

Impact of the 1966 Highway Safety Acts on Indiana

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FEDERAL, STATE AND LOCAL COOPERATION

The special message on transportation and safety which President Johnson sent to the Congress a little over a year ago was welcomed by all those interested in the increasing emphasis on traffic safety programming. Many have worked for years to bring about the programs mentioned by the President and subsequently enumerated specifically in the Highway Safety Act of 1966(1)* as signed into law last September.

The predominant theme throughout the development of this measure, as reflected in its legislative history, and in the initial implementation of its provisions has been called "creative federalism." If this term is defined as allowing maximum freedom to state and local jurisdictions to develop traffic safety programs with minimum federal agency control then I feel confident the concept can lead to a successful partnership. However, if the implementation of the Highway Safety Act appears to relegate the states and local units of government to the status of funding and administering predetermined programs as established by various federal agencies, then I feel progress in traffic safety work is open to serious question. What course will be followed in the initial federal-state-local relationships is not yet clear to most of us who have been placed in positions of coordination by the states with the National Highway Safety Agency.

It is a hard fact that the states and local units of government will have to bear most of the costs of the programs envisioned by the initial thirteen draft standards. The federal funds that will be made available to the states, which amount to approximately three million dollars to Indiana for the biennium starting July 1, 1967, are called "seed monies" by officials in the safety agency. These funds will not support all the programs enumerated by the agency nor can the states

* Numbers in parentheses refer to references listed at the end of this paper.

make general use of the funds for which reimbursement may be available to them.

It is hoped that the National Highway Safety Agency officials are cognizant of the scope and impact of these standards. State legislatures as well as the county and city legislative bodies must weigh every request for tax funds carefully in order to establish priorities within the general needs and basic requirements of the particular jurisdiction. To compel these bodies to do otherwise is to place them in a position of lesser importance than correct in our government structure.

I am confident the Congress did not intend this to happen and that the officials of the Department of Transportation and its Highway Safety Agency realize the ultimate success of the important programs rest on a basic trust and mutual understanding resulting from cooperation. We are all interested in saving lives and reducing the great economic loss caused by traffic accidents. We must all work together if we are to achieve noticeable results.

In this spirit of cooperation, the recently adjourned session of the Indiana General Assembly enacted several very important measures that will aid in the battle against the increasing carnage on highways. It is to the credit of the state senators and representatives that legislation dealing with the far-flung aspects of traffic safety was handled in a bipartisan manner. This Assembly must stand as a bench mark to those who worked for many years to develop and perfect a comprehensive traffic safety program.

Many state and local agencies worked diligently with interim legislative committees to compile the background information vital to the preparation of the bills passed in the 1967 session. The period between the adjournment of the 1965 session and the convening of the 1967 session was a busy one for agencies with traffic safety responsibilities. It is a tribute to these people that even *prior* to the December 1966 and February 1967 draft standard announcements by the Highway Safety Agency, Indiana either had in operation or in preparation necessary legislation which, in my judgment, exceeded any minimum requirements which can be extracted from these draft standards.

EARLY LEGISLATION BY GENERAL ASSEMBLY

Since many of these standards have already been aired they need only brief consideration here.

Periodic Motor Vehicle Inspection⁽²⁾

A special committee created by the Legislative Advisory Commission made a comprehensive study of the various vehicle inspection programs

now operational in other states. The bill passed by the Assembly was the result, with slight modifications, of this careful study. It will be operational in 1969.

Motorcycle Safety⁽³⁾

Indiana hosted a multi-state conference on motorcycle safety in December 1966. The legislation enacted last month by the General Assembly is based upon the recommendations of this conference. The motorcycle code provides for the licensing of cycle operators, protective headgear, eye and face protection requirements, rules of the road for the operation of the cycles, as well as the transportation of passengers by cycle operators. This act is possibly the most comprehensive legislation dealing with motorcycles available today.

Driver Education

Long a leader in driver education programs, Indiana was again recognized by the Insurance Institute for Highway Safety as a top ranking state in this critical area. The proposed draft standard reflects Indiana's current driver education program in its scope and priority.

