starting point for every labor negotiation in the U.S., and changing it would change the balance between labor and capital.

Soon after, Mr. Clinton backed away from the CPI commission, infuriating the Republican congressional leadership who had reached a private, tentative understanding with the White House that changes to the inflation measure recommended by the bipartisan group would form the basis of a balanced-budget agreement. He may yet embrace CPI revisions when serious dealing begins, however.

Aides insist Mr. Clinton has already made progress in the first few months of his new term. They point to foreign affairs, and to his efforts to convince states to adopt educational standards and testing for fourth-grade and eighth-grade students. But for the most part the president has been reduced to promoting small initiatives that don't require congressional action, much as he did during his re-election campaign last year. Congressional disarray has also given the White House an excuse for its meager legislative achievements to date.

Moreover a budget deal — even if laden with gimmickry — would be an important achievement. Says George Stephanopoulos, a former senior adviser to the president: "He ran on it. If he gets it, it's a victory."



SCHWARTZ_M @ A1
04/10/97 11:55:00 AM

Record Type: Record

To: Kenneth L. Schwartz, David E. Tornquist
cc: Dorothy Robyn, Elizabeth Drye
Subject: CLINTON WEIGHING PLAN TO REQUIRE TOUGHER SEAT-BELT ...

Date: 04/10/97 Time: 11:27

CClinton weighing plan to require tougher seat-belt enforcement

WASHINGTON (AP) The White House is considering an initiative to require states to stiffen seat-belt enforcement or lose control over millions of dollars in federal highway money, officials said today.

Aides said Clinton planned next week to announce the plan, which is still being revised.

The goal is to prod more states to adopt ``primary'' seat belt laws, which means police can stop you simply for not buckling up, or increase seat-belt use from 68 percent to 85 percent.

Every state except New Hampshire requires motorists to wear seat belts, but only 11 have primary seat-belt laws. Police in the other states cannot issue seat-belt tickets unless they stop drivers for another violations.

An administration official, speaking on condition of anonymity, said the measure likely would require states to adopt primary seat-belt laws by Sept. 30, 2002, or have 1.5 percent of their highway construction funds shifted to seat-belt enforcement programs. It would increase to 3 percent in subsequent years.

The administration may allow a state to forgo the primary seat-belt law if at least 80 percent of its drivers use seat belts.

The administration calls it a ``soft sanction.''

The idea dovetails with an administration plan to make \$125 million available to states that adopt primary seat-belt laws or show that at least 80 percent of its drivers use safety belts.

APNP-04-10-97 1138EDT

Plan links seat belt use, road funding

By Jayne O'Donnell
USA TODAY

A1

Jupiter moon displays ingredients for life

By Paul Hoversten
USA TODAY

A1

Jupiter's moon Europa has a saltwater ocean that may be brimming with organic chemicals and churning with under-sea volcanoes — all conditions that could support life, scientists say.

New images from NASA's Galileo spacecraft released Wednesday show that parts of Europa resemble Arctic regions on Earth, with 2- to 4-mile-long icebergs floating in a reddish slush. Galileo flew within 363 miles of Europa on Feb. 20 and the photographs are the most detailed yet of the Jovian moon.

"These are really mind-blowing pictures," says Richard Terrile, an astronomer at NASA's Jet Propulsion Laboratory in Pasadena, Calif.

Europa, he says, has all the ingredients necessary for life — a liquid ocean, a long-lasting energy source like volcanoes and carbon-based organic chemicals from the moon's interior.

"On Earth, the same ingredients in less than a billion years gave rise to life," he says. On Europa, it has had that much time and more to develop.

The photos suggest Europa could support life in the same way that bacteria can live underwater and without sunlight on Earth. They thrive in thermal vents created when hot gases escape from cracks or volcanoes in the ocean floor.

"We have no evidence directly bearing on life" on Europa, says JPL's Torrence Johnson, Galileo project scientist. "What we found are the building blocks."

Europa, about the size of Earth's moon, is believed to have formed about 4.6 billion years ago. But the photos show its surface might be just 1 million years old because of melting and freezing.

"The discovery of life on another planet will rival any other discovery that has taken place in the history of human culture," says oceanographer John Delaney of the University of Washington. "I'm sure there's life there ... Whatever that life is, it'll be very intriguing."

By William Wallis
Reuters

A1

KINSHASA, Zaire — The 32-year rule of Mobutu Sese Seko took another blow Wednesday when the United States called for his departure as president.

"We have to move beyond President Mobutu," said White House spokesman Mike

McCurry, adding there should be a negotiated end to Zaire's civil war, with a transitional government and elections.

"The era of Mobutu-ism is over," echoed State Department spokesman Nick Burns.

Mobutu, under increasing pressure, fired his prime minister Wednesday and named the army chief of staff as head of government.

Meanwhile rebels led by Laurent Kabila entered Zaire's southern copper capital Lubumbashi, the biggest prize in their six-month campaign.

Kabila's forces now hold about half the nation, including all the mainstay mineral-producing provinces.

They entered Lubumbashi after stiff resistance from Mobutu loyalists on the approach to the city of 1 million people. But once the city fell, rebels claimed victory.

"The fall of Lubumbashi is the total collapse of Mobutu," said rebel spokesman Louis Nyarubasa.

► Who will reign? 6A

U.S. seeks end to 'Mobutu-ism' in war-torn Zaire

By Peter Eisker
USA TODAY

A1

WASHINGTON — The Social Security Administration halted Internet access to wage and tax records Wednesday amid charges the program put taxpayer privacy at risk.

At 3 p.m. ET, Social Security suspended the program for at least 60 days to study ways to ensure it can't be misused by people taking an illegal peek at the finances of others.

"Many citizens have expressed their concerns regarding the security of the valuable, but obviously very sensitive, data being available on-line," acting Social Security commissioner John Callahan said.

The program let Internet users get an electronic copy of their Personal Earnings and Benefit Estimate Statement (PEBES), which lists year-by-year earnings, Social Security taxes paid, and benefit levels.

But USA TODAY reported Monday that an on-line statement could be obtained simply by entering a person's name, Social Security number, mother's maiden name, date and place of birth.

Use of the month-old Web site soared, but more than 10,000 taxpayers protested.

"It could be a gateway to economic blackmail," says Sen. Chuck Grassley, R-Iowa, one of a bipartisan group of lawmakers that asked that the service be suspended.

Grassley and others noted the system's potential for abuse by everyone from nosy neighbors to legal foes to ex-spouses seeking financial support.

Social Security had no reports of illegal accesses.

PEBES requests will be answered by mail while security measures, such as issuing PIN numbers or enabling people to block on-line access to their records, are studied. Proposals will be discussed at public forums before being adopted.

Social Security temporarily unplugs Web site

USA TODAY

THURSDAY, APRIL 10, 1997



By Amy Brown, USA TODAY
Tracy McGrady: Enters draft from Durham, N.C., school 18C

USA'S TOP PREP TO SHOOT FOR NBA

ALL-USA BOYS
HOOPS TEAM, 6C

PRE-PLAYOFF Q&A:
JORDAN TALKS
ABOUT FUTURE 3C

THURSDAY, APRIL 10, 1997

NEWSLINE

A QUICK READ ON THE NEWS

WALL STREET: Dow Jones industrial average drops 45.32 points to 6563.84; Nasdaq index drops 7.94 to 1348.43; 30-year Treasury bond yield holds at 7.10%. 13B.

► **Bidding down letters to shareholders.** Street Talk. 2B.

SPACE STATION ON HOLD: Construction of international space station postponed because Russia can't meet deadline for vital segment of project. 2A.

MISSING PILOT: Disappearance of Air Force pilot and "Warrior" jet in Colorado Rockies continues to baffles family and authorities, sparks conspiracy theories. 3A.

FUTURE HONG KONG: China government unveils plans seen as limiting freedoms in Hong Kong, including restricting political ties with foreigners. 6A.

Science job not in the stars



Co-discoverer of the comet Hale-Bopp, Alan Hale, left, is unemployed and taking to the Internet to express his displeasure with what he calls a lack of opportunity for young scientists in the U.S.

The sky is the limit for science careers, says one critic. Hale, a Ph.D., says he isn't looking for guarantees, but "a fighting chance would be nice." 6D.

TODAY'S DEBATE: Fund-raising. In USA TODAY's opinion, "As fund-raising questions fly, White House officials bob and weave to avoid accountability." 12A.

► **"We need campaign reform.** The president and the Democrats favor it," says Larry Davis. 12A.

MONEY: Procter & Gamble to buy Tampax tampon maker Tambrands for \$1.8 billion. 13B.

► **Dow Chemical, General Electric reach settlement on** Dow's lawsuit charging GE tried to steal trade secrets. 1B.

► **Lawsuits are filed by regulators against alleged deceptive** fund-raisers posing as police officers and firefighters. 2B.

SPORTS: 746 chilly 14-4 fans watch White Sox lose at 34-degree Comiskey. Baseball. 1,47C.

► **NFL forms alliance with CFL.** Football. 1,16C.

► **V** in leaving marks in drag racing. Motor sports. 8C.

LIFE: If an iceberg didn't sink the Titanic, will Hollywood rewrite its script? 1D.

► **Winona Ryder's fans want her to kick the habit.** 2D.

► **Computer mouse inventor wins top-invention prize.** 8D.

COMING TOMORROW



Tax tips: How to file for an extension. What to do if you can't pay. Where to get forms and answers to questions at the last minute. Common mistakes to avoid and more in Managing Your Money. MONEY

Cartoon's coronation: Fox's King of the Hill is sitting pretty at midseason and is poised to dethrone its network companion The Simpsons. LIFE

By John O. Buckley

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Lotteries 80
Marketplace Today 8-10D
State-by-state 11A
Stocks 8-10B

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USA SNAPSHOTS®

A look at statistics that shape the nation

Shrinking health coverage

About four in 10 adults agree somewhat or completely that their health insurance plan "keeps changing" and coverage "keeps getting less." Adults, by age, who agree:



Source: ICF Survey Research for National Center on Health Care
By Anna R. Corey and Mary E. Jurley, USA TODAY

NO. 1 IN THE USA... FIRST IN DAILY READERS

MAKING PRENUPTIAL COUNSELING A MUST 1D

MICHIGAN COUNTY
LEADS WAY; NINE
STATES CONSIDER IT

HIT SONGWRITER
LAURA NYRO DIES 1D

THURSDAY

By Bruce Springsteen, CBS Records
Laura Nyro: Others made her songs hits. 1D

Jupiter moon displays ingredients for life

By Paul Hoyerstein
USA TODAY

Jupiter's moon Europa has a saltwater ocean that may be brimming with organic chemicals and churning with undersea volcanoes — all conditions that could support life, scientists say.

New images from NASA's Galileo spacecraft released Wednesday show that parts of Europa resemble Arctic regions on Earth, with 2-to-4-mile-long icebergs floating in a reddish slush. Galileo flew within 363 miles of Europa on Feb. 20 and the photographs are the most detailed yet of the Jovian moon.

"These are really mind-blowing pic-

tures," says Richard Terrile, an astronomer at NASA's Jet Propulsion Laboratory in Pasadena, Calif.

Europa, he says, has all the ingredients necessary for life — a liquid ocean, a long-lasting energy source like volcanoes and carbon-based organic chemicals from the moon's interior.

"On Earth, the same ingredients in less than a billion years gave rise to life," he says. On Europa, it has had that much time and more to develop.

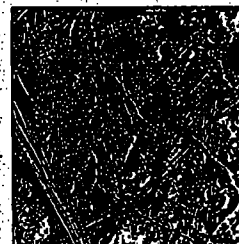
The photos suggest Europa could support life in the same way that bacteria can live underwater and without sunlight on Earth. They thrive in thermal vents created when hot gases escape from

cracks or volcanoes in the ocean floor.

"We have no evidence directly bearing on life" on Europa, says JPL's Torrence Johnson, Galileo project scientist.

"What we found are the building blocks," Europa, about the size of Earth's moon, is believed to have formed about 4.6 billion years ago. But the photos show its surface might be just 1 million years old because of melting and freezing.

"The discovery of life on another planet will rival any other discovery that has taken place in the history of human culture," says oceanographer John Delaney of the University of Washington. "I'm sure there's life there... Whatever that life is, it'll be very intriguing."



Europe: Surface ridges may be ice-rich.



Golf's masterful pair

Woods, Faldo are twosome to watch on opening day

Golf books filling up bookstore shelves; capsules of just a few, 4D

Masters memories, highlights of this year's event, 1,12-13C



Challenger As winner of last year's U.S. Amateur tournament, Tiger Woods plays first round with the Masters' defending champ.



Chase Nick Faldo is seeking his seventh major title and fourth Masters win. USA Network will offer coverage starting at 4 p.m. ET.

CLICK HERE: www.usatoday.com Get involved in the Masters with our interactive course map and latest coverage. USA TODAY Online

Each player has a shot at history

By Doug Smith and Erik Brady
USA TODAY

COVER STORY

The Masters is all about tradition: Magnolia Lane. Amen Corner. Green jackets for the winners.

But today, at 144 p.m. ET, the Masters presents a small break with tradition. An amateur is traditionally paired with the defending champ on opening day; Nick Faldo's partner will be a first-year pro instead.

You may have heard of him: young fellow by the name of Tiger Woods.

The magic of marketing and the poetry of potential make Woods a bigger star than Faldo in the greater society. But inside golf, Faldo is the greater name. He has won three Masters among his six major championships. One more major moves him to the front rank of history.

There has not been a changing-of-the-guard pairing as felicitous as this one since the 1960 U.S. Open, when Ben Hogan, at 47,

was paired with 20-year-old Jack Nicklaus. Woods is hailed as the next Nicklaus.

And so today golf fans get a rare look at perhaps the best golfer of this generation matched mano a mano with the presumed best of the next generation.

"I can tell you," says Jack Stephens, chairman of the Augusta, Ga., National Golf Club, with characteristic understatement, "they're both looking forward to it."

As are the rest of us. Faldo and Woods

Please see COVER STORY next page ►

U.S. seeks end to 'Mobutu-ism' in war-torn Zaire

By William Wallis
Reuters

KINSHASA, Zaire — The 32-year rule of Mobutu Sese Seko took another blow Wednesday when the United States called for his departure as president.

"We have to move beyond President Mobutu," said White House spokesman Mike

McCurry, adding there should be a negotiated end to Zaire's civil war, with a transitional government and elections.

"The era of Mobutu-ism is over," echoed State Department spokesman Nick Burns.

Mobutu, under increasing pressure, fired his prime minister Wednesday and named the army chief of staff as head of

government. Meanwhile rebels led by Laurent Kabila entered Zaire's southern copper capital Lubumbashi, the biggest prize in their six-month campaign.

Kabila's forces now hold about half the nation, including all the mainstay mineral-producing provinces.

They entered Lubumbashi

after stiff resistance from Mobutu loyalists on the approach to the city of 1 million people. But once the city fell, rebels claimed victory.

"The fall of Lubumbashi is the total collapse of Mobutu," said rebel spokesman Louis Nyerubeshi.

► Who will reign? 6A

Social Security temporarily unplugs Web site

By Peter Elster
USA TODAY

WASHINGTON — The Social Security Administration halted Internet access to wage and tax records Wednesday amid charges the program put taxpayer privacy at risk.

At 3 p.m. ET, Social Security suspended the program for at least 60 days to study ways to ensure it can't be misused by people taking an illegal peek at the finances of others.

"Many citizens have expressed their concerns regarding the security of the valuable, but obviously very sensitive, data being available online," acting Social Security commissioner John Callahan said.

The program let Internet users get an electronic copy of their Personal Earnings and Benefit Estimate Statement (PEBES), which lists yearly earnings, Social Security taxes paid, and benefit levels. But USA TODAY reported

Monday that an on-line statement could be obtained simply by entering a person's name, Social Security number, mother's maiden name, date and place of birth.

Use of the month-old Web site soared, but more than 10,000 taxpayers protested.

"It could be a gateway to economic blackmail," says Sen. Chuck Grassley, R-Iowa, one of a bipartisan group of lawmakers that asked that the service be suspended.

Grassley and others noted the system's potential for abuse by everyone from nosy neighbors to legal foes to envious spouses seeking financial support.

Social Security had no reports of illegal access.

PEBES requests will be answered by mail while security measures, such as issuing PIN numbers or enabling people to block on-line access to their records, are studied. Proposals will be discussed at public forums before being adopted.

Mortgage insurance legislation on hold

Opposition from the mortgage industry has stalled a bill in Congress that would have saved many homeowners hundreds of dollars each year. At issue: payments for private mortgage insurance for home buyers who put down less than 20% of the purchase price. A consumer advocate calls the delay disappointing. Story, 1B

Bill Day 962-5366

THE WHITE HOUSE

Elliott Hall

WASHINGTON

10 days ago, Ford h

Buckle up w/ Big Ford

If POTUS recognizes p

Air bag safety campaign

Each of Big 3 has program...

We're doing our part.....

THE WHITE HOUSE
WASHINGTON

Bill Day thinks we have a
problem - cld split over to talk assn; other
groups

Highway Users Alliance - b. W. W. W.
opposed to any discussion

Can POTUS rhetorically point out
that

- Md - It took them 3 mcs.

Given 5 yr. lead time,
No state w/ a p.p. in mind
will ~~ever~~ suffer a sanction.

THE WHITE HOUSE
WASHINGTON

Janet Dewey

\$10M effort funded by auto; ins. ad.

most will be spent lobbying state legis's

1. Air bags are good but they can hurt you;
2. Buckle up.

This will not be overous

Bill is worried abt. the critics
in his own CA - who will want to
sit him out after the anger the
gov's.

