

**SAFETY ON OUR ROADS: OVERVIEW OF TRAFFIC
SAFETY AND NHTSA GRANT PROGRAMS**

HEARING

BEFORE THE

SUBCOMMITTEE ON TRANSPORTATION AND SAFETY

OF THE

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

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JUNE 30, 2020
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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

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**SAFETY ON OUR ROADS:
OVERVIEW OF TRAFFIC SAFETY
AND NHTSA GRANT PROGRAMS**

TUESDAY, JUNE 30, 2020

U.S. SENATE,
SUBCOMMITTEE ON TRANSPORTATION AND SAFETY,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:30 p.m., in room SR-253, Russell Senate Office Building, Hon. Deb Fischer, Chairman of the Subcommittee, presiding.

Present: Senators Fischer [presiding], Wicker, Gardner, Capito, Young, Scott, Duckworth, Blumenthal, Udall, and Peters.

**OPENING STATEMENT OF HON. DEB FISCHER,
U.S. SENATOR FROM NEBRASKA**

Senator FISCHER. The hearing will come to order. I am pleased to convene today's hearing as Chairman of the Senate's Subcommittee on Transportation and Safety. This hearing will give the Subcommittee the opportunity to learn about the general trends in traffic safety and to examine the National Highway Traffic Safety Administration's Highway Safety Grant programs.

The witnesses testifying today will provide their perspectives on the effectiveness of these safety programs as this committee considers safety priorities for surface transportation reauthorization. I am particularly grateful to have Captain Chris Peterson of the Lincoln Nebraska Police Department testifying remotely.

Captain Peterson is a 29 year veteran of the LPD and is currently assigned as Commander of the Lincoln Lancaster County Narcotics Task Force. His assignments include patrol and traffic enforcement and he also focuses on drug enforcement. Captain Peterson, I appreciate your willingness to testify today and I look forward to hearing about your on-the-ground experience with traffic safety. In 2018, there were 36,560 traffic fatalities on United States roads. While that number represents a 2.4 percent decline in overall fatalities from the previous year, each one of those fatalities represents a family member, a friend, and a loved one.

Even more tragic is the fact that according to the United States Department of Transportation, a major factor in 94 percent of the fatal motor vehicle crashes is human error. The daily choices that each of us makes has an impact on all of us. That is why we are here today, to hear about ways that we can improve road safety and prevent these tragedies from happening. For example, driving

distracted by looking at your phone, eating, drinking, or engaging in other activities that take a driver's attention away from the road contributed to over 2,800 traffic fatalities in 2018 according to NHTSA.

Or consider impaired driving which includes the use of alcohol, marijuana, and other drugs that inhibit a person's ability to react to road conditions. According to the CDC, 28 percent of traffic fatalities in 2016 involved alcohol impairment, while drugs, other than alcohol, were a factor in 16 percent of motor vehicle crashes. Though traffic safety and enforcement is primarily a state and a local issue, the Federal Government does have a role to play. NHTSA section 402 and 405 grant programs support states in their efforts to reduce traffic fatalities.

The 402 highway safety grants provides states with formal grants for a range of traffic safety programs, including those to reduce spending, prevent impaired driving and other important efforts. The 405 National Priority Safety program is a combination of seven incentive grants designed to encourage states to take specific traffic safety actions such as adopting laws that prohibit texting while driving and requiring graduated driver licenses for teens. The goals of these grants are laudable, to reduce traffic fatalities and improve driver safety.

However, Congress should consider how effective these grants are if in certain cases no states qualify to receive and utilize the funding, as happened this year with graduated driver licensing incentive grants. Finally, we all know and have experienced the impacts the COVID-19 pandemic has had on our lives. Not only has the virus been fatal for many of our fellow Americans, but it has impacted many parts of our daily routines including our driving behavior. While the number of miles driven has declined, reports indicate that the rate of fatalities and aggressive driving have gone up.

I hope today's witnesses can help us better understand the trends we are seeing in traffic safety, current efforts to make our roads safer, and the effectiveness of Federal programs such as NHTSA's 402 and 405 programs, and COVID-19's impact on our traffic safety. Today we will hear from Captain Chris Peterson of the LPD; John Saunders, Director of the Virginia Department of Motor Vehicles Highway Safety Office; and Jane Terry, Vice President of Government Affairs at the National Safety Council.

I look forward to your testimony. And with that, I would now invite my colleague and Ranking Member, Senator Tammy Duckworth, for her opening remarks.

**OPENING STATEMENT OF HON. TAMMY DUCKWORTH,
U.S. SENATOR FROM ILLINOIS**

Senator DUCKWORTH. Chairwoman Fischer, thank you for holding today's hearing. Before diving into key traffic safety issues, I do want to acknowledge the context in which this hearing is taking place which is during the first phase of a deadly pandemic that has already killed more than 125,000 Americans over the past few months. I mention this staggering death toll because today's hearing offers an important platform to address a very troubling pattern. I have noticed a concerning tendency among some to lessen

the trauma, the scale and the severity of our Nation's collective loss of life.

We are told in patronizing tones to dismiss the concerns over the mounting death toll of Americans because, well, thousands of Americans die on the roads every year. Such a call to inaction breezes past through reality that thousands of Americans have lost a grandparent who will never watch their grandchild grow up, lost a parent who will never witness another soccer game, birthday party or graduation, and perhaps most tragically of all, lost children whose lives ended far too soon. This bizarre analogy offers no sympathy to the harsh reality that many of the 125,000 dead Americans perished alone, frightened, and isolated from loved ones.

Even the President of the United States engaged in this ridiculous rhetoric, or an attempting to justify his Administration's initial failure to respond to the pandemic, stating in late March of this year, you look at automobile accidents, which are far greater than any numbers we are talking about. That doesn't mean we are going to tell everybody no more driving of cars. So we have to do things to get our country open. Now as we approach July, I don't need to tell anyone in this room how wrong President Trump turned out to be. We didn't lose 125,000 Americans in car crashes over a period of 4 months or the year before or the year before that, not even close.

Yet, setting aside the President's utter failure to effectively respond to the COVID-19 pandemic, I do want to take a moment as Ranking Member of the Subcommittee on Transportation and Safety to state with clarity to those seeking comfort in the high numbers of Americans who are killed on the roads every year—it is 30,000 to 40,000 traffic fatalities and that is also outrageous. Safety is not a zero-sum game. You can support wearing a mask when out in public and support wearing a seatbelt while driving your car.

We should not be comforted by the fact that over 36,000 Americans lost their lives on our roadways last year. We should be angry because so many of those deaths were preventable. Over 75 percent of all traffic fatalities last year involved a driver who was impaired or distracted, was speeding, or was not wearing their seatbelt. No one, not policymakers, not regulators, and not industry should accept the status quo, not when we could enact policies today that would save lives tomorrow. We will have more time to get into specifics during the questions round.

However, there is one issue I do want to raise up front because it is an area where there is a tremendous opportunity to drastically improve safety and save thousands of lives. We need to transform advanced driver assistant systems or ADAS technologies from luxury options in new model cars into the standard seatbelt, airbag, and anti-lock brakes of the 21st century.

Consumers are not provided the option of purchasing a car without seatbelts or airbags or anti-lock brakes because we know they save lives. We should be at the same point with ADAS technologies like automatic emergency braking, forward collision warning, and blind spot detection among others. We know these technologies save lives, then they should be standard on every single vehicle. Industry should voluntarily stop marketing ADAS technologies as fancy proprietary luxuries for wealthy car consumers.

We should be working toward the status quo ADAS features that save lives are no longer exclusive to a specific brand or model. As the witnesses will testify this afternoon, we have enough traffic safety challenges when it comes to the basic blocking and tackling of making our roads safer, from reducing drunk and distracted driving to increasing seatbelt use. Why would we make our job more difficult by denying every driver of 21st century safety features that is a standard on every car, would save thousands of lives a year? With that, I yield back.

Senator FISCHER. Thank you, Senator Duckworth. Next, I would like to introduce the panel members and ask them to give their opening statements. We will begin with Captain Chris Peterson, who is a 29 year veteran with the Lincoln Nebraska Police Department. I am so pleased, Captain Peterson, that you could join us remotely today and I look forward to your opening statement, sir.

**STATEMENT OF CHRIS PETERSON, CAPTAIN,
LINCOLN (NE) POLICE DEPARTMENT**

Mr. PETERSON. Good afternoon, Senator Fischer, Senator Duckworth, and members of the Subcommittee. My name is Chris Peterson. Thank you for holding this hearing and for the invitation to testify before you today. It is an honor to participate in these proceedings. I am a 29 year veteran of the Lincoln Nebraska Police Department currently assigned as Commander of the local Narcotics Task Force. Lincoln Nebraska is the capital city with a population of approximately 285,000.

We are the second largest city in Nebraska and the Lancaster County seat. The total County population is approximately 320,000. We enjoy a busy and thriving environment as the capital city, the center of Government for the State of Nebraska in Lincoln, Lancaster County, as well as home to the University of Nebraska Lincoln Campus. As such, we experience growing pains much like many modest sized Midwest cities in terms of traffic related concerns such as accidents, DWI enforcement, and other traffic violations, distracted driving, and of course, funding for traffic enforcement projects, and street maintenance or construction.

Our traffic accident trend is mostly flat in all areas with some small fluctuations from year to year over the past five to seven years. Overall, traffic citations are also mostly trending downward as well. We are experiencing a definite downward trend in DWI arrests over the past several years. However, distracted driving continues to be an emerging threat to the motoring public, but it is a challenge to both describe and measure. There does appear to be an upward trend in accidents of all types associated with distracted drivers including property damage, injury accidents, as well as fatality accidents. In terms of funding, the Lincoln Police Department has regularly benefited from National Highway Traffic Safety Administration section 402 and 405 grants over the past several years dating back to at least 2013.

Since then, the Lincoln Police Department has received more than \$183,000 in section 402 grant funding and more than \$92,000 in 405 grant funding. A typical use of section 402 funding by the Lincoln Police Department would be our "Click It or Ticket" campaign. This is a multi-agency project partnering with the Nebraska

State Patrol, the Lancaster County Sheriff's Office on local streets and highways focusing on seatbelt, child restraint, and non-moving traffic violations such as operator and motor vehicle licensing.

A typical use of 405 funding by the Lincoln Police Department are our DWI campaigns that focus on the month of December and other high-risk drinking timeframes and major holidays. We partner with Mothers Against Drunk Drivers to educate the public and raise awareness for the project and the impact on the community. The process by which we request both 402 and 405 funding is through the Nebraska Department of Transportation Highway Safety Office. Grant funding is awarded through this State agency.

After successfully completing application for funding, which requires a meaningful and measurable project to be presented and evaluated. As a department, we generally do not encounter many obstacles to funding in this process. There have been some challenges at the State level in successfully obtaining 405 funding due to Nebraska not having a primary seatbelt law.