The regulation of commercial driver training schools was provided for by the 1967 Assembly⁽⁴⁾. The Bureau of Motor Vehicles will continue to emphasize the importance of properly trained drivers. It will require commercial driver training schools to maintain sufficient classroom and behind the wheel instruction in order to retain certifications. There is no shortcut to competency in the operation of a motor vehicle.

Traffic Codes and Laws

A two-year study made by Indiana officials in cooperation with the National Committee on Uniform Traffic Laws and Ordinances was completed in September 1966⁽⁵⁾. The recommendations are still under review in many instances. However, several of the proposals were introduced into the 1967 General Assembly. The first systematic revision in our speed limit laws and the operation requirements for vehicles on Indiana highways was enacted⁽⁶⁾. Not surprisingly, the report showed that Indiana's existing laws in most of the areas were in substantial conformity with the provisions of the Uniform Vehicle Code. Here, once again, Indiana's progress in traffic safety has been documented.

Driver Licensing

Through the improved techniques available in data processing programming and equipment, the law enforcement agencies, Bureau of Motor Vehicles, as well as the courts are better able to isolate information on individual drivers. This progress allows the appropriate agency to locate and remove the errant driver from our highways more quickly.

Additional refinements in the licensing control process were added by the 1967 General Assembly. The Commissioner of Motor Vehicles was given an important advisory group when a Medical Advisory Commission of Driver License⁽⁷⁾ was created. This group of medical specialists will be able to review recurrent medical problems associated with the impaired operation of motor vehicles and to make recommendations as to the capability of specific individuals to effectively operate a motor vehicle.

The recently revised Point System has enabled the state to ferret out persons who consistently commit the most life endangering traffic offenses and to have them removed from the highways before they either become—or compel others to become—grim statistics in our traffic fatality count.

In order to strengthen interstate cooperation in the field of driver licensing in our mobile society, Indiana has passed legislation which allows the state to become a member of the Driver Licensing Compact⁽⁸⁾. This will assist in preventing a driver whose license has been suspended in one jurisdiction to fraudulently obtain an operator's license in another.

Traffic Courts

The Office of Traffic Safety, Indiana Trial and Municipal Judges Association, State Bar Association, and American Bar Association have cooperated in sponsoring traffic court conferences. These events have assisted in a better understanding between the licensing and enforcement groups and the judges.

The initial step in basic changes in the state judicial system was taken by the 1967 Assembly when a constitutional amendment on judicial reform was passed⁽⁹⁾. This action was but the first step and the 1969 Assembly will have to also consider the proposal before it comes before the voters for approval or rejection.

Several procedural statutes were enacted to aid in dealing with traffic law violators when brought before the courts.

Alcohol in Relation to Highway Safety

The Department of Toxicology of the Indiana University School of Medicine was authorized by the 1967 Assembly to undertake a study of the affect of alcohol, drugs, and carbon monoxide in fatal accidents⁽¹⁰⁾.

This is the initial step in a program to obtain clinically sound data on this much discussed problem of how often these substances appear in fatal accidents.

Implied consent legislation⁽¹¹⁾ was before the Assembly and failed to pass. Perhaps the results of this study coupled with other data will provide more updated and medically accurate information. It should also be noted that since July of 1965, the State Police have been conducting in-depth investigations into all fatal accidents that department investigates. The results of this study will also provide useful information for future traffic safety programming.

Local-State-Federal Cooperation

Three major pieces of legislation were passed which directly affect inter-governmental cooperation in traffic safety work. The Office of Traffic Safety Act of 1953 was amended to provide for a single Traffic Safety Advisory Committee instead of the three overlapping groups formerly established⁽¹²⁾. This Committee will provide a sounding board for careful review of existing state programs as well as for consideration of new safety programs.

Enabling legislation was passed to provide that Indiana could participate in the programs of the 1966 Highway Safety Act⁽¹³⁾. This legislation designates the governor as the official responsible for the comprehensive traffic safety programming for Indiana and authorizes him to delegate various operational aspects of the program to appropriate state and local officials and agencies.