POTENTIAL IMPACTS of NEW EXECUTIVE ORDER

CATEGORY	UNDER CURRENT EXECUTIVE ORDER (EO)	UNDER NEW EXECUTIVE ORDER (EO)
<u>Federal Employees</u> - 2.7 mil. Federal employees	- Covers only front seat - DOL submits annual report to the President - No explicit requirement for agencies to contribute to report - Report covers only "status of on-the-job belt use by Federal employees" (contains anecdotal information) - Program is not very visible	- Would cover all seating positions - DOT would submit annual report, in cooperation with all Federal agencies and after consultation with Judicial and Legislative branches - All Federal agencies would be required to provide information to DOT for the report - Report would include seat belt use rates; statistics of crashes, injuries and related costs involving Federal employees; agency programs that have made significant progress or are notable and deserving or recognition. - DOT would encourage agencies to conduct visible public information and active enforcement
<u>National Park Service (NPS), DOI</u> - 379 park areas - over 8000 miles of roads open to public <u>In FY 1996:</u> - over 300 mil. visits - over 3 bil. VMT - 7247 mv crashes - 11537 vehicles - 38 fatalities - 2035 people injured <u>In FY 1995:</u> - 1447 DUI and 36,917 traffic violations	- Covers only front seat - NPS reg. provides for secondary enforcement - NPS conducts traffic enforcement, but little seat belt use enforcement or education - NPS reports anecdotal seat belt info annually on Federal employees to DOL - NPS has data on DUI and traffic violations, but not on seat belt use violations	- Would cover all seating positions - Would provide for primary enforcement - With this explicit authority, NPS could increase its public information and enforcement efforts (<u>NOTE:</u> NPS is supportive and could provide officials for a ceremony) - NPS would be required to submit data annually to DOT on seat belt use rates; data on crashes, injuries and related costs for employees and for travel in park lands; programs

<u>Bureau of Land Management (BLM), DOI</u> - 264 million acres <u>In FY 1996:</u> - 75,962 miles of roads open to public - 65 mil. recreational visits - 64 mil. hours of recreational motorized travel <u>In FY 1995:</u> - 82 DUI and 2883 traffic violations (only 602 on highways)	- Covers only front seat - BLM reg. provides for secondary enforcement - BLM conducts a little traffic enforcement; but virtually no seat belt enforcement or public education - BLM reports anecdotal seat belt info annually on Federal employees to DOL - BLM has data on DUI and traffic violations, but not on seat belt violations	- Would cover all seating positions - Would provide for primary enforcement - With this explicit authority, BLM could increase its public information and enforcement efforts (<u>NOTE:</u> primary enforcement could be VERY controversial for BLM with constituents and Congress) - BLM would be required to submit data annually to DOT on seat belt use rates; data on crashes, injuries and related costs for employees and for travel on public lands; programs
<u>Forest Service, USDA</u> - 175 National Forests/Grasslands - 191 million acres - 51,250 miles of roads open to public (and maintained for passenger mv) <u>In FY 1996:</u> - 859.2 mil. recreational visits - 37,000 employees - 487 crashes involving employee vehicles - 2 fatalities - 156 mil. miles driven by employees	- Does not have a regulation - USDA conducts traffic enforcement, but no active seat belt enforcement or public education - USDA reports anecdotal seat belt info annually on Federal employees to DOL	- Would require issuance of a regulation that covers all persons, in all seating positions, in all vehicles, with primary enforcement - With this explicit authority, USDA could establish public information and enforcement efforts (<u>NOTE:</u> primary enforcement could be controversial for USDA as well) - USDA would be required to submit data annually to DOT on seat belt use rates; data on crashes, injuries and related costs for employees and for travel in forests; programs

Department of Defense**In FY 1996:**

- 228 off-duty mv fatalities
- down from 705 in 1985
- 50 off-duty motorcycle fatalities
- down from 200 in 1985

- Covers only military and civilian personnel (except for Army, which covers also family, visitors and guests)
- DoD conducts some seat belt use education and enforcement
- DoD reports anecdotal seat belt info annually on Federal employees to DOL

- Would cover all persons

- With this explicit authority, all branches of DoD could increase their public information, education and enforcement efforts
- DoD would be required to submit data annually to DOT on seat belt use rates; data on crashes, injuries and related costs for DoD personnel and for travel on DoD-controlled property; programs

Dorothy -

Have you seen
this?

Jon

—

THE WHITE HOUSE
WASHINGTON

April 11, 1997

MEMORANDUM FOR MARCIA HALE

FROM: Lynn Cutler 

SUBJECT: Seat Belt Safety Issues

CC: Sylvia Mathews, John Podesta, Rahm Emanuel, Kitty Higgins, Bruce Reed, Craig Smith, Doug Sosnik, Gene Sperling, Ann Lewis, Dorothy Robyn, Elizabeth Drye

As we discussed today, there is serious opposition among the bipartisan elected officials' groups and the Governors' highway administrators to Federal legislation that "mandates" enactments of primary seat belt laws. While Governor Glendening will be supportive, as will a few other elected officials, state and local elected officials have expressed their opposition loudly and clearly. I expect that is no surprise to anyone.

Thursday, stories appeared on the front page of *USA Today* and in the *Detroit Free Press* (see attachments) that essentially discussed the planned announcement of the initiative and the resulting tension between the Administration and the Governors. There was also an AP story (attached) that is more descriptive than sensational, and does not talk about the conflicts. The Detroit article also indicates that there may be softening of support for the Administration's position from the Big Three automakers. At any rate, Phil Recht at DOT has indicated that Ford got nervous because they did not want to upset the Governors. By the end of the day on Thursday, however, Recht had talked to enough people in the auto industry, and reminded them that they were on record before a Senate committee in support of the initiative, that he believes the support has solidified.

It would also appear that another potential difficulty is under control. That is the questions raised by some African American state officials about offering the police another reason to randomly stop motorists. However, meetings were held with the Urban League, the NAACP, and the ACLU and it has been reported to me that they are fine with the initiative. Some of these contacts were from DOT and some were made by the safety groups. As you know, Secretary Slater is scheduled to testify on this issue on Thursday, April 17.

In addition to the safety groups, I would think that we could get strong support from the medical community (especially emergency room doctors), from the insurance carriers and others.

Seat Belt Memo
Page Two

Also, the coalition that was established on the air bag issue is putting together a public awareness and education campaign to increase seat belt usage.

Obviously, the President cares about this issue, and with good reason: the U.S. has a usage rate of 68%, the lowest among the industrialized nations. Of the people who die in car crashes, 50% are not wearing seat belts. Every year, 42,000 people die in car accidents, and this is the biggest killer among people ages 5-27.

On a separate issue -- that of the President issuing an Executive Order about mandatory use of seat belts on Federal lands, a preliminary check shows minimal opposition from the state and local groups, presumably because they do not have to enforce it.

Plan links seat belt use, road funding

By Jayne O'Donnell
USA TODAY

The Clinton administration is expected to announce a controversial plan to get states to increase seat-belt use or lose millions in highway funding.

The plan, which could be out as early as next week, seeks to push seat-belt use to at least 85% from 68% now.

The administration initially would reward states with extra money if they beef up enforcement of seat-belt laws and get more people to wear belts.

But the administration also has drafted legislation that would withhold highway funds from states that don't enact tougher belt laws or achieve big gains in belt use by 2003.

Governors strongly oppose such sanctions. So does Senate Commerce Committee Chairman John McCain, R-Ariz. He wrote to governors Tuesday asking them to voluntarily enact better belt laws and enforce them more aggressively.

"It seems to me (President Clinton is) going the way of the 55 mile-per-hour speed limit," McCain says. "That was so unpopular it was repealed."

The administration is determined to get belt use up — even if it gets heat from critics.

The National Highway Traffic Safety Administration (NHTSA) estimates that seat belts saved 9,797 lives in 1995. If 85% of the population used belts, 6,920 more lives would have been saved, NHTSA says.

States can boost belt use anyway they want, but the administration will push for more stringent seat belt laws.

The plan is also expected to encourage states to hit motorists who don't buckle up with penalty points, which raise motorists' insurance rates.

Every state except New Hampshire requires motorists to wear safety belts.

But in most states, police can give you a ticket for not wearing your belt only if you are stopped for another violation, like speeding.

Just 11 states have "primary" seat-belt laws: a police officer can stop you simply for not buckling up. The administration wants states to pass primary belt laws and enforce them aggressively.

THURSDAY, APRIL 10, 1997

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U.S. seat belt push vexes state advisers

April 10, 1997

BY JANET L. FIX
Free Press Washington Staff

WASHINGTON -- Even before he unveils his big push to boost seat belt use, a group of state safety officials is criticizing President Bill Clinton for promoting sanctions against states that don't pass tough belt use laws.

The National Association of Governors' Highway Safety Representatives, in a letter obtained by the Free Press, has blasted a Clinton administration plan to penalize states that don't pass by 2003 belt laws that would allow police officers to stop and ticket drivers who don't buckle up.

Only 11 states have such laws. Michigan is not among them.

Fewer than two-thirds of Americans regularly buckle up -- a fact blamed for the deaths of 38 children and 21 adults killed in recent years by air bags. Most of those killed were not properly buckled, the government says.

Clinton hopes to change this by announcing later this month a major initiative designed to increase U.S. seat belt use to over 90 percent. A White House official is expected to meet today with federal safety officials to discuss that plan.

The president's seat belt plan is not expected to talk about punishing states that don't comply. Rather, the administration is separately pushing legislation that would provide for penalties against states that don't pass tough belt laws.

Clinton's pending plan will focus on rewarding states that do with financial incentives, safety groups say.

While dangling carrots in his public crusade, the big stick of possible sanctions is in proposed legislation that would redirect 1.5

percent of a state's federal highway construction money to safety education programs. After 2003, 3 percent of the money would be redirected.

But any talk of sanctions would surely rile some groups that oppose any federal effort that forces states to do something politically unpopular.

In an April 1 letter to Department of Transportation (DOT) Secretary Rodney Slater, the highway safety representatives criticized the use of sanctions. They chided the Clinton administration for not first consulting with them, because they are the people in 50 states who direct safety enforcement and education.

"DOT is making a decision which will significantly impact states without first discussing the issue with them," said Laura Ludwig, chairwoman of the highway safety group.

Sanctions are a bad idea, this group and other safety officials say.

"States don't like be told what to do by the federal government," said Phil Haseltine, president of the American Coalition for Traffic Safety, a safety education group funded by the auto industry.

"Now more than ever, state legislators are prone to get their back up if they feel they're being blackmailed by the feds."

Betty Mercer, Michigan's highway safety representative, agreed. "Incentives work because in every state there are different needs and different solutions," she said. "States know best what needs to be done to protect their citizens."

Haseltine's group has proposed incentive grants for states that pass belt laws that carry big fines and penalty points on drivers' licenses. Seat belt violations in most states carry less than \$25 fines and no penalty points.

In the 1980s, President Ronald Reagan successfully used the threat of sanctions to get legislatures in all 50 states to adopt 21 as the legal drinking age.

But more recently, states and Congress balked at sanctions designed to force a national 55

m.p.h. speed limit.

LEVEL 1 - 1 OF 1 STORY

Copyright 1997 Associated Press
AP Online

April 10, 1997; Thursday 11:46 Eastern Time

SECTION: Washington - general news

LENGTH: 347 words

HEADLINE: Clinton Weighs Tough **Seat-Belt** Plan AP-Clinton-**Seat-Belt**

DATELINE: WASHINGTON

BODY:

The **White House** is considering an initiative to require states to stiffen **seat-belt** enforcement or lose control over millions of dollars in federal highway money, officials said today.

Aides said Clinton planned next week to announce the plan, which is still being revised.

The goal is to prod more states to adopt ''primary'' **seat belt** laws, which means police can stop you simply for not buckling up, or increase **seat-belt** use from 68 percent to 85 percent.

Every state except New Hampshire requires motorists to wear **seat belts**, but only 11 have primary **seat-belt** laws. Police in the other states cannot issue **seat-belt** tickets unless they stop drivers for another violations.

An administration official, speaking on condition of anonymity, said the measure likely would require states to adopt primary **seat-belt** laws by Sept. 30, 2002, or have 1.5 percent of their highway construction funds shifted to **seat-belt** enforcement programs. It would increase to 3 percent in subsequent years.

The administration may allow a state to forgo the primary **seat-belt** law if at least 80 percent of its drivers use **seat belts**.

The administration calls it a ''soft sanction.''

The idea dovetails with an administration plan to make \$125 million available to states that adopt primary **seat-belt** laws or show that at least 80 percent of its drivers use safety belts.

LANGUAGE: ENGLISH

LOAD-DATE: April 10, 1997



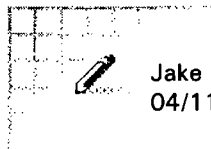
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Jake Siewert
04/11/97 01:53:00 PM

Record Type: Record

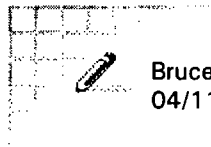
To: Dorothy Robyn/OPD/EOP

cc:

Subject: Re: CLINTON WEIGHING PLAN TO REQUIRE TOUGHER SEAT-BELT ...

Reed response to my question on how and when we'll do seat-belts.

----- Forwarded by Jake Siewert/OPD/EOP on 04/11/97 01:57 PM -----



Bruce N. Reed
04/11/97 01:00:30 PM

Record Type: Record

To: Jake Siewert/OPD/EOP

cc:

Subject: Re: CLINTON WEIGHING PLAN TO REQUIRE TOUGHER SEAT-BELT ... 

Rodney is pushing for one, but it didn't make POTUS schedule, unfortunately. Maybe if your Wed budget mtg gets put off.

Dorothy
Robyn

0908

226

THE WHITE HOUSE
WASHINGTON

April 11, 1997

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FROM: Lynn Cutler 

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THURSDAY, APRIL 10, 1997

Detroit Free Press
freep / business**PERSONALS****HELP****WANTED****CLASSIFIEDS****SUBSCRIBE****HOME****DELIVERY****NEWS****LIBRARY****Search****U.S. seat belt push vexes
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Aides said Clinton planned next week to announce the plan, which is still being revised.

The goal is to prod more states to adopt 'primary' **seat belt** laws, which means police can stop you simply for not buckling up, or increase **seat-belt** use from 68 percent to 85 percent.

Every state except New Hampshire requires motorists to wear **seat belts**, but only 11 have primary **seat-belt** laws. Police in the other states cannot issue **seat-belt** tickets unless they stop drivers for another violations.

An administration official, speaking on condition of anonymity, said the measure likely would require states to adopt primary **seat-belt** laws by Sept. 30, 2002, or have 1.5 percent of their highway construction funds shifted to **seat-belt** enforcement programs. It would increase to 3 percent in subsequent years.

The administration may allow a state to forgo the primary **seat-belt** law if at least 80 percent of its drivers use **seat belts**.

The administration calls it a 'soft sanction.'

The idea dovetails with an administration plan to make \$125 million available to states that adopt primary **seat-belt** laws or show that at least 80 percent of its drivers use safety belts.

LANGUAGE: ENGLISH

LOAD-DATE: April 10, 1997



LEXIS·NEXIS
A member of the Reed Elsevier plc group



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A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

THE WHITE HOUSE
WASHINGTON

Phil Recht

- wait. in morning
- E.O. - NAGS doesn't care

Mark Schwartz

- ~~talked~~ to Larry Magid
 - Lynn Cutler & Phil Recht were there
 - his pitch: we all
-

THE WHITE HOUSE
WASHINGTON

Jan. 23

"

rad

If
85% use rate
- wld save 4,200 trees/yr.

**U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF GOVERNMENTAL AFFAIRS**

Room 10408
400 Seventh Street, S.W.
Washington, D.C. 20590

(202) 366-4563

Date 4/7/97

From: Steven O. Palmer, Assistant Secretary for
Governmental Affairs

To: Dorothy Robyn

Fax: 456-2223

Pages: 2 following this cover sheet

Comments: Per my voice mail.

This fax originated at (202) 366-7346. Please call Nancy Moore
at (202) 366-4573 if there were any problems in transmission.

JOHN MCCAIN, ARIZONA, CHAIRMAN

TED STEVENS, ALASKA
 CONRAD BURNS, MONTANA
 BLADE GORTON, WASHINGTON
 TRENT LOTT, MISSISSIPPI
 KAY BAILEY HUTCHESON, TEXAS
 OLYMPIA J. SNOWE, MAINE
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ERNEST F. HOLLINGS, SOUTH CAROLINA
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 RON WYDEN, OREGON

JOHN RAIDT, STAFF DIRECTOR
 IVAN A. SCHLAGER, DEMOCRATIC CHIEF COUNSEL AND STAFF DIRECTOR

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
 AND TRANSPORTATION

WASHINGTON, DC 20510-6125

April 7, 1997

The Honorable Fob James, Jr.
 Governor, State of Alabama
 State Capitol, 600 Dexter Avenue
 Montgomery, Alabama 36130

Dear Governor James:

We're writing to urge your leadership in helping to reduce the thousands of needless deaths and serious injuries that occur every year because motor vehicle passengers do not wear a safety belt. In a January hearing before the Senate Commerce Committee on airbag safety issues, safety experts emphasized that properly wearing seatbelts and properly restraining children in a safety seat are the best ways to minimize the loss of life from traffic crashes. Many citizens and public officials are unaware that seatbelt use is also the best way to reduce the risk of death or serious injury from airbags.

The National Highway Traffic Safety Administration [NHTSA] has consistently stressed that seatbelts are the primary rider protection device in motor vehicles, and that automatic restraints like airbags are mainly of value in supplementing seatbelts.

Nationally, the seatbelt use rate is approximately 68 percent. This is a substantial improvement over usage rates a decade ago. We can and must do better, however. Other industrialized countries have seatbelt use rates approaching 95 percent. Six states already have seatbelt use rates of 80 percent or more. A national seatbelt use of 85 percent would prevent 4,200 traffic fatalities a year and save thousands more from serious injury. Additionally, preventable injuries from traffic crashes impose tremendous costs on the public.

Most of the ways recommended by safety experts for boosting seatbelt usage rates are within the purview of the states. These experts have stressed three approaches in particular:

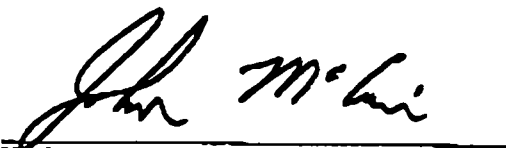
- * standard enforcement of safety belt laws;
- * increased penalties; and
- * increased visibility of enforcement.

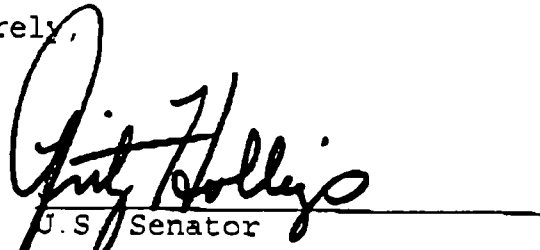
Instituting standard enforcement of seatbelt use laws is one of the most important actions. Standard enforcement permits law enforcement officers to stop and cite a violator for a seatbelt infraction alone, even without evidence of another traffic violation. In your state, NHTSA estimates that 87 fatalities and 741 serious injuries could be prevented each year by enacting standard enforcement safety belt laws.

Increased penalties like higher fines and placing points on a violator's driver's license have also been shown to improve effectiveness. And increasing the visibility of safety belt enforcement programs helps make the public more aware of the need to use safety belts and child safety seats.