As such, we benefit greatly from your consideration and funding for traffic safety measures in the State of Nebraska and in particular in the City of Lincoln. Thank you again for the opportunity and honor to testify before you today.

Lincoln Police Department will continue to leverage sections 402 and 405 grant funding in our efforts to enhance the safety of the motoring public in our community. Thank you.

[The prepared statement of Mr. Peterson follows:]

PREPARED STATEMENT OF CHRIS PETERSON, CAPTAIN,
LINCOLN (NE) POLICE DEPARTMENT

Chairman Fischer, Ranking Member Duckworth, and members of the subcommittee:

Good afternoon. My name is Chris Peterson. I am a Lincoln Police Captain and currently the local drug task force commander. Thank you for holding this hearing and for the invitation to testify before you today. The Lincoln Police Department appreciates the Committee's interest in and support of improving traffic safety in our country and specifically Lincoln, Nebraska.

Lincoln, NE is a medium sized metropolitan City of approximately 285,000. We are a busy government city as the state capital and county seat. We also enjoy a strong young adult and student presence in our community as home to the University of Nebraska and several other local colleges. Lincoln is home to 2,890 lane miles and anticipates much future development including a much needed south beltway to impact traffic flow and semi-truck travel diversion around the city. We are experiencing growing pains much like other Midwest cities especially in terms of repair/preservation, rehabilitation/reconstruction, and new development and construction of streets. The safety of the motoring public during these growing pains in terms of school zone projects, DWI campaigns, red light violation efforts, etc. all impact our overall accident rates which are directly influenced by NHTSA's 402 and 405 grant funding.

General traffic safety data (notable trends) for the annual periods of 2015 through 2019 include:

Accidents

The trend in traffic accidents across the city has remained almost flat with slight deviations. Accidents that involve property damage have trended upward in recent years. There has also been an upward trend in accidents that result in injuries, though these declined significantly in 2019. The decline in injury accidents appears to be attributed to improved street/roadway construction such as those at roundabouts and also to companion enforcement projects such as those listed above.

- Traffic Accidents (all types): trend is almost flat with deviations from +6.5 percent to -5.9 percent

- Property Damage Accidents: general trend is upward from 0.3 percent to 7.6 percent
- Injury Accidents: small trend up with strong decline (-9.5 percent) in 2019
- Fatality Accidents: range from 6–17 and can deviate greatly depending on factors such as multiple car fatalities and upward trends in motorcycle accidents

DWI Arrests

There has been a consistent downward trend in DWI arrests ranging between decreases of 11.9 percent to 30.3 percent.” This downward trend can be explained by an increase in ride sharing services such as Uber and Lyft, a more competitive taxi cab business, extension of local bar closing hours (smooths out the rush of intoxicated persons on the street), continued educational efforts, and historical enforcement efforts. Greater ride sharing and taxi cab capacity has generally improved

the options for patrons especially of our downtown areas who no longer need to concern themselves with parking or unavailability of transportation. Tavern owners suggested the amendments to bar closing hours which were initially opposed by law enforcement for a variety of reasons. However, over time the extension of hours along with greater transportation options appears to have reduced the number of persons leaving drinking establishments at the same time by spreading their departure over several hours.

Traffic Violations

Official citations for traffic violations of all types have trended mostly downward. Traffic signal or red light violations in particular have trended down dramatically in all areas. The overall downward trend may be attributed to factors concerning police staffing and calls for service. There have been efforts to build round about style intersections at some high risk locations. We have no other obvious explanation for the downward trend at this time.

Truck Involved Violations/Traffic Volume

Anecdotally and as suggested by South Beltway studies, truck traffic, and related violations, and accidents (of all types) appear to be trending upward as is damage to city streets and local highways based upon heavy truck traffic. The Lincoln Police Department does not possess the statistics that correspond with these suggestions.

Distracted Driving

An emerging threat to the motoring public continues to be the proliferation of personal electronic devices such as the cellular telephone. Texting and or talking while driving is on the increase and has been described locally as much a threat to others as driving under the influence. Nebraska Statutes describe the offense of texting or talking on a wireless communication device while driving as well as the penalties. It is a secondary action or offense. As such the citation numbers are not consistent but we are able to point to distracted driving as a significant contributor to overall accidents. The Lincoln Police Department issued an average of 24 citations for Use of a Handheld Communication/Mobile Device from April 2010 to April of 2020; ranging from a low of 8 this past year to a high of 48 citations in 2013. There does appear to be a downward trend in the number of these types of citations that is consistent with the overall number of official number of citations mentioned above. This is also a fair reflection of the offense being secondary and not a primary offense.

Our department experience with NHTSA 402 and 405 grant funding dates back many years. We possess financial documents describing our use from the 2013–2014 budget years through the Fiscal Year ending 8/31/2019. Use of 402 funding has steadily increased from \$6,674 in 2013 to more than \$44,661 in 2019. NHTSA funds have been used by the Lincoln Police Department for a variety of enforcement activities and training including spring school zone enforcement, motorcycle enforcement, speed enforcement, Click It or Ticket projects, You Drink, You Drive, You Lose projects and general traffic/impaired overtime projects. Training related topics include underage drinking enforcement, compliance checks, and general traffic control and enforcement related training.

NHTSA 405 funding for Lincoln Police Department traffic enforcement and training has also trended upward over the past several years from \$7,862 in 2014 to more than \$31,724 in 2019. NHTSA funding supported speed enforcement projects, Click It or Ticket and Child Safety Seat enforcement, compliance checks, MIP/DUI enforcement, underage drinking enforcement, and related training such as drug recognition expert training at the International Association of Chiefs of Police. More recently NHTSA 405 funding (sections D & E) have been used by our agency to support efforts to curb distracted driving enforcement by paying for overtime during these projects.

Since the 2013/2014 Fiscal Year through Fiscal Year 2019, the Lincoln Police Department has benefited from more than \$183,735 in NHTSA 402 grant funding and more than \$92,526 in NHTSA 405 funding. The benefit to the motoring public in and around Lincoln and the associated quality of life in our community is significantly and positively influenced by our combined efforts.

Projects and campaigns that are supported, in particular, include seasonal school zone details; national Click It or Ticket campaigns; state highway traffic safety enforcement details (O Street or NE Hwy 34 specifically); St. Patrick's Day details; national You Drink, You Drive, You Lose campaigns; December/Holiday DWI projects; Husker Game Day projects including MIP's/Party details; and national drug recognition expert conferences.

The Husker Game Day project is an alcohol violation project conducted on home football game days. The project consists of teams of officers conducting traffic details in the congested residential areas north of the university; plain clothes officers conducting compliance checks and patrolling for parties; and uniformed officers responding to party complaints and conducting tavern checks. The focus of the detail is enforcement of alcohol law violations especially underage and excessive drinking.

The Click it or Ticket campaign is funded by NHTSA 402 grant money. This project is generally one that is combined with other agencies including the Lancaster County Sheriff's Office and the Nebraska State Patrol. Safety check points are organized and operated under strict guidelines for set periods of time and at pre-announced locations. In addition to inspecting vehicles and drivers licenses, law enforcement is actively enforcing seat belt and child restraint laws and educating the motoring public about safe driving habits.

The You Drink, You Drive, You Lose DWI campaign is an annual project. For many years the Lincoln Police Department has identified the month of December as a time to focus on DWI enforcement. The project is funded with NHTSA 405 grant money. The funding is used to staff additional officers in an overtime capacity to proactively identify and arrest drunk and/or drugged drivers. Organizers partner with MADD to educate the public and raise awareness for the project and the impact on the community. At the end of the month the successes in education and enforcement are celebrated and shared with the media. The impact of the DWI enforcement upon accident is difficult to measure but believed to be beneficial.

The process by which we request funds is through the Nebraska Department of Transportation-Highway Safety Office. Grant funding is awarded through this state agency after successfully completing application for the funding which requires a meaningful and measurable project to be presented and then evaluated. We have experienced no significant challenges to obtaining or using these funding opportunities at our department. In conversations I've had with the Nebraska Highway Safety Administrator I learned that the State of Nebraska does experience some NHTSA 405 challenges due to not having a primary seat belt law and a graduated driver's license process for juveniles that allows a 14 year old to obtain a permit to drive. For these reasons, the Administrator suggested greater use of NHTSA 402 funding instead.

We believe that general traffic safety in and around Lincoln and Lancaster County can be maintained and/or improved by continued funding of NHTSA 402 and 405 grants; continued educational platforms and partnerships about distracted and impaired driving, and advancing the planning and construction of the Lincoln South Beltway. "The purpose of the Lincoln South Beltway is to improve east-west connectivity for regional and interstate travel through Nebraska and to reduce conflicts between local and through traffic, including heavy truck traffic, in Lincoln. The project is needed to address increased travel demand on Lincoln's transportation network, conflicts between local and regional trips along Nebraska Highway through Lincoln, and challenges associated with heavy truck traffic through Lincoln." While this is a challenging and expensive project the value, effectiveness and safety for the future motoring public is significant.

Thank you again for the opportunity and honor to testify before you today. The Lincoln Police Department will continue to leverage 402/405 funding in our efforts to enhance the safety of the motoring public in our community.

Senator FISCHER. Thank you, Captain. Next, I would like to introduce John Saunders who is Director of the Virginia Department of Motor Vehicles Highway Safety Office, and he is here today representing the Governors Highway Safety Association. Thank you so much for coming. Welcome.

**STATEMENT OF JOHN SAUNDERS, REGION THREE
REPRESENTATIVE, GOVERNORS HIGHWAY SAFETY
ASSOCIATION; AND DIRECTOR, HIGHWAY SAFETY,
VIRGINIA DEPARTMENT OF MOTOR VEHICLES**

Mr. SAUNDERS. Thank you, Chairman Fischer, members of the Subcommittee, thank you for, again, having us here today. I am proud to come representing the Governors Highway Safety Association. My name is John Saunders and I serve as Director of Highway Safety for Virginia Department of Motor Vehicles Virginia Highway Safety Office. I also serve as the Region Three Representative on the Executive Board of Governors Highway Safety Association. Thank you for holding today's hearing on highway safety.

GHSA is a non-profit association that represents State and territorial highway safety agencies. Let me first say that in the last 3 months, the COVID-19 outbreak has had a multi-faceted impact on highway safety community as it has on most other aspects of the day-to-day life. Shutdowns, quarantine, social distancing, and subsequent economic impact have suppressed the volume of road traffic. Several states are also reporting varying increases in speeding and many incidents of very dangerous speeding. This summer, states are beginning to restart the number of activities that were initially canceled or postponed. They have also pivoted to directly address the surge of speeding.

Many State and local personnel continue to telework and face other challenges. GHSA greatly appreciates the regulatory flexibility that Congress granted the states in the CARES Act. But because we expect the pandemic to continue, we urge Congress to extend NHTSA's waiver authority for the states that continue to need extra flexibility. GHSA wants to also address the recent life brought to instances of excessive force, police misconduct, and individual and systemic racism in policing. As we know these are not new challenges, but a conversation about the intersection with traffic safety and traffic enforcement is long overdue.

