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Memorandum

U.S. Department
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National Highway
Traffic **Safety**
Administration

DEPARTMENT OF TRANSPORTATION

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DOCKET SECTION

Subject: Section 157, Safety Incentive Grants for Safety Belt Use

Date: OCT 28 1998

William M. Walsh

From: Associate, Administrator for Plans and Policy

Reply to
Attn. of:

Docket

To:

THRU: Frank J. Seales, Jr.
Chief Counsel

Attached are 2 copies of the Final Economic Assessment, Safety Incentive Grants for Use of Seat Belts. Please place these copies in the appropriate docket.

Attachments

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People Saving People

DEPARTMENT OF TRANSPORTATION

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DOCKET SECTION

**Final Economic
Assessment**

National Highway Traffic Safety Administration

Safety Incentive Grants for Use of Seat Belts

Office of Regulatory Analysis & Evaluation
Plans and Policy
October, 1998

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Executive Summary

The Transportation Equity Act for the 21st Century authorized a seat belt incentive program with funds to be distributed from 1999 through 2003. Available allocations are \$82 million for fiscal year 1999, \$92 million for fiscal year 2000, \$102 million for fiscal year 2001, and \$112 million for both fiscal years 2002 and 2003. Funds are to be allocated to states that achieve a seat belt use rate in each of the preceding two calendar years that is higher than the national average use rate for those years. A state that satisfies this requirement will receive an allocation of funds that reflects the medical care cost savings to the Federal government due to the amount by which the state seat belt use rate for the previous calendar year exceeds the national average seat belt use rate for that year. A state that does not exceed the national average can still receive an allocation of funds if it satisfies a separate requirement that its seat belt use rate in the previous calendar year was higher than its base rate, defined as its highest seat belt use rate for any calendar year from 1996 through the second-to-last calendar year. A state that satisfies this requirement will receive funds based on the medical care cost savings to the Federal government due to the increase from the base seat belt use rate.

Funds not allocated during fiscal year 1999 will be apportioned for use under the surface transportation program administered by the Federal Highway Administration. Funds not allocated during later years will be allocated to states to carry out innovative projects to promote increased seat belt use rates.

Benefits:

Based on an analysis of previous state efforts, NHTSA believes that incentives provided by Section 157 could result in safety efforts that would increase seat belt use rates by an average of from 1-4 percentage points. If this increase in usage is achieved, from 232-940 lives would be saved annually, from 5,700-23,000 nonfatal injuries would be prevented, and medical costs would decline by \$64 million - \$258 million.

Costs:

For states to qualify for fund allocations beyond fiscal year 1999, they will have to conduct seat belt use surveys that meet certain requirements. Most states already conduct such surveys, but some do not. The cost of revising current survey practices for those states that require such changes is estimated to be \$160,000. This is a one-time redesign cost. Some states will also incur annual costs to conduct surveys more frequently than they currently do. These annual costs are estimated to total \$192,750 for the nine affected states.

To raise seat belt use rates, states will have to initiate enforcement efforts and public education programs or pass legislation to upgrade current belt use laws to primary enforcement status.

NHTSA estimates that the level of expenditure needed to raise use rates by 1-4 percentage points is approximately \$200,000 per state or \$10.4 million nationwide.

Background

Section 1403 of the recently enacted Transportation Equity Act for the 21st Century (P.L. 105-

178) added a new Section 157 to Title 23 of the United States Code (replacing a predecessor Section 157). The new section (hereafter Section 157) authorizes a state seat belt incentive grant program covering FY 1999 through 2003.

Section 157 requires the Secretary to allocate funds, starting in FY 1999, to states that achieve a seat belt use rate in each of the preceding two calendar years that is higher than the national average seat belt use rate for those years. A state that satisfies this requirement is to receive an allocation of funds that reflects the “savings to the Federal Government” due to the amount by which the state seat belt use rate for the previous calendar year exceeds the national average seat belt use rate for that year. A state that does not satisfy this requirement can still receive an allocation of funds if it satisfies a separate requirement—that its seat belt use rate in the previous calendar year exceed its “base seat belt use rate,” which is defined as the state’s highest seat belt use rate for any calendar year during the period of 1996 through the second-to-last calendar year. A state that satisfies this separate requirement (but not the first requirement) is to receive an allocation of funds that reflects the “savings to the Federal Government” due to the increase from the base seat belt use rate. Section 157 defines “savings to the Federal Government” as “the amount of Federal budget savings relating to Federal medical costs (including savings under the Medicare and Medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 *et seq.*)), as determined by the Secretary.”

In order to determine whether a state is eligible for an allocation of funds based on the above-described requirements, NHTSA must obtain and evaluate state seat belt use rate information. Specifically, to make the determinations necessary to allocate funds in FY 1999, Section 157

requires the use of seat belt use rate information submitted by the states for calendar years 1996 and 1997. Section 157 provides that this information is to be weighted by the Secretary to ensure national consistency in methods of measurement. The determinations necessary to allocate funds in FY 2000 and thereafter require the use of seat belt use rate information for calendar year 1998 and beyond, and are subject to different requirements. Specifically, beginning in calendar year 1998, Section 157 requires states to measure seat belt use rates following criteria established by the Secretary, to ensure that the measurements are “accurate and representative.”

For all calendar years during which state seat belt use rates must be measured, NHTSA must calculate the national average seat belt use rate, to use in eligibility and allocation determinations. Additionally, for each state determined to be eligible for an allocation (either based on a seat belt use rate that exceeds the national average seat belt use rate or one that exceeds the state’s own base seat belt use rate), NHTSA must calculate the amount of medical savings to the Federal Government due to the state’s higher seat belt use rate, to determine the amount of the allocation.

Provisions

Eligibility

Section 157, provides that a state will receive an allocation of funds on October 1, 1998 and each October 1 thereafter if its seat belt use rate either exceeds the national average seat belt use rate for the previous two calendar years or exceeds the state’s base seat belt use rate. However, Section 157 makes clear that the state may not receive an allocation under both of these criteria. Moreover, if the state meets the first criterion, its allocation will be based on that criterion,

irrespective of whether the state also meets the second criterion. Under the provisions of the interim final rule, for the years 2000 and beyond a state is ineligible for an allocation if it fails to conduct a seat belt use survey when one is required, if it conducts a survey that does not comply with the requirements of the criteria established by NHTSA (referred to as the *Uniform Criteria*), or if it conducts a survey whose measurements do not take place completely within the calendar year for which the seat belt use is being reported. Failure to comply with these survey requirements during one calendar will affect more than one year of allocations.

