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COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C. 20548

RELEASED

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Dear Mr. Rooney:

By letter dated July 19, 1971, you requested our Office to review the Secretary of Transportation's failure to withhold Federal funds from any State not implementing an approved highway safety program.

The Highway Safety Act of 1966, as amended (23 U.S.C. 402), directs the Secretary to develop uniform standards to be followed by the States to increase highway safety. The act states that the Secretary shall withhold certain apportionments after December 31, 1969, from any State not implementing an approved highway safety program. (The term "State" means any one of the 50 States, the District of Columbia, or Puerto Rico.) The withholding provision applies to total apportionments made under the highway safety program and to 10 percent of apportionments made under the Federal-aid highway construction program.

The Secretary developed 16 standards related to highway safety (see enclosure) and directed each State to prepare and submit for approval a long-range comprehensive program setting forth the actions to be taken to accomplish the objectives of the standards. Each State submitted a program, and all were approved by December 31, 1969.

Although the Department of Transportation found weaknesses in some of the programs, it considered the total program of each State to be a reasonable start toward achieving a significant overall improvement in highway safety. The program weaknesses related to such things as the need to provide for legislative actions before certain highway safety activities could be implemented and the need to strengthen local government participation and involvement in highway safety.

The Department informed the States that continued approval of their programs would depend on the remedial actions taken to correct noted program weaknesses, as well as on the satisfactory implementation of the requirements of each safety standard. A Department official told us that a subsequent policy decision was made not to disapprove any State's program for failure to satisfactorily implement one or more specific standards, as long as the State was making a reasonable effort toward achieving overall improvement in highway safety.

About a year after its approval of the States' safety programs, the Department judged the progress made by each State in carrying out its program. According to Department officials, the judgments were based on a consideration of each State's approved program and on the actions taken by the State to implement the safety standards.

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The Department concluded that, overall, each State was making acceptable progress toward implementing a total highway safety program as required by the 1966 act. This conclusion was reached even though the Department recognized that 19 of the States had not demonstrated acceptable progress toward implementing one or more safety standards covering such things as identification and surveillance of accident locations, periodic motor vehicle inspections, or driver licensing. The Department plans to make another evaluation and issue a report in December 1971.

Department officials informed us that, since the Department considered the overall progress of each State to be acceptable, the failure of a State to make acceptable progress to implement one or more of the individual standards would not be grounds for withholding Federal funds. According to these officials, the Department believes that its concept of acceptable progress is in consonance with the congressional intent expressed in House Report 1799 (90th Cong., 2d sess.) which states:

"Based on the testimony of the Department of Transportation before the House, it is clearly understood by the Public Works Committee of both the Senate and the House of Representatives that, because of the nature and scope of the highway safety program, its high eventual cost, and the limited Federal funds currently available for it, any State will be considered in compliance and therefore not subject to penalty if it is making reasonable progress on the program standards. Complete compliance with all standards, or even a major part of them would be out of the question, even by the extended penalty date of January 1, 1970, and the conferees expect that administration of the Highway Safety Act will continue on this basis." (Underscoring supplied.)

Department officials stated that they preferred to use persuasion and direct negotiation in influencing a State's actions, rather than the sanction of withholding funds. They stated that the fund-withholding provision in the 1966 act would be invoked only when a State failed to make acceptable progress toward overall implementation of its approved program or when it took an action which the Department considered to be a step backward in regard to highway safety, such as repealing a State law which provides for implementation of a safety standard that has direct safety payoffs in terms of reducing highway traffic accidents, deaths, injuries, or property damage.

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Documents furnished by Department officials showed that consideration had been given by the Department to withholding Federal funds in the following four cases involving State legislative actions which the Department considered to be steps backward.

- The Connecticut Legislature passed a bill repealing the motorcycle helmet law.
- The Missouri Legislature passed a bill authorizing a dual system of driver licensing under which certain persons, such as chauffeurs and truck drivers, would obtain two licenses and therefore could operate a motor vehicle even though one of the licenses was suspended.
- The Oregon Legislature eliminated \$1.5 million in State support for driver education.
- The Illinois Legislature failed to pass an implied-consent law under which acceptance of an operator's license or operation of a vehicle would imply advance consent to a chemical test for intoxication when an operator was charged with driving while drunk.

The State legislative actions in the first three cases were overturned before it became necessary for the Department to invoke the penalty provision of the 1966 act. In the first two cases the respective State Governors vetoed the bills, and in the third case the legislature reversed its position and restored the funds. In the fourth case the Department is allowing the State until June 1972 to enact implied-consent legislation.

We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

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We trust that the above information will serve your purpose.

Sincerely yours,



Deputy Comptroller General  
of the United States

Enclosure

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—  
The Honorable Fred B. Rooney  
House of Representatives

HIGHWAY-SAFETY-RELATED AREAS  
FOR WHICH THE SECRETARY OF TRANSPORTATION  
HAS ISSUED STANDARDS

<u>Standard area</u>	<u>Date promulgated</u>
Periodic motor vehicle inspection	June 27, 1967
Motor vehicle registration	do.
Motorcycle safety	do.
Driver education	do.
Driver licensing	do.
Codes and laws	do.
Traffic courts	do.
Alcohol in relation to highway safety	do.
Identification and surveillance of accident locations	do.
Traffic records	do.
Emergency medical services	do.
Highway design, construction, and maintenance	do.
Traffic lighting and control devices	do.
Pedestrian safety	Nov. 2, 1968
Police traffic services	do.
Debris hazard control and cleanup	do.