Today, I want to affirm that GHSA continues to condemn racism, discrimination, and misconduct in the criminal justice system. We support the collection and use of data on inappropriate disparities in policing driven by race and other factors. At the same time, we also support the proven role of traffic enforcement as an effective countermeasure in the life-saving work being done faithfully by the vast majority of traffic enforcement officers. This has been a matter of considerable attention for GHSA's Board and GHSA intends to both help reform problematic practices and to help rebuild trust in traffic enforcement. As we look forward to transportation reauthorization, GHSA comes before Congress today with the two broad recommendations.

First, Congress needs to do more to remove the constraints, the unnecessary structural barriers, and the administrative burdens that limit the effective implementation of safety programs. GHSA recommends greater investment and focus on the first half of the NHTSA grant funding, section 402. Every state needs are unique and states are best equipped to address them under this program. GHSA recommends that Congress eliminate the second half, the section 405 programs and invest it all into section 402. Section 405 has many serious flaws. The first flaw is that as these programs

are subdivided further and further, states receive less money and face more complicated application and program rules.

Second, section 405 programs delve too deeply into the details of State policy. Incentive grants are good at getting states to make big, straightforward changes, but have not been successful in states to create specific complex legislative programs. Congress needs to make grant eligibility more achievable. Many states are not eligible for the funding even though they have qualifying laws, just because complex State laws don't meet the exact Federal standards. We have seen this with distracted driving grants and no state has ever qualified for the teen driver safety grant.

Third, even if states are awarded funds, the program's rules often prevent states from using funds even on the issues they are meant to address. For instance, the states have been denied the use of traffic records grant funds for important traffic record projects and likewise for the bicycle and pedestrian safety grant. The House re-authorization bill includes a number of helpful reforms but there are still steps that need to be taken.

I include detailed GHSA recommendations in my full written testimony. GHSA's second broad recommendation is that Congress should increase highway safety spending Governmentwide across the modes. First, because no individual approach will solve this public health crisis alone.

Second, because the current level of investment will not move us anywhere near zero. We need to take control of the future of highway safety. About 100 people are killed in traffic crashes every day, and all of these crashes are completely preventable.

We strongly encourage Congress to act with urgency to increase its investments and to take steps to empower states and communities to get us more firmly on the road to zero fatalities. I thank you.

[The prepared statement of Mr. Saunders follows:]

PREPARED STATEMENT OF JOHN SAUNDERS, REGION THREE REPRESENTATIVE, GOVERNORS HIGHWAY SAFETY ASSOCIATION; AND DIRECTOR OF HIGHWAY SAFETY, VIRGINIA DEPARTMENT OF MOTOR VEHICLES

I. Introduction

Good morning. My name is John Saunders and I am Director of Highway Safety for the Virginia Department of Motor Vehicles. I also serve as the Region Three Representative on the Executive Board of the Governors Highway Safety Association. GHSA is a nonprofit association that represents State and territorial highway safety agencies. Its State Highway Safety Office members create and deploy State-wide behavioral safety plans and administer Federal behavioral highway safety grant programs.

The State Highway Safety Offices are focused on the behavioral aspects of highway safety, including but not limited to impaired driving; inadequate adult and child occupant protection; speeding and aggressive driving; distracted and drowsy driving; younger and older driver safety; motorcycle safety; the safety of bicyclists, pedestrians and non-motorized road users; the safety of new vehicle technologies; traffic enforcement; traffic records; emergency medical services; driver education; and highway safety workforce development.

Our members are thus involved principally in implementing programs that leverage traffic enforcement, community engagement, public education, highway crash surveillance and other countermeasures to prevent crashes, deaths and injuries on our roads.

For the past five years, during the FAST Act authorization period, the National Highway Traffic Safety Administration (NHTSA) has distributed over 500 million

dollars annually to the States, which also leverages funding from State governments and partners, to implement these programs.

I am pleased to provide the subcommittee an update from the perspective of the States on the status of highway safety in the United States, a review of key challenges, and recommendations in Appendix A below for the U.S. Senate to consider as it prepares the upcoming Federal transportation reauthorization.

II. COVID-19 Impacts on the Highway Safety Offices

As on the Federal level, the COVID-19 outbreak created significant disruption in State and local government activities. Many State highway safety office staff continue to work remotely and are limiting activities that might put themselves or others at risk.

Some law enforcement partners had immediately cancelled grant-funded enforcement campaigns and other activities, though we are resuming programs as soon as we are able. Regarding national enforcement campaigns required by statute, NHTSA has delayed the schedule of several of these events until the fall.

GHTSA greatly appreciates the administrative flexibility granted to the States under the CARES Act. Instead of having to focus on meeting administrative requirements that were impossible to meet, States have instead been able to focus on implementing safety programs and pivoting to address the safety priorities that have emerged in the wake of the pandemic.

The effects of the pandemic will be long-lasting. The inability to conduct many activities during this Fiscal Year may have impacts on State eligibility for next year's grants. Looking forward, we urge U.S. Congress to extend NHTSA's authority to grant waivers to the States that need them.

III. Highway Safety in the United States

As you know, traffic-related fatalities and injuries continue to be a major public health crisis in the United States. NHTSA reports that 36,560 people were killed and many more were injured in the United States in 2018.¹ This represents a decline of 2.4 percent from 2017, a third year of declines following significant increases. NHTSA also projects a slight decline of about 1.2 percent for 2019.²

This is progress but no cause for celebration. Still about 100 family members, friends and coworkers are killed every day on our roadways. This is equivalent to three fully loaded 737 airline jets crashing every week where every single passenger and crew member perished. All of these highway crashes are completely preventable and the only acceptable number of fatal crashes should be zero.

According to a 2008 NHTSA study, the critical reasons for the overwhelming majority of crashes is unsafe driver behavior.³ An aggregation and comparison of NHTSA data about various crash types suggests a national ranking of behavioral highway safety threats (see Figure 1 on pg. 4). Note that there is significant overlap and some crash types are likely underreported.

Though overall fatalities have decreased in the long run, the top three crash contributors—impaired driving, lack of restraint use and speeding—have persistently each accounted for nearly a third of all crash fatalities.

Congress should be aware that many factors outside of the control of highway safety programs have a significant and complex influence on highway safety metrics. For instance, changes in the economy and fuel prices impact how much consumers drive, and thus changes driver exposure to highway safety risks. Increases and decreases in overall fatalities notably correlate to national economic conditions.

¹ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812826>

² <https://www.nhtsa.gov/press-releases/early-estimates-traffic-fatalities-2019>

³ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812506>

Figure 1.

2018: People Killed in Fatal Crashes (Source: NHTSA Traffic Safety Factsheets)	
Total	36,560
Alcohol-Impaired Driving	10,511
Unrestrained Occupants	9,778
Speeding-Related	9,148
Pedestrians	6,185
Motorcyclists	4,928
Distraction-Affected	2841
Teen Drivers	*1830
Children	*1147
Bicyclists	834
Drowsy Driving	*795

*2017 data

The makeup of vehicle types on the road seems to have an influence on crashes. For instance, U.S. vehicle sales have shifted away from passenger cars to light trucks and SUVs that can cause more severe impacts than cars in crashes involving non-motorized road users and other cars.

Even the weather influences highway safety. Good weather brings more vulnerable users—pedestrians, motorcyclists and bicyclists—onto roadways and increases their exposure to risk. The States with the highest rates of pedestrian fatalities are concentrated in the south where better weather makes non-motorized travel more appealing.

Though we cannot yet offer data, the shutdowns, quarantines, social distancing, and the subsequent economic impact resulting from the COVID-19 outbreak have almost certainly impacted road traffic, crashes, deaths and injuries. Notably, many areas of the country are reporting that open roads are encouraging an increase in excessive speeding, which can result in more catastrophic injuries.

Our current levels of national investment are insufficient to overcome the influence of these external factors. We need to take control of the future of highway safety and make progress despite broader circumstances that encourage highway safety risks.

IV. Impaired Driving Remains the Leading Highway Safety Threat

Alcohol-impaired driving arguably remains our number one highway safety challenge. According to NHTSA, an average of one alcohol-impaired-driving fatality occurred every 50 minutes in 2018. Alcohol impairment is notably over-represented in crashes involving young adults, motorcyclists, bicyclists, pedestrians and speeding.

Last December, GHSA released a report, *High Risk Impaired Driving: Combating a Critical Threat*,⁴ in which we explored a more holistic approach to managing impaired driving offenders that focuses on the individual and the need to treat underlying problems prompting impaired driving behaviors. Screening, assessment and

⁴ https://www.ghsa.org/sites/default/files/2019-12/GHSA_HRIDReport_Final_Dec17Update.pdf

treatment are especially critical to classify, adjudicate, penalize and reform all impaired driving offenders according to their risk of recidivism.

GHSA is likewise concerned about the increasing prevalence of drug-impaired driving, even as alcohol-impaired driving is still a major traffic safety problem. Though we know the data is incomplete, there is reason to believe that drugged driving is increasing. Further, States are finding that impaired driving cases increasingly involve alcohol and drugs used in combination, further suggesting a need to think about impaired driving holistically.

Many States are legalizing marijuana for medical or recreational purposes. Marijuana legalization presents concerns about the potential impact that increased access will have on the users of the roads and States should be thinking about how they can prepare.

Congress should be aware that drug impaired driving does not just involve illicit drugs but rather also can involve impairing prescription and over-the-counter drugs.

Unfortunately, science does not support an illegal per se limit (similar to the .08 or .05 blood alcohol concentration for alcohol) for marijuana, or most other drugs, and no such breakthrough is likely forthcoming.

Without the policy tool of a per se limit, States are implementing programs that utilize the best strategies available, including:

- Training police officers to better recognize drug impairment;
- Leveraging new roadside screening tools like oral fluid testing and drug breathalyzers to establish probable cause;
- Leveraging training and technology to expedite drug-impaired driving cases so investigators can capture often short-lived toxicological evidence;
- Ensuring toxicology laboratories have the funding, staffing and equipment to manage growing numbers of drug-impaired driving cases;
- Training prosecutors and judges to adjudicate cases involving new kinds of investigations and evidence;
- Treating offenders' underlying substance abuse issues, no matter what the substance; and
- Testing more offenders and fatally injured drivers for drugs to better document the scope of the threat.⁵

GHSA recommends steps in Appendix A on how the U.S. Senate can better prepare States to address impaired driving.

V. Speeding Has Become a Forgotten Highway Safety Issue

Though about a quarter of all fatal crashes involve at least one speeding driver, GHSA believes that speeding had become almost a forgotten highway safety issue. Indisputably, higher speeds are tied to an increased risk of crashes and increased crash severity. Further, speeding vehicles present a unique threat to other more vulnerable road users.