Determination of State seat belt use rate for calendar years 1996 and 1997

The interim final rule provides that NHTSA will use existing seat belt use rate information submitted by a state for each of calendar years 1996 and 1997 without adjustment, provided it meets four requirements: (1) Measurements of seat belt use were based on direct observation; (2) at least 70 percent of observation sites were surveyed within the calendar year for which the seat belt use rate is reported; (3) all passenger motor vehicles were sampled; and (4) all front seat outboard occupants were counted. NHTSA believes that these minimum requirements are necessary to ensure national consistency in methods of measurement for these first two years, as required under Section 157. The third requirement, that passenger motor vehicles (cars, pickup trucks, vans, minivans, and sport utility vehicles) be included in the count is also a direct requirement of Section 157.

If the first two requirements are met, but either of the last two requirements is not met, the interim final rule provides that the state-submitted information will be used after adjustment based on

information from the most recently conducted National Occupant Protection Use Survey (NOPUS). The NOPUS is a probability-based survey of national seat belt use conducted by NHTSA on a periodic basis. Using the NOPUS, an adjustment will be made based on the national ratio of seat belt use rates for front outboard occupants in passenger motor vehicles to use rates for the group of occupants and vehicles that were included in the state-submitted information. The details of this process are specified in Appendix 1 of this analysis.

If either of the first two requirements is not met, NHTSA will not use the existing information (for any calendar year during which a requirement is not met), as the agency does not believe that the information can be meaningfully adjusted to ensure national consistency in measurement methods. Instead, the interim final rule provides that NHTSA will use information from the Fatality Analysis Reporting System (FARS). The FARS is a NHTSA database containing information, including seat belt use statistics, about crashes that have resulted in fatalities. Seat belt use rates of fatally-injured occupants from the FARS will be correlated to observed use rates, using an algorithm that relates historical seat belt use by fatally-injured occupants to observed use. The details of this process appear in Appendix 2 of this analysis.

In establishing the process for data adjustment and use of alternate data, as discussed above, NHTSA has given careful attention to achieving fair and nationally consistent measures of seat belt use rates for calendar years 1996 and 1997, which have already ended, while allowing significant flexibility in the use of existing information provided by the states.

Determination of State seat belt use rate for calendar year 1998 and beyond

Beginning in calendar year 1998, and for each calendar year thereafter, Section 157 provides that the seat belt use rate information required to be submitted by the states must be in accordance with criteria established by the Secretary. NHTSA has published these criteria-the *Uniform Criteria*-as an interim final rule in the *Federal Register*. States should refer to that document for guidance on survey requirements. For calendar year 1998 and beyond, each state must submit its survey design and seat belt use rate, together with a certification that the measurements were made completely within the calendar year for which the use rate is reported, by no later than March 1 st after the calendar year during which the survey was conducted. The survey design information is to consist, at a minimum, of the documentation required under the *Uniform Criteria* (23 CFR § 1340.5) including information about design, data collection, and estimation. The time-frame for submission provides ample opportunity for states to compile information and compute seat belt use rates following the close of the calendar year, while also providing sufficient time for necessary agency reviews and determinations, and for the timely allocation of funds. The interim final rule provides that a state may submit a survey design for advance approval, prior to conducting the survey. This will provide an extra measure of assurance to a state, prior to committing resources, that its proposed survey satisfies the requirements of the *Uniform Criteria*.

The *Uniform Criteria* are substantially similar to survey guidelines that existed under another grant program (23 U.S.C. 153). Under that program, some states had previously submitted survey designs and received NHTSA approval for the designs. NHTSA believes that prior approval under that program is a strong indication that the survey will satisfy the requirements of

the *Uniform Criteria*, provided the survey design has remained unchanged. Consequently, where a state-submitted survey design has received previous NHTSA approval (on or after June 29, 1992, the date of publication of the guidelines for the previous program), the interim final rule provides that, in lieu of reviewing the current survey, NHTSA may elect to accept a certification by the state (different than the certification referred to above) that the survey procedures have remained unchanged, except for the additional requirements included under the new program. The new requirements include the sampling of all passenger motor vehicles and the measurement of seat belt use by all front outboard occupants, and the state must certify that it is implementing these requirements in its survey. The state must also certify that the seat belt use rate was measured completely within the calendar year for which it is reported. The state is still required to submit its survey design, along with the seat belt use rate and the certification. Since the certification option is at NHTSA's election, the agency retains the ability to review a survey design that had received prior approval, if concerns arise. The certification process is expected to reduce administrative burdens, particularly during future years as more states receive approval of surveys.

Determination of national average seat belt use rate

As discussed above, for each calendar year for which state seat belt use rates have been determined, NHTSA will calculate the national average seat belt use rate. Each state is eligible for an allocation of funds based on a seat belt use rate that exceeds the national average for the past two years. Each state's seat belt use rate for the relevant calendar year will be weighted to reflect the percentage of total national vehicle miles traveled (VMT) attributable to that state.

The national average seat belt use rate will be determined by summing the weighted state seat belt use rates.

If a seat belt use rate is unavailable for a state during a particular calendar year or is reported based on an invalid survey (e.g., one that does not comply with the *Uniform Criteria*), NHTSA will use the most recently available seat belt use rate for the state, as determined under other provisions of today's interim final rule, along with information from the FARS and from the algorithm that relates historical seat belt use by fatally-injured occupants to observed use, as discussed previously. In this manner, the agency will arrive at an estimated seat belt use rate for the state for the missing calendar year. NHTSA will apply this procedure to all states for which a seat belt use rate is unavailable during a calendar year, in order to include seat belt use rates from all the states in the calculation of the national average seat belt use rate. The details of this process appear in Appendix 3 of this analysis.

The interim final rule reserves the option for NHTSA to use the results of an invalid survey in determining the national average seat belt use rate, if in NHTSA's judgment, the deficiencies in the survey are not so substantial as to render the survey less reliable than an estimate based on the FARS process. The agency has included this option in recognition of the fact that all estimates are necessarily imperfect, to ensure maximum flexibility in the process of determining an accurate national average seat belt use rate. NHTSA's election to use state-submitted information that does not comply with the *Uniform Criteria* for the purpose of determining the national average seat belt use rate will not alter that state's ineligibility to receive an allocation of funds. As noted

previously, the eligibility of a state to receive an allocation is governed by other provisions of the interim final rule.

