



FIA Foundation

for the Automobile and Society

Lic. Mario Redondo P.
Presidente
Asamblea Legislativa de la Republica de Costa Rica
San Jose

Lic. Javier Chaves
Ministro
Ministerio de Obras Publicas y Transporte
San Jose

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Dear President and Minister

On behalf of the FIA Foundation¹ I am writing to congratulate the Government of Costa Rica and the Legislative Assembly of Costa Rica for passing amendments to Road Traffic Law No. 7331 (13th April 1993) requiring mandatory use of seat belts in motor vehicles.

This letter provides information about the latest research into the positive impact of seat belt legislation in other countries. The content of this letter has been endorsed by a range of experts active in the field of vehicle safety, road traffic management and the law.

A summary of the most recently available research will be published by the World Health Organisation (WHO) and the World Bank in a new report of Global Road Traffic Injury Prevention on April 7th 2004. (The FIA Foundation has participated in the Advisory Committee of the Report and is, therefore, aware of its contents). The WHO/World Bank report clearly demonstrates that:

- seat belts are one of the most important ways of reducing death and serious injury for motor vehicle occupants, and;
- the most effective means to encourage use of seat belts is to make them compulsory for all vehicle occupants.

The evidence that seat belts save lives is well established. During a crash at, for example, 30 mph a car occupant not using a seat belt will be thrown forward with a force of up to 60 times their body weight with a very high risk of life threatening injury. However, use of seat belts both in the front and the rear of the vehicle will substantially reduce the risk of death or serious injury. According to the new WHO/World Bank report, "a wide body of international research indicates a fatality reducing effect of between 40 and 65%".

It is now also possible also to demonstrate the positive impact of seat belt legislation by examining the experience of countries that have made their use mandatory. Following the lead taken by Australia in 1971, many countries have introduced compulsory seat belt use laws and achieved major progress in reducing road traffic deaths and injuries. The impact of such legislation reveals that the most substantial increase in seat belt wearing occurred only after their use became mandatory. There is no evidence that the countries concerned have suffered any discernable reduction in civil liberties.

In Finland, for example, wearing rates of around 30% were increased to 90% once a compulsory use law was introduced in the 1980s. Canada has raised rates to 92% following the introduction of its laws. In the United Kingdom seat belt use became compulsory in 1983. Use levels have grown from 37% to 95% with spectacular results in terms of lives saved and injuries avoided.

By 2003 the UK Government estimates that mandatory use of front seat belts has resulted in over 50,000 lives saved, 590,000 serious injuries avoided, and more than one and half million minor casualties prevented. Concern about situations where the wearing of a seat belt might increase injury risk has been shown to be unfounded. Prior to the introduction of mandatory use legislation in the UK and in many similar countries, concern about the infringement of personal liberty was common. Following legislation, these concerns have largely disappeared and there is widespread support for the laws concerned.

A further development since 1997 has been the technological impact on seat belt use arising from international standards for vehicle crashworthiness. In 1998 new crash test standards were introduced in the European Union for front and side impact. Similar test procedures are used in consumer crash test programmes carried out in the USA, Europe and Australia. These tests require that vehicle manufacturers develop occupant protection systems that can limit risk of injury in frontal crashes at 40 mph. To pass these tests the car makers have developed improved seat belt designs (involving devices called pretensioners) that are integrated into the triggering mechanism of the air bag.

Increasingly, therefore, modern cars feature a safety system in which the seat belt and air bag are expected to be fully effective *only* when both are deployed together. Indeed, failure to use the seat belt may risk further injury as a result of the driver being thrown forward and engaging too early with an inflating air bag. Car manufacturers, therefore, strongly support seat belt use laws and enforcement. Drivers not using belts and instead are relying only on the air bag are effectively misusing the products supplied to them. For cars with air bags, which are rapidly becoming standard in vehicle markets around the world, use of the seat belt is, therefore, more important than ever before.

For these reasons the FIA Foundation strongly welcomes the initiative last September of the Government of Costa Rica to introduce a law requiring mandatory use of seat belts. The new legislation is entirely consistent with the key recommendations of the forthcoming WHO/World Bank Report which represents the most up-to-date statement of research and best practice in road traffic injury prevention available to governments worldwide. Despite this overwhelming evidence in favour of mandatory use of seat belts, some argue that for governments to legislate in this area is an unacceptable infringement of individual liberties. The FIA Foundation believes that this argument is flawed.