Unlike other leading highway safety issues for which we have successfully shifted cultural attitudes, speeding remains widely socially acceptable. Most drivers speed and despite ongoing speeding enforcement efforts, most drivers still have low expectations of receiving a citation or causing a crash. As mentioned, the pandemic seems to have resulted in an increase in excessive speeding around the country.

States are using various combinations of proven engineering, enforcement and education countermeasures to address speeding. Because the public is generally not behind us, even proven countermeasures face political barriers and some States are even increasing speed limits and banning scientifically-proven solutions.⁶

In an effort to rethink how we could best prevent speeding, GHSA is partnering with the Insurance Institute for Highway Safety and the National Roadway Safety Foundation to sponsor a competitive grant program for States to implement community-based speed management pilot projects. In an effort to break down siloed approaches, we will be funding pilot programs that specifically combine all of the different countermeasures— engineering, enforcement, communications, policy, and advocacy—in the same location at the same time. We will be formally evaluating the program and hope to demonstrate an integrated model that can be scaled up and replicated elsewhere.

Finally, in order to do more on speeding, the United States is in dire need of national leadership acknowledging the extent of this highway safety problem and com-

⁵ <https://www.ghsa.org/index.php/resources/DUID18>

⁶ <https://www.ghsa.org/resources/Speeding19>

mitting to real solutions. GHSA welcomes a conversation about what more Congress can do to better address dangerous speeding on our Nation's roads.

VI. Pedestrian Fatalities Are Increasing Dramatically

Another area of critical concern is the alarming surge in pedestrian injuries and fatalities. For the past three years, GHSA has aggregated preliminary pedestrian safety data from its State members and considered historic data to predict anticipated pedestrian safety trends prior to the availability of final national data for those years.

According to GHSA's last analysis released this year, the number of pedestrian fatalities increased by 53 percent (from 4,109 deaths in 2009 to 6,283 deaths in 2018) during the 10-year period from 2009 to 2018. Meanwhile, the combined number of all other traffic deaths declined by two percent. Further NHTSA recently reported that fatalities decreased from 2017 to 2018 in almost all segments of the population except fatalities in crashes involving large trucks and nonoccupant fatalities (pedestrians and bicyclists).⁷

Based on preliminary State data, GHSA estimated that the nationwide number of pedestrians killed in motor vehicle crashes in 2019 was 6,590, an increase of 5 percent from 2018. GHSA's predictions have been nearly spot on with NHTSA's final figures and we expect the same for 2019.

Like speeding, States are using various combinations of engineering, enforcement and education countermeasures to address pedestrian safety, including targeted enforcement in conjunction with public outreach and education. NHTSA and the Federal Highway Administration (FHWA) are partnering to bring special attention to the pedestrian safety crisis. GHSA recommends steps in Appendix A for the U.S. Senate to improve how the States can better protect non-motorized road users.

VII. Equity in Traffic Enforcement

In the past quarter, we have seen much attention brought to shocking instances of excessive force, police misconduct, and individual and systematic racism in policing. Some of these incidences have involved traffic stops and in general, much of the personal interaction between law enforcement and the public occurs in the context of traffic stops. As we know these are not new challenges, but a conversation about the intersection with traffic safety and traffic enforcement is long overdue.

This issue is a priority and has been a matter of considerable attention by GHSA's Executive Board and we hope to determine the most constructive way for GHSA and its members to eliminate injustice in traffic enforcement.

GHSA condemns racism, discrimination and misconduct in the criminal justice system in all forms and we support the right to peacefully protest. GHSA also supports the collection of data on inappropriate disparities in policing driven by race or other factors, and the use of such data to implement highway safety programs.

However, GHSA also continues to support the proven role of traffic enforcement and the wider criminal justice system to prevent crashes, deaths and injuries, stop dangerous drivers and hold drivers accountable for poor, often deadly, choices. High-visibility enforcement, in particular, remains an approach upheld by research and data. GHSA supports the vast majority of law enforcement officers that faithfully implement highway safety programs.

For many communities across the U.S., traffic enforcement will remain a major part of traffic safety out of choice or necessity. However, we have seen across the spectrum of highway safety that one size rarely fits all, and GHSA wants to be open to developing and implement effective, alternative approaches, as well as investment in countermeasures that prevent dangerous driving before it needs to be targeted in traffic enforcement efforts.

Finally, no traffic safety program can survive without public trust. GHSA strongly encourages law enforcement to adopt new approaches to rebuild public trust in traffic enforcement and we hope to be a part of that process.

VIII. Congress Should Increase Highway Safety Investment

The highway safety discourse in the United States has come to revolve around working toward a goal of zero highway fatalities. GHSA is a proud member of the Towards Zero Death initiative, a member of the Road to Zero Coalition and a partner with the Vision Zero Network. Many States have adopted a zero-focus for State-wide highway safety planning.

Unfortunately, the current level of national investment will not move us close to zero. In fact, some States' data projects that fatality rates will remain largely the same, or even increase when all of the various factors are taken into account.

⁷ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812826>

GHSA urges Congress to increase its investment in all Federal highway safety programs, including programs implemented by NHTSA, FHWA, the Federal Motor Carrier Administration (FMCSA), the National Transportation Safety Board (NTSB) and other Federal agencies. No individual approach will be sufficient to solve the highway safety challenge. Rather, we need to simultaneously increase our investment in engineering and infrastructure, education, enforcement, emergency medicine and every viable countermeasure approach.

Some traffic safety stakeholders argue that we can solve all of our problems by rebuilding the roads. While improved infrastructure can address a few safety problems, it will not make drivers buckle their seat belts or put their children in the right child restraint. It will not prevent drunk drivers from getting behind the wheel, hold them accountable, or help them overcome addictions. That is to say that eliminating behavioral approaches altogether would be a major mistake. Rather, we must implement all types of countermeasure strategies simultaneously to bring down fatal crash rates.

Congress has taken bold action to address other public health crises, even just earlier this year. Every transportation agency and most transportation stakeholders have established safety as the leading priority. We urge Congress to do the same now and fully commit to the road to zero.

IX. Congress Should Significantly Reform NHTSA's Highway Traffic Safety Grant Programs

As we prepare for the upcoming Federal transportation reauthorization, GHSA urges Congress to take aggressive steps to remove the constraints that limit the ability of States, cities, NHTSA and our partners to implement effective programs.

The NHTSA Highway Traffic Safety Grant program is hamstrung with extensive administrative burdens. These burdens are partially due to NHTSA's oversight of the program but also rooted in how Congress has specifically constructed the program that NHTSA is implementing.

Today, in order to participate in NHTSA's grant programs, States are required to comply with an excessive number of separate program rules and separate sets of qualifications. States face onerous, duplicative record-keeping and reporting requirements. In particular, the eligibility standards for many grants are so detailed that States are often disqualified over technicalities. The level of detail about State laws required to apply for these grants creates burdens for NHTSA to determine eligibility. NHTSA has also limited transparency about the specific reasons for grant award decisions. And when grants are awarded, the program is crisscrossed with arbitrary Federal guardrails on what kinds of programs and projects that States can or cannot implement. Underpinning all of this is a dysfunctional grant program structure, as explained below.

Section 402—State and Community Highway Safety Grant Program

Slightly less than half of NHTSA grant funding is allocated to Section 402, the State and Community Highway Safety Grant Program. Under Section 402, States are permitted to program their funding for a wide range of highway safety purposes based on their data-driven problem identification. States use data to determine their unique highway safety needs and allocate resources accordingly.

GHSA urges Congress to generally increase its investment in Section 402 year-to-year, which would expand the flexibility of States to target their highway safety problems. Notably, there is no priority safety program to address speed—one of the top three factors in fatal crashes. States rely on Section 402 to support speed management programs.

Congress should further expand the purposes for which Section 402 funds are allowed to be used to meet emerging behavioral highway safety concerns and opportunities, including public education on vehicle recall awareness, unattended child passengers and heatstroke prevention, and public education on understanding and safely using new vehicle safety technology.

Congress also should eliminate the current requirement for States to conduct biennial surveys of automated enforcement systems. This requirement is forcing States to waste funding to assess activities in which the State highway safety offices are not involved and to generate reports that are being used for no purpose on the Federal or State level.

The Moving Forward Act proposed in the U.S. House would set aside \$35 million per year from Section 402 for a new, competitive Traffic Safety Enforcement Grant. GHSA generally opposes any set asides within Section 402. Section 402 spending is intended to be driven by each State's unique needs. GHSA is also concerned that the purpose of establishing this program, and the reason to impose a separate application, is not clear as currently all States are required to develop and implement

a traffic safety enforcement program targeting proven countermeasures based on local needs and leveraging NHTSA's Countermeasures That Work (some States consider it to be their number one reference to select projects). If Congress is to pursue this idea, it deserves reconsideration.

Section 405—National Priority Safety Program

The remaining half of funding is allocated under Section 405, the National Priority Safety Program, which is comprised of seven separate grant programs Congressionally designated priority issues, each with disparate eligibility standards and allowable uses:

- Section 405(b): Occupant Protection: 13 percent
- Section 405(c): State Traffic Safety Information System Improvements: 14.5 percent
- Section 405(d): Impaired Driving Countermeasures: 52.5 percent, including 12 percent for ignition interlocks incentives and 3 percent for 24–7 sobriety program incentives
- Section 405(e): Distracted Driving: 8.5 percent
- Section 405(f): Motorcyclist Safety: 1.5 percent
- Section 405(g): State Graduated Driver Licensing Laws: 5 percent
- Section 405(h): Nonmotorized Safety: 5 percent

While it may have once seemed helpful to dedicate funding to various specific priorities areas, this bifurcation of programs ultimately hurts more than it helps. As programs are subdivided further and further, States receive less money and face more complicated application and program rules. For each grant, States must provide separate qualification information and provide detailed accounts of State laws or programs.

Many of these programs are under-performing, with few States awarded grants, even if they have a qualifying law. GHSA believes that incentive grants and similar programs are really effective at encouraging States to make major, straightforward changes, such as adopting the national .08 BAC standard. This approach is often not as effective at encouraging States to perfectly create complex programs or adopt many small changes over time.

For instance, in FFY 2020, more than 30 States have all-offender ignition interlock laws, yet only five States were awarded Section 405 (d) incentive funds for this purpose. Nearly every State has some sort of distracted driving law, yet only seven States received Section 405 (e) grants. Notoriously, no State has ever qualified for Section 405 (g) grants, even though every State has had a graduated driver licensing system since 2006.⁸ All of these are often lengthy, complex State laws.

Finally, even when grants are awarded, each grant also comes with its own unique restrictions that needlessly complicate the highway safety planning process as States must carefully consider how they can and cannot use the funding. For instance, States have been denied the use of Section 405 (c) traffic records grant funds for important traffic records projects, and likewise for Section 405 (h) funds for valuable bicycle and pedestrian projects.

The bottom line is that the Section 405 program suffers from many flaws and it has not fulfilled its intended purpose.