Medical Care Savings

Savings in medical care expenditures result from reductions in the frequency and severity of injuries. In order to determine the savings to the Federal government from reduced medical care expenditures that accrue from safety belt use, the impact of belt use on fatalities and injuries must be estimated

The agency will estimate the impact on fatalities and injuries that result from safety belts using methods described in the report "Estimating the Benefits from Increased Safety Belt Use".¹ These methods relate the effectiveness of safety belts, current usage rates, and existing injury levels to determine the impact of increasing safety belt use on motor vehicle safety. These methods are well-established and have been used for many years in analyses of NHTSA's regulatory programs, and in published estimates of impacts of safety belt use. Using these methods, NHTSA will estimate the fatalities prevented and nonfatal injuries avoided by increased belt use.

NHTSA has also examined the cost impacts of motor vehicle crashes. In the 1996 report "The Economic Cost of Motor Vehicle Crashes, 1994",² NHTSA measured both the medical care costs

¹Blincoe, L.J. Estimating the Benefits of Increased Safety Belt Use. Washington D.C.: U.S. Department, of Transportation, NHTSA, DOT HS 808 133, June, 1994.

²Blincoe, L.J. The Economic Cost of Motor Vehicle Crashes, 1994. Washington DC.: U.S. Department of Transportation, NHTSA, DOT HS 808 425, July, 1996.

and payment sources for these crashes. The agency will adjust these national medical cost figures, both for inflation, and to reflect average state cost levels. Adjustments for inflation will be based on the most recent annual average Consumer Price Index (CPI) medical care cost index. Locality adjustments will be based on per-capita income in each state relative to the national average. These per-case costs will be multiplied by the injuries and fatalities prevented in each state to derive the total medical care savings from increased belt use. The government portion of these costs will be derived from data found in the same cost report. If better data become available during the course of the program, these may be substituted in future years.

Allocations

As previously discussed, Section 157 provides that the amount of a state's allocation is equal to the amount of Federal medical savings attributable to that state's seat belt use rate. The interim final rule provides that, on September 1 prior to each fiscal year during which allocations are to be made, the agencies will notify each state of its proposed allocation. Consistent with Section 157, the rule provides that the allocations will be reduced proportionately if they would exceed the total amount of available authorizations. By September 25th, each state that has received notice of its proposed allocation must identify the programs in which it plans to use its allocated funds. This will enable the agencies to make the necessary accounting entries to ensure that funds are properly made available. Thereafter, on October 1, FHWA will officially allocate the funds.

A State may be eligible for an allocation of funds during each of fiscal years 2000 through 2003 if it conducts a survey of seat belt use during each of calendar years 1998 through 2001, and may be

eligible for an allocation of funds during fiscal year 1999 without conducting a survey.

Allocations available to the States total \$82,000,000 for fiscal year 1999, \$92,000,000 for fiscal year 2000, \$102,000,000 for fiscal year 2001, and \$112,000,000 for each of fiscal years 2002 and 2003. It is unlikely that all available funds will be allocated under this rule. Funds not allocated during fiscal year 1999 will be apportioned for use under the surface transportation program administered by the Federal Highways Administration. Funds not allocated during latter fiscal years will be allocated to states to carry out innovative projects to promote increased seat belt use.

Safety Benefits

A primary purpose of the Safety Incentive Grant for Belt Use program is to save lives and prevent injuries by providing incentives to encourage states to improve safety belt use rates. The real impact of the program will depend on the degree to which states participate, and the success of whatever programs they initiate to achieve higher usage. While these factors are speculative, the results of previous state efforts to increase belt use can provide some insight into the potential impacts of these types of efforts.

Probably the most effective way to increase seat belt use is to establish and enforce a primary seat belt use law. Currently all states except New Hampshire have a seat belt use law. Most states have secondary enforcement laws, which only allow enforcement of seat belt provisions if a driver is stopped for some other offense. Nineteen states and the District of Columbia have primary laws, which allow enforcement under all circumstances. Studies of the impact of upgrading from

secondary to primary enforcement laws have been conducted for three states. In California, belt use increased by 17 percentage points after passage of their primary belt use law. In Louisiana, passage of a primary law increased usage by 16 percentage points, and in Georgia, usage was increased by 8 percentage points. States that have upgraded from secondary to primary laws have thus experienced increases in use rates of from 8 - 17 percentage points.

Short of legislation, states can achieve significant results using education and enforcement blitzes. NHTSA recently conducted a study of enforcement efforts by 17 states aimed at increasing safety belt use rates. These efforts were conducted using grants awarded under the Special Traffic Enforcement Program (STEP). These programs were typically spread over the course of a year in “enforcement waves” during which police focused on enforcing safety belt laws. These programs were also typically accompanied by public announcements and advertising aimed at increasing public awareness of the benefits of safety belt use, the laws requiring their use, and the stepped up enforcement efforts. The results of the study are summarized in the lower portion of Table 1. In conjunction with these programs, surveys were conducted prior to and after each enforcement wave. The Pre-Pre column represents the change in usage rates based on surveys conducted prior to the last enforcement wave compared to the initial use rate before the first wave of the program began. The Pre-Post column represents change based on surveys conducted after the last enforcement wave compared to the initial rates before the first wave of the program. With a few exceptions, the results indicate that these efforts can produce significant increases in belt use. The difference between the two columns is to some extent a measure of the degree of relapse that occurs when enforcement programs cease. Although much of the increase relapses, there is still

typically a 1-4 percentage point improvement remaining after the program ceases, and in some cases the improvement was significantly higher.

Another similar grant program was administered as the Air Bag and Seat Belt Safety Campaign (ABSB) during 1997 and 1998. This program focused on seven states, most of which already had primary belt laws, which allow enforcement of seat belt provisions under any circumstances. In the four primary belt law states (CT, GA, NM, NC), usage rose by 13 - 19 percentage points. In two of the secondary law states (SC & VA), usage rose about 5 percentage points. In one secondary law state (CO), usage rose 15.5 percentage points. These results are summarized in the top portion of Table 1.

The costs of the state programs included in the above studies varied greatly. Funding provided by NHTSA under the two programs varied from \$90,000 to \$225,000 for the STEP grants and from \$400,000 to \$500,000 for the ABSB campaign. The higher funding levels under ABSB may reflect the greater enforcement burden in states with primary laws, but may also reflect higher levels of funding committed to information campaigns. For whatever reason, these higher funding levels appear to have resulted in larger increases in belt use rates.

