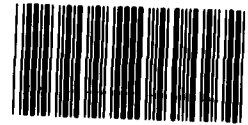




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UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548



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NATIONAL SECURITY AND  
INTERNATIONAL AFFAIRS DIVISION

RELEASED

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B-216218

The Honorable John D. Dingell  
Chairman, Committee on Energy and Commerce  
House of Representatives

Dear Mr. Chairman:

Subject: Seat-Belt Use in Motor Vehicles  
on Military Installations (GAO/NSIAD-85-66)

As requested in your August 7, 1984, letter, we reviewed the Department of Defense (DOD) traffic safety program to determine the adequacy and enforceability of DOD instructions concerning seat-belt use, as well as the extent to which these instructions are being enforced and complied with on military installations. DOD requires seat-belt use by all military personnel and DOD civilian employees who operate or ride in motor vehicles on military installations. The purpose of this requirement is to reduce deaths, injuries, and property damage caused by traffic mishaps which involve DOD personnel, DOD motor vehicles, and DOD-administered road networks.

Your letter also asked us to analyze the legal authority for issuing and enforcing regulations requiring universal seat-belt use by motorists traveling on federally managed lands, particularly on lands controlled by DOD and the National Park Service. Our response to this request was provided in a separate letter.<sup>1</sup>

The Assistant Secretary of Defense (Manpower, Installations and Logistics), as the designated DOD safety and occupational health official, is responsible for providing programming criteria, guidance, and instructions to the DOD components regarding the requirement for seat-belt use. Heads of DOD components (Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Defense Agencies, the Unified and Specified Commands, and the Army-Air Force Exchange Service) are required to establish programs to implement the seat-belt requirement.

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<sup>1</sup>Comptroller General of the United States legal opinion (B-216218), Nov. 30, 1984, to Chairman, House Committee on Energy and Commerce.

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Our review disclosed that DOD has the legal authority for issuing and enforcing regulations requiring universal seat-belt use by motorists traveling on DOD-controlled land. We also found that DOD guidance on seat-belt use lacks sufficient specificity on enforcement and that there is little enforcement at some installations. Nevertheless, many military commanders have initiated effective seat-belt programs. Furthermore, surveys indicate that the rate of seat-belt use at many installations exceeds that of the general public. DOD is currently revising the seat-belt requirement so that it will (1) apply to everyone driving on a DOD road--not just to military personnel and civilian employees--and (2) specify penalties for noncompliance.

DOD'S LEGAL AUTHORITY  
TO REQUIRE SEAT-BELT USE

DOD has legal authority to issue and enforce regulations requiring universal seat-belt use by motorists traveling on lands it controls. The operation of a privately owned motor vehicle on a military installation constitutes a conditional privilege extended by the installation commander. Individuals desiring the privilege must comply with laws and regulations governing motor-vehicle operation on the installation.

Although the Secretary of Defense has no explicit comprehensive statutory authority to regulate land use and to impose fines for violations of his rules and regulations, we would be inclined to infer such authority to the extent that DOD has exclusive jurisdiction over federal land. Except for roads which are under state or municipal jurisdiction, the lack of an explicit statutory basis for the issuance of land-use regulations should not be interpreted to impair the validity of the existing DOD traffic safety program instruction or the proposed revision of the instruction requiring the mandatory use of seat belts.<sup>2</sup>

DOD GUIDANCE ON  
SEAT-BELT USE

DOD and implementing military service traffic safety guidance provide that all military personnel and civilian employees operating or riding in a motor vehicle equipped with seat belts must use them whenever the vehicle is in motion.<sup>3</sup> This guidance does not specify corrective measures or penalties for non-compliance.

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<sup>2</sup>Ibid.

<sup>3</sup>Department of Defense Instruction 6055.4, Department of the Army Regulation 385-55, Department of the Navy Instruction 5100.12B, Department of the Air Force Regulation 127-7, and Marine Corps Order 5100.19C.

DOD is currently revising its traffic safety program instruction. The revised instruction is in final processing and is planned to be published by May 31, 1985. The proposed revision will make seat-belt use mandatory for everyone on military installations--DOD dependents, contractor personnel, nonappropriated fund employees, and visitors, as well as military and civilian personnel. Also, the proposed instruction will require each military service to establish procedures for the suspension of driving privileges on military installations for non-compliance.

In addition to the safety program, seat-belt usage could be influenced by traffic regulations. Traffic law enforcement is governed by the joint military service regulation on military police motor vehicle traffic supervision. This joint service regulation establishes policy, responsibilities, and procedures for motor vehicle traffic supervision, which includes granting, suspending, or revoking the privilege to operate a privately owned motor vehicle on a military installation. The joint regulation does not list the failure to use seat belts as a violation on the point-assessment table, but an Army official responsible for coordinating military service revision requests told us that it will be revised to do so.

#### ENFORCEMENT OF REQUIREMENT

At many installations, DOD guidance on the use of seat belts is supplemented by local base regulations. We made a telephone survey to evaluate the implementation of local seat-belt programs. At most (26 of 30) installations we contacted, local regulations require all persons to use seat belts, and assess specific penalties to enforce mandatory use. At four others, there were no local regulations to require seat-belt use.