The best way Congress can address this issue would be to move all of the funding from the Section 405 programs and invest it into Section 402. This way, Congress can keep this funding dedicated toward highway safety purposes. Section 402 provides States the most flexibility and the ability to closely tailor their programs to the actual needs on the ground, which does not always fit a nationwide model.

However, if Congress decides to continue to invest in Section 405, GHSA strongly encourages Congress to significantly reform these existing programs to dramatically increase State eligibility and allowable uses and eliminate administrative burdens.

Section 405–402 Transfer: As many States are ineligible for various Section 405 programs, the law currently directs NHTSA to redistribute unallocated Section 405 funds to all States by formula under Section 402. The Moving Forward Act, proposed in the U.S. House, would revert to a similar system in place before the FAST Act and grant NHTSA broad discretion to allocate these funds under either Section 402 or 405. Historically, this allowed NHTSA to allocate funds based on objectives set by the Administration's political leadership rather than data. GHSA urges NHTSA to maintain the current system. If funds are not uti-

⁸<https://www.nhtsa.gov/highway-safety-grants-program/fy-2020-grant-funding-table>

lized due to the inherent disfunction of Section 405, they should be redistributed to the States to allocate according to data-driven State needs.

Maintenance of Effort: GHSA urges Congress to eliminate the Section 405 Maintenance of Effort requirements. NHTSA is preventing supplanting through other mechanisms and Maintenance of Effort calculations are subjective and administratively burdensome, especially for small States with fewer resources, and also for NHTSA.

Section 405(d) Impaired Driving: GHSA urges Congress to authorize the use of funds to cover law enforcement officers replacing officers in grant-related training. Lack of manpower is a significant barrier for small law enforcement agencies to participate in police impaired driving training programs. Further, GHSA urges Congress to take steps to reform the ignition interlock incentive grant program to better reflect the many different State approaches to this policy, as well as make other changes to bolster State eligibility.

Currently, States may broadly use Section 405(d) funding on drug-impaired driving countermeasures, which are often integrated or complementary to alcohol-impaired driving efforts. One specific policy that Congress can implement to combat drug-impaired driving is to allow the Section 154 and Section 164 Penalty Transfer Funds (requiring States to have open container laws and specific laws for repeat impaired driving offenders) to optionally be used for drug-impaired driving initiatives in addition to alcohol-impaired driving initiatives.

Section 405(e) Distracted Driving: Congress should reform this program to increase State eligibility, to better reflect the strong distracted driving laws that many States have adopted and eliminate opportunities for States to be disqualified due to technicalities.

Section 405(h) Nonmotorized Safety: Currently, these grant funds may only be used for programs that are centered around State bicycle and pedestrian safety laws. However, not every State has complete bicycle and pedestrian safety laws and many such safety practices (such as conspicuity) are not necessarily enshrined in State law. Congress should expand this program to allow these funds to be used for a more comprehensive range of proven behavioral safety countermeasures.

The remaining Section 405 programs are so problematic or underperforming that we urge Congress to either radically reform them or eliminate them entirely and redistribute the funding to Section 402:

- Section 405(c) Traffic Safety Information Systems: Congress should aggressively expand allowable uses of the funds and remove burdensome and outdated eligibility requirements. Specifically, Congress should eliminate the completion of a mandatory NHTSA traffic records assessment as a condition of eligibility or increase the time between assessments.
- Section 405(f) Motorcyclist Safety: Congress should aggressively expand allowable uses of the funds to include a wide range of safety programs aimed at both motorcyclists and motorists.
- Section 405(g) Graduated Driver Licensing Laws: Since this program was created under MAP-21, no State has ever been eligible. GHSA recommends that Congress tier this program with staged eligibility requirements.

Speed Management: If Congress maintains and restructures Section 405, and possibly eliminates some programs, it may find a portion of Section 405 funding freed up for other purposes. GHSA urges Congress to consider authorizing these funds under Section 402 or consider creating a new Section 405 program on Speed Management. Many Section 405 programs focus on lesser highway safety priorities, but as described above, speeding remains a leading crash contributor and should rightly be considered a national highway safety priority.

Under such a program, GHSA recommends that States be eligible for funding by submitting a Statewide speed management plan. Congress should authorize the use of this funding for traditional speed management efforts and many of the activities already carried out under Section 402: high-visibility enforcement mobilizations, police training and equipment, public education, improving data systems, speeding trends research and State and local speed management programs.

NHTSA Transparency: Finally, Congress should require NHTSA to specifically list all, not just some, of the reasons why States are designated ineligible for

grants, so that State policymakers and the highway safety community know precisely what needs to change on the State level to increase State eligibility.

Section 404—National Enforcement Mobilizations

Currently, NHTSA is required to sponsor three national enforcement mobilizations and States are required to participate in these mobilizations as a condition of receiving Section 402 funding. The Moving Forward Act would double the number of enforcement mobilizations from three to six.

While enforcement is important, such an increase would result in an excessive draw of funding and resources for many States. Doubling the number of mobilizations would also challenge the ability of local law enforcement agencies to participate, which is already a problem under the current requirements. GHSA urges Congress to maintain the number of required mobilizations at three or clarify that States are only required to participate in at last three of the six every year.

GHSA's detailed reauthorization recommendations are included as Appendix A below.

Finally, some policymakers have proposed imposing new sanctions on the States to withhold transportation or even safety program funding to encourage them to adopt certain policies. As noted above, the use of sanctions and incentives have a mixed history with both successes and failures. Federal-aid highway funding in particular, is often used for safety purposes as well. GHSA strenuously opposes any efforts to move funding away from highway safety, which is ultimately counter-productive to our collective goal of eliminating roadway crashes, fatalities, and injuries.

X. Other Highway Safety Priorities

Behavioral Traffic Safety Cooperative Research Project

The FAST Act continued Congressional support for the Behavioral Traffic Safety Cooperative Research Project (BTSCRCP), the only national cooperative highway safety research program focused exclusively on behavioral highway safety. This program is administered in a tripartite partnership between GHSA, NHTSA and the Transportation Research Board. GHSA urges Congress to extend this research program and increase the investment in this program from \$2.5 million to \$3.5 million per year.

DADSS

GHSA is a strong supporter of the Driver Alcohol Detection System for Safety (DADSS) research program and both GHSA and the Virginia DMV participate on the stakeholder team of the Automotive Coalition for Traffic Safety. We urge Congress to continue to fund this program aimed at developing a passive drunk driving prevention system. In 2018, Virginia was the first state to partner with DADSS to implement the Driven to Protect (D2P)⁹ pilot program to collaborate on in-vehicle on-road tests and to educate the public about this technology.

Automated Vehicle Technology

For the past three years, GHSA has partnered with other State agency associations to speak with a unified State voice on Federal legislation to create a national regulatory framework for automated vehicle technology. Our chief concern has been to ensure that this framework maintains the traditional State and Federal regulatory roles governing motor vehicles and driving. Federal law should not inappropriately preempt State and local highway safety laws. Also, GHSA urges Congress to make a priority of preparing and empowering NHTSA to play its part in this framework.

Outside of the Congressional discussion on automated vehicle policy, GHSA's broader focus has been to prepare our members for what to expect and how to anticipate future trends. Automated vehicle technologies have the potential to offer significant safety benefits and GHSA agrees that we should promote their use. However, the best available evidence suggests that most of the United States will feature a mix of vehicles across the spectrum of automation for the foreseeable future, maybe forever.

Thus, new modes of automation will likely present novel behavioral safety risks and changes for law enforcement and first responders that we can begin to prepare for today. Further, if human behavior will still play a prominent, long-term role in highway safety, then we need to both continue to invest in programs to address all of today's highway safety risks while pro-actively planning for an increasingly automated future.

⁹<https://www.dadss.org/driventoprotect/>

Last year, GHSA joined the Partners for Automated Vehicle Education (PAVE) Campaign, a coalition of industry, nonprofit and academic institutions that aim to inform and educate the public and policymakers with fact-based information regarding automated vehicles and to dispel misinformation.¹⁰ GHSA looks forward to ongoing partnerships within the transportation community to help usher in a safer mobility age.

VIX. Zero Is the Only Acceptable Number

GHSA wants to thank Congress for its focus on these important issues. The carnage on our Nation's roads remains an ongoing public health crisis. While we have made hard-won progress, a significant amount of work remains to be done to both implement effective programs and improve the administrative structures behind them. As Congress plans its approach and investments to highway safety, GHSA urges the legislature to keep a singular target in mind: zero.

This concludes GHSA's statement. Thank you for the opportunity to appear before the Senate Subcommittee on Transportation and Safety. GHSA looks forward to working with the Committee on the upcoming transportation reauthorization and ongoing efforts on highway safety.

APPENDIX A

NHTSA HIGHWAY TRAFFIC SAFETY GRANT PROGRAMS

2020 GHSA RECOMMENDATIONS

AS OF JUNE 26, 2020

Section 402—NHTSA Highway Safety Programs

- *[Proposed in The Moving Forward Act] Eliminate the Biennial Automated Enforcement Survey requirement, which is a not a productive use of funding to assess activities in which the State highway safety offices are not involved and generates reports that are being used for no purpose. USC 23 Sec. 402 (c)(4)(C); Rules Cmt. Print 116–54 pg. 710*
- *[Proposed in The Moving Forward Act] Traffic Safety Enforcement Program. GHSA generally opposes any set asides within Section 402, which should be driven by each State's unique needs. GHSA is also concerned that the purpose of establishing this program, and the reason to impose a separate application, is not clear as currently all States are required to develop and implement a traffic safety enforcement program targeting proven countermeasures based on local needs and leveraging NHTSA's Countermeasures That Work (some States consider it to be their number one reference to select projects). If Congress is to pursue this idea, it deserves reconsideration to differentiate it from Section 402 and provide more incentives for states to apply, such as eliminating a Maintenance of Effort requirement and offering 100 percent Federal share. Rules Cmt. Print 116–54 Sec. 3003*
- *[Proposed in The Moving Forward Act] Require NHTSA to create a public-facing website centralizing highway safety program information and with a search feature for HSP content, per the recommendation of GHSA and other safety stakeholders. Rules Cmt. Print 116–54 pg. 711*
- *Expand Section 402 allowable uses to include public education on vehicle recall awareness, unattended child passengers, and safe use of new vehicle technology. USC 23 Sec. 402(a)(2)(A)*
- *Clarify that HSP performance reporting should be based on information available to date, as States may not have complete progress information when the HSP is submitted in July. USC 23 Sec. 402 (k)(4)(E)*

Section 1906—Grant Program to Prohibit Racial Profiling

- *Reauthorize this program. Section 1906 of SAFETEA–LU USC 23 Sec. 402 Note*
 - *Rename to “Grant Program to Ensure Equity in Traffic Enforcement, to reflect the broader goals of the program.*
 - *Allow funds to be used for State-certified anti-bias police training, so that States can take action beyond just collecting and reporting data on racial profiling.*