We will continue to work at the Federal level to promote safe equipment and practices in motor vehicles. We hope that you, together with your state legislature, will join us in this effort, with a strong program for the increase of seatbelt usage. We look forward to working with you to achieve improved traffic safety for all Americans.

Sincerely,


U.S. Senator

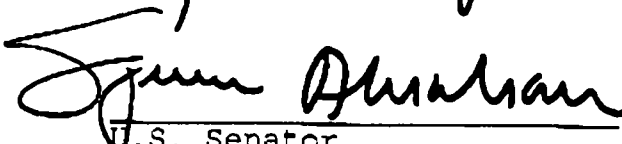

U.S. Senator

Secretary of Transportation

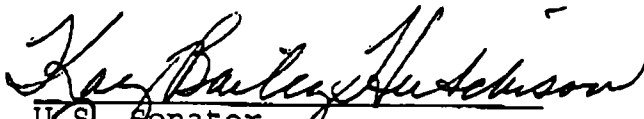

Chairman, NTSB

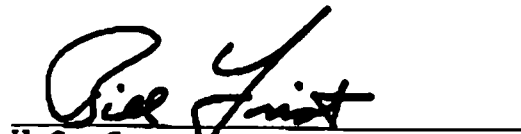

U.S. Senator

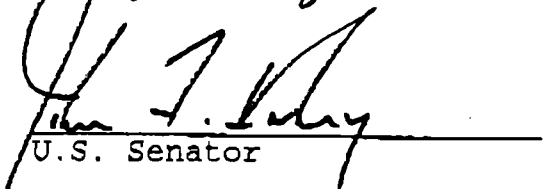

U.S. Senator


U.S. Senator


U.S. Senator


U.S. Senator


U.S. Senator


U.S. Senator

ROUTING SLIPDATE: 4/7/97FROM: Stephanie Streett and Anne Hawley
Deputy Assistants to the President and Directors of SchedulingSUBJECT: Seat-Belt Promotion Event w/
Constituency groups

Don Baer	<u>X</u>	Mack McLarty	<u> </u>
Sandy Berger	<u> </u>	John Podesta	<u> </u>
Erskine Bowles	<u> </u>	Bruce Reed	<u>X</u>
Peg Cusack	<u> </u>	Dan Rosenthal	<u> </u>
Rahm Emanuel	<u> </u>	Charles Ruff	<u> </u>
Maria Echaveste	<u> </u>	Peter Selfridge	<u>X</u>
Jack Gibbons	<u> </u>	Patti Solis-Doyle	<u> </u>
Laura Graham	<u>X</u>	Craig Smith	<u> </u>
Marcia Hale	<u> </u>	Doug Sosnik	<u> </u>
Nancy Hernreich	<u> </u>	Gene Sperling	<u>X</u>
John Hilley	<u> </u>	Todd Stern	<u> </u>
Kitty Higgins	<u> </u>	Ann Stock	<u> </u>
Ron Klain	<u> </u>	Kim Tilley	<u> </u>
Ann Lewis	<u> </u>	Jodie Torkelson	<u> </u>
Bruce Lindsey	<u> </u>	Melanne Verveer	<u> </u>
Sylvia Mathews	<u> </u>	Michael Waldman	<u>X</u>
Mike McCurry	<u>X</u>	Maggie Williams	<u> </u>
		Christa Robinson	<u>X</u>

FILE: RegretCOMMENTS: Should be done on paper

ROUTING SLIPDATE: 4/3/97FROM: Stephanie Streett and Anne Hawley
Deputy Assistants to the President and Directors of SchedulingSUBJECT: Seat-Belt Promotion Event w/ Constituency

Don Baer	<u>groups</u> <u>X</u>	Mack McLarty	<u> </u>
Sandy Berger	<u> </u>	John Podesta	<u> </u>
Erskine Bowles	<u> </u>	Bruce Reed	<u>X</u>
Peg Cusack	<u> </u>	Dan Rosenthal	<u> </u>
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Maria Echaveste	<u> </u>	Peter Selfridge	<u>X</u>
Jack Gibbons	<u> </u>	Patti Solis-Doyle	<u> </u>
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Nancy Hernreich	<u> </u>	Gene Sperling	<u>X</u>
John Hilley	<u> </u>	Todd Stern	<u> </u>
Kitty Higgins	<u> </u>	Ann Stock	<u> </u>
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Ann Lewis	<u> </u>	Jodie Torkelson	<u> </u>
Bruce Lindsey	<u> </u>	Melanne Verveer	<u> </u>
Sylvia Mathews	<u> </u>	Michael Waldman	<u>X</u>
Mike McCurry	<u>X</u>	Maggie Williams	<u> </u>

FILE: PendingChrista Robinson ✓

COMMENTS: _____

SCHEDULING REQUEST

April 2, 1997

☐ ACCEPT☐ REGRET☐ PENDING

TO: Stephanie Street, Co-Director of Scheduling

FROM: Bruce Reed
Gene Sperling

REQUEST: Presidential event announcing DOT Seat Belt Report and Legislation.

PURPOSE: To follow up on the President's December radio address and reinforce the President's commitment to improving auto safety.

BACKGROUND: The President directed the Department of Transportation to report back to him by March 10, 1997 on how to increase seat belt use nationally. The report is now ready; it sets an ambitious national seat belt use goal (85% by 2000) and announces that the Administration is sending legislation to the Hill that would require states to implement policies to accomplish the goal. We must send the legislation to the Hill by 4/17 because of Congressional action, so **the President must announce the report and the legislation before 4/17.**

NOTE: The President could also sign an EO updating a Reagan-era EO requiring federal employees to wear seatbelts. The EO would also step up seat belt enforcement on Federal lands. **This EO is not an essential component of the event.**

PREVIOUS PARTICIPATION: In a December radio address the President directed DOT to report back to him on increasing seat belt use.

DATE & TIME: Week of April 11.

DURATION: 45 min.

LOCATION: The White House

PARTICIPANTS: The Vice President, Secretary Slater; NHTSA Administrator Martinez; a coalition of auto and insurance industry, safety advocates, health groups, governors, law enforcement officials, and members of Congress (approx. 100 people).

REMARKS
REQUIRED:

Yes

MEDIA:

Open

CONTACT:

Dorothy Robyn

Elizabeth Drye

Christa Robinson

6-5573

6-5165

April 1, 1997

SCHEDULE REQUEST

☐ Accept

☐ Regret

☒ Pending

TO:

Anne Hawley
Stephanie Streett

FROM:

Gene Sperling
Bruce Reed

REQUEST:

Seat-Belt Promotion Event with Constituency Groups

BACKGROUND:

DOT is preparing to submit a report, requested by the President in December, recommending ways to promote seat belt use. The Administration also is about to transmit to Congress legislation calling for a "soft sanction" -- a financial incentive to encourage states to adopt "primary" seat belt laws (ones that allow for ticketing solely for failure to use a seat belt). These proposed actions are supported by a broad coalition, including auto manufacturers, insurance companies, health and safety organizations and law enforcement officials. The event will reinforce the President's commitment to highway safety -- a topic to which he has devoted four of his radio addresses in the last two years.

DATE/TIME:

Monday, April 7 (or any day that week)

DURATION:

45 minutes

LOCATION:

Room 450

PARTICIPANTS:

The President and Vice President, Secretary Slater, automobile and insurance industry representatives, governors, mayors, Members of Congress, law enforcement officials, and consumer advocates.

REMARKS:

Speech will be provided.

MEDIA:

Open

THE WHITE HOUSE
WASHINGTON

April 4, 1997

MEMORANDUM FOR STEPHANIE STREETT

FROM: BRUCE REED

SUBJECT: SEAT BELT SCHEDULING PROPOSAL

The President requested this seat belt report in December. It was due in March. We must send legislation up to the hill next week, and therefore we must release the DOT Report next week (the week of April 11). The reason they must move forward next week is because of Congressional hearings the following week. There is a large coalition in support of this announcement so this would ideally be an event with an audience of approximately 50 - 100.

Mac Reel - OMB g.c.'s office

LH^{act} told us to "stand down" b/c ^{of} Anne Lewitz concerns

Q: How wld ^{the} sanctions in an EO be enforced?

A: It's up to each to park & decide - e.g., whether to ticket or not

Main issues:

Are we being unfriendly to the West?

The U.S. cld be subject a Free Claim - it wld probably be thrown out as frivolous, but still...

Truck size & weight

- not well vetted w/ states by DOT

DOT: While we haven't conducted a study, it's only common sense that bigger trucks...

Comp. call today at 2pm

focus of call:

- What are their preliminary findings?

Some DOT interest in adding a provision on speed mgts.:

- Incl. of states that have raised the speed limit

- If fatalities have $\uparrow$, states will be required to implement "speed mgts."

Other concerns

EPA:

Concerned abt. the req. that dual-fuel vehicles must be able to go $\sim$ 200 mph.

DOT:

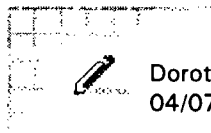
uniform fitting of salvage vehicles

unfunded mandate

- Conf. call at 2 to discuss brand issues

- death penalty mov. in hazardous mat. section ^{- by section} - but O in
b.11 language

- no serious problem on re terrorism



Dorothy Robyn
04/07/97 06:56:29 PM

Record Type: Record

To: Gene B. Sperling/OPD/EOP
cc: Kathleen M. Wallman/WHO/EOP, Jake Siewert/OPD/EOP
Subject: Seat Belts

DPC may try to resurrect seat belts as the topic for the President's Saturday radio address. Whether the announcement occurs there, or as a leaked story on Sunday (or by DOT next week), there are three possible components:

1. Release of a DOT report: POTUS directed DOT to report back to him by March 10 on how to increase seat belt use nationally. The report is now ready; it sets an ambitious goal for national seat belt use (85% by 2000) and announces that the Admin. is sending legislation to the Hill that would help achieve the goal.
2. Announcement of legislation to impose "soft sanctions": NEXTEA's safety title will require that, by October 2002, states must either adopt a primary belt law or else reach the goal of 85% belt use by other means. A state that does neither would have 1.5% of its federal highway funds (3% thereafter) transferred to its highway safety program. (State primary belt laws must cover only front seat passengers.)
3. Announcement of an EO. DPC is shepherding a EO that updates a Reagan-era EO requiring federal employees to wear seatbelts. The EO would also step up seat belt enforcement on federal lands, and the primary enforcement would apply to front and back seats.

The soft sanctions provision is controversial with governors but not civil rights groups (the Urban League is on record supporting primary belt laws). NHTSA will meet with NGA this week, but I'm not optimistic about compromise; NGA has opposed all past use of sanctions, including Reagan's use of sanctions to raise the drinking age to 21. Within the Administration, no one has raised any concerns about soft sanctions. (As the draft decision memo I wrote discussed, sanctions have been used by almost every president over the last 30 years, e.g., to reduce the national speed limit to 55 and to get states to adopt secondary belt laws.)

The EO has raised some concerns, in part because federal parks are concentrated in the Western states, where feelings about states' rights run strongest. I don't have strong views on the EO one way or another; and DPC is willing to drop the EO if it is controversial.

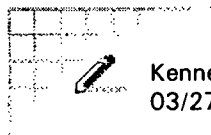
In the meantime, I have persuaded DPC that we need to circulate to Sylvia, Anne Lewis and others in the West Wing a description of the report, soft sanctions provision, and EO. We will do that tomorrow (we're waiting for an exec. summary of the report from NHTSA).

- leaving it on Sunday
- radio address

E.O. :

primary exp. - front & back seats

soft sanction: front-seat only



Kenneth L. Schwartz
03/27/97 11:28:12 AM

Record Type: Record

To: Dorothy Robyn/OPD/EOP
cc:
Subject: Safety Title

See primary seat belt reference.

----- Forwarded by Kenneth L. Schwartz/OMB/EOP on 03/27/97 11:32 AM -----



● Mark J. Schwartz 03/27/97 09:44:58 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Safety Title

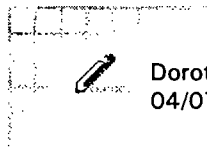
Ken: I have talked with Rich Theroux and Victoria Wassmer to get a sense of the OIRA concerns about the safety titles. Rich has some questions about the backup for the truck size proposals and has alluded to the concerns expressed by some in the civil liberties community that primary enforcement of seat belts laws is conducted in a manner which discriminates against certain people.

When I discuss the truck length and seat belt issues with DOT this morning I will include these questions. I have promised to keep the OIRA folks informed but, they, as we, think that for the most part the safety titles are not all that controversial.

Message Sent To:

Kenneth L. Schwartz/OMB/EOP
Sharon A. Barkeloo/OMB/EOP
Jonathan C. Ball/OMB/EOP
David J. Worzala/OMB/EOP
Diane R. Montgomery/OMB/EOP

Message Copied To:



Dorothy Robyn
04/07/97 06:56:29 PM

Record Type: Record

To: Gene B. Sperling/OPD/EOP
cc: Kathleen M. Wallman/WHO/EOP, Jake Siewert/OPD/EOP
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SCHEDULING REQUEST

April 2, 1997

____ ACCEPT

____ REGRET

____ PENDING

TO: Stephanie Street, Co-Director of Scheduling

FROM: Bruce Reed
Gene Sperling

REQUEST: Presidential event announcing DOT Seat Belt Report and Legislation.

PURPOSE: To follow up on the President's December radio address and reinforce the President's commitment to improving auto safety.

BACKGROUND: The President directed the Department of Transportation to report back to him by March 10, 1997 on how to increase seat belt use nationally. The report is now ready; it sets an ambitious national seat belt use goal (85% by 2000) and announces that the Administration is sending legislation to the Hill that would require states to implement policies to accomplish the goal. We must send the legislation to the Hill by 4/17 because of Congressional action, so **the President must announce the report and the legislation before 4/17.**

NOTE: The President could also sign an EO updating a Reagan-era EO requiring federal employees to wear seatbelts. The EO would also step up seat belt enforcement on Federal lands. **This EO is not an essential component of the event.**

PREVIOUS

PARTICIPATION: In a December radio address the President directed DOT to report back to him on increasing seat belt use.

DATE & TIME: Week of April 11.

DURATION: 45 min.

LOCATION: The White House

PARTICIPANTS: The Vice President, Secretary Slater; NHTSA Administrator Martinez; a coalition of auto and insurance industry, safety advocates, health groups, governors, law enforcement officials, and members of Congress (approx. 100 people).

REMARKS
REQUIRED:

Yes

MEDIA:

Open

CONTACT:

Dorothy Robyn
Elizabeth Drye
Bruce Reed

McCain hearing in early Jan (at Klump Hornes request)

- Mark 7222 testified

He said he was thinking of starting a 1/2 p
50902's; he asked

W. has finally come around

- 9 Commerce Comm.

- Enforcement
 - Penalties
 - Viability
-

• Floating around on B, had some obvious

• LH talked to Sam Lewis, exp

• She said - it's up to DPC to address the problems

regarding seat belt usage on all fed lands
- Western States

DRAFT

IDENTICAL LETTER TO:
The Honorable Newt Gingrich
Speaker of the House of
Representatives
Washington, DC 20515

The Honorable Al Gore
President of the Senate
Washington, DC 20510

Dear Mr. President:

The Department of Transportation is pleased to provide our comprehensive surface transportation safety proposals for inclusion as an integral part of the National Economic Crossroads Transportation Efficiency Act of 1997 (NEXTEA). These proposals are entitled the

"Surface Transportation Safety Act of 1997."

Our safety proposals include commercial motor vehicle size limitations and provisions covering motor carrier safety, traffic safety, hazardous materials reauthorization, underground system damage prevention, sanitary food transportation, railroad and mass transit anti-terrorism, and railroad safety. I urge Congress to act promptly on the enclosed proposals, which will improve the overall safety of our Nation's surface transportation systems.

Title IX would amend the laws relating to the problem of oversized commercial motor vehicles operating on highways. Oversized vehicles pose difficult questions relating to safety and the preservation of the Nation's transportation infrastructure. This title proposes a number of steps to address these issues. First, with few exceptions, this title would end the proliferation of trailers longer than 53 feet on the National Highway System. Such trailers are too long to operate safely within the confines of most roadway geometry. Second, this title would authorize the Secretary to determine, through notice and comment rulemaking, so-called State "grandfather rights" to operate overweight vehicles on the Interstate System. Once these existing rights to operate overweight vehicles are determined, no further claims for exceptions to existing Federal weight limits would be allowed on the Interstate System. Third, this title would direct the Secretary to conduct a notice and comment rulemaking proceeding to determine whether the current definition of a nondivisible load or vehicle should be applied to intermodal containers. Finally, the Secretary would be authorized to exempt military vehicles from the Federal weight requirements for the Interstate System when the Department of Defense certifies that a national emergency exists that requires the transportation of very heavy military cargoes. This would allow the States to waive their Interstate System weight limits in times of emergency without risking the loss of Federal-aid highway funds.

Title X would amend existing Federal motor carrier safety laws to enhance commercial motor vehicle safety. This title would improve safety by strengthening Federal and State enforcement. It would update and increase the civil penalties that the Secretary could impose on carriers for violations of existing Federal safety standards. The Secretary would be authorized to examine motor carrier records related to the safety of the commercial motor vehicle operations of those carriers to a greater extent than is now the case. This would enhance the Secretary's ability to identify problem carriers. This title would also authorize the Secretary to order an unsafe interstate motor carrier to cease any commercial motor vehicle operations, not just the transportation of passengers or hazardous materials. With these changes, the Secretary would have greater administrative flexibility to improve motor carrier safety; promote new approaches and technologies that improve highway safety; and actively pursue performance-based motor carrier safety programs.

Economic motivations can lead some motor carriers, shippers, and brokers to look for opportunities to avoid full compliance with important safety standards. This title would extend the Secretary's enforcement authority over shippers and brokers when evidence exists that they have caused motor carriers to violate safety regulations. Enforcement concerns would be addressed by, for example, defining a commercial motor vehicle subject to the safety rules in terms of the actual weight of the vehicle, not just the weight rating assigned to it by the manufacturer.