The creation of a City-County Traffic Safety Programs Advisory Board⁽¹⁴⁾ will enable Indiana to implement the provisions of the federal legislation in a manner that allows for careful local review and program development. I am certain that the Office of Traffic Safety will be happy to discuss this phase of the program with all interested county and city officials. As early as last October, the Governor's Office was in contact with the Indiana Municipal League and Association of Indiana Counties officials to seek their guidance on implementation of the traffic safety programs under the federal legislation.

Local units of government are the *core* for any effective traffic safety work. Without local interest and active participation, success cannot be attained. Local officials are urged to review the actions

of the 1967 General Assembly and to take full advantage of the measures enacted by that body. State assistance is available but local initiative is required to make use of such aid.

Highway Draft Standards for Construction, Maintenance, and Design

The state highway commission personnel had already reviewed the aspects of the draft standards that deal with technical and engineering areas. When Indiana submitted comments on the draft standards, the highway department was asked to review these matters and those comments were incorporated directly in our observation.

Impact or Impasse

This rather cursory review of Indiana's existing traffic safety programs and the action of the 1967 General Assembly is evidence of the concern shared by everyone for continually improved performance. It must also be constantly pointed out that in many areas, such as the use of data processing techniques and refined accident investigation procedures, driver education and licensing, vehicle registration, intensified law enforcement, and revised judicial procedures, Indiana has long been among the leaders. We can all be proud of our forward looking program but we cannot relax our drive to continue to improve Indiana's performance in every one of the many aspects of traffic safety.

Indiana has programs in each of the areas described in the thirteen draft standards⁽¹⁵⁾. In my judgment, Indiana has a viable, effective traffic safety program in operation. We hope the officials of the National Highway Safety Agency will agree and that a forum of real local-state-federal cooperation can evolve through mutual understanding and the exchange of information.

The states have done much more in the area of traffic safety than credit has been given them. The states have much to offer and their counsel should be given a preferential place in the development of any standards. States are today in a position to determine their needs, pin-point weaknesses, and establish priorities within a state oriented program.

The increased interest shown by the federal government in traffic safety work is welcomed as proof that here is an area where state and local communities are best able to provide the basis for a workable, acceptable, citizen oriented program. Federal officials can play an important role in correlating these programs and placing them before the appropriate officials. The National Highway Safety Agency

can help the states to speak as one voice on these important matters affecting every citizen in every jurisdiction.

As Dr. William Haddon, Administrator of the Highway Safety Agency commented at the February 16 meeting of state coordinators, the federal government can work in partnership with the states so that safety programs are not dominated by Washington but controlled by the states with assistance in doing a better job provided by the Highway Safety Agency.

CONCLUSION

Indiana, I am confident, welcomes the impact of the 1966 Highway Safety Act. It, like a fresh spring breeze, can assist in awakening Hoosiers to their individual responsibilities in traffic safety and provide for the interchange of information between local communities, counties, and states.

Indiana, I am just as certain, hopes that no impass develops so that cooperation is stifled and initiative lost because of misunderstanding as to what "creative federalism" means.

REFERENCES

- (1) Public Law 80-564
- (2) Chapter 317, Acts of 1967, Indiana General Assembly
- (3) Chapter 213, Acts of 1967, Indiana General Assembly
- (4) Chapter 315, Acts of 1967, Indiana General Assembly
- (5) Special Study—*Indiana Traffic Laws and the Uniform Vehicle Code* by National Committee on Uniform Traffic Laws and Ordinances
- (6) Chapter 138, Acts of 1967, Indiana General Assembly
- (7) Chapter 229, Acts of 1967, Indiana General Assembly
- (8) Chapter 220, Acts of 1967, Indiana General Assembly
- (9) H.J.R. 6, passed by the 1967 Indiana General Assembly
- (10) Chapter 237, Acts of 1967, Indiana General Assembly
- (11) Senate Bill No. 20. Failed to pass in Conference Committee vote in Senate (1967)
- (12) Chapter 105, Acts of 1967, Indiana General Assembly
- (13) Chapter 134, Acts of 1967, Indiana General Assembly
- (14) Chapter 245, Acts of 1967, Indiana General Assembly
- (15) Proposed Draft Standards issued by the National Highway Safety Agency, February 16, 1967, and submitted to the states for observations.