Table 1

Federal Funding for Belt Use Enforcement			
State	Funding	Pre-Pre* Impact	Pre-Post** Impact
Air Bag and Seat Belt Safety Campaign			
Colorado	\$500,000	NA	15.50%
Connecticut	\$500,000	NA	13.30%
Georgia	\$450,000	NA	14.30%
New Mexico	\$452,000	NA	19.00%
North Carolina	\$400,000	NA	18.33%
South Carolina	\$400,000	NA	4.74%
Virginia	\$452,000	NA	5.13%
Special Traffic Enforcement Programs			
Arizona	\$150,000	-4.10%	4.90%
Florida	\$225,000	4.10%	7.80%
Illinois	\$225,000	-3.60%	0.20%
Indiana	\$175,000	-1.60%	2.00%
Iowa	\$125,000	30.60%	34.90%
Minnesota	\$150,000	1.40%	2.40%
Mississippi	\$125,000	9.00%	11.00%
Nevada	\$90,000	-4.80%	0.20%
New Jersey	\$225,000	4.00%	7.30%
Oregon	\$150,000	4.70%	7.70%
South Carolina	\$150,000	3.00%	9.20%
Tennessee	\$175,000	0.00%	0.00%
Texas	\$225,000	-10.40%	9.70%
Utah	\$100,000	0.00%	8.70%
Virginia	\$200,000	2.00%	2.00%
Washington	\$175,000	0.00%	3.80%
Wisconsin	\$175,000	9.30%	10.10%

*Change from first pre-enforcement survey to last pre-enforcement survey.

**Change from first pre-enforcement survey to last post-enforcement survey.

Based on these results, it is conservatively estimated that the funding incentives of Section 157 could result in an average increase of from 1-4 percentage points in state belt use rates. In some states, increases will likely be higher, especially if the added incentives result in passage of a primary belt law, or if states with primary belt laws step up enforcement significantly.

To estimate the impact of higher safety belt use on fatalities and injuries, the following formula will be used:

$$IR = I((U_{n+1}-U_n)/(1/e-U))$$

where:

IR	=	injury (or fatality) reduction
I	=	base injury target population
U_b	=	base year usage rate
U_n	=	current usage rate
u_{n+1}	=	assumed usage after state program
e	=	State-specific weighted average effectiveness of seat belts in passenger cars and light trucks

The base year (U_b) is the latest year for which both usage rate and injury data are available.

Current usage (U_n) will equal U_b , unless usage rates are available for a year later than the base year.

For nonfatal injuries, observed usage, or estimated observed usage as previously defined is the basis for calculating IR. However, data from FARS indicate that safety belt use by persons involved in fatal crashes is considerably lower than use in the general driving population. Persons

who do not wear safety belts are more likely to be risk takers who are not as concerned with safety when driving a vehicle. This population also has a higher association with other risk factors such as speeding and drunk driving, all of which increase the chance of death. Because of this, observed use in the driving population is not a good measure for estimating potential fatality reductions. Instead, usage in potentially fatal crashes (UPFC) will be estimated from data in FARS. UPFC is the equivalent of observed usage for the population involved in fatal crashes.

UPFC is calculated as follows:

$$UPFC = (U_f/(1-e))/(U_f/(1-e)+(1-U_f))$$

where:

UPFC	=	overall usage rate of both survivors and fatalities in potentially fatal crashes
U_f	=	safety belt usage rate of fatalities
e	=	State-specific weighted average effectiveness of seat belts in passenger cars and light trucks

Average effectiveness (e) is determined by weighting effectiveness estimates for passenger cars and LTVs (defined to include pickups, vans, utility vehicles, sport utility vehicles, and minivans) by the relative frequency of injury in each vehicle type in each state.

Effectiveness is calculated separately for fatalities, moderate to critical (MAIS 2-5) injuries, and minor (MAIS 1) injuries. Table 2 lists unweighted effectiveness estimates by vehicle type and injury level:

Table 2
Average Front Seat Safety Belt Effectiveness

	Passenger Car	LTVs
Fatal	45%	60%
MAIS 2-5	50%	65%
MAIS 1	10%	10%

The above estimates have been established through NHTSA research³ and are the standard effectiveness values used by NHTSA in evaluating safety belt impacts in the front seats of passenger vehicles. For each injury level, the average effectiveness for any given state is calculated as follows:

$$e = E_{pc} * I_{pc} + E_{ltv} * I_{ltv}$$

where:

- e = State-specific weighted average effectiveness of seat belts in passenger cars and light trucks
- E_{pc} = Effectiveness against specific injury level for passenger car occupants
- I_{pc} = Portion of state's total passenger vehicle occupant injuries that are in passenger cars
- E_{ltv} = Effectiveness against specific injury level for light truck occupants
- I_{ltv} = Portion of state's total passenger vehicle occupant injuries that are in light trucks

Using base safety belt use rates either supplied by the states or estimated based on procedures summarized in Appendices 1 and 2, calculations were made based on the above procedures

³NHTSA. Final Regulatory Impact Analysis, Amendment Federal Motor Vehicle Safety Standard 208, Passenger Car Front Seat Occupant Protection, Washington, D.C.; Office of Regulatory Analysis, July 1984.

assuming both a 1% and a 4% increase in safety belt use in each state. The results of these calculations are shown in Tables 3 and 4. The results indicate that a 1 percentage point increase in seat belt usage in all States could save 232 lives and prevent over 5700 nonfatal injuries. In addition, it would reduce medical care costs by \$64.4 million, with about \$9.3 million of this representing savings to Federal revenues, and about \$6.3 million in savings to state revenues. A 4 percentage point increase could save 940 lives and 23,000 nonfatal injuries. Medical care savings would total \$258 million, with Federal savings of \$37.1 million and state savings of \$25.2 million.

Costs

The costs of achieving an increase in seat belt usage and the resulting safety and monetary benefits will be:

- o Costs for revising and expanding state surveys
- o Costs for increased levels of enforcement of state seat belt laws
- o Costs for advertising safety campaigns and increased enforcement efforts

Revised Surveys:

Currently, 17 states and Puerto Rico already conduct annual probability-based observation surveys covering the required vehicles and occupants which meet the requirements of the Uniform Criteria. Another 8 states conduct surveys periodically, but not annually. Nine states and the District of Columbia conduct surveys that do not include the full range of vehicles and occupants required to receive grants under Section 157. One state has never conducted an observation survey, and one state conducts a survey that somewhat overlaps calendar years. Eight states

conduct surveys but must modify data collection or estimating procedures to comply with the Uniform Criteria. Fifteen states have surveys that must be redesigned to reselect sampling units. These survey characteristics are summarized in Table 5.