Our traffic safety proposals in Title XI underscore the Department's strong support for primary enforcement of safety belt use laws and ~~0.08 blood alcohol concentration (BAC) as the per se standard for driving while intoxicated.~~ Our NEXTEA proposal includes funding to help States ~~reduce drunk driving and~~ increase safety belt usage. However, aggressive laws must be part of this strategy. From 1982 through 1995, safety belts saved over 75,000 lives. Primary enforcement, the most important aspect of a safety belt use law, adds significantly to the rate of safety belt use and will save even more lives. ~~At a 0.08 BAC, virtually all drivers are substantially impaired with regard to critical driving tasks. Thirteen States have lowered their per se standard for driving while intoxicated to 0.08, and a recent study of five of these States shows that significant decreases in alcohol-related fatalities can be achieved by States adopting the 0.08 BAC standard.~~ This title would establish a date certain by which all States would be required to have enacted primary safety belt and ~~0.08 BAC per se laws.~~ Beginning in fiscal year 2003, a State that has failed to enact *such a* ~~these~~ laws would have a percentage of its highway construction funds transferred to its section 402 highway safety program.

This title would also increase the number of new motor vehicles that may be exempted from compliance with the Federal motor vehicle safety standards, on the basis that they possess innovative safety features; close a loophole in the

vehicle statute by prohibiting retailers of motor vehicle equipment from selling defective items of equipment that they have in stock, such as defective child safety seats; and add a new chapter to achieve uniformity in State laws regulating the titling and control of severely damaged passenger motor vehicles. The new chapter would ensure that these vehicles meet applicable safety and emissions standards.

Title XI also clarifies the Secretary's authority to engage in harmonization activities that promote the worldwide improvement of motor vehicle safety without any diminution of U.S. safety performance standards. Finally, Title XI includes regulatory reform proposals, submitted to the last Congress, including amendments to: reduce burdens resulting from reporting requirements under the vehicle theft law; eliminate unnecessary pneumatic tire labeling standards; and allow additional exemptions from automobile parts marking requirements for lines of vehicles equipped with anti-theft devices.

Title XII would reauthorize the hazardous materials transportation safety program. This program protects people and the environment from the risks inherent in the transportation of hazardous materials. The proposed bill would improve safety by clarifying and enhancing the inspection and enforcement authority of Departmental personnel. It would authorize enforcement personnel to open certain packages in transportation, take and analyze samples of materials, and prevent transportation when an imminent hazard may exist. It also would authorize issuance of emergency orders when there is a situation involving a hazard of death, personal injury, or significant harm to the environment.

This enhanced authority is necessary to ensure the safe transportation of hazardous materials. The May 1996 ValuJet crash in the Florida Everglades and other aviation incidents, enforcement statistics, and Hazardous Materials Information System data all indicate that undeclared hazardous materials shipments constitute a serious safety problem. Although causation in the ValuJet crash is not yet established, the proposed language addresses the general problem by providing Departmental personnel with added authority to enable them more effectively to discover and resolve problems related to undeclared shipments of hazardous materials.

This title would further enhance the Department's authority by extending jurisdiction to hazardous materials activities conducted on U.S. aircraft between two foreign points and to hazardous materials-related packaging activities of government agencies and Indian tribes. It would authorize the use of grants to assist small businesses in complying with the regulations; change "exemptions" from the regulations to "special permits," and extend the maximum period for those permits from two to four years; and provide for judicial review in U.S. Courts of Appeal for final compliance, enforcement, and civil penalty orders. This title also would strengthen the criminal penalties related to tampering with hazardous materials placards or containers used to transport hazardous

materials when that tampering results in the release of hazardous materials, especially if that release causes death or injury.

Title XIII on underground damage prevention addresses one of the major infrastructure issues confronting the Nation -- the public safety and environmental damage caused by excavators striking underground energy, communication, water, and sewer systems. It is of particular importance to pipeline safety since excavation damage is a leading cause of pipeline failures. The most effective means of underground damage prevention would be an enhanced and improved comprehensive program that includes an effective one-call notification system operating at the State level. One-call notification systems allow excavators to determine quickly and accurately whether any buried system exists in a particular location. The bill would provide incentives to States to improve existing one-call notification systems or to create systems where none exist. The incentives include potential grants to plan for and implement improvements; the development of a model program to assist States; and a Federal presence in fostering public awareness of the value and use of one-call systems.

President Clinton has made food safety a major priority in his Administration. Title XIV would reallocate responsibilities for food transportation safety among DOT and the Departments of Health and Human Services (HHS) and Agriculture that were originally established in the Sanitary Food Transportation Act of 1990. It would transfer primary responsibility in the area to HHS, which supports this approach and worked with us to craft this proposal. HHS's Food and Drug Administration is the Government's expert on purity of drugs and foodstuffs, and is best qualified to implement the new Sanitary Food Transportation Act of 1997. HHS would establish practices to be followed by shippers, carriers, and others engaged in food transportation. The title would require the Secretaries of Agriculture and Transportation and the Administrator of the Environmental Protection Agency to assist the Secretary of HHS. It also would require the Secretary of Transportation to train the Department's railroad and highway inspectors to identify practices and conditions that could pose a threat to food safety and notify the Secretaries of HHS and Agriculture of instances of potential food contamination. We believe this is the appropriate balance of responsibilities among Federal agencies to accomplish the goals of the 1990 Act.

Title XV is entitled the "Transportation Anti-Terrorism Act of 1997." Consistent with the Department's mission to advance the safety of our Nation's mass transportation systems and railroads, including the protection of passengers who ride them and employees who operate them, the Department proposes to strengthen criminal laws related to attacks against railroads and mass transportation systems. The need for strong criminal legislation to deter attacks against railroads and mass transportation is highlighted by several incidents that have occurred in recent years, including the intentional derailment, on October 9, 1995, of an Amtrak passenger train near Hyder, Arizona that resulted in one death and 78 injuries; the December 7, 1993 attack when a gunman with an

automatic weapon opened fire on board a rush-hour Long Island Rail Road train, resulting in six fatalities and 17 injured commuters; and the February 26, 1993 explosion of a massive truck bomb in the parking garage under New York's World Trade Center, which damaged the subway running beneath the building, and resulted in six deaths and 1,000 injuries. Vandalism has also resulted in runaway railroad cars, freight train derailments, which in at least one case resulted in a hazardous material spill, and the burning of railroad equipment.

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Finally, this legislation includes express statutory authority for the Department and its agencies to use appropriated funds to provide for the honorary recognition of individuals and organizations, not affiliated with the Federal Government, who significantly contribute to the success of Departmental programs, missions, or operations. While honorary, these awards for transportation safety and other contributions to the objectives of the Department and its agencies can provide substantial incentives to improve safety and other programs.

We look forward to working with Congress to enact into law these important proposals to safeguard our transportation systems and protect the safety of the traveling public.

The Office of Management and Budget advises that it has no objection, from the standpoint of the Administration's program, to the submission of this proposed legislation to Congress.

Sincerely,

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Enclosures

DRAFT

IDENTICAL LETTER TO:
The Honorable Newt Gingrich
Speaker of the House of
Representatives
Washington, DC 20515

The Honorable Al Gore
President of the Senate
Washington, DC 20510

Dear Mr. President:

The Department of Transportation is pleased to provide our comprehensive surface transportation safety proposals for inclusion as an integral part of the National Economic Crossroads Transportation Efficiency Act of 1997 (NEXTEA). These proposals are entitled the

"Surface Transportation Safety Act of 1997."

Our safety proposals include commercial motor vehicle size limitations and provisions covering motor carrier safety, traffic safety, hazardous materials reauthorization, underground system damage prevention, sanitary food transportation, railroad and mass transit anti-terrorism, and railroad safety. I urge Congress to act promptly on the enclosed proposals, which will improve the overall safety of our Nation's surface transportation systems.

Title IX would amend the laws relating to the problem of oversized commercial motor vehicles operating on highways. Oversized vehicles pose difficult questions relating to safety and the preservation of the Nation's transportation infrastructure. This title proposes a number of steps to address these issues. First, with few exceptions, this title would end the proliferation of trailers longer than 53 feet on the National Highway System. Such trailers are too long to operate safely within the confines of most roadway geometry. Second, this title would authorize the Secretary to determine, through notice and comment rulemaking, so-called State "grandfather rights" to operate overweight vehicles on the Interstate System. Once these existing rights to operate overweight vehicles are determined, no further claims for exceptions to existing Federal weight limits would be allowed on the Interstate System. Third, this title would direct the Secretary to conduct a notice and comment rulemaking proceeding to determine whether the current definition of a nondivisible load or vehicle should be applied to intermodal containers. Finally, the Secretary would be authorized to exempt military vehicles from the Federal weight requirements for the Interstate System when the Department of Defense certifies that a national emergency exists that requires the transportation of very heavy military cargoes. This would allow the States to waive their Interstate System weight limits in times of emergency without risking the loss of Federal-aid highway funds.

Title X would amend existing Federal motor carrier safety laws to enhance commercial motor vehicle safety. This title would improve safety by strengthening Federal and State enforcement. It would update and increase the civil penalties that the Secretary could impose on carriers for violations of existing Federal safety standards. The Secretary would be authorized to examine motor carrier records related to the safety of the commercial motor vehicle operations of those carriers to a greater extent than is now the case. This would enhance the Secretary's ability to identify problem carriers. This title would also authorize the Secretary to order an unsafe interstate motor carrier to cease any commercial motor vehicle operations, not just the transportation of passengers or hazardous materials. With these changes, the Secretary would have greater administrative flexibility to improve motor carrier safety; promote new approaches and technologies that improve highway safety; and actively pursue performance-based motor carrier safety programs.

Economic motivations can lead some motor carriers, shippers, and brokers to look for opportunities to avoid full compliance with important safety standards. This title would extend the Secretary's enforcement authority over shippers and brokers when evidence exists that they have caused motor carriers to violate safety regulations. Enforcement concerns would be addressed by, for example, defining a commercial motor vehicle subject to the safety rules in terms of the actual weight of the vehicle, not just the weight rating assigned to it by the manufacturer.

Our traffic safety proposals in Title XI underscore the Department's strong support for primary enforcement of safety belt use laws and ~~0.08 blood alcohol concentration (BAC) as the *per se* standard for driving while intoxicated~~. Our NEXTEA proposal includes funding to help States ~~reduce drunk driving and~~ increase safety belt usage. However, aggressive laws must be part of this strategy. From 1982 through 1995, safety belts saved over 75,000 lives. Primary enforcement, the most important aspect of a safety belt use law, adds significantly to the rate of safety belt use and will save even more lives. ~~At a 0.08 BAC, virtually all drivers are substantially impaired with regard to critical driving tasks. Thirteen States have lowered their *per se* standard for driving while intoxicated to 0.08, and a recent study of five of these States shows that significant decreases in alcohol-related fatalities can be achieved by States adopting the 0.08 BAC standard.~~ This title would establish a date certain by which all States would be required to have enacted primary safety belt and ~~0.08 BAC *per se* laws~~. Beginning in fiscal year 2003, a State that has failed to enact *such a* ~~these~~ laws would have a percentage of its highway construction funds transferred to its section 402 highway safety program.

This title would also increase the number of new motor vehicles that may be exempted from compliance with the Federal motor vehicle safety standards, on the basis that they possess innovative safety features; close a loophole in the

vehicle statute by prohibiting retailers of motor vehicle equipment from selling defective items of equipment that they have in stock, such as defective child safety seats; and add a new chapter to achieve uniformity in State laws regulating the titling and control of severely damaged passenger motor vehicles. The new chapter would ensure that these vehicles meet applicable safety and emissions standards.

Title XI also clarifies the Secretary's authority to engage in harmonization activities that promote the worldwide improvement of motor vehicle safety without any diminution of U.S. safety performance standards. Finally, Title XI includes regulatory reform proposals, submitted to the last Congress, including amendments to: reduce burdens resulting from reporting requirements under the vehicle theft law; eliminate unnecessary pneumatic tire labeling standards; and allow additional exemptions from automobile parts marking requirements for lines of vehicles equipped with anti-theft devices.

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Primary Seat Belt Laws

The NEXTEA proposal rolled out on March 12 included a new six-year, \$125 million incentive program to encourage states to adopt and enforce aggressive laws and programs aimed at increasing seat belt and child restraint use. Primary seat belt laws -- i.e., a law permitting enforcement authorities to stop motorists and issue summonses solely for seat belt violations, and not just in the context of a stop for another traffic violation -- figure in one of the two options to qualify for the "basic grant" under this program. As proposed in NEXTEA, a state may qualify for funds by either satisfying four out of five specified primary seat belt requirements, including having a primary belt law, or it may demonstrate that its belt use is at least 80 percent, and increasing.

Experience with such primary belt laws -- which have been enacted by 11 states and the District of Columbia, together covering about one-third of U.S. population -- indicates that they work to increase belt use significantly. In primary law states, the level of belt use is 15 percent higher, on average, than in secondary law states. Moreover, much of the differential is due to increases achieved in the first year after enactment. NHTSA estimates that enactment of a primary seat belt law by all remaining states would save at least 1,800 lives nationwide in the first year.

As part of the follow-on "safety title" to NEXTEA -- which will include regulatory, rather than funding elements -- the Department is now inclined to propose a "soft sanction" that would go beyond the incentive program. The proposal under consideration calls for requiring states to adopt primary seat belt laws by the end of the fifth year of reauthorization (i.e., by September 30, 2002) or have one-and-one-half percent of their highway construction funds (three percent in subsequent years) mandatorily shifted to seat belt education and enforcement programs. These shifted funds would be in addition to funds made available for safety enforcement and education through NHTSA grant programs and the flexible infrastructure safety category proposed in NEXTEA.

.08 Blood Alcohol Content Laws

Also under consideration is a proposal to apply a similar "soft sanction" to states that do not by the end of FY 2002 adopt a law setting .08 Blood Alcohol Content as the standard for impairment. Notwithstanding great progress in reducing drunk driving, over 40 percent of fatal crashes are alcohol-related. Safety activists argue -- and NHTSA agrees -- that at .08 BAC virtually all drivers are substantially impaired in critical tasks such as braking, steering and judgment. One study found that the risk of a crash is 11 times higher at .08 BAC than when sober. Notwithstanding some public misunderstanding, .08 BAC does not impact the responsible social drinker. To reach .08, a 170 lb. male needs to drink 4 drinks in 1 hour on an empty stomach. A 120 lb. female needs 3 drinks in 1 hour on an empty stomach.

Fourteen states currently have a .08 BAC limit. (Idaho, the most recent, passed .08 just last week.) Recent studies have shown that fatalities have declined anywhere from 7 to 16 percent when states lowered their BAC limits from .10 to .08. However, the studies are too few in number and not consistent enough to give a precise estimate of the reductions that have occurred, or would occur if additional states adopted .08 laws.

DOT is already on record supporting .08 BAC laws. In fact, adoption of both a .08 BAC law and an administrative license revocation law is one of the three options to qualify for funds under the proposed program alcohol incentive program included in NEXTEA. NEXTEA proposes to authorize that program at about \$40 million a year.

While the NEXTEA incentive programs will provide some encouragement to states to enact primary seat belt and .08 BAC laws, they will not have the effect, albeit coercive, of a sanction program. Sanction programs -- including programs by which states forfeit a portion of their construction funds -- have in the past been used successfully to get states to enact 55 mph speed limits, age 21 drinking laws, secondary seat belt laws, and zero tolerance laws.

Strategic Considerations

Sanction strategies are generally disfavored by state governments, highway construction interests, and states rights activists as an imposition on states rights and a diversion of needed construction funds. Activists, in turn, often favor such programs because of their strong motivational effect on states. The 1995 NHS bill repealed a range of sanctions -- including national speed limits and motorcycle helmets provisions -- long unpopular with states and various interest groups.

Of the two proposals, the seat belt sanction is likely to be the less controversial and more likely to succeed. The issue of seat belt use has received enormous recent coverage given its close nexus with the airbag debate. Somewhere between 50 and 70 percent of the motoring public is already using seat belts. Virtually all those involved in the coalition of groups working on getting airbag safety messages out to the public -- including the auto manufacturers, insurance companies, seat belt and air bag suppliers, safety and health care organizations -- have made increased seat belt use, and primary laws in particular, a top agenda item. The President has asked DOT to submit a report recommending strategies to increase seat belt use. And NTSB has recently made seat belt usage a major priority.

A seat belt sanction proposal will galvanize the support of these various groups during a time when the public is paying particular attention to the issue of seat belt use. Also, Congress is increasingly aware of the issue, particularly as hearings on the air bag issue take place.

The proposal will draw opposition from the governors' highway safety offices (NAGHSR), the National Motorists Association (the strongest supporters of repealing the speed limit law), individual liberties groups, and the same conservative and western members of Congress who allied to repeal sanctions in the NHS Act. NHTSA does not expect opposition from civil rights or minority organizations. Overall, given the national focus on the issue and the broad support it will receive from the manufacturing, insurance, safety and health care industries,

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The battle over .08 will be more difficult. A .08 sanctions proposal will be broadly supported by Mothers Against Drunk Driving (MADD), other safety organizations, health care and insurance industries, and probably by the auto industry also. Congresswoman Lowey and Senator Lautenberg have already introduced legislation requiring states to adopt .08 laws. However, a sanction approach to .08 BAC will be vigorously opposed by the beverage, restaurant and hotel industries. These interests are likely to mount an aggressive, well funded campaign seeking to portray the proposal as scientifically unsupported and a threat to casual drinkers. While these arguments can all be rebutted, public opinion is difficult to predict. Given that the BAC standard has received much less recent publicity than the belt issue and that the effectiveness studies on .08 are less than definitive, a .08 sanction will likely be tougher to win than a seat belt sanction.

An additional consideration is possible impacts on the Administration's other ISTEA reauthorization priorities. Led by Senator Chafee, the coalition of pro-ISTEA transportation progressives that supports the Administration's bill would likely welcome a proposal that included sanction provisions. At the same time, there is some possibility that sanctions proposals would undermine the relatively positive reception given the Administration's NEXTEA proposal by certain Republican transportation leaders (e.g., Chairman Shuster) and state transportation officials. Possible "spill-over" is not of itself an argument against sanction proposals, but it may weigh against proposing multiple sanction initiatives, on top of the truck size restrictions DOT intends to propose.

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While the NEXTEA incentive programs will provide some encouragement to states to enact primary seat belt and .08 BAC laws, they will not have the effect, albeit coercive, of a sanction program. Sanction programs -- including programs by which states forfeit a portion of their construction funds -- have in the past been used successfully to get states to enact 55 mph speed limits, age 21 drinking laws, secondary seat belt laws, and zero tolerance laws.

Strategic Considerations

Sanction strategies are generally disfavored by state governments, highway construction interests, and states rights activists as an imposition on states rights and a diversion of needed construction funds. Activists, in turn, often favor such programs because of their strong motivational effect on states. The 1995 NHS bill repealed a range of sanctions -- including national speed limits and motorcycle helmets provisions -- long unpopular with states and various interest groups.