¹⁰<https://pavecampaign.org/>

- *Allow states to qualify for more than just two consecutive years.*

Section 403—Highway Safety Research and Development

- *[Proposed in The Moving Forward Act] Reauthorize and increase investment in the Behavioral Traffic Safety Cooperative Research Project (BTSCRCP) from \$2.5 million to \$3.5 million. USC 23 Sec. 403(f)(1); Rules Cmt. Print 116–54 Sec. 3004*

Section 404—High-visibility enforcement program

- *[Proposed in the Moving Forward Act] GHSA opposes increasing the number of national enforcement mobilizations from three to six. This increase would result in an excessive draw of funding and resources for many States and challenge the ability of local law enforcement agencies to participate. If Congress increases the number of mobilizations, it should clarify in USC 23 Sec. 402(b)(1)(F)(i) that States must only participate in at least three of the six every year. Rules Cmt. Print 116–54 Sec. 3006*

Section 405—National Priority Safety Programs

A. **Eliminate** Section 405 and shift the funding to Section 402.

B. **If Section 405 cannot be eliminated**, initiate reforms:

- *Invest more funding in Section 402 than Section 405 and include greater year-to-year increases in Section 402, which provides flexibility to allocate funds towards each's state unique, data-driven safety needs.*
- *[Proposed in the Moving Forward Act] Omit any changes to the current Section 405–402 transfer. All unallocated Section 405 funds should be redistributed only under Section 402.*
- *Eliminate Section 405 Maintenance of Effort requirements. NHTSA is preventing supplanting through other mechanisms and MOE calculations are subjective and administratively burdensome, especially for small States with fewer funds to expend. USC 23 Sec. 405(a)(9)*
- *[Proposed in the Moving Forward Act] Require NHTSA to list of all reasons for NHTSA grant ineligibility so States can better improve policy. Section 4010 of FAST Act (Public Law 114–94); Rules Cmt. Print 116–54 Sec. 3009*
- *Section 405(b) Occupant Protection:*
 - *[Proposed in the Moving Forward Act] Child passenger safety in underserved communities. GHSA accepts the proposed changes to Section 405 (b) negotiated with Safe Kids Worldwide. Rules Cmt. Print 116–54 pg. 724*

Section 405—National Priority Safety Programs (cont'd)

- *Section 405(c) Traffic Safety Information Systems:*
 - *Significantly reform this program to expand allowable uses and remove administrative burdens, or, eliminate this program and redistribute the funds in Section 402 or Section 405.*
 - *Eliminate the burdensome, repetitive mandatory traffic records assessment now that the States have conducted multiple such assessments or change the length of time between assessments to at least ten years. USC 23 Sec. 405(c)(3)*
 - *[Proposed in the Moving Forward Act] Expand allowable use to include improving traffic safety data collection processes, acquiring traffic records and data collection equipment, data linkage and compatibility, traffic records training, and traffic records research. USC 23 Sec. 405(c)(4); Rules Cmt. Print 116–54 pg. 725*
 - *As every State now has a Traffic Records Coordinating Committee (TRCC) to steer State traffic records programs, change the eligibility requirements to instruct States to only “certify” the existence of a State TRCC and TRCC coordinator. USC 23 Sec. 405(c)(3)*
- *Section 405(d) Impaired Driving:*
 - *GHSA supports proposed language with Responsibility.org, National Sheriff's Association and AAA to clarify allowable use to address drug impaired driving and authorize the use of funds to cover law enforcement officers replacing another officer in grant-related training. USC 23 Sec. 405(d)(4)(B)(iii)*
 - *Reform the Ignition Interlock (IID) grant program exceptions to allow more States to qualify.*

- [Proposed in the inmoving Forward Act] GHSA accepts proposed language from the Coalition of Ignition Interlock Manufacturers to alter eligibility requirements. *Rules Cmt. Print 116–54 pg. 727*
- Allow States to qualify for 24/7 sobriety programs if they have local but not Statewide 24/7 programs. *USC 23 Sec. 405(d)(7)(A)*
- **Section 405(e) Distracted Driving:**
 - Reform this program to increase State eligibility and get more resources out to the States for distracted driving prevention programs.
 - [Proposed in the Moving Forward Act] GHSA supports language proposed with the National Safety Council to increase eligibility. *Rules Cmt. Print 116–54 pg. 729*
- **Section 405(f) Motorcyclist Safety:**
 - Significantly reform this program to aggressively expand allowable uses of funds (including law enforcement programs and training, public education campaigns on sharing the road, safe motorcycle operation, helmet use programs, and traffic signage), or, eliminate this program and redistribute the funds in Section 402 or Section 405. *USC 23 Sec. 405(f)*

Section 405—National Priority Safety Programs (cont'd)

- **Section 405(g) Graduated Driver Licensing Laws:**
 - Significantly reform this program to allow at least some States to be eligible for funding, or, eliminate this program and redistribute the funds in Section 402 or Section 405.
 - [Proposed in the Moving Forward Act] GHSA supports the changes proposed in the Moving Forward Act but recommends that the Tier One intermediate nighttime restriction be set at 10 p.m. *Rules Cmt. Print 116–54 pg. 734*
- **Section 405(h) Nonmotorized Safety:**
 - Expand the program to allow use of funds for a wider range of public education on safe mobility practices. *USC 23 Sec. 405(h)(1) and (4)*
- **Consider creating a new Section 405 program on Speed Management:** Speeding remains a leading crash contributor. If new funding is available overall or as a result of eliminating other Section 405 programs, consider creating a new program to distribute funds by formula to States which develop Statewide speed management plans. Funds should be allowed for high-visibility enforcement mobilizations, police training and equipment, public education, improving data systems, speeding trends research, and State and local speed management programs. *USC 23 Sec. 405*

Section 154/164—Open Container Requirements/Repeat Offenders

- [Proposed in the Moving Forward Act] Allow Section 164 transfer funds to also be used for drug impaired driving initiatives: *USC Sec. 23 Sec. 164(b)(1); Rules Cmt. Print 116–54 Sec. 3008*

Section 148—Highway Safety Improvement Program (HSIP)

- [Proposed in the Moving Forward Act] Restore the ability for States to “flex” up to 10 percent of HSIP funds for non-infrastructure purposes, so that State DOTs and highway safety offices with limited resources can allocate funds where they are most needed. *USC 23 Sec. 148; Rules Cmt. Print 116–54 Sec. 1209*

Stop Motorcycle Checkpoint Funding

- Clarify that this law applies to law enforcement checkpoints and that it does not apply to observational motorcycle helmet research surveys, which have been interpreted administratively by NHTSA as included in a ban on use of Federal funding to support them. *Section 4007 of FAST Act (Public Law 114–94)*

Chapter 4—Highway Safety

- [Proposed in the Moving Forward Act] Replace the term “accident” with “crash”, reflecting that all crashes have culpability and are preventable. *Rules Cmt. Print 116–54 pg. 744*

Senator FISCHER. Thank you, sir. Next we have Jane Terry who is the Vice President of Government Affairs of the National Safety Council. Welcome.

**STATEMENT OF JANE TERRY, VICE PRESIDENT OF
GOVERNMENT AFFAIRS, NATIONAL SAFETY COUNCIL**

Ms. TERRY. Chair Fischer, Chair Wicker, Ranking Member Duckworth, and members of the Subcommittee, thank you for inviting me to participate in this important hearing on roadway safety and the Federal funds that keep each of us safe on the roads. There is much happening in this country right now that directly relates to the topics we are discussing today.

The coronavirus pandemic has led to a fraction of traffic on our roadways, and while people may think reducing the number of vehicles on the road improves safety, that has not been the case. Last week, we released findings that for the second month in a row, fatal crash rates are up by double digits even though vehicle miles traveled are down. These year-over-year increases showed that in March the fatal crash rate increased by 14 percent. And at the height of the quarantine in April, crash rates increased by 36 percent. We know excessive speeding and not wearing seatbelts, the choices that drivers make, are factors in some of these crashes and this is exactly why this hearing today is so important. Motor vehicle crashes are completely preventable.

The solutions to the problems are simple and clearly known, but we need the political and societal will to implement them. Simply said, the policy decisions made by all of you have the potential to save thousands of lives. For decades, NSC has worked to educate the public on the importance of seatbelt use. Today, 40 percent of people killed in crashes are not buckled up. This is happening at a time when 90 percent of Americans regularly buckle up, saving 15,000 lives annually.

However, fewer people wear seatbelts in states without primary enforcement seatbelt laws. We also know that motor vehicle crashes have been and remain the leading cause of preventable death for teens in the United States. Graduated driver licensing laws have greatly reduced these fatalities and we need strong GDL laws. Nationally, we are moving the wrong direction on speed. Rising speed limits over the past 25 years have led to 36,000 more people dying in crashes. Speed is also a leading factor in the dramatic increase in pedestrian and cyclist fatality rates. As I said, we know what needs to be done.

Leaders like Chair Wicker and Fischer and Senator Duckworth on this Committee have introduced strong safety provisions to support Move Over Laws, eliminate hot car deaths and alcohol impaired driving, and improve data collection and safety for pedestrians and cyclists.

NSC looks forward to working with you to support these provisions being enacted into law. With 40,000 people dying on our roads each year in entirely preventable events, there is much more we can and must do.

Additionally, the country is having a necessary dialogue about equity and race and roadway safety must be part of this discussion. The law states we are equal but the data do not.

The National Safety Council supports efforts to confront the realities of violence, systemic racism, and inequality in all things and their impact on traffic safety laws and enforcement. Thank you

again for inviting me today and I look forward to answering your questions.

[The prepared statement of Ms. Terry follows:]

PREPARED STATEMENT OF JANE TERRY, VICE PRESIDENT, GOVERNMENT AFFAIRS,
NATIONAL SAFETY COUNCIL

Chairman Wicker, Chairwoman Fischer, Ranking Member Cantwell, Ranking Member Duckworth and members of the Subcommittee, thank you for inviting me to testify today on behalf of the National Safety Council (NSC) on improving the safety of our Nation's roadways. It is an honor to be with you today.

NSC is America's leading nonprofit safety advocate—and has been for over 100 years. As a mission-based organization, we work to eliminate the leading causes of preventable death and injury, focusing our efforts on the workplace, roadway and impairment. We create a culture of safety to not only keep people safer at work, but also beyond the workplace so they can live their fullest lives. Our more than 15,000 member companies and Federal agencies represent employees at nearly 50,000 U.S. worksites.

As I address you today, we are at the end of National Safety Month, which occurs every June. NSC has led this observance for over 20 years, always with the goal of providing employers with the materials and resources they need to keep their workers safe. This year, NSC is focusing on the greatest workplace safety threat facing employers and workers right now—the coronavirus pandemic, including the effects it is having on our roadways.