Officials at about half (16) of the installations we contacted said that the mandatory use of seat belts was enforceable to a great extent on their military bases by such means as

- active support by the commanding officer,
- publicity and education programs,
- checks at all entrance gates,
- random stopping of motor vehicles entering or traveling on the installation roads, and
- checking for seat-belt use when vehicles are stopped for moving traffic violations or accidents.

On the other hand, officials at many installations (14) considered the seat-belt requirement to be difficult to enforce for one or more of the following reasons:

- There were no federal or state laws requiring seat-belt use.
- The commanding officer of the military installation was not actively involved in the program.
- The installation had no security police posted at the entrance, and state highways traversed it at certain points.
- Stopping every motor vehicle entering the installation to inspect for seat-belt use would create major traffic problems.
- Determining whether people in a moving vehicle are using seat belts would be difficult.
- Visitors did not have to register their motor vehicles.
- Neither the military service nor the major command had issued the specific guidance needed to enforce the requirement.

All officials at the 26 military installations having specific penalties said that their local regulations provided for the issuance of traffic tickets for violations of the seat-belt requirement--with traffic points assessed but no monetary fines. The severity of the penalties for driving without a seat belt varied, ranging from suspension of driving privileges after 12 violations within 12 months to suspension after the first violation. However, only seven of the officials contacted were able to provide us with statistics on the number of persons assessed penalties during any period of time. At these seven installations, citations issued monthly during selected periods in 1984 for nonuse of seat belts varied considerably.

#### GAO observations

We visited 53 military installations and observed few indications of seat-belt warnings or enforcement. First, we did not observe seat-belt signs at about 40 percent (21) of the installations. Although the remaining 32 had seat-belt signs, only 4 included a warning that penalties would be assessed for nonuse. Most of the signs were posted at or near entrances to the installations; signs were posted along the main roads at 7 of the installations.

Second, although security police were posted at entrances to 44 of the 53 military installations we visited, we observed only 4 instances where they appeared to be checking for seat-belt use as motor vehicles entered the installation. At only one installation did the police tell us that, as visitors, we should use our seat belts.

Third, while driving on roads within the 53 installations, we observed no instance where the security police appeared to be checking seat-belt use. However, we recognize that our limited observations may not represent an accurate assessment of the effectiveness of the local seat-belt programs.

#### EFFECTIVENESS OF PROGRAM

The Assistant Secretary of Defense (Manpower, Installations and Logistics) is responsible for conducting periodic evaluations of military service traffic safety programs. In addition, each of the military services has a Safety Center to plan, direct, and evaluate safety programs, and an Inspector General to conduct inspections and investigations to evaluate the effectiveness of management in all functional areas. The Air Force Inspector General, we were told, is the only organization which has made any broad surveys of seat-belt use rates.

The Air Force Inspector General designated the use of seat belts as a special interest item during a 3-year period in 1980-83. Upon initiation of the inspections, seat-belt use in government and private motor vehicles driven on Air Force installations was estimated to be 50 and 25 percent, respectively. During the last year of the inspections, the use rates for government and private motor vehicles were estimated to be 91 and 69 percent, respectively. This estimate was based upon Inspector General findings at about 200 Air Force installations. We did not evaluate the methodology used to make these estimates.

We discussed the effectiveness of mandatory seat-belt use programs in a telephone survey of local safety or law enforcement officials at 30 military installations. Eleven of them said that they had conducted surveys of seat-belt use by either randomly stopping vehicles or observing vehicles stopping in major parking areas and had found the use rate to range between 48 and 99 percent.

Comparing these rates of use with that of the American public, the DOD mandatory seat-belt program would seem to be effective at many military installations. According to a Gallup Poll conducted in May 1984, only one adult American in four (25 percent) used a seat belt the last time he or she rode in a car.<sup>4</sup>

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<sup>4</sup>The Gallup Report, Report No. 226, July 1984.

Also, the Department of Transportation reported in January 1985 that, based on observations in 19 cities during the period July through December 1984, seat-belt use for automobile drivers averaged 15.3 percent.

SCOPE AND METHODOLOGY

To determine the adequacy and enforceability of DOD instructions we examined the DOD instructions and implementing military service regulations pertaining to motor vehicle traffic safety and supervision. To evaluate the implementation of local seat-belt programs, we also did a telephone survey with safety or law enforcement officers at 30 Army, Navy, Air Force, and Marine Corps installations. In addition, we discussed evaluations of the effectiveness of the seat-belt program with the Safety Center, Inspector General, and motor vehicle traffic supervision officials of each of the military services. Furthermore, we drove onto 53 military installations (including 15 of those covered in our telephone survey) to observe first-hand whether the seat-belt requirement was being enforced.

At your request, we did not obtain agency comments on this report. We did, however, discuss the report's contents with agency officials, and their comments are incorporated where appropriate. Our work was conducted from September 1984 through March 1985 in accordance with generally accepted government auditing standards.

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Unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the date it is issued. At that time, we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,



Frank C. Conahan  
Director