Of the two proposals, the seat belt sanction is likely to be the less controversial and more likely to succeed. The issue of seat belt use has received enormous recent coverage given its close nexus with the airbag debate. Somewhere between 50 and 70 percent of the motoring public is already using seat belts. Virtually all those involved in the coalition of groups working on getting airbag safety messages out to the public -- including the auto manufacturers, insurance companies, seat belt and air bag suppliers, safety and health care organizations -- have made increased seat belt use, and primary laws in particular, a top agenda item. The President has asked DOT to submit a report recommending strategies to increase seat belt use. And NTSB has recently made seat belt usage a major priority.

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What are issues we want to fall on our sword over?

Track 89 W4:

What kind of C-B/econ. studies are we going to use?

- 208 - Lautenberg/Lowie

Well funded apps.

Have

A. Prelim part of Study done

B. Grandfathering now, is problematic

If safety & seat belts; ^{announcement, DOT wants, in}

- Safety grip's

- insurance "

The audience/event, as
well as B. 3

- auto ind.

salvage title - states may regard as unfunded
mandate

trucks will not like size - weight

- restrictions ^{on} I/state

- but states have been able to circumvent these
so-called "grandfathering prov's"

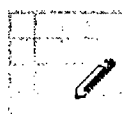
we will take back right to determine what's
appropriate for grandfathering.

Obstacles

1.

2.

3.

 Dorothy Robyn
03/21/97 01:17:18 PM

Record Type: Record

To: Gene B. Sperling/OPD/EOP
cc: Michael Deich/OMB/EOP
Subject: NEXTEA Safety Title

When the President meets with the Big 3 CEOs, it might be feasible and desirable to unveil some or all of our NEXTEA safety title. This memo provides background and a caution that clearance of the bill by April 3 (which may not be necessary for such an event) is possible but not certain.

We are within a few weeks of releasing the "Surface Transportation Safety Act of 1997," which will become the safety title of NEXTEA. The bill deals with a long list of issues, ranging from deterring terrorism against railroads to aircraft transport of hazardous materials. (See attached draft letter from Slater to the VP.) The two most visible provisions (assuming we leave them in the bill -- I'm still trying to get political guidance on this) are:

(1) truck size and weight: We would extend the freeze on truck size to all national highways (it currently applies only on interstates); we would not extend the freeze on truck weight pending completion of a DOT study.

(2) soft sanctions on seat belt use: States must adopt a primary seat belt law (one that allows for ticketing solely for failure to use a seat belt) by 2003 or else one percent of a state's highway construction money would be moved into its highway safety program.

[I have asked for guidance on whether to include a similar soft sanction on states that do not adopt a law by 2003 that treats .08 blood alcohol content as the per se standard for DWI. An analysis of both soft sanction proposals is attached.]

There are several other auto-related provisions; they would:

--increase the number of new motor vehicles that may be exempted from compliance from safety standards on the grounds that they have innovative safety features;

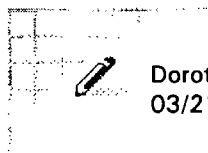
--close a legal loophole by prohibiting retailers of motor vehicle equipment from selling defective items;

--clarify DOT's authority to engage in standard harmonization activities that promote international improvement of motor vehicle safety. (The Big 3 rep's mentioned this at Wednesday's meeting.)

In short, there's plenty of stuff in the bill to sustain a good event with the Big 3 CEOs; such an event would mean that the non-auto provisions would be overshadowed, but that may be a price worth paying. The alternative would be to do an event, separate from the Big 3, that dealt with the range of safety issues.

Clearance: DOT is sending the bill over today. OMB clearance folks have said they need 2 weeks, assuming no major problems arise. Since April 3 is just shy of 2 weeks, we SHOULD be able to

have -- if not a fully cleared bill -- a detailed handout along the lines of the one we did for the NEXTEA rollout. But Michael Deich is very concerned that we not cut short the agencies' time to react to the bill draft in order to get clearance in time for an event.



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Don't let Kobryn
456 2223

Legislative Options for Truck Size and Weights

Background

Current Federal Requirements

On the Interstate System (44k mi.):

20,000 lbs. single axles

34,000 lbs. tandem axles

Bridge Formula B for axle spacings, with 80,000 lbs cap

On the Interstate System and National Truck Network (200k mi.):

102 inch width

48' minimum semitrailer length

28' minimum trailer length for doubles

Oberstar Proposal (would apply to the National Highway System)

Semi-Trailer Lengths - limit to 53', eventually phase out longer trailers (57', 59', etc)

now grandfathered in 10 States (i.e., longer trailers manufactured after a fixed date not allowed to operate).

Terminate Grandfather Rights On Interstate - Applies to truck axle and gross weights exceeding Federal Statutes.

Nondivisible Load Proceeding - Secretary would have to define, by commodity, whether a load is divisible or not.

Weight Limitations - Freeze current state weight limits on the non-Interstate NHS (including all the currently grandfathered higher weights) .

Possible Departmental Responses/Positions

1. Take no action now

Pros

- Secretary initiated TS&W Study - supports previous stance that it needs to be completed before acting.
- Fulfills commitment made to State partners to work openly and collaboratively on a rational policy.

- Enables formulation of a rational policy based on integration of TS&W Study results.

Cons

- Creates perception of leaving a gap on safety and infrastructure protection.
- May preclude department from taking a leadership role on this significant issue.

2. Support the Oberstar Bill in total (excluding commodity-specific designation req'ment)

Pros

- Responds to safety and infrastructure protection concerns.
- Because safety of single trailers longer than 53' is slightly worse (poorer off-tracking), precluding their proliferation would have some safety benefit. Small infrastructure protection benefit (ramps, curbs, guardrails; does not affect pavement or bridge wear). Most State transportation departments would likely support this move because of their concern for infrastructure. Technical supporting arguments documentable.
- Ending states' ability to claim grandfather rights on Interstates creates opportunity to aggressively resist "creeping incrementalism" of weight on Interstates while rationalized policy is developed.
- Freezing weights on NHS prevents safety degradation and reduces infrastructure damage. Other options are available, however, for addressing weight-related safety and infrastructure concerns.
- Ensures department will be a player in the debate on this issue.
- Safety community will applaud this move.

Cons

- Precludes formulation of a rational policy based on integration of TS&W Study results and is inconsistent with Secretary's previous reluctance to support measures such as this.
- Oberstar Bill does not address current Bridge Formula B loopholes, which result in increased bridge and pavement damage.

- Violates states' outreach/openness expectations relative to TS&W Study.
- May be difficult to develop supporting analysis for this position.
- Federally intrusive.

3. Support Oberstar Bill (excluding commodity-specific designation req' ment), but without Weight Restrictions

Pros

- Sends signal that Department is serious about safety. Makes department a player in debate.
- Because safety of single trailers longer than 53' is slightly worse (poorer off-tracking), precluding their proliferation would have some safety benefit. Small infrastructure protection benefit (ramps, curbs, guardrails; does not affect pavement or bridge wear). Most State transportation departments would likely support this move because of their concern for infrastructure. Technical supporting arguments documentable.
- Ending states' ability to claim grandfather rights on Interstates creates opportunity to aggressively resist "creeping incrementalism" of weight on Interstates while rationalized policy is developed.
- Maintains integrity of commitment to partner with states on the weight issue.
- Preserves opportunity to develop a rationalized weight policy based on TS&W Study results. Implies we have a better method for addressing weight related concerns.

Cons

- Could be perceived to be "weak" on safety and infrastructure protection relative to weight.
- Oberstar Bill does not address current Bridge Formula B loopholes, which result in increased bridge and pavement damage.
- Federally intrusive, but less so than Option 2.
- Safety community less supportive.

Primary Seat Belt Laws

The NEXTEA proposal rolled out on March 12 included a new incentive program to encourage states to adopt and enforce aggressive laws and programs aimed at increasing seat belt use. One of the several alternative ways for a state to qualify for funding under the proposed programs to adopt primary seat belt legislation--i.e., a law permitting enforcement authorities to issue summonses for seat belt violations alone, not just in the context of a stop for another traffic violation. These primary belt laws--which have been enacted by 11 states and the District of Columbia--have been demonstrated to increase seat belt use significantly.

The Department is now considering proposing a "soft sanction" that would go one step further by requiring states to adopt primary seat belt laws by the end of the fifth year of the reauthorization (i.e., by September 30, 2002) or have one percent of their highway construction funds mandatorily shifted to seat belt education and enforcement programs. These shifted funds would be in addition to funds made available for safety enforcement and education through NHTSA grant programs and the flexible infrastructure safety category proposed in NEXTEA.

.08 Blood Alcohol Content

Also under consideration is a proposal to apply a similar "soft sanction" to states that do not by the end of FY 2002 adopt a law setting .08 BAC as the standard for impairment. Currently, only 13 states have .08 BAC laws. In addition, .08 BAC was one of the eligibility options under the restructured alcohol incentive program included in NEXTEA; however, because there were many other ways to qualify, a sanction on .08 BAC could be viewed as inconsistent with our NEXTEA proposal.

Motorcycle Helmet Laws

Also under consideration is a proposal to apply a similar soft sanction to states that do not adopt laws making it unlawful for any person operating a motorcycle to not wear a motorcycle helmet. The sanction would be similar to that described above except that 1 percent of the funds would be shifted to motorcycle safety education. Federal sanctions for failure to adopt a motorcycle helmet law were repealed in the 1995 National Highway System bill. Since then, none of the 25 states that previously had a helmet law has repealed it.

Janne Lieke

- 66% belt usage

70% in seriousness

THE WHITE HOUSE
WASHINGTON

get in to a bath
When you may drag
It down -

- seat belts
~~mandatory~~

- ↑ cap on how many vehicles can get exemptions from compliance & insurance

- salvage title reform

- prohibiting retailers from ^{reselling} defective

- harmonization

strengthen

- highway enforcement

- seat belts as key

- alcohol; seat belt programs

- \$



David E. Tornquist

03/21/97 09:36:39 AM

Record Type: Record

To: Dorothy Robyn/OPD/EOP

cc: See the distribution list at the bottom of this message

Subject: Clearance of ISTEAs Safety Title

I asked LRD your question about how long it would take to clear the safety title of the ISTEAs bill. DOT should expect that it will take 2 weeks to clear the bill, unless significant problems arise. Therefore, to get it to the Hill by April 9 for the Senate hearing, LRD will need it early next week. One problem is that we can expect alot of key people to be out of the office during the upcoming Congressional recess. Jim Jukes will convey this message to DOT's legislative office. If you can convey that to DOT policy officials as well it would help.

Message Copied To:

Michael Deich/OMB/EOP
Ananias Blocker III/WHO/EOP
James J. Jukes/OMB/EOP
Mark J. Schwartz/OMB/EOP
Kenneth L. Schwartz/OMB/EOP
David J. Worzala/OMB/EOP

THE WHITE HOUSE
WASHINGTON

- ~~Expenditures~~ :

(1) 80% perf. std.

(2)

(3) allowing states to cover children
up to age 16

That's

They hate sanctions

If we

THE WHITE HOUSE
WASHINGTON

Phil met w/ Att:

- we're not ready to reach a/mnt

- I'm going to go tomorrow to meet w/
NGA & NCSL

PR:

- Why not try a new paradigm - Sanctions
are OK

- PR talked w/ LC; she thought DOT
/GS people shld handle it.

THE WHITE HOUSE
WASHINGTON

Natl. Conf. of State Legis-
latures

get DOT intergovt.
people to call W&A

Phil - call

- NEXTEA

- Safety

- NGA

- Std. line

- We'll make a 100% deal of it

Chairman: Gov. Miller - we need to do s/thing quickly

WE'VE ~~strongly~~ always opposed sanctions

we're working as gov's to achieve that.
but we want to retain the autonomy. - - -

How hard we push this depends on

Don't know if we'll make calls

Conversations w/ gov's staff

DOT SAFETY TITLE: OUTSTANDING ISSUES

Primary Seat Belt Laws

The NEXTEA proposal rolled out on March 12 included a new six-year, \$125 million incentive program to encourage states to adopt and enforce aggressive laws and programs aimed at increasing seat belt and child restraint use. Primary seat belt laws -- i.e., a law permitting enforcement authorities to stop motorists and issue summonses solely for seat belt violations, and not just in the context of a stop for another traffic violation -- figure in one of the two options to qualify for the "basic grant" under this program. As proposed in NEXTEA, a state may qualify for funds by either satisfying four out of five specified primary seat belt requirements, including having a primary belt law, or it may demonstrate that its belt use is at least 80 percent, and increasing.

Experience with such primary belt laws -- which have been enacted by 11 states and the District of Columbia, together covering about one-third of U.S. population -- indicates that they work to increase belt use significantly. In primary law states, the level of belt use is 15 percent higher, on average, than in secondary law states. Moreover, much of the differential is due to increases achieved in the first year after enactment. NHTSA estimates that enactment of a primary seat belt law by all remaining states would save at least 1,800 lives nationwide in the first year.

As part of the follow-on "safety title" to NEXTEA -- which will include regulatory, rather than funding elements -- the Department is now inclined to propose a "soft sanction" that would go beyond the incentive program. The proposal under consideration calls for requiring states to adopt primary seat belt laws by the end of the fifth year of reauthorization (i.e., by September 30, 2002) or have one-and-one-half percent of their highway construction funds (three percent in subsequent years) mandatorily shifted to seat belt education and enforcement programs. These shifted funds would be in addition to funds made available for safety enforcement and education through NHTSA grant programs and the flexible infrastructure safety category proposed in NEXTEA.

.08 Blood Alcohol Content Laws

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An additional consideration is possible impacts on the Administration's other ISTEA reauthorization priorities. Led by Senator Chafee, the coalition of pro-ISTEA transportation progressives that supports the Administration's bill would likely welcome a proposal that included sanction provisions. At the same time, there is some possibility that sanctions proposals would undermine the relatively positive reception given the Administration's NEXTEA proposal by certain Republican transportation leaders (e.g., Chairman Shuster) and state transportation officials. Possible "spill-over" is not of itself an argument against sanction proposals, but it may weigh against proposing multiple sanction initiatives, on top of the truck size restrictions DOT intends to propose.

DOT SAFETY TITLE: OUTSTANDING ISSUES

Primary Seat Belt Laws

The NEXTEA proposal rolled out on March 12 included a new six-year, \$125 million incentive program to encourage states to adopt and enforce aggressive laws and programs aimed at increasing seat belt and child restraint use. Primary seat belt laws -- i.e., a law permitting enforcement authorities to stop motorists and issue summonses solely for seat belt violations, and not just in the context of a stop for another traffic violation -- figure in one of the two options to qualify for the "basic grant" under this program. As proposed in NEXTEA, a state may qualify for funds by either satisfying four out of five specified primary seat belt requirements, including having a primary belt law, or it may demonstrate that its belt use is at least 80 percent, and increasing.

Experience with such primary belt laws -- which have been enacted by 11 states and the District of Columbia, together covering about one-third of U.S. population -- indicates that they work to increase belt use significantly. In primary law states, the level of belt use is 15 percent higher, on average, than in secondary law states. Moreover, much of the differential is due to increases achieved in the first year after enactment. NHTSA estimates that enactment of a primary seat belt law by all remaining states would save at least 1,800 lives nationwide in the first year.

As part of the follow-on "safety title" to NEXTEA -- which will include regulatory, rather than funding elements -- the Department is now inclined to propose a "soft sanction" that would go beyond the incentive program. The proposal under consideration calls for requiring states to adopt primary seat belt laws by the end of the fifth year of reauthorization (i.e., by September 30, 2002) or have one-and-one-half percent of their highway construction funds (three percent in subsequent years) mandatorily shifted to seat belt education and enforcement programs. These shifted funds would be in addition to funds made available for safety enforcement and education through NHTSA grant programs and the flexible infrastructure safety category proposed in NEXTEA.

.08 Blood Alcohol Content Laws

Also under consideration is a proposal to apply a similar "soft sanction" to states that do not by the end of FY 2002 adopt a law setting .08 Blood Alcohol Content as the standard for impairment. Notwithstanding great progress in reducing drunk driving, over 40 percent of fatal crashes are alcohol-related. Safety activists argue -- and NHTSA agrees -- that at .08 BAC virtually all drivers are substantially impaired in critical tasks such as braking, steering and judgment. One study found that the risk of a crash is 11 times higher at .08 BAC than when sober. Notwithstanding some public misunderstanding, .08 BAC does not impact the responsible social drinker. To reach .08, a 170 lb. male needs to drink 4 drinks in 1 hour on an empty stomach. A 120 lb. female needs 3 drinks in 1 hour on an empty stomach.

Fourteen states currently have a .08 BAC limit. (Idaho, the most recent, passed .08 just last week.) Recent studies have shown that fatalities have declined anywhere from 7 to 16 percent when states lowered their BAC limits from .10 to .08. However, the studies are too few in number and not consistent enough to give a precise estimate of the reductions that have occurred, or would occur if additional states adopted .08 laws.

DOT is already on record supporting .08 BAC laws. In fact, adoption of both a .08 BAC law and an administrative license revocation law is one of the three options to qualify for funds under the proposed program alcohol incentive program included in NEXTEA. NEXTEA proposes to authorize that program at about \$40 million a year.

While the NEXTEA incentive programs will provide some encouragement to states to enact primary seat belt and .08 BAC laws, they will not have the effect, albeit coercive, of a sanction program. Sanction programs -- including programs by which states forfeit a portion of their construction funds -- have in the past been used successfully to get states to enact 55 mph speed limits, age 21 drinking laws, secondary seat belt laws, and zero tolerance laws.

Strategic Considerations

Sanction strategies are generally disfavored by state governments, highway construction interests, and states rights activists as an imposition on states rights and a diversion of needed construction funds. Activists, in turn, often favor such programs because of their strong motivational effect on states. The 1995 NHS bill repealed a range of sanctions -- including national speed limits and motorcycle helmets provisions -- long unpopular with states and various interest groups.

Of the two proposals, the seat belt sanction is likely to be the less controversial and more likely to succeed. The issue of seat belt use has received enormous recent coverage given its close nexus with the airbag debate. Somewhere between 50 and 70 percent of the motoring public is already using seat belts. Virtually all those involved in the coalition of groups working on getting airbag safety messages out to the public -- including the auto manufacturers, insurance companies, seat belt and air bag suppliers, safety and health care organizations -- have made increased seat belt use, and primary laws in particular, a top agenda item. The President has asked DOT to submit a report recommending strategies to increase seat belt use. And NTSB has recently made seat belt usage a major priority.