From the earliest days of the automobile the freedom of car drivers has been a qualified and not an absolute freedom. By common consent public authorities have introduced rules of the road and other constraints on individual liberty to regulate the freedom to drive exactly as and when one likes. These restraints (such as stop lights, pedestrian crossings, licence systems etc.) have been accepted because they reduce the risk and the costs of crashes, and balance the right to mobility of one individual against the similar rights of others. The FIA Foundation believes that compulsory use of seat belts is a measure entirely consistent with this well established framework of road traffic law.

Those who argue that use of the seat belt should remain a matter of individual choice overlook the fact that such choices have an impact on the freedom of others. Not to wear a seat belt raises dramatically the risk of serious injury and death in the event of a car accident. The costs to society of such crashes are immense. The European Union, for example, conservatively estimates that these social costs amount to €1 million per person killed. Of course all of society must pay for these costs through systems of taxation and insurance. The freedom not to wear a seat belt is placing a demand on resources of others that inevitably limits their freedom of choice. In contrast, the requirement to wear a seat belt raises rates of use and lowers the social costs of road traffic crashes enabling reduced demand for resources from all the individuals in society.

It is sometimes suggested that wearing a seat belt has no safety implications for other road users. In fact deaths and serious injuries occur to unbelted vehicle occupants travelling in the same car. In the UK, for example, some 30 people are killed each year as a result of one individual hitting another inside the vehicle during the course of a crash. That is why it is important to encourage all vehicle occupants to use the seat belt both front and rear.

Some argue that compulsory seat belt laws are unnecessary because governments can achieve high seat belt rates by means of education and information campaigns. Indeed the FIA Foundation would agree that such campaigns play an important role in influencing public opinion. However, the evidence from the countries mentioned above shows clearly that education and information campaigns alone are not effective in raising seat belt use rates. Only when such campaigns are combined with seat belt use laws and enforcement do rates climb to satisfactory levels.

In conclusion, the FIA Foundation strongly supports the Costa Rican Government's compulsory seat belt law which is based on well researched international best practice. We also applaud the decision of the Legislative Assembly.

Since 1997 and the Costa Rican Constitutional Court's previous consideration of this issue, the evidence of the positive impact of seat belts use laws has grown significantly. We, therefore, believe that it is important that the Constitutional Court should re-examine the issue on the basis of this new research and the best practice now established by countries that combine both good performance in road safety management and respect for individual civil liberties.

We do not believe the decision to wear a seat belt is a matter of absolute freedom of choice but rather is a legitimate matter for regulation alongside other road traffic rules that already qualify our driving freedom in the common interest. Technology developments such as the integration of airbags and seat belts into a single safety system provide further reasons for mandatory use.

Costa Rica is a country with a proud reputation for leading the world in policies for education, investment in health and in sustainable development. The Costa Rican Government's new seat belt law demonstrates the same leadership in the area of road safety. Costa Rica, like many developing countries, is experiencing a significant increase in levels of motor vehicle use. This rise in mobility will carry a significant risk of higher levels of road traffic deaths and injuries. With the adoption of proven and effective countermeasures – such as mandatory seat belt laws – the death toll on the road can be reduced.

However, without a compulsory seat belt law Costa Rica will be trying to tackle a major road safety problem with one arm tied behind her back. The country will face higher costs caused by road traffic crashes and avoidable human suffering resulting from death and serious injury. The FIA Foundation, in association with the Automobile Club of Costa Rica, together with the experts supporting this statement, therefore, hopes that the Constitutional Court will support the implementation of the seat belt law introduced by the Costa Rican Government in September 2003.

Yours sincerely,

David Ward
Director General

This letter has been read and endorsed by:

Adrian Hobbs, Secretary General of the European New Car Assessment Programme (and former Head of Crashworthiness and Accident Investigation at the UK Transport Research Laboratory).

The Right Honourable The Lord McCluskey, Senator of the College of Justice in Scotland and Member of the UK House of Lords.

David Silcock, Chief Executive of the Global Road Safety Partnership.

Peter Wright, Vehicle Engineering Consultant to the FIA Foundation with 30 years experience in motor vehicle safety design.

Note:

¹ The FIA Foundation for the Automobile and Society is an international charitable organisation registered in the United Kingdom that aims to promote road safety and sustainable mobility. Our membership includes national motoring organisations from around the world with a combined membership of over 100 million people. We work closely with the United Nations participating in meetings of the UNECE Working Party on Road Traffic Safety, the World Forum for Harmonisation of Vehicle Standards, and the World Health Organisation. We are also a member of the Global Road Safety Partnership established by the World Bank.