Table 3
 Estimated Safety and Medical Cost Impact of a 1 Percentage Point Increase in Safety Belt Use

State	Usage Rates		Injuries Prevented			Medical Care Cost Savings			
	1996 Usage	1997 Usage	Fatalities Prevented	MAIS 2-5 Prevented	MAIS 1 Prevented	Total Savings (1997\$)	Estimated Federal Budget Savings	Estimated State Budget Savings	
Alabama	52.0%	53.0%	6	36	47	\$784,656	\$112,990	\$76,582	
Alaska	56.0%	57.0%	0	2	3	\$58,809	\$8,469	\$5,740	
Arizona	63.2%	64.2%	4	40	50	\$897,001	\$129,168	\$87,547	
Arkansas	50.5%	51.5%	3	29	38	\$571,895	\$82,353	\$55,817	
California	86.4%	87.4%	26	227	229	\$5,999,367	\$863,909	\$585,538	
Colorado	59.6%	60.6%	3	31	39	\$821,527	\$118,300	\$80,181	
Connecticut	59.8%	60.8%	1	25	33	\$839,749	\$120,924	\$81,959	
Delaware	59.0%	60.0%	0	4	6	\$115,249	\$16,596	\$11,248	
D.C.	64.1%	65.1%	0	5	7	\$176,326	\$25,391	\$17,209	
Florida	60.0%	61.0%	12	135	170	\$3,416,732	\$492,009	\$333,473	
Georgia	65.0%	66.0%	9	89	113	\$2,100,473	\$302,468	\$205,006	
Hawaii	80.0%	81.0%	1	9	10	\$262,620	\$37,817	\$25,632	
Idaho	49.0%	50.0%	1	9	12	\$195,438	\$28,143	\$19,075	
Illinois	62.1%	63.1%	7	106	136	\$2,886,683	\$415,682	\$281,740	
Indiana	53.2%	54.2%	5	55	73	\$1,287,416	\$185,388	\$125,652	
Iowa	74.9%	75.9%	3	30	34	\$687,911	\$99,059	\$67,140	
Kansas	56.0%	57.0%		3	28	36	\$692,015	\$99,650	\$67,541
Kentucky	53.3%	54.3%	4	39	50	\$822,760	\$118,477	\$80,301	
Louisiana	67.0%	68.0%	4	46	57	\$946,861	\$136,348	\$92,414	
Maine	61.0%	62.0%	1	9	12	\$214,255	\$30,853	\$20,911	
Maryland	71.0%	72.0%	3	43	53	\$1,228,755	\$176,941	\$119,926	
Massachusetts	53.0%	54.0%	2	42	57	\$1,219,961	\$175,674	\$119,068	
Michigan	66.9%	67.9%	8	99	121	\$2,519,422	\$362,797	\$245,896	
Minnesota	64.8%	65.8%	3	34	41	\$872,547	\$125,647	\$85,161	
Mississippi	45.8%	46.8%	4	24	33	\$449,583	\$64,740	\$43,879	
Missouri	62.6%	63.6%	6	66	83	\$1,594,544	\$229,614	\$155,627	
Montana	72.6%	73.6%	1	8	9	\$181,100	\$26,078	\$17,675	
Nebraska	62.9%	63.9%	2	21	25	\$510,391	\$73,496	\$49,814	
Nevada	69.4%	70.4%	2	20	22	\$544,049	\$78,343	\$53,099	
New Hampshire	57.7%	58.7%	1	6	9	\$178,592	\$25,717	\$17,431	
New Jersey	60.2%	61.2%	3	82	109	\$2,618,328	\$377,039	\$255,549	
New Mexico	88.0%	89.0%	4	26	25	\$524,900	\$75,586	\$51,230	
New York	73.0%	74.0%	7	133	163	\$3,935,133	\$566,659	\$384,069	
North Carolina	82.0%	83.0%	11	115	126	\$2,603,565	\$374,913	\$254,108	
North Dakota	49.4%	50.4%	0	4	5	\$81,001	\$11,664	\$7,906	
Ohio	62.7%	63.7%	7	134	174	\$3,184,918	\$458,628	\$310,848	
Oklahoma	60.0%	61.0%	4	39	52	\$816,604	\$117,591	\$79,701	
Oregon	82.1%	83.1%	4	29	29	\$686,529	\$98,860	\$67,005	
Pennsylvania	65.0%	66.0%	8	86	107	\$2,224,757	\$320,365	\$217,136	
Rhode Island	59.0%	60.0%	0	5	7	\$132,276	\$19,048	\$12,910	
South Carolina	60.8%	61.8%	5	37	47	\$777,758	\$111,997	\$75,909	
South Dakota	68.0%	69.0%	1	6	8	\$136,797	\$19,699	\$13,351	
Tennessee	58.2%	59.2%	7	61	76	\$1,391,211	\$200,334	\$135,782	
Texas	74.6%	75.6%	25	290	314	\$6,691,242	\$963,539	\$653,065	
Utah	62.9%	63.9%	2	18	21	\$351,014	\$50,546	\$34,259	
Vermont	70.9%	71.9%	1	3	4	\$72,235	\$10,402	\$7,050	
Virginia	67.1%	68.1%	5	58	69	\$1,517,589	\$218,533	\$148,117	
Washington	77.3%	78.3%	5	68	72	\$1,766,585	\$254,388	\$172,419	
West Virginia	66.1%	67.1%	2	17	20	\$336,843	\$48,505	\$32,876	
Wisconsin	51.6%	52.6%	4	48	62	\$1,157,185	\$166,635	\$112,941	
Wyoming	59.5%	60.5%	1	5	6	\$121,158	\$17,447	\$11,825	
Puerto Rico	67.0%	68.0%	2	28	36	\$229,069	\$32,986	\$22,357	
Total	65.9%	66.9%	232	2609	3137	\$64,433,382	\$9,278,407	\$6,288,698	

Source: NHTSA Calculations based on Crash Cost Software program, version 1, June 1994, modified for more recent data.