A seat belt sanction proposal will galvanize the support of these various groups during a time when the public is paying particular attention to the issue of seat belt use. Also, Congress is increasingly aware of the issue, particularly as hearings on the air bag issue take place.

The proposal will draw opposition from the governors' highway safety offices (NAGHSR), the National Motorists Association (the strongest supporters of repealing the speed limit law), individual liberties groups, and the same conservative and western members of Congress who allied to repeal sanctions in the NHS Act. NHTSA does not expect opposition from civil rights or minority organizations. Overall, given the national focus on the issue and the broad support it will receive from the manufacturing, insurance, safety and health care industries,

the measure has a significant chance of passing. DOT leadership is currently inclined to include a "soft sanction" that would only "bite" in the final year of NEXTEA.

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NATIONAL ASSOCIATION OF GOVERNORS' HIGHWAY SAFETY REPRESENTATIVES

April 1, 1997

Honorable Rodney Slater
Secretary
U.S. Department of Transportation
400 7th St. SW
Room 10200
Washington, DC 20590

Dear Secretary Slater:

As partners in highway safety, NAGHSR is dismayed that we have not been consulted on the major safety initiative about to be unveiled. It is our understanding that you intend to pursue penalties on states which fail to enact standard safety belt legislation by 2003. Needless to say, NAGHSR is very disappointed by your position. We had at least hoped to discuss our concerns with you prior to the rollout of the Department's safety bill.

If the Department's safety bill is going to include penalties, NAGHSR suggests that you make the penalties somewhat flexible. Allow states to come into compliance with the requirements by: 1) either enacting standard (primary) safety belt legislation, 2) meeting a specified performance standard, or 3) allowing states to strengthen child restraint laws by covering children up to age 16 with a primary-law. States in noncompliance by 2003 would face penalties, as we understand is being proposed in the safety bill.

Under the second option, the performance standard could be one based on the Administration's own current occupant protection goal: an 80% safety belt usage rate. If a state chose that option, it would have to demonstrate that it was utilizing safety belt survey methodology consistent with NHTSA survey protocols.

The U.S. DOT has consistently supported performance-based programs and strategies. NEXTEA includes many performance-based programs, particularly in the motor carrier and highway safety parts of the legislation. If DOT truly believes in such an approach, then the states urge the Administration to include a performance-based alternative in the safety bill and strongly suggest that the standard be realistic and achievable within current resource constraints.

Under the third option, states could increase safety belt use by strengthening their child restraint laws. Improvements in child restraint laws would help close the gaps between safety belt and child restraint laws and ensure seamless coverage for every vehicle occupant, no matter what age. Perhaps more importantly, these improvements would help protect one of the most vulnerable groups at risk of air bag injury.

The bottom line is that the public should be encouraged to buckle up in order to protect themselves against the potential dangers of air bags and to ensure that they have maximum occupant protection. If the states can achieve increased safety belt usage without enacting laws which may be controversial in their respective jurisdictions, then DOT ought to allow them to do so.

NAGHSR, whose members represent the primary implementers of federal behavioral safety programs, is very concerned that UO is making a decision which will significantly impact states without first discussing the issue with them. The Department seems to be listening to only one set of special interest voices on safety issues. If the Department is going to operate in the inclusive manner which has characterized past policy development efforts, then we believe you should hear all perspectives on the issues. If you are sincere about partnering, then you should act accordingly and open a dialogue with all safety groups.

Sincerely,



Laura Ludwig, Deputy Director
Ohio Office of the Governor's Highway Safety Representative
and NAGHSR Chair

JOHN F. SMITH, JR.
Chairman of the Board
Chief Executive Officer and President

General Motors

March 17, 1997

The President
The White House
Washington, DC 20500

Dear Mr. President:

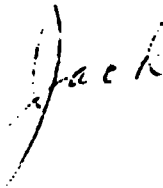
Your recent radio addresses on traffic safety issues and related comments by Secretary of Transportation Slater have sent an important message to the American people -- safety belt and proper child safety seat use need to be increased to further reduce highway fatalities and injuries.

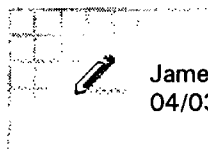
In recent years, substantial progress has been made in the national belt use rate. However, we know from the experience in Canada, Australia, and some European countries that much higher belt use levels are achievable.

The plan for increasing safety belt use, which you have requested from the Department of Transportation, should establish a national commitment to achieving world-class levels of safety belt use in the U.S. We applaud your action in requesting the DOT plan and pledge our support in helping to implement it.

I was very sorry to hear of your mishap this past week. We all trust that you will have a rapid recovery.

Sincerely,





James A. Brown
04/03/97 10:39:13 AM

Record Type: Record

To: Dorothy Robyn/OPD/EOP, Mark J. Schwartz/OMB/EOP
cc: James C. Murr/OMB/EOP
Subject: Articles on MD Vehicle Searches

Seat Belts and Police Searches

Wednesday, March 12 1997; Page A18
The Washington Post

TODAY A worthwhile and up-to-now strongly supported bill to save lives in Maryland is scheduled for a House of Delegates floor vote. But unless sensible heads prevail, the proposal could be lost -- and for a wrong reason. The measure is patterned after legislation enacted in other states that, like Maryland, have had seat-belt laws that can be enforced only in connection with some other traffic violation. Under the new bill, an officer could cite beltlessness without having to tie it to some other charge -- a significant change that has been a definite lifesaver elsewhere. But now a police policy that went into effect only days ago in Prince George's has given some legislators pause.

Last Thursday night, officers in the county launched an aggressive drive along what they list as "gun corridors" to stop cars for all sorts of big and small traffic violations -- including a broken taillight or an unsignaled turn -- and then search drivers, passengers and vehicles for guns and drugs.

The opening-night results showed no guns found in 53 traffic stops and 31 searches, with eight people arrested for misdemeanors, including five for possession of marijuana. While a U.S. Supreme Court ruling last year found such "pretextual stops" constitutional, opponents argue that if police look long enough they can find a reason to pull over any vehicle. Thus, allowing primary enforcement of seat-belt requirements could give county police one more way to stop and search a car.

We share concerns about the intrusiveness and need for this kind of aggressive search policy. But defeating the new belt bill would not directly or effectively address the policy -- just as it

would make no sense to eliminate taillight laws or license-display requirements. In Maryland, 68 percent of the front-seat occupants who died in crashes in 1995 were unbelted. Belts save lives, cut down on injuries and help control health costs. The statewide seat-belt bill should stand on its own merits -- which are clearly considerable.

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Philip P. Pan, Pr. George's Police Take Aim at Eight 'Gun Corridors'; Traffic Violations Give Officers Cause for Searches, The Washington Post, March 8 1997; Page B01

In bright white letters on a field of blue, a large metal sign at the side of Indian Head Highway greets motorists from the District: "Welcome to Maryland."

Within a few blocks, four cars have been pulled over by a half-dozen Prince George's County police cruisers with red and blue lights flashing. Drivers and passengers stand shivering in the cold night, some with their hands on their heads. After patting them up and down, the officers turn to the motorists' cars, shining flashlights under the seats and peeking in the glove compartments.

All of them have been stopped for everyday traffic violations -- a broken taillight, an expired license tag, a turn without signaling. They merited special attention from the police only because they happened to be driving on one of the county's eight "gun corridors" -- high-traffic routes from the District that are plagued by homicides, shootings and armed robberies.

On Thursday night, Prince George's police launched an aggressive campaign to seize firearms along those roads, beginning with the highway and covering all eight corridors by the end of April. The plan is for extra officers, many of them working overtime, to pull over motorists for minor infractions and ask permission to search their cars.

The strategy takes full advantage of recent U.S. Supreme Court decisions granting police sweeping powers to stop and search motorists -- rulings that have alarmed civil libertarians concerned about the use of "racial profiling." The tactic also relies on a theory that is gaining currency among police officials across the country: Aggressive patrols focused in small areas on small crimes can bring down violent crime.

"Little things lead to big things," said Cpl. Kevin Davis, spotting a new Lexus making an illegal turn. Moments later, he pulled it over.

"Do you have any drugs or guns in there?" Davis asked.

"No."

"Do you mind if I search it to make sure?" he asked.

"No. Go ahead."

Davis took the driver's car keys and placed them on the roof of the vehicle. He told the driver to put his hands on his head, then he opened the door and told him to step out. He frisked the driver as other officers searched the Lexus.

They found nothing, but after running the driver's name through a police computer, they learned he was wanted on an October domestic battery warrant. Davis handcuffed him and took him to jail.

None of the 16 officers working the gun corridor program on its first night discovered any guns, despite 53 traffic stops and 31 searches. Only four of the 35 drivers who were asked to let their cars be searched refused. Police made eight arrests, all of them on misdemeanor charges. Five of those arrested were charged with marijuana possession.

Lt. Pete Quimby, one of the officers running the operation, said the goal was to reduce crime by deterring criminals and taking their guns. Police say 55 percent of violent crime in Prince George's is committed with guns, compared with 29 percent nationwide.

Police officials used computers to identify eight "hot spots" of gun violence along the D.C. border -- Riggs Road, Queens Chapel Road, Sheriff Road, Central Avenue, Marlboro Pike, Suitland Road, Branch Avenue and Indian Head Highway -- and they plan to saturate those routes with officers on Thursday through Saturday nights.

For years, the courts have been divided over whether it was legal for police to stop motorists for traffic violations when their true intent was to search for drugs or guns. But last year, the U.S. Supreme Court ruled unanimously that such "pretextual stops" were constitutional.

"A lot of police officers don't think the law is on our side, but it is," Davis said. "We just have to use it effectively."

Like the other officers, Davis has been trained to spot violations of minor traffic laws: broken lights, cracked windshields, tinted windows, even worn tires.

If they look long enough, the officers say, they can find a reason to pull over almost any vehicle. Indeed, some of the cars were stopped on Thursday night for infractions that some of the police cruisers also were guilty of -- a broken headlight.

And that's the problem, according to civil libertarians. They argue that officers end up stopping people on a hunch and without any reason to believe they may have guns.

"It raises the question: To what extent are we willing to give up our liberty in the name of fighting crime?" said Mark Kappelhoff, a lawyer with the American Civil Liberties Union.

He questioned whether motorists allowing officers to search their cars really believe they have any other choice -- especially if they're worried about a ticket. He also warned that police officers would end up singling out young black men.

Police officials in Prince George's County -- a majority-black suburb -- say they are sensitive to the danger of using racial profiles, and they have emphasized that officers must treat all drivers with "courtesy and professionalism" to win the community's support. On the first night, at least, that approach seemed to work.

"I think it's a good idea," said one 24-year-old resident stopped for a broken brake light. He waited 20 minutes with his hands on his trunk while Davis searched his car and checked if he had a valid license, but said, "It's an inconvenience, but it's for the better."

@CAPTION: Prince George's police Lt. Pete Quimby, left, and Cpl. Kevin Davis search two men stopped for having a burned-out taillight on their car.

@CAPTION: Cpl. Kevin Davis, left, and another Prince George's officer check a car that was stopped for a traffic offense. The driver had an outstanding warrant.

@CAPTION: Cpl. Kevin Davis examines fake temporary license plates that were on one of the cars stopped on Indian Head Highway.

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April 1, 1997

SCHEDULE REQUEST

☐ Accept

☐ Regret

☐ Pending

TO:

Anne Hawley
Stephanie Streett

FROM:

Gene Sperling
Bruce Reed

REQUEST:

Seat-Belt Promotion Event with Constituency Groups

BACKGROUND:

DOT is preparing to submit a report, requested by the President in December, recommending ways to promote seat belt use. The Administration also is about to transmit to Congress legislation calling for a "soft sanction" -- a financial incentive to encourage states to adopt "primary" seat belt laws (ones that allow for ticketing solely for failure to use a seat belt). These proposed actions are supported by a broad coalition, including auto manufacturers, insurance companies, health and safety organizations and law enforcement officials. The event will reinforce the President's commitment to highway safety -- a topic to which he has devoted four of his radio addresses in the last two years.

DATE/TIME:

Monday, April 7 (or any day that week)

DURATION:

45 minutes

LOCATION:

Room 450

PARTICIPANTS:

The President and Vice President, Secretary Slater, automobile and insurance industry representatives, governors, mayors, Members of Congress, law enforcement officials, and consumer advocates.

REMARKS:

Speech will be provided.

MEDIA:

Open

CONTACT:

Dorothy Robyn, NEC (456-2801)

Elizabeth Drye, DPC (456-5573)

Talking Points for Rob Liberatore

- Unfortunately, the President has to delay by a week his meeting with the CEOs, due to some unavoidable scheduling problems. We are hoping to reschedule it for April 11th.
- I apologize for this delay; April 3 marks one year since the day Ron Brown was killed, and a Memorial service has been scheduled, which made the rest of the President's schedule that day unworkable.
- While I have you on the phone, I'd like to get your reaction to a tentative plan we have for an announcement the President would make in conjunction with his meeting with the 3 CEOs:

As you know, the President has been looking for ways that he can promote greater use of seat belts -- an idea the Big 3 has advocated for decades. Two months ago, he asked DOT to prepare a report on ways to promote seat belt usage, and that report is close to being ready. Moreover, in keeping with the recommendations in the report, we are all but ready to announce a "soft sanction" on seat belt use: Under this proposed policy, states would have to adopt a primary seat belt law (that is, one that allows for ticketing solely for failure to use a seat belt) by late 2003 or else 1.5% of a state's federal highway construction money would be moved into its highway safety program.

- We would like to highlight this new policy when we announce it, and doing it in conjunction with the President's meeting with the auto company CEOs is one way to do that. Of course, we would want to have others that have been part of the Air Bag Safety Campaign coalition present as well.
- I want to make sure, first, that Chrysler (and the other companies) are completely comfortable with that policy proposal. Second, I want to know if the CEOs would be comfortable participating, along with the President, in an announcement of the new policy.

[Gene: Cheri Carter has heard that the Big 3 CEOs will be meeting with Rodney Slater on April 8. She wants you to try to find out if that's the case when you talk to Rob. If the CEOs are really upset about having the meeting pushed off until April 11, because they're going to have to be here three days earlier, we want to know that sooner rather than later.]

M/E/SSA

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- They're in there
- Take advantage of it.

If it can be the news of the day - ^{air bag?}

Big 3 - so much focus on jobs, not enough on behavior, which they're

So they think the Pres. has finally gotten religion

But if they think it's going to be 1 of 22 stories, it will be buried.

They really think this is a big deal - this is
next to viral

But ^{they think} will only happen if President stands up & makes it his own.

with some good news

- The issue that unites Clayboon

Vetting

Only 1 controversial thing - soft sanctions

- incentives only get you so far
- Natl. Assoc of Gov's Highway Safety Reps
(Safety Dept is ASHTO)
- heard we were considering this
- Sent Strong M. to States - we urge
- Jackie G: great!
- Insurance Institute - Brian O'Neill } shld be
(incentives only get you so far) } enthusiastic
- Andy Card - had it in his speech

Carco's shld be enthusiastic

Civil Liberties

Radio address

- POTUS was going to call on all states
decided to do
report instead

Urban League - only grp. we've called

NACCP

Willie Brown - strong advocate - has sent ltr

to others

Western govs - ~~in~~ still nervous

From policy st/point -

- don't take this on ~~unless~~ ^{unless} we're willing to fight for it!!

Zero tolerance ^{for kids} - 24 states have

- POTUS called for it, but w/

- Byrd introduced ltr - it passed!

NACB:

12 states that have it rep ~ 35% of pop.

It's going to be a fight!

We can't just introduce it; walk away.

of states debating

(Md. just passed

Glennauing in crash 4 wks ago; he was
saved

- Need some gov's at event

This will unify all stakeholders

But to get to our goal - will take lots of
work -

- Gov's have

- Car Co's

- Insurance

- Safety

} Who will lobby for this?
Advent Educ,
Campaigns

- Employees - crashes are biggest ^{cause} ~~same~~ cause of
employment-related injuries

- Sports - athletes are great role models

- We do lots of stuff w/ NFL & NBA
- Entertainment Industry
- Cops - key to enforcement
- Medical Community

We started this coalition a yr. ago b/c of
 air bag ^{crisis} ~~issue~~ } behavior; tech. issue

To promote
 behavioral
 Δ.

They've raised \$14M

need to get kids to
 sit in back seat

57 of 102 fatalities have
~~been~~ ~~was~~ ~~be~~

Air Bag Safety

Event idea:

Have POTUS

Will not going to get to 90% unless we all

I want to applaud some of the

- a good -

- N. Car. police ("Click it or Ticket")

-NFL

-etc.

Big **3**: If this is just another event. . . .

They'll be

—
They're very excited that he has finally
picked up the

Crucial:

- McCain ; Wolf both

- Shuster

—

Phil Rickett (366-2775)

3-28-97

Spent \$20M in 1980s & got
seed money from. Enacted

- Safety advo

Big 3 safety
foundation

- Big 3 - Phil Hagelbine - runs American Coalition for
Traffic Safety (ACTS)

Steve O'Toole - Chair of Air Bag Safety
(GM) Campaign

Big 3 has put \$12
into this

+
\$2-3M spent by each of Big 3
on its own

Brian O'Neill - Insurance Institute for
Highway Safety
Crash Test facility

- only negative voice in woods is gov's

- Talked to Carter - we'll come up w/

- Is it worthwhile?

Mark Schwartz

3-27-97

OIRA

~~RA~~ raised

look at states that have adopted primary seat
belt laws

Not much

① in seat belt rpt. on soft sanctions

Testimonials - in D.C.

— One reason for high seat belt coverage in other countries — state won't pick up your tab if you weren't wearing

[Revised and expanded 4/3/97]

SANCTIONS AND INCENTIVES FOR HIGHWAY SAFETY PROGRAMS

In its 30-year history, the program originally established by the Highway Safety Act of 1966 has employed both sanctions and incentives in an effort to secure the adoption of highway safety programs by the States. Each has had good results in some circumstances. Sanctions have been used more often than incentives.