These are times like no other, and the pandemic has impacted our transportation system. Even with fewer vehicles on the roadways, it is less safe to drive. While the total number of miles travelled decreased, the motor vehicle fatality rate increased by an alarming 14 percent in March and 36.6 percent in April year-over-year. These numbers underscore how urgently we need today's hearing. We must change the culture of safety on our roads. A state-by-state breakdown of these fatalities for March and April is attached to this statement.

In addition, the country is having a necessary and overdue dialogue about equity and race. Roadway safety is a component of this discussion, too. Too often, past decisions made in the name of transportation improvements have failed Black, Indigenous and people of color. Research shows that *people of color suffer higher rates of pedestrian fatalities and severe injuries*¹ and *drivers are less likely to yield to Black people walking and biking*² and a *ProPublica* investigation finds that frequently programs and policies to support safety—*such as those around jaywalking*³—disproportionately burden communities of color. In our discussion today on laws and enforcement, we must take time to listen, learn and reflect on how we can all be part of the solution to address disparities in transportation safety. To this end, NSC, through the Road to Zero Coalition, will lead discussions later this year to inform and improve our work.

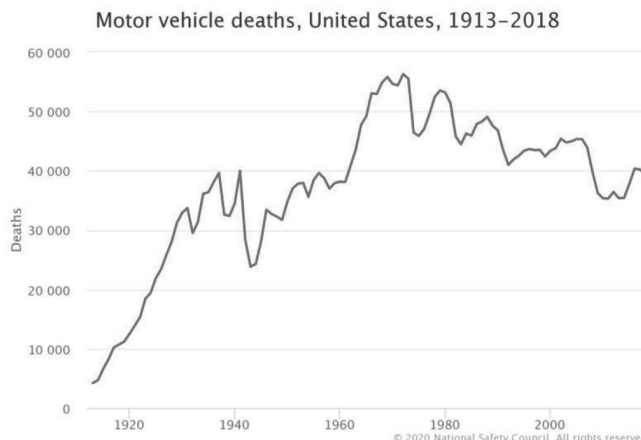
The National Highway Traffic Safety Administration (NHTSA) states 36,560 people were killed in motor vehicle traffic crashes in 2018.⁴

¹ <https://www.smartgrowthamerica.org/app/legacy/documents/dangerous-by-design-2014/dangerous-by-design-2014.pdf>

² https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1009&context=psy_fac

³ <https://www.propublica.org/series/walking-while-black>

⁴ <https://www.nhtsa.gov/traffic-deaths-2018>



(Chart shows total motor vehicle data, source National Center for Health Statistics)

Included here are the number of people killed in motor vehicle crashes in 2018 from the Chairs' and Ranking Members' states:⁵

Mississippi	664
Washington	546
Nebraska	230
Illinois	1,031

These entirely preventable crashes have a tremendous human toll and cost the American economy over \$445.6 billion a year.⁶

These are the lives of your constituents. These mothers, fathers, sisters, brothers, aunts and uncles contributed to the communities in which they lived. Yet, our national outrage at these losses is conspicuously absent, particularly when compared to deaths in other forms of transportation, such as aviation.

The United States has consistently avoided the hard choices needed to save lives on the roadways. The reauthorization of the Fixing America's Surface Transportation (FAST) Act is an opportunity for us to start making the right choices, and I appreciate the opportunity to talk with you today about how to do more to save lives because all of these deaths are preventable.

What disappoints many of us in the safety community is that the main causes of motor vehicle fatalities—lack of seat belt use, alcohol-impaired driving, and speed—have remained the same for decades.

40 percent of occupants who die in motor vehicle crashes are unbelted⁷

29 percent of people who die in crashes are involved in alcohol-impaired wrecks⁸

26 percent of the fatalities are speed-related⁹

The solutions to these problems are simple and clearly known, but we need the political and societal will to implement them.

NHTSA Safety Grants

NHTSA is the national leader on roadway behavior safety programs, and one of the main tools the agency uses to work with states are the safety grant programs. NHTSA also regularly publishes "*Countermeasures that Work: A Highway Safety Countermeasures Guide for State Highway Safety Offices.*"¹⁰ This document evaluates countermeasures for effectiveness, and NSC believes that states should focus funding on 3-, 4-, and 5-star countermeasures to provide the biggest impact.

⁵ <https://www-fars.nhtsa.dot.gov/States/StatesCrashesAndAllVictims.aspx>

⁶ <https://injuryfacts.nsc.org/motor-vehicle/overview/introduction/>

⁷ <https://injuryfacts.nsc.org/motor-vehicle/occupant-protection/seat-belts/>

⁸ <https://www.responsibility.org/alcohol-statistics/drunk-driving-statistics/drunk-driving-fatality-statistics/>

⁹ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812932>

¹⁰ https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812478_countermeasures-that-work-a-highway-safety-countermeasures-guide.pdf

States outline how they will use these funds through their annual Highway Safety Plans (HSP), which are developed by the transportation leaders in the states including the Departments of Transportation, state highway safety offices, law enforcement, emergency medical services (EMS), and others. It is key that each of these offices fully participates in development of the HSP as each has a unique and shared commitment to saving lives on the roadways, whether it is to prevent the crash from occurring or to ensure an appropriate response.

Section 402 grants—named for the section of statute in which the program is located—are apportioned to states by a population and road miles based formula, and states have flexibility on how these funds are used for behavior programs. The 405 grants—also named for the section of statute in which the program is located—are dedicated to priority programs listed below and have requirements that states must meet to qualify for funding and incentives attached for meeting these requirements. These programs focus on the biggest roadway killers, and it is critical they remain in place to focus needed attention on these issues and save lives that may be otherwise lost to these persistent killers.

Priority grant programs include

- 405(b) Occupant protection grants (13 percent of funding)
- 405(c) Traffic Safety information systems (14.5 percent of funding)
- 405(d) Impaired driving, including 24–7 and ignition interlock programs (52.5 percent of funding)
- 405(e) Distracted driving (8.5 percent of funding)
- 405(f) Motorcycle safety (1.5 percent of funding)
- 405(g) Graduated driver licensing (5 percent of funding)
- 405(h) Nonmotorized safety (5 percent of funding)

The section 405 provisions may require state laws to be passed to qualify for funding, and in these cases, NHTSA must make a determination whether these laws met the goals as outlined. When NHTSA has determined states do not qualify for funding, the decision process and reasoning has not been clear. Without clear direction from NHTSA, state legislators may not try to strengthen their laws again. NSC supports the Committee requiring greater transparency of NHTSA on its decisions when grant applications are rejected and availability of NHTSA to provide technical assistance. NSC also supports authorizing additional resources to support this assistance.

Data

In all funding decisions, good data are the key to determine where and how to focus efforts. Our current data systems should be fully evaluated for updating and reflecting today's circumstances. The fatality analysis reporting system (FARS) is the national data collection tool for fatal roadway crashes, and it needs updating. For a more complete picture of fatal crashes, FARS should include events on non-public roadways too, such as driveways and parking lots, and on a monthly basis, NHTSA should also use the state data it receives to release monthly preliminary fatality estimates. This data can provide important insights to identify trends that can be addressed quicker than waiting until there is a full evaluation of FARS data, which usually occurs in October or November of the following year.

Traffic data improvements across states are imperative. The longstanding reliance on local law enforcement officers is and continues to be a strong foundation for understanding conditions that contribute to crashes, such as roadway design, driver impairment and weather, to name a few. In addition, the EMS data adds critical understanding of deaths and serious injuries from motor vehicle-related crashes. EMS includes ambulance services and other 911 medical response organizations that provide assessment and medical care on scene, as well as during transportation to the hospital. The EMS data is a missing link to provide a more complete picture of the health outcomes of crashes. Medical evaluation of the condition of the victim and documented clinical measurements such as vital signs and other indicators, like the Glasgow Coma Scale, can be used to calculate and approximate injury severity. EMS personnel contribute this data to the National EMS Information System (NEMSIS), which is a uniform standard for data collection and electronic record submission about patient care on scene and during transport to the hospital. States with fully developed NEMSIS databases can upload records in near real-time, linking crash and EMS records, and ultimately trauma registry data that is also available to most state EMS offices. This data provides a clearer picture of the health impacts and outcomes of crashes.

States regulate ambulance services, and for nearly 50 years, state licensure has required all ambulance services that respond to 911 calls to submit EMS response

and patient care data to the state. As of last week, over 36 million patient care reports had been voluntarily submitted to NHTSA's NEMSIS database by state EMS offices for calendar year 2019. NHTSA's Office of EMS has supported the creation and management of this national repository for NEMSIS compliant records since the late 1990s, but state EMS offices do not receive Federal funds to aid in this data collection. NSC supports allowing full integration of EMS offices in the HSP development and use of NHTSA grant funds to bring all states' NEMSIS databases up-to-date.

NHTSA also operates the Crash Reporting Sampling System (CRSS), which is a national sample of fatal and non-fatal crashes. Since the sample design does not allow for state level estimates, users are unable to evaluate non-fatal crash trends on a state-by-state basis. Having more granularity by requiring more reporting of non-fatal crash reports would allow for greater insight into roadway safety and help identify dangerous roadways and other problems. As more states use electronic reporting to share crash report data, NSC believes a more robust CRSS is possible and more easily achievable.

Supporting states' purchasing of technology to allow near real-time crash reporting improves safety and allows for a faster response by planners, engineers and law enforcement. The Senate should support the ability to use both 405 and 402 funding to purchase technology and upgrade systems for faster reporting.

In 2017, NSC released the report, *Undercounted is Underinvested: How incomplete crash reports impact efforts to save lives*.¹¹ Our review found that no state fully captures critical data needed to address and understand the rise in roadway fatalities. Crash reports from all 50 states¹² lack fields or codes for law enforcement to record the level of driver fatigue at the time of a crash, 26 state reports lack fields to capture texting, 32 states lack fields to record hands-free cell phone use and 32 lack fields to identify specific types of drug use if drugs are detected, including marijuana. Excluding these fields limits the ability to effectively understand and address these problems. NSC encourages capturing more uniform and complete data on crashes.

Road to Zero

More states and localities have adopted "zero" language into the goals on our roadways. This has been commonplace in other settings like workplaces, where NSC has been involved since its beginning, and it has had meaningful results. NSC is so committed to a zero goal on the roadways that we lead the Road to Zero Coalition, a diverse group of over 1500 members committed to eliminating roadway fatalities by 2050. The coalition includes members from across the country representing transportation organizations, businesses, academia, safety advocates and others—the first time so many organizations have collaborated to put forth a plan to address fatalities on our roads.

The centerpiece of our work together has been the creation of the Road to Zero report, a comprehensive roadmap of the strategies necessary to achieve our goal by 2050. The coalition report includes three primary recommendations:

1. *Double down on what works through proven, evidence-based strategies*
2. *Accelerate advanced life-saving technology in vehicles and infrastructure*
3. *Prioritize safety by adopting a safe systems approach and creating a positive safety culture*

Double Down

We know what works. Enacting evidence-based laws related to seatbelts, alcohol impairment, speed and other killers shows we are ready for change. Education about the laws, combined with enforcement, delivers on the change. We urge legislators to look at these and the many other laws that, if enacted, enforced and promoted, would reduce fatalities. These improvements not only save lives, but also save money. The Centers for Disease Control and Prevention provides the Motor Vehicle Prioritizing Interventions and Cost Calculator for States (MV PICCS)¹³ to help policymakers determine the lives saved and costs of implementation of 14 different evidence-based motor vehicle laws. While many of these laws require state action, Congress should support incentives in the reauthorization bill to accelerate state adoption and enforcement.