Table 4
Estimated Safety and Medical Cost Impact of a 4 Percentage Point Increase in Safety Belt Use

State	Usage Rate		Injuries Prevented			Medical Care Cost Savings		
	1996 Usage	1997 Usage	Fatalities Prevented	MAIS 2-5 Prevented	MAIS 1 Prevented	Total Savings (1996\$)	Estimated Federal Budget Savings	Estimated State Budget Savings
Alabama	52.0%	56.0%	24	144	186	\$3,142,485	\$452,518	\$306,707
Alaska	56.0%	60.0%	1	8	10	\$235,484	\$33,910	\$22,983
Arizona	63.2%	67.2%	16	162	200	\$3,590,533	\$517,037	\$350,436
Arkansas	50.5%	54.5%	12	115	150	\$2,289,462	\$329,683	\$223,451
California	86.4%	90.4%	106	906	918	\$24,013,711	\$3,457,974	\$2,343,738
Colorado	59.5%	63.6%	12	125	157	\$3,288,385	\$473,527	\$320,946
Connecticut	59.3%	63.8%	5	100	133	\$3,360,329	\$483,887	\$327,968
Delaware	59.0%	63.0%	2	17	22	\$461,360	\$66,436	\$45,029
D.C.	64.1%	68.1%	1	20	27	\$705,513	\$101,594	\$68,858
Florida	60.0%	64.0%	48	540	680	\$13,675,733	\$1,969,306	\$1,334,752
Georgia	65.0%	69.0%	35	355	450	\$8,407,585	\$1,210,692	\$820,580
Hawaii	80.0%	84.0%	3	38	41	\$1,051,019	\$151,347	\$102,579
Idaho	49.0%	53.0%	5	36	46	\$782,591	\$112,693	\$76,381
Illinois	62.1%	66.1%	29	423	545	\$11,552,291	\$1,663,530	\$1,127,504
Indiana	53.2%	57.2%	19	218	292	\$5,153,015	\$742,034	\$502,934
Iowa	74.9%	78.9%	13	119	135	\$2,753,516	\$396,506	\$268,743
Kansas	56.0%	60.0%	11	113	145	\$2,770,057	\$398,888	\$270,358
Kentucky	53.3%	57.3%	17	156	202	\$3,293,751	\$474,300	\$321,470
Louisiana	67.0%	71.0%	17	186	227	\$3,789,749	\$545,724	\$369,879
Maine	61.0%	65.0%	3	37	49	\$857,566	\$123,489	\$83,698
Maryland	71.0%	75.0%	13	173	211	\$4,917,446	\$708,112	\$479,943
Massachusetts	53.0%	57.0%	6	167	230	\$4,881,303	\$702,908	\$476,415
Michigan	66.9%	70.9%	33	398	485	\$10,083,430	\$1,452,014	\$984,143
Minnesota	64.3%	68.8%	13	134	165	\$3,492,531	\$502,924	\$340,871
Mississippi	45.3%	49.8%	15	95	132	\$1,800,559	\$259,280	\$175,735
Missouri	62.6%	66.6%	26	266	332	\$6,382,593	\$919,093	\$622,941
Montana	72.6%	76.6%	6	33	36	\$725,182	\$104,426	\$70,778
Nebraska	62.9%	66.9%	7	86	102	\$2,042,744	\$294,155	\$199,372
Nevada	69.4%	73.4%	8	78	87	\$2,177,622	\$313,578	\$212,536
New Hampshire	57.7%	61.7%	2	26	35	\$714,823	\$102,935	\$69,767
New Jersey	60.2%	64.2%	14	327	436	\$10,476,563	\$1,508,625	\$1,022,513
New Mexico	88.0%	92.0%	15	104	98	\$2,101,360	\$302,596	\$205,093
New York	73.0%	77.0%	29	533	653	\$15,746,172	\$2,267,449	\$1,536,826
North Carolina	82.0%	86.0%	43	458	504	\$10,420,089	\$1,500,493	\$1,017,001
North Dakota	49.4%	53.4%	2	15	19	\$324,294	\$46,698	\$31,651
Ohio	62.7%	66.7%	29	536	698	\$12,744,601	\$1,835,223	\$1,243,873
Oklahoma	60.0%	64.0%	16	156	206	\$3,268,853	\$470,715	\$319,040
Oregon	82.1%	86.1%	15	114	117	\$2,748,302	\$395,755	\$268,234
Pennsylvania	65.0%	69.0%	31	343	427	\$8,904,523	\$1,282,251	\$869,081
Rhode Island	59.0%	63.0%	1	21	28	\$529,320	\$76,222	\$51,662
South Carolina	60.3%	64.8%	19	148	187	\$3,113,769	\$448,383	\$303,904
South Dakota	68.0%	72.0%	4	24	32	\$547,720	\$78,872	\$53,457
Tennessee	58.2%	62.2%	28	244	302	\$5,569,387	\$801,992	\$543,572
Texas	74.5%	78.6%	101	1162	1257	\$26,779,924	\$3,856,309	\$2,613,721
Utah	62.9%	66.9%	6	71	84	\$1,404,944	\$202,312	\$137,123
Vermont	70.9%	74.9%	2	12	14	\$289,263	\$41,654	\$28,232
Virginia	67.1%	71.1%	20	232	274	\$6,073,946	\$874,648	\$592,817
Washington	77.3%	81.3%	20	271	288	\$7,069,617	\$1,018,025	\$689,995
West Virginia	66.1%	70.1%	8	67	79	\$1,348,438	\$194,175	\$131,608
Wisconsin	51.6%	55.6%	15	191	248	\$4,631,543	\$666,942	\$452,039
Wyoming	59.5%	63.5%	3	20	23	\$485,171	\$69,865	\$47,353
Puerto Rico	67.0%	71.0%	10	112	146	\$916,819	\$132,022	\$89,481
Total	65.9%	69.9%	640	10,435	12,547	\$257,886,986	\$37,135,726	\$25,169,800

Source: NHTSA Calculations based on Crash Cost Software program, Version 1, June 1994, modified for more recent data.