Examples:

- The 1966 Highway Safety Act itself provided sanctions (10 percent of highway construction funds) for a State that failed to adopt any of the standards issued under the Act. Standards were issued on such subjects as school bus safety, police traffic services, and alcohol countermeasures. Sanctions were threatened on several occasions but none had to be imposed. The sanctions authority was ended by Congress in 1976.
- The 55 mph National Maximum Speed Limit, enacted in 1974, provided that no highway projects would be approved in any State that had a speed limit in excess of 55 mph. The States complied immediately and remained in compliance until the speed limit was repealed in 1995.
- Section 408 of title 23, United States Code, enacted in 1982, provided incentives for States that adopted alcohol traffic safety programs. Over the life of the program, which phased out by 1994, 30 States became eligible for grants.
- The national minimum drinking age law, enacted in 1984, provides a penalty for the first year of 5 percent of highway funds and a penalty of 10 percent for subsequent years. All jurisdictions except Puerto Rico complied before the penalties became effective and remain in compliance today.
- Section 410 of title 23, United States Code, enacted in 1988 as a follow-on to Section 408, provides incentives for states that adopt administrative license revocation programs for drunk drivers and other measures to reduce drunk driving. Thirty-seven States and the District of Columbia have qualified for these grants.
- Section 159 of title 23, United States Code, enacted in 1991, provides that States that do not suspend or revoke the drivers licenses of convicted drug offenders are subject to a penalty for the first year of 5 percent of highway funds and a penalty of 10 percent for subsequent years. The section provides a "trap door," through which a State can escape penalties if its legislature adopts a resolution objecting to the revocation of licenses. The States must certify their status each year by September 1. In 1996, 20 States certified that they had license revocation laws and the rest used the trap door.
- Section 153 of title 23, United States Code, enacted in 1991, was a two-phase program,

beginning with three years of incentives for States that passed safety belt use laws and motorcycle helmet use laws, followed by redirection sanctions (1.5 percent in the first year, 3 percent in subsequent years) for States that failed to adopt such laws. All but eight States already had safety belt use laws, and the remaining States (except New Hampshire) passed them. Fewer than half the States had motorcycle helmet use laws, and only four additional States passed such laws, resulting in the transfer of \$51 million in Fiscal Year 1995 from the highway programs to the highway safety programs in the 28 States that lacked a helmet law. The motorcycle helmet provision in Section 153 was repealed in 1995. The safety belt sanctions remain in the law. New Hampshire was given an alternative to passage of a safety belt use law and has not been sanctioned.

- The zero-tolerance law adopted in 1995 as Section 161 of title 23, United States Code, in response to President Clinton's initiative on under-age drinking, provides a penalty for the first year of 5 percent of highway funds and a penalty of 10 percent for subsequent years (the same as the penalty for the Age-21 Law). At the time of the President's announcement in June 1995, 21 States and the District of Columbia had passed laws. Since that time, 13 States have passed laws, and the remaining States are actively pursuing legislation to enact or improve zero tolerance laws before the October 1, 1998 deadline.

April 3, 1997

DECISION

MEMORANDUM FOR THE PRESIDENT

FROM: Gene Sperling and Bruce Reed
SUBJ: "Soft Sanction" to Promote Seat Belt Use

As part of a follow-on to NEXTEA, DOT would like to propose a "soft sanction" to promote seat belt use. Many governors will not like this, and the NGA may oppose it. You need to decide whether to approve it.

Background

The NEXTEA bill that you announced on March 12 includes a new, six-year, \$125 million incentive program to encourage states to adopt and enforce aggressive laws and programs aimed at increasing use of seat belts and child restraints. A state may qualify for funds either by satisfying four out of five pro-seat belt requirements, including having a primary belt law, or by demonstrating that its belt use is at least 80 percent and rising.

As part of the NEXTEA follow-on safety title (which addresses regulation rather than funding), DOT would like to add a stick to the carrot. Under DOT's proposed soft sanction, by October 2002, states must either adopt a primary belt law (one that allows for ticketing solely for failure to use a seat belt) or else reach the goal of 85 percent belt usage by other means. A state that does neither would have 1.5 percent of its federal highway funds (3 percent in subsequent years) transferred into its highway safety program.

Primary belt laws -- which have been enacted by 11 states and the District of Columbia, representing a third of all Americans -- appear to increase belt use significantly. Belt use is 15 percent higher, on average, in primary law states compared to secondary law states. Moreover, much of the benefit occurs in the first year. NHTSA estimates that enactment of a primary law by the remaining 39 states would save 1,800 lives in the first year alone.

Sanctions

Nearly every President in the last 30 years has sought or approved sanctions to promote highway safety. A federal law enacted in 1974 (and repealed in 1995) provided that no highway projects would be approved in any state that had a speed limit in excess of 55 mph. Under legislation signed by President Reagan in 1984, states had to raise the minimum drinking age to 21 or else lose 5 percent of their federal highway allocation (10 percent after the first year). A 1991 federal law penalized states that did not pass seat belt and helmet use laws (1.5 percent of their highway allocation in the first year, 3 percent thereafter). (See Tab A for additional examples of sanctions and incentives.)

Strategic Considerations

The National Governors Association and the governors' highway safety offices (NAGHSR) have weighed in against the proposal [George Voinovich and Bob Miller sent a letter to Frank Raines]. We also would expect opposition from the National Motorists Association (the strongest advocates for repealing the speed limit sanction), individual liberties groups, and the same conservative and western Members of Congress who allied to repeal sanctions in the 1995 National Highway System Act. NHTSA does *not* expect opposition from civil rights or minority organizations (the National Urban League is on record in support of primary seat belt laws).

We would expect to receive support from a broad coalition, including auto manufacturers, insurance companies, safety advocates, health groups and law enforcement officials. DOT believes the proposal has a very good chance of getting congressional approval, particularly because the air bag issue has focused public attention on the importance of seat belts.

___ Approve

___ Disapprove



NATIONAL ASSOCIATION OF GOVERNORS' HIGHWAY SAFETY REPRESENTATIVES

March 25, 1997

Honorable Rodney Slater
Secretary
U.S. Department of Transportation
400 7th St. SW
Room 10200
Washington, DC 20590

Dear Secretary Slater:

I am writing to urge you to reconsider the use of penalties in the Department's forthcoming safety bill. It is NAGHSR's understanding that DOT will propose, as part of the safety bill which is presently under review at the Office of Management and Budget, that states be penalized if they fail to enact primary safety belt laws by the year 2002. States will have 1.5% of certain highway construction funds redirected in the first year and 3% redirected in the following and subsequent years.

While NAGHSR supports state enactment of primary safety belt laws, we strongly oppose the use of penalties and sanctions to force states to enact such laws. The Association believes that sanctions are too broad and not targeted, do not tie the problem to a safety-related policy solution, and can be counterproductive. Further, if there is not strong public support for the sanction, they may not be effective as was the case with the sanctions relating to the National Maximum Speed Limit. Sanctions sometimes encourage states to enact weak laws just so they can avoid being penalized or to enact the necessary legislation but do little to enforce the laws.

Sanctions also ignore the efforts of the states to do the right thing. Currently, 22 states are attempting to enact primary laws, 13 states are attempting to close the gaps in child restraint laws, and 7 states are attempting to require children to ride in the back seat. If any of the states fail at these efforts, they could be penalized, regardless of how hard they tried to enact the necessary legislation. Sanctions create a tremendous amount of state resentment toward the federal government, even if the sanctions are for good public policy purposes. Repeated use of penalties and sanctions do much to reinforce negative state attitudes toward safety issues -- exactly the opposite of what the federal government intends.

Further, redirection penalties are not much of an improvement over more traditional sanctions. States still view redirection as a funding loss because the redirected funding cannot be used for highway construction purposes. Additionally, redirection tends to pit one arm of state government against another. Construction funds are sacrificed for safety purposes, and often state departments of transportation hold state highway safety offices personally responsible for this action. Instead of encouraging state departments of transportation and others with highway interests to support the enactment of safety legislation, redirection often has exactly the opposite effect.

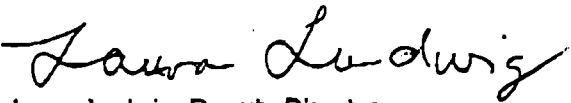
To date, only 11 states have primary belt laws. Under the DOT proposal, 39 states would have four years to enact the requisite legislation. However, it generally takes state legislatures several years to enact legislation, particularly controversial legislation like primary belt law legislation. Consequently, it is highly unlikely that the majority of states will have enacted the required legislation by 2002. The majority of states, therefore would be subject to penalties.

We strongly believe that incentives are the best way to influence state behavior. Current experience indicates that incentives have been successful. Since passage of ISTEA and partly as a result of the Section 410 impaired driving incentive grant program, 8 states enacted .08 BAC laws, 34 states enacted zero tolerance laws, and ten states enacted administrative license revocation laws. If the Administration wants to positively influence state behavior, then it should increase the funding for the occupant protection incentive grant program proposed under NEXTEA.

NAGHSR understands and appreciates your need to make a bold statement on behalf of safety with the proposed legislation. We strongly urge you, however, to consider a different way of making such a statement -- a way which will bring states and other key constituencies together for safety instead of pulling them apart.

I would be glad to discuss our position with you in person or over the phone. I may be reached at 614/466-3250. I look forward to hearing from you.

Sincerely,



Laura Ludwig, Deputy Director
Ohio Office of the Governor's Highway Safety Representative
and NAGHSR Chair

cc: Ricardo Martinez, NHTSA Administrator
Jane Garvey, Acting FHWA Administrator



DANNY R. MITCHELL
DISTRICT 2

STATE OF LOUISIANA
HOUSE OF REPRESENTATIVES

3332 JEWELL AVENUE
SUITE 3
SHREVEPORT, LOUISIANA 71106
(504) 636-2304
TRANSPORTATION
HEALTH AND WELFARE

February 9, 1996

Michigan Legislature
State Capitol Building
Lansing, MI 48913

Dear Legislators:

As an African-American legislator from Louisiana, I participated last spring in the debate over passage of a primary safety belt law for our state. In fact, I was one of the ten sponsors of this bill. I understand that the state of Michigan is considering strengthening your safety belt law from secondary to primary enforcement.

During the Louisiana debate on this bill, the question about potential harassment was raised. I can fully appreciate the concerns in your state over any unintended consequences which might arise as a result of an upgrade in safety belt enforcement.

We have surveyed the offices of several of my colleagues in the Louisiana Legislature in addition to the major police departments in the state to determine if there have been any complaints of harassment associated with enforcement of this law. I am pleased to relate to you that the record is clear on this question, there have been no reports or complaints of harassment.

In my opinion, one of the major reasons why Louisiana's Legislature voted by overwhelming majorities to upgrade our safety belt law is our concern about young people and families in our state. During 60 days of our session last spring, 13 young people died in Louisiana after they were ejected from their vehicles. We know that as many as half of these young people might have survived if only they had buckled up.

When we realized that two young people a week died in traffic crashes in our state, we woke up and understood that this issue is truly a public health issue. It crosses racial boundaries and is simply about protecting our children and families from needless pain and suffering.

Michigan Legislators

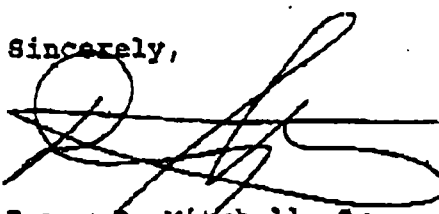
February 9, 1996

Page 2

The reality is that as parents, grandparents, friends and neighbors we all survived our high risk years, however, increasing numbers of young people are not so lucky. The facts are clear on safety belt use -- they save lives, families and futures. Plus, from a fiscal perspective, increased belt use leads to fewer fatalities, injuries and associated medical costs borne by public and private dollars. In a recent survey, 84% of our population agreed that safety belts could reduce the level of injuries experienced in a crash.

I appreciate Michigan's desire to examine all issues associated with a stronger safety belt law. In Louisiana we have not experienced negative outcomes from our primary belt law. Simply put, more people in our state buckle up now and that is good for us all.

Sincerely,



Danny R. Mitchell, Sr.



STATE OF LOUISIANA
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
PUBLIC SAFETY SERVICES

MURPHY J. "MIKE" FOSTER, JR.
GOVERNOR

February 9, 1996

Michigan Legislature
State Capitol Building
Lansing, MI 48913

Dear Senator:

As the Governor's Representative for Highway Safety in the State of Louisiana, I want to report to the people of Michigan on an important issue our two states have in common: the primary seat belt law, which allows police officers to stop motorists and issue minor citations solely because the officer can see that a driver or occupants are not wearing their seat belts. I understand that your Legislature is considering such a law at this time.

A year ago, the Louisiana Legislature debated a similar law over a two-month period. The good people of our state joined in the debate and asked for real information on whether such a law would really save lives and keep families together. Some also expressed concern about whether law enforcement officers might use the law as an excuse to stop and harass members of Louisiana's large minority population.

This office looked carefully at the experience of other states that had already passed primary seat belt laws. Every state we questioned reported that their law works well and that they have had no reports of harassment associated with it.

Louisiana's Legislature passed our primary belt law in May 1995. Police began enforcement on schedule last November 1, 1995. I am pleased to report to the people of Michigan that Louisiana's law has entirely succeeded. There have been absolutely no reports of any police department using the law to stop motorists unjustly, or to harass them.

Safety belt use in Louisiana has increased significantly since passage of the primary belt law. In our state, the increased belt use sustained over one year will save 34 lives and prevent 1100 injuries. Many families across the state are held together by this large reduction in trauma and deaths. As a bonus, at our higher rate of safety belt use, over the next year our state will save more than \$8 million in public and private medical costs due to the reduction in avoidable injuries resulting from traffic crashes.

I am proud of Louisiana's primary seat belt law. Legislators here are glad they supported it. It is working well. As one state newspaper wrote in support of our primary safety belt bill "It isn't often that our state government is able to make such a difference in the lives of its citizens."

The similar legislation being considered in Michigan is worthy of everyone's support.

Sincerely,

James E. Champagne
Executive Director
Governor's Highway Safety Representative

JEC/vs

"BUCKLE UP LOUISIANA - WE CARE"
LOUISIANA HIGHWAY SAFETY COMMISSION, P.O. BOX 66336, BATON ROUGE, LA 70896
(504) 825-6891

Office of the Mayor
SAN FRANCISCO



WILLIE LEWIS BROWN, JR.

February 20, 1996

Michigan State Legislature
State Capitol Building
Lansing, MI 48913

Dear Legislators:

In 1993, while I was Speaker of the California Assembly, I authored legislation that allowed police officers to stop a motorist and issue a citation if the police officer could see that the driver was not wearing a safety belt.

The law, now in effect for two years, has been entirely successful. Seat belt use has increased dramatically, and this has simply saved hundreds of lives and even more injuries from occurring.

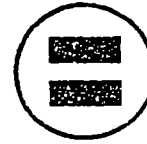
I have not heard of one single case of police officers using this life-saving law as an excuse to stop motorists to harass them. In fact, as more California motorists have buckled up, our police officers have had to issue fewer seat belt citations each year.

Our California law has been a good one. If Michigan's legislators pass a similar law, I am sure it will have the same beneficial results in your fine state.

Sincerely,

A handwritten signature in cursive script, appearing to read "Willie L. Brown, Jr.", written in dark ink.

Willie L. Brown, Jr.
Mayor



National Urban League, Inc.

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The Equal Opportunity Building
500 East 62nd Street, New York, N.Y. 10021-8379
Telephone (212) 310-9000

February 13, 1997

Ms. Janet Dewey
Executive Director
Air Bag Safety Campaign
1019 19th Street, NW, Suite 401
Washington, DC 20036-5105

Dear Ms. Dewey:

I am proud to offer this letter of endorsement from The National Urban League supporting the Air Bag Safety Campaign's important efforts to promote primary enforcement of the mandatory seat belt laws. Thank you and all those you arranged to join you for coming to meet me and discuss this important campaign.

The data is clear and compelling -- seat belts save lives and are an important means of preventing serious injuries. Yet somehow the 2 out of 3 people in cars who do not buckle up ignore these facts and continue to put themselves and their loved ones at risk. Clearly more must be done and we believe the campaign currently underway is the right approach.

We have discussed the concern some have voiced that primary enforcement may provide an opening for police harassment. While police harassment is a possible unintended consequence of the law, the data we have examined from several states reveal no reported complaints. Police harassment should be a concern to all of us and should be stopped. There are undoubtedly far more powerful and effective methods to address police harassment than opposition to primary enforcement of seat belt laws.

The National Urban League stands ready to provide any assistance we can to support your efforts.

Sincerely,

Milton J. Little, Jr.
Senior Vice President
National Policy, Research and Advocacy

FACSIMILE TRANSMISSION COVER SHEET
OFFICE OF THE ADMINISTRATOR

National Highway Traffic Safety Administration, NHTSA
400 7th Street, SW., Room 5220, Nassif Bldg.
Washington, D.C. 20590
FAX #202-366-2106

DATE:

3/27/97PLEASE DELIVER THE FOLLOWING 7 PAGE(S) TO:

NAME:

Dorothy Robyn

ORGANIZATION:

TELEPHONE NO.

FAX NO.

456-2223

FROM:

Philip Reck

TELEPHONE NO.

366-2775

REMARKS:

Analysis of .08 Studies

There have been four major studies of the effects following the implementation of .08 laws in states. The following includes descriptions and comments about each.

- **"The Effects Following the Implementation of an 0.08 BAC Limit and an Administrative Per Se Law in California," Research and Evaluation Associates, sponsored by NHTSA, DOT HS 807 777, August 1991.**

Description: California implemented .08 on 1/1/90 and Administrative License Revocation (ALR) on 7/1/90. NHTSA studied driver awareness, the effects of the laws on police and courts, and the effects on arrests and crashes. The two laws and their publicity appear to have reduced alcohol-related traffic fatalities by 12% in 1990. The police and courts required only minimal changes to accommodate the .08 law.

Comment: The study could not quantify the separate effect of each law.

- **"The General Deterrent Impact of California's 0.08% Blood Alcohol Concentration Limit and Administrative Per Se License Suspension Laws," Patrice Rogers, California Department of Motor Vehicles, Research and Development Section, CAL-DMV-RSS-95-158, September 1995.**

Description: Intervention time series analysis was used to evaluate the deterrent impact of these laws in the general population of driving under the influence (DUI) offenders as measured by the effects on alcohol-related traffic accidents. While there were reductions in some of the alcohol measures, .08 could not be linked to any significant decreases in the "had-been-drinking" (HBD) crashes or in fatal crashes. Where impact did occur in association with the .08 law, it was consistently in the form of a permanent 7.2% reduction in nighttime fatal and severe-injury crashes, reflecting a one-year estimated total decrease of approximately 500 such crashes following the law.

Comment: Some in the alcohol industry point to this study as finding no effect of .08, but it did, as stated above. The effect was not seen in the HBD crashes or in total fatal crashes, but the 7.2% reduction was in nighttime fatal and severe crashes, where alcohol involvement is historically high.