Table 5

Modifications Required to State Surveys to Comply with Section 157							
	Content	Collection Procedures	Sample Units	Frequency	Timing	None	All
Alabama					x		
Alaska				x			
Arizona						x	
Arkansas		x		x			
California						x	
Colorado						x	
Connecticut		x					
Delaware			x				
D.C.	x						
Florida			x				
Georgia						x	
Hawaii		x		x			
Idaho			x				
Illinois	x						
Indiana		x					
Iowa		x					
Kansas						x	
Kentucky			x				
Louisiana						x	
Maine			x				
Maryland						x	
Massachusetts						x	
Michigan						x	
Minnesota						x	
Mississippi	x						
Missouri	x		x	x			
Montana						x	
Nebraska						x	
Nevada				x			
New Hampshire			x				
New Jersey	x						
New Mexico			x				
New York	x			x			
North Carolina						x	
North Dakota			x				
Ohio	x		x				
Oklahoma		x					
Oregon						x	
Pennsylvania						x	
Rhode Island		x	x				
South Carolina		x		x			
South Dakota			x				
Tennessee	x						
Texas						x	
Utah			x				
Vermont			x				
Virginia						x	
Washington	x						
West Virginia	x		x				
Wisconsin				x			
Wyoming*							x
Puerto Rico						x	
Total	10	8	15	8	1	18	1

* Wyoming does not currently conduct observation surveys.

The cost of complying with section 157 survey requirements will vary for each state. Limited data are available on current state expenditures for surveys. Table 6 lists the annual cost of conducting surveys in 27 states. These data were examined for relationships between cost and state demographics, but overall, correlations were very weak. A significant portion of these costs may be associated with survey design and start-up. In theory, only the incremental costs of adding sites or extending observation hours would cause significant variation by state, although local cost factors and more sophisticated survey designs would also be factors. The average cost from this group of states was \$38,000. This average cost will provide a basis for estimating the scope of some compliance costs. Other costs will be estimated based on the judgement of NHTSA staff who have experience with state surveys.

For Wyoming, the one state that does not currently conduct surveys, an annual cost of \$38,000 is estimated based on the average cost from Table 6. Because Wyoming is a rural state with a low population, this may be an overestimate. In addition, a one-time design cost of \$10,000 is estimated to establish their initial survey design.

Six of the 8 states that conduct surveys on a periodic (but not annual) basis provided survey costs. For the two states that did not provide costs, an average cost of \$38,000 is assumed. It is also assumed that on average, these states would conduct surveys every other year if Section 157 did not exist. The average annual cost for these states is thus half the cost for an annual survey or \$154,750. This is summarized as in Table 7:

Table 6

Observation Survey Expenditures	
State	Cost
New York	\$50,000
District of Columbia	\$15,000
Virginia	\$28,000
West Virginia	\$24,000
North Carolina	\$26,000
Kentucky	\$25,000
Tennessee	\$40,000
Mississippi	\$50,000
Florida	\$85,000
Indiana	\$45,000
Michigan	\$44,200
Minnesota	\$20,000
Wisconsin	\$45,000
Arkansas	\$40,000
Louisiana	\$49,000
Oklahoma	\$25,000
Tennessee	\$57,500
Colorado	\$49,000
North Dakota	\$22,000
Arizona	\$30,000
California	\$69,135
Hawaii	\$36,000
Nevada	\$22,500
Alaska	\$40,000
Idaho	\$33,000
Oregon	\$31,000
Washington	\$25,000
Average	\$38,012

Table 7
Average Annual Survey Cost for States that
Do Not Currently Conduct Surveys Annually

State	Cost/Year	Avg. Annual Cost
Alaska	\$40,000	\$20,000
Arkansas	\$40,000	\$20,000
Hawaii	\$36,000	\$18,000
Missouri	\$38,000	\$19,000
Nevada	\$22,500	\$11,250
New York	\$50,000	\$25,000
South Carolina	\$38,000	\$19,000
Wisconsin	\$45,000	\$22,500
Total		\$154,750

For the 10 jurisdictions that must modify survey content to include other vehicles or occupants, a one-time cost of \$2500 to redesign software and data collection forms is estimated. NHTSA has no data on the actual cost of these modifications, or of incremental data collection costs.

However, since the extra data could be obtained from the same survey sites, NHTSA does not believe data collection costs would change significantly. As previously discussed, survey costs do not correlate well with demographics. Nonetheless, an examination was made of states with similar populations but different vehicle coverage in their surveys to see if any there were any indications that expanding surveys to include LTVs would significantly impact survey costs. Only three states that did not collect data for LTVs provided survey costs. Of these, New York's costs were \$50,000 for a population of 18 million. Of states that surveyed all passenger vehicles which also supplied cost data, only Texas had a similar size population (19 million). Costs in Texas

were \$57,500. The other two no-LTV States which provided costs were Tennessee and Washington. Both Tennessee and Washington have populations in the mid 5 millions (5.3 million for Tennessee and 5.5 million for Washington). Comparable “all-vehicle” states that provided costs are Wisconsin (pop. = 5.2 million) and Indiana (pop. = 5.8 million). Costs in Tennessee were \$40,000, compared to \$45,000 for Wisconsin and \$45,000 for Indiana. Only Washington’s cost (\$25,000) is significantly lower than states of similar size with full surveys, but they are similar in cost to other “all-vehicle” states with populations slightly larger (VA - pop. = 6.7 million, cost = \$28,000) or slightly lower (MN - pop. = 4.7 million, cost = \$20,000). None of these data indicate any significant difference in survey costs due to sample content alone. In light of this, NHTSA feels it’s assumption that added data collection costs are insignificant is reasonable. Total one-time costs for all 10 states are thus estimated to be \$25,000. However, because three of these states (Missouri, Ohio, West Virginia) also must redesign their surveys anyway to select new sampling units, these costs will already be incurred for those changes. Therefore, only 7 of the states have unique costs to increase survey content. Total incremental costs for these changes is therefore estimated to be only \$17,500.

The 8 states that must modify data collection or estimating procedures are estimated to incur a one-time cost of \$2500 to redesign software and data collection forms. Total one-time costs for these states would be \$20,000.

The 15 states that must redesign surveys to reselect sampling units are estimated to incur one-time costs of \$7500. Total costs for these states are estimated to be \$112,500

For the states for which survey timing or reporting basis must be changed, and for the 18 states for which no changes are required, costs are estimated to be insignificant. Total estimated one-time and annual cost for revising surveys to be in conformance with survey guidelines are summarized in Table 8.

Table 8
Revised Survey Costs

Problem	One-Time Costs	Annual Cost
No Existing Survey (1 state)	\$10,000	\$38,000
Periodic Survey (8 states)	NA _I	\$154,750
Modified Content (10 states)	\$17,500	NA _I
Collection Procedures (8 states)	\$20,000	NA
Sample Units (15 states)	\$112,500	NA
Timing (1 state)	NA _I	NA _I
None (20 states)	NA _I	NA _I
Total	\$160,000	\$192,750

NA = not applicable or insignificant

Increased Enforcement and Advertising:

While surveys measure the changes in belt use, inducing this change will involve expenditures for increased enforcement and public education. Table 1 (see previous section on Benefits) lists Federal funding levels associated with similar programs in specific states over the last few years (1996-1998), together with changes in safety belt use that resulted, at least in part, from these changes. Other funding sources such as state and private revenues may also have been involved in these programs. The amount any state will choose to spend to increase belt use is speculative.

States could use funds earned under Section 157 for this purpose, but there is no requirement that they do so except as part of specific plans to earn unallocated funds. Based on the costs and impacts of the STEP programs, it appears likely that states would have to spend an average of about \$200,000 to increase belt use by the projected 1-4 percentage points. If all 50 states, DC., and Puerto Rico spent this much, costs would total \$10.4 million.

Regulatory Flexibility Act: In compliance with the Regulatory Flexibility Act (5 U.S.C. 60 1 et seq.), the agencies have evaluated the effects of this action on small entities. States are the recipients of any funds awarded under the Section 157 program, and they are not small entities. Therefore, this action will not have a significant economic impact on a substantial number of small entities.

Leadtime

This notice is published as an interim final rule, without prior notice and opportunity to comment. Because this regulation relates to a grant program, the requirements of the Administrative Procedure Act (APA), 5 U. S.C. 553, are not applicable. Moreover, even if the notice and comment provisions of the APA did apply, the agencies believe that there is good cause for finding that providing notice and comment in connection with this rulemaking action is impracticable, unnecessary, and contrary to the public interest, since it concerns actions required by statute to be taken as early as September 1, 1998. For these reasons, the agencies also believe that there is good cause to make the rule effective immediately upon publication.

As an interim final rule, this regulation is fully in effect and binding upon its effective date. No further regulatory action by the agencies is necessary to make the rule effective. However, in order to benefit from comments which interested parties and the public may have, the agencies are requesting that comments be submitted to the docket for this notice. All comments submitted in response to this notice, in accordance with the procedures outlined below, will be considered by the agencies.

Appendix 1

Adjustment Procedures for State-Submitted Information (Calendar years 1996 and 1997)

In states where state-submitted information on seat belt use rates does not include data for *front outboard occupants in passenger motor vehicles* (FOPV), an adjustment will be made based on the national ratio of seat belt use rates for FOPV to the seat belt use rate for the group of occupants and vehicles that were included in the state-submitted information. These national use rates will be derived from the most recent National Occupant Protection Use Survey (NOPUS). For each affected state, the adjustment will be made by dividing the NOPUS use rate for FOPV by the NOPUS use rate for the surveyed group, or the use rate for the closest available group to the surveyed group. The NOPUS use rate for FOPV will be derived for each affected state by weighting the NOPUS use rates for passenger cars and for LTVs (pickups, vans, minivans, and sport utilities) by the relative number of registrations of passenger cars and LTVs in each state.

This method will produce a factor which will be multiplied by the state's survey rate to produce an adjusted rate reflecting the required vehicle and occupant population. This process can be expressed mathematically as follows:

$$U_a = U_s((N_{pc} * R_{pc} + N_{lrv} * R_{lrv}) / N_s)$$

where:

U_a = the adjusted state seat belt use rate

U_s = the state-submitted seat belt use rate

N_{pc} = the national front outboard passenger car use rate from NOPUS

N_{lrv} = the national front outboard LTV use rate from NOPUS

R_{pc} = the portion of state passenger motor vehicle registrations that are passenger cars

R_{lrv} = the portion of state passenger motor vehicle registrations that are LTVs

N_s = the national use rate for the state-surveyed vehicle and occupant population (or closest available group from NOPUS)

Appendix 2

Procedures for Missing or Inadequate State-Submitted Information (Calendar years 1996 and 1997)

If State-submitted seat belt use rate information is unavailable or inadequate for both calendar years 1996 and 1997, State seat belt use rates for calendar year 1996 and 1997 will be estimated based on use rates of fatally-injured occupants. Data from the Fatality Analysis Reporting System (FARS) will be translated into estimated observed use rates using an algorithm that relates historical belt use by fatally-injured occupants to observed use.⁴

The algorithm is as follows:

$$u = (-.221794 + \frac{3.049193 + .410769F}{.456410})$$

where:

u = the estimated observed usage
 F = the use in potentially fatal crashes

In the above formula, F is calculated as follows:

$$F = (f / (1 - e)) / ((f / (1 - e)) + 1 - f)$$

where:

F = the use in potentially fatal crashes
 e = state-specific weighted average effectiveness of seat belts in passenger cars and LTVs
 f = state-specific use rate of fatally-injured occupants of passenger vehicles

⁴Blincoe, L.J. Estimating the Benefits of Increased Safety Belt Use. Washington D.C.: U.S. Department of Transportation, NHTSA, DOT HS 808 133, June, 1994.

If state-submitted seat belt use rate information is available for either calendar year 1996 or 1997, but not both, a use rate for the year for which information is missing will be estimated by calculating the percent change in the FARS-based observed use rate (derived from the above algorithm) between the two years. This factor will then be applied to the seat belt use rate from the surveyed year to derive an estimate of the seat belt use rate for the year in which a survey was not conducted.

Appendix 3

Determination of National Average Seat Belt Use Rate

To determine the national average seat belt use rate in a calendar year, each state seat belt use rate for the calendar year will be weighted to reflect the percentage of total national vehicle miles traveled attributable to that state. If a state seat belt use rate is unavailable for a state during a calendar year (either because the state did not conduct a survey or a survey was conducted but is invalid), NHTSA will calculate a state seat belt use rate, using the last available state seat belt use rate determined under this program, along with information on seat belt use rates from the FARS, and an algorithm relating FARS seat belt use rates to observed seat belt use rates (see Appendix 2 for previous description of the FARS and the algorithm). This procedure will produce an estimated state seat belt use rate for the calendar year in which a survey was not conducted.

The estimated state seat belt use rate will then be weighted in the manner described above. The national average seat belt use rate for the calendar year will be determined by adding the weighted state seat belt use rates for each of the states (i.e., the national average seat belt use rate is the weighted average of all the state seat belt use rates).

A survey that does not comply with the *Uniform Criteria for State Observational Surveys of Seat Belt Use* may be used by NHTSA in determining the national average seat belt use rate (even though the state that submitted the survey is ineligible to receive an allocation of funds), if in NHTSA's judgment, the deficiencies in the survey are not so substantial as to render the survey less reliable than the FARS estimate.