- **"The Impact of Lowering the Illegal BAC Limit to .08 in Five States in the U.S.," Delmas Johnson and James Fell, NHTSA, 39th Proceedings of the Association for the Advancement of Automotive Medicine, October 1995.**

Description: An analysis was conducted using fatal crash data (from FARS) to determine the impact of lowering the per se limit to .08 in five states which had the law for at least 2 years. The results revealed statistically significant reductions of driver involvement in alcohol-related fatal crashes after .08 legislation took effect in 4 out of the 5 states,

ranging from 4% in California to 40% in Vermont. This assessment appears to indicate that the implementation of .08 laws and other related activities (i.e. public information about the laws) are associated with reductions in fatal crash driver alcohol involvement.

Comment: The study did not control for other factors which could have influenced the reductions such as increased enforcement, other DWI legislation, and public information and education. Significant reduction were found in only 9 of 30 measures used. NHTSA is conducting further analyses of these 5 states in attempts to control for some potentially influencing factors. That analysis should be completed in the summer of 1997.

- **"Lowering State Legal Blood Alcohol Limits to 0.08%: The Effect on Fatal Motor Vehicle Crashes,"** Ralph Hingson, Timothy Heeren, Michael Winter, Boston University, *American Journal of Public Health*, Vol 86, No.9, September 1996.

Description: The first 5 states that lowered legal blood alcohol limits to .08 were paired with 5 nearby states that retained .10. Within each pair, comparisons were made for the maximum equal available number of prelaw and postlaw years. States adopting .08 experienced 16% and 18% relative postlaw declines in the proportion of fatal crashes involving fatally injured drivers with BACs .08 or higher and .15 or higher, respectively. If all states adopt .08, at least 500 to 600 fewer fatal crashes would occur annually.

Comment: The five comparison or control states were selected based upon three criteria: geography, population, and BAC testing rate on fatal drivers. The control state had to be nearby the .08 state to account for regional differences, had to be similarly populated (small, medium, large), and had to have a fairly high BAC testing rate on fatally injured drivers (the average testing rate was 81% during the study periods). These criteria are common practice in public health studies of this kind.

The effects most likely would not have been the same if five different control states were selected. However, according to the strict criteria noted above, the five selected states were pretty much the only ones that could have been used.

Many researchers believe that the sample size in controls should be higher than the sample size in the experimental group. When NHTSA performs these analyses, it uses "the rest of the states" as a comparison to the .08 states (see Johnson and Fell, 1995). There are good reasons to do this and it is a weakness in the Hingson study.

However, Hingson had used his "matched pair" methodology in other research without criticism. In fact, the "match pair" philosophy is used by many top researchers in traffic safety. His paper was peer reviewed by the American Public Health Association editors before it was published, so it passed their muster.

- **Future Studies**

NHTSA is sponsoring a study by the University of North Carolina on the effects of .08 in North Carolina. That study is in progress and should be completed by the summer of 1997. Preliminary indications are a small positive effect (unknown if statistically significant).

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LOWERING THE ILLEGAL PER SE BAC LIMIT TO .08

POINT/COUNTERPOINT

Point 1 *A .08 law will cause moderate drinkers to drink less alcohol, or not even drink at all, for fear of breaking the law or being arrested for driving while impaired.*

Counterpoint There is no evidence in the 5 states which have had a .08 law for more than a year that per capita alcohol consumption was affected by the law. In California, for instance, per capita alcohol consumption in 1989 (before the law) was 2.15 gallons of alcohol. In 1990, after the law went into effect, per capita consumption was 2.13, with only wine consumption decreasing (insignificantly), according to figures from the alcohol industry. While per capita alcohol consumption decreased somewhat in Utah, Oregon, Maine and Vermont after their .08 laws were passed, the decrease was no different than the decreasing trend that was already occurring in those states.

Point 2 *A .08 law will cause a shift in drinking behavior from licensed establishments (restaurants, bars, taverns) to the home where no driving is involved.*

Counterpoint On the contrary, there is evidence from Maine that restaurant sales increased 11% in 1988, the year .08 went into effect. However, if a shift is happening, there are plenty of incentives that the hospitality industry can use to bring customers back to their premises and reduce the risk of driving while impaired:

- promote the designated driver program by providing free or reduced price non-alcoholic beverages to those individuals;
- promote non-alcoholic beers and wines;
- provide free rides home for drivers who appear to be impaired; and
- engage in responsible alcohol service by training servers, making food available to patrons, not serving intoxicated customers, etc.

Finally, the intention of .08 legislation is to send a message to drivers that the laws against DWI are getting stricter and that if they do get caught driving impaired they will be prosecuted. It is intended to reduce drinking and driving behavior, not drinking behavior.

Point 3

A .08 law will diminish efforts to deal with the real problem ---- the hard core drinking drivers with very high BACs.

Counterpoint

Efforts continue to attack the impaired driving problem from all angles. For approximately 70-80% of fatally injured drinking drivers each year, their fatality is their first alcohol-related contact with the system, no matter what their BAC. .08 legislation is just one of many laws and programs that NHTSA is encouraging states to adopt. Other legislation that NHTSA promotes include zero tolerance (.02 BAC) laws for drivers under age 21, administrative license revocation laws to ensure swift punishment for DWI, graduated licensing programs for new drivers, self-sufficient DWI programs, and various vehicle actions against repeat DWI offenders. In the area of enforcement, NHTSA promotes the use of sobriety checkpoints and saturation patrols to catch impaired drivers, training for police on standardized field sobriety testing, and increased enforcement of underage drinking and driving. New public information and education programs will target hard core drinking drivers. Responsible alcohol service programs are also encouraged by NHTSA, which have the potential of preventing intoxicated patrons from driving. NHTSA spends substantial time and energy promoting all of the above.

Point 4

Instead of lowering the illegal BAC limit from .10 to .08, why not adopt more severe sanctions for drivers with high BAC levels (e.g. those at .15 or .20 and higher)? These are the majority of drinking drivers arrested and involved in fatal crashes.

Counterpoint

Some states, such as Florida, use both systems. Florida lowered its per se BAC limit to .08 on January 1, 1994. There is also no question that drivers with very high BACs (.15+) are more impaired and have greater crash risks than drivers at .08. For many years, Florida has had mandatory minimum jail sentences and fines for drivers convicted of DWI at BACs = .15 or greater. These "mandatory minimums" do not apply to drivers under .15 BAC. Both laws are rational and make sense. It should not be "one or the other," but can be both. There is evidence that .08 reduces alcohol-related fatalities.

While more severe penalties based upon BAC makes sense, there is no evidence to date that this system is effective.

Point 5

The only evidence that NHTSA has that .08 is effective in reducing alcohol-related crashes is the California study, and that study has flaws:

- (1) *There was only a 5% reduction in alcohol-related fatalities in California between 1989 and 1990, not 12% as reported by NHTSA.*
- (2) *The national decrease in alcohol-related fatalities was the same as California's between 1989 and 1990. Therefore, .08 did not have an effect.*
- (3) *California's own studies show no significant decrease in alcohol-related crashes or fatalities between 1989 and 1990.*
- (4) *Most of the states with .08 laws had higher proportions of drivers with alcohol in fatal crashes than the national average in 1992.*
- (5) *California actually had an increase in the number of fatally injured drivers with BACs = .15-.19 between 1989 and 1990, where the real problem lies.*
- (6) *The NHTSA study in California showed no significant decrease in crashes where the police reported a driver as "had been drinking" (HBD).*

Counterpoint

The evaluation of .08 in California was not the only reason NHTSA has endorsed .08 laws. There is substantial evidence that critical driving performance measures are impaired at .08 and that the risk of a crash is significantly elevated at .08 and beyond. Many industrialized nations use .08 or a lower BAC as a standard for impairment. The fact that the California study indicated bottom-line effectiveness of the law was just one more ingredient in the decision. With regard to the specific "flaws" in the California study, here are the facts:

- (1) The evaluation used an accepted methodology to study the effects of the .08 law --- time series analyses using the AutoRegressive Integrated Moving Averages (ARIMA) model. Data were analyzed 4 years before the law change and 1 year after. The trend model before the law took effect predicted alcohol-related fatalities for 1990. Actual alcohol-related fatalities for 1990 were 12% below that predicted while non-alcohol-related fatalities experienced no change. The 12% significant decrease took place in the first six months of 1990 when .08 was in effect but the administrative license revocation (ALR) law was not. In analyses of the effects of laws, it is not appropriate to merely compare one year of aggregated data before the law change to one year of aggregated data after the law. The NHTSA study used an acceptable, peer-reviewed, statistical approach to the problem.
- (2) Many things went on in the rest of the nation to explain the national decrease from 1989 to 1990. These things were controlled for to the extent possible in the California study, which is why the time series method was used. The fact is, California's alcohol-related fatality decrease was significant and was due mainly to the .08 and ALR laws.
- (3) California has published no studies to date which make this statement. The California Department of Motor Vehicles is conducting its own analyses of the effects of the .08 and ALR laws and plans to publish those results this year.

- (4) Here are the estimates of drivers in fatal crashes with positive BACs for the 5 states with .08 and the nation as a whole in 1992:

<u>Percent Drivers in Fatal Crashes with BAC > .01</u>	
CA	27.4
ME	29.1
OR	28.5
UT	20.4
VT	<u>33.4</u>
Nation	28.6

Three of the five states with .08 had lower proportions of drivers with positive BACs compared to the national average. However, these comparisons are irrelevant to the effects of .08 laws. Some of these .08 states started out with higher than national average alcohol rates. It is the reduction in alcohol-related fatalities due to the law change, not comparisons to the national average, that is the issue.

- (5) California did experience a slight, non-significant increase in the number of driver fatalities with BACs = .15-.19 in 1990 compared to 1989. However, they experienced decreases in driver fatalities in all other BAC ranges, including those with .20 BAC and above. Overall, California experienced a decrease in driver fatalities with positive BACs between 1989 and 1990, certainly the desired effect.

- (6) Experience in many past evaluations shows that police may change their behavior in reporting HBD crashes in the year following a highly publicized law change. Police became more aware of the problem and feel more compelled to report HBD crashes. Many times this behavior change offsets any real decreases since crashes reported as "HBD" in the year following the law change may not have been reported as such in the year before. This phenomenon is common and it is why other measures of alcohol involvement are used in scientifically accepted evaluations.

Finally, NHTSA is conducting an analyses of the effects of .08 in the 5 states which have had the legislation for over a year. So far, 9 out of 30 measures of alcohol-involvement in fatal crashes show statistically significant decreases when the .08 law went into effect in 4 of the 5 states. Results of these analyses will be published in the spring of 1994.

Point 6

.08 is just the first step in a process to lower the illegal limit even further.

Counterpoint

NHTSA believes that a .08 limit is practical, rational and acceptable to the public. NHTSA has no plans to recommend limits lower than .08 for adults, except for commercial drivers (where the national standard is already .04) and for drivers under age 21 where NHTSA recommends zero tolerance: .02 or lower.

JCF

3/18/94

FACT SHEET

SEPT
1996

STATE LEGISLATIVE

National
Highway
Traffic Safety
Administration
U.S.
Department of
Transportation

0.08 BAC Illegal Per Se Level

It is illegal per se to drive a motor vehicle with a blood alcohol concentration (BAC) at or above a specified level in all but two States of the United States. The customary level, currently the law in 35 States and DC, was 0.10 for all drivers aged 21 and above. However, 13 states have lowered their level to 0.08. In a 1992 Report to Congress, NHTSA recommended that all states lower their illegal per se level to 0.08 for all drivers aged 21 and above.

Key Facts

- In 1995, 41 percent of the 41,798 motor vehicle deaths were alcohol-related. This percentage translates into 17,274 alcohol-related deaths last year.
- Over 80 percent of drivers involved in fatal crashes with positive BACs had levels exceeding 0.08.
- An average male weighing 170 pounds must consume more than four drinks within one hour on an empty stomach to reach a 0.08 BAC level.
- A recent analysis of five states that lowered the BAC limit to 0.08 showed that significant decreases in alcohol-related fatal crashes occurred in four out of the five states as a result of the legislation.

Why 0.08?

Virtually all drivers are substantially impaired at 0.08 BAC. Laboratory and test track research shows that the vast majority of drivers, even experienced drinkers, are impaired at 0.08 with regard to critical driving tasks. Braking, steering, lane changing, judgment, and divided attention, among other measures, are all

affected significantly at 0.08 BAC. Performance decrements in some of these tasks are as high as 60-70 percent at 0.08 BAC according to studies.

The risk of being involved in a crash increases substantially by 0.08 BAC. The risk of being in a crash gradually increases at each BAC level, but rises very rapidly after a driver reaches or exceeds 0.08 BAC compared to drivers with no alcohol in their blood systems. Research by the Insurance Institute for Highway Safety indicates that the relative risk of being killed in a single vehicle crash at 0.08 BAC is eleven times that of drivers at .00 BAC (no alcohol).

Lowering the per se limit is a proven effective countermeasure which will reduce alcohol-related traffic fatalities. There was a 12 percent reduction in alcohol-related fatalities in California in 1990, the year 0.08 and an administrative license revocation law went into effect. The decrease in alcohol-related fatalities occurred at both high and low BAC levels, even drivers with BACs of .20 or greater.

0.08 is a reasonable BAC level. A 0.08 BAC is not reached with a couple of beers after work or a glass or two of wine with dinner. Studies show that the average 170 pound male would have to consume more than four drinks within one hour on an empty stomach to reach 0.08 BAC. The average 137 pound female would need three drinks on an empty stomach to reach that level. Typically, that
(continued)

Contents

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- Why 0.08?
- Point/Counterpoint
- Impact on the Criminal Justice System
- Who Supports 0.08?
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Who Supports 0.08?

The following organizations support a BAC limit of 0.08 or lower:

- Advocates for Highway and Auto Safety
- All State Insurance
- American Alliance for Rights and Responsibilities
- American Association of Motor Vehicle Administrators
- American Association of Neurological Surgeons
- American Automobile Manufacturers Association
- American Coalition for Traffic Safety
- American Insurance Association
- American Medical Association
- American Spinal Injury Association
- American Trucking Associations
- Association for the Advancement of Automotive Medicine
- American Spinal Injury Association
- Center for Substance Abuse Prevention
- Federal Highway Administration
- Insurance Information Institute
- International Association of Chiefs of Police
- Insurance Institute for Highway Safety
- Kemper Insurance Group
- Mothers Against Drunk Driving (MADD)
- National Safety Council
- National Committee on Uniform Traffic Laws and Ordinances
- National Highway Traffic Safety Administration
- National Safety Council
- National Sheriffs' Association
- Nationwide Insurance
- Operation Lifesaver
- Students Against Driving Drunk
- U.S. Department of Justice
- USAA Insurance
- U.S. Surgeon General

Information Sources

Driving Under the Influence: A Report to Congress on Alcohol Limits. NHTSA, Report Number DOT HS 807 879, October 1992.

The Effects Following the Implementation of an 0.08 BAC Limit and an Administrative Per Se Law in California. NHTSA, Report Number DOT HS 807 777, August 1991.

The Effects of Low Doses of Alcohol on Driving Skills: A Review of the Evidence. Moscovitz, Herbert and Robinson, Christopher D., National Technical Information Service, Springfield, VA, Report Number DOT HS 807 280, July 1988.

Alcohol-Related Relative Risk of Fatal Driver Injuries in Relation to Driver Age and Sex. Zador, Paul, Insurance Institute for Highway Safety, Journal of Studies on Alcohol, 52, 4, 1991.

Alcohol Limits for Drivers: A Report on the Effects of Alcohol and Expected Institutional Responses to New Limits. NHTSA, Report Number DOT HS 807 692, April 1991.

Lowering the Illegal Per Se BAC Limit to .08, Point/Counterpoint. NHTSA 1994.

Improving the Understanding of Alcohol Impairment and BAC Levels, and their Relationship to Highway Accidents. NHTSA Report DOT HS 807 433, May 1989.

The 0.08 Alcohol Concentration Limit. House Research Policy Brief, Minnesota House of Representatives, March 1994.

.08 Saves Lives in Your State. 11 Minute video on merits of .08 produced by USAA for NHTSA.

.08 Blood Alcohol Content Laws: Facts, Myths, and Fictions. Kathryn Stewart, Center for Substance Abuse Prevention, October 1993.

The Impact of Lowering Illegal BAC Limit to .08 in Five States in the U.S. Johnson, Delmas; and Fell, James, NHTSA, 39th AAAM Proceedings, 1995.

The reports and additional information are available from your State Highway Safety Office, the NHTSA Regional Office serving your State, or from NHTSA Headquarters, Traffic Safety Programs, NTS-20, 400 Seventh Street, S.W., Washington, DC 20590, 202-366-9588.



BRENNAN T @ A1
03/24/97 02:11:00 PM

Record Type: Record

To: Dorothy Robyn, James A. Brown, MAZUR_M @ A1@CD@LNGTWY

cc:

Subject: Increasing seat belt use

I've no objection to this, but I thought a reminder regarding the "offsetting behavior" hypothesis might be useful. That hypothesis, due in this context to research by Sam Peltzman, posits that mandating caution along one dimension of behavior is not likely to have much of an effect on the incidence of harm, because people will "offset" these risk reductions with more hazardous behavior in other areas. For example, one may drive less carefully on a slick surface if one has antilock brakes. I believe that insurers in fact have stopped giving discounts for ABS because the data did not show that ABS did not in fact lead to damage reductions. Peltzman's famous study reached a similar conclusion regarding seat belt use.

I bring this up not because I oppose the initiative, but perhaps to remind you of the Peltzman hypotheses in case any opposed to this initiative raises it. Along those lines, the document is notable in that while it talks about increased use of seat belts and the ability of seat belts to reduce harm, there is no reported finding that mandatory use of seat belts has in fact led to reduced harm. There are some data reported on Medicare and Medicaid savings, but I strongly suspect those are based on simple projections assuming that increased seat belt use would be purely "additive" as far as safety goes, and that there would be no offsetting behavior.

One point supporting the initiative is that the "offsetting behavior" hypothesis does not hold if the mandatory rule, e.g., for seat belt use, forces drivers to adopt a greater *total* level of caution than they would absent the rule. In other words, it is impossible for them to take as much risk with the rule as they would take absent it. Accordingly, a rule addressing behavior of "high risk" drivers, as discussed in the middle of p. 4, might have some effect.

More than you wanted to know, I'm sure!

Tim B.