¹¹ <https://www.nsc.org/Portals/0/Documents/DistractedDrivingDocuments/Crash%20Report/Undercounted-is-Underinvested.pdf>

¹² The National Safety Council reviewed one crash report from each state. NSC was not able to obtain a current crash report from the District of Columbia, so it is not included.

¹³ <https://www.cdc.gov/motorvehiclesafety/calculator/index.html>

Seatbelts

Seat belts save lives and reduce serious injuries by half.¹⁴ In 2017, seat belts saved almost 15,000 lives.¹⁵ There is no question that seat belts play an important role in keeping passengers safe. Regardless of other causal factors, the lack of proper occupant restraint continues to increase the severity and lethality of motor vehicle crashes. While 89.6 percent of American drivers and vehicle occupants used seat belts in 2018, more than 1 in 10 continued to put their lives at unnecessary risk, with tragic consequences. Forty percent of people killed in motor vehicle crashes in 2017 were unbelted.¹⁶ Yet despite these data, only 34 states and the District of Columbia have primary enforcement of their seatbelt laws—meaning law enforcement may stop vehicles solely for belt law violations. Of the other 16 states, 15 have secondary laws—requiring police to have another reason for a traffic stop—and one, New Hampshire, has no belt law.

Primary seatbelt laws are proven to increase the rate of belt use and save lives. In 2019, 92 percent of passenger vehicle occupants were belted in states with primary laws, while only 86.2 percent of occupants were belted in states with secondary or no seatbelt laws.¹⁷ Public education and high-visibility enforcement campaigns such as *Click It or Ticket* have increased public awareness of the dangers of driving unrestrained, but will only be most effective when accompanied by strong laws.

In 2017, NHTSA estimated that the use of seat belts in passenger vehicles saved 14,955 lives, and if all drivers and passengers had worn their seatbelts, an additional 2,549 lives would have been saved.¹⁸ In Nebraska and Illinois, an additional 23 and 50 lives respectively could have been saved in 2017 with 100 percent seat belt use.¹⁹

One area of seatbelt oversight is on school buses. NSC supports Senator Duckworth's bill, S. 2278, the School Bus Safety Act, to require new buses to have three-point belts so that children are appropriately protected each and every ride. Most school buses operating today only include a seat belt for the driver—not for the passengers. However, since 2002, lap and shoulder belts have been made available on school buses, and some school systems do, in fact, use passenger seat belts.²⁰ Congress should act to require this important protection on all school buses.

Impairment

Another leading cause of roadway deaths is impairment. Every day, almost 30 people die in alcohol-impaired crashes in the United States—one every 50 minutes.²¹ Despite these data, our culture does not prioritize safety, with more than 1 in 10 drivers admitting to driving in the prior year when they thought they were close to or over the legal blood alcohol content (BAC) limit.²² NHTSA estimates 10,511 lives were lost in 2018 from drunk driving motor vehicle crashes.²³

The science on alcohol impairment is clear: drivers are four times more likely to crash at .05 than if they had nothing to drink.²⁴ Most other industrialized countries have implemented a BAC of .05 or lower, changes which have been followed by decreasing numbers of fatalities from alcohol-impaired crashes. Lowering the BAC limit from .08 to .05 is proven to save lives on the roadways, and in the U.S. could save as many as 1,500 lives if implemented nationally.²⁵ Utah is the first state in the U.S. to pass a law lowering the BAC to .05. NSC supports other states attempting to implement such legislation, and hopes to see Federal legislation introduced to support this as well.

Drug impaired driving is also a problem. Too many of our fellow Americans suffer from substance use disorders to legal and illegal drugs. Drug overdoses, led by

¹⁴ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812691>

¹⁵ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812691>

¹⁶ <https://injuryfacts.nsc.org/motor-vehicle/occupant-protection/seat-belts/>

¹⁷ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812662>

¹⁸ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812454>

¹⁹ *Ibid.*

²⁰ <http://www.nasdpts.org/Documents/NASDPTS%20POSITION%20PAPER%20PASSENGER%20LAP%20SHOULDER%20BELTS%20FINAL%20FEB%202014.pdf>

²¹ <https://www.nhtsa.gov/risky-driving/drunk-driving>

²² <http://tirf.us/wp-content/uploads/2018/12/RSM-TIRF-USA-2018-Alcohol-Impaired-Driving-in-the-United-States-3.pdf>

²³ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812826>

²⁴ Blomberg RD, Peck RC, Moskowitz H, Burns M, Fiorentino D: The Long Beach/Fort Lauderdale relative risk study; *J Safety Res* 40:285; 2009.

²⁵ Fell, J. C., and M. Scherer. 2017. Estimation of the potential effectiveness of lowering the blood alcohol concentration (BAC) limit for driving from 0.08 to 0.05 grams per deciliter in the United States. *Alcoholism, Clinical and Experimental Research*. doi: 10.1111/acer.13501.

opioids, are the leading cause of preventable death in the U.S.²⁶ In 2018, nearly 140 million Americans aged 12 or older consumed alcohol in the past month, with 16.6 million being heavy users and 2.2 million being aged 12–17. In 2018, 1 in 5 people aged 12 or older used an illicit drug in the past year. Marijuana is the most commonly used illicit drug, followed by prescription pain relievers.²⁷

When the use of impairing substances and driving are mixed, too many lives are lost and changed forever. Data show that over 10,000 people die in alcohol-impaired crashes each year.²⁸ The Centers for Disease Control and Prevention reports that 12 million people aged 16 and older reported driving under the influence of marijuana in the past year, and 2.3 million people aged 16 and older reported driving under the influence of illicit drugs other than marijuana.²⁹

During the last national roadside survey conducted in 2013–2014, the percentages of weekend nighttime drivers who tested positive for alcohol, marijuana and illicit drugs were 8.3 percent, 12.6 percent and 15.1 percent, respectively.³⁰ These results are one of the most comprehensive, national understandings of impaired driving that we have. The national roadside survey has been a key tool to understanding impaired driving on U.S. roads, and NSC encourages Congress to remove barriers to conducting this survey because it is hard to stop deadly behavior when you don't know what the behavior is.

Another key factor to establishing impaired driving data is to create standards for testing. Beginning in 2007, the Alcohol Drugs and Impairment Division of the National Safety Council has created and maintained a series of recommendations for the appropriate scope and level of sensitivity of testing for drugs in suspected drug impaired driving and motor vehicle fatality investigations. The process has involved surveying of 70–100 laboratories throughout the United States performing this work to determine the most frequently encountered drugs, positivity trends, and the emergence of new impairing drugs in driving populations. The survey also attempted to capture information about laboratory capacity and capability, and the available technology for routine drug testing.

This data has been used to generate a consensus document³¹ based on diverse input from large and small, academic, public and private, and from multiple states, containing two tiers of drugs with identified involvement in impaired driving arrests and traffic deaths. The first tier includes the most common, most readily detectable drugs that account for the greatest number of impaired driving cases, and within the analytical capabilities of most laboratories. The second tier are emerging drugs, less frequently implicated, or requiring special testing equipment or technology, that should be considered in cases where testing for tier 1 drugs is negative.

These recommendations have been adopted by more than 50 of the most active laboratories in the country, and the toxicology community is working towards fuller adoption for a more uniform and comprehensive approach to testing to help ensure the availability of more reliable data for the epidemiological data on the severity of the drug impaired driving problem. The fourth iteration of these recommendations is being prepared and will be published in 2020.

Given the wide use, adoption and support of these recommendations among the toxicology community, NSC offers that these standards should be incorporated into any legislation, with the goal of better drug testing data collection, and we appreciate Chair Fischer's leadership to include it in S. 2979. Additionally, NSC recommends that NHTSA use this document to provide national guidance for impaired driver testing to all toxicology labs in the U.S.

Drug recognition experts (DREs) are a key enforcement tool for many localities. These are specially trained law enforcement officers who can evaluate the signs of impairment from drugs. This is especially important because some drug tests only detect presence of the drug and not impairment. Advanced Roadside Impaired Driving Enforcement (ARIDE) officers, which is the first step in becoming a DRE, are also key officers for law enforcement to have as part of their squads. The U.S. needs more trained DREs. According to data from the International Association of Chiefs of Police, DREs are outnumbered. In the Chair's state of Nebraska, there are 109 DREs, and 1.4 million licensed drivers. Illinois also has 109 DREs and 8.5 million

²⁶ <https://injuryfacts.nsc.org/home-and-community/safety-topics/drugoverdoses/data-details/>

²⁷ <https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHNationalFindingsReport2018/NSDUHNationalFindingsReport2018.pdf>

²⁸ <https://injuryfacts.nsc.org/motor-vehicle/motor-vehicle-safety-issues/alcohol-impaired-driving/>

²⁹ <https://www.cdc.gov/mmwr/volumes/68/wr/mm6850a1.htm>

³⁰ <https://www.nhtsa.gov/behavioral-research/2013-14-national-roadside-study-alcohol-and-drug-use-drivers>

³¹ <https://www.nsc.org/Portals/0/Documents/NewsDocuments/2019/NSC-Model-Guidelines-for-Toxicological-Investigation-of-Drug-Impaired-Driving.pdf?ver=2019-12-02-172252-037>

licensed drivers and a new marijuana decriminalization law.³² NSC supports the use of NHTSA and other Federal funding to pay for DRE and ARIDE training to stop drug-impaired driving.

Distraction

Distracted driving is a contributing factor in far too many preventable motor vehicle crashes nationwide. Anything that requires drivers to take their eyes off the road, hands off the wheel or mind off the task of driving is inherently dangerous. Even attentive drivers are at risk when operating around someone who is distracted. In the five seconds it takes to send or read a text or e-mail message, a vehicle traveling at 55 miles per hour will travel the length of a football field.³³ During that time, drivers can miss much of what is in their driving field, including stop signs and pedestrians.

Safe driving is a collective responsibility. Yet, many drivers still do not understand or simply choose to ignore the risks of distracted driving. An NSC survey found 47 percent of drivers mistakenly believe they can safely text while driving, though many of these same respondents did not want others to do so. Eighty percent of respondents support laws that would ban the use of hand-held devices while driving, and 65 percent would support a total ban on the use of devices, including hands-free devices linked through dashboard technology.

State legislatures around the country have recognized the dangers of distracted driving for years. Currently, 48 states and the District of Columbia ban text messaging for all drivers, 21 states and the District of Columbia prohibit hand-held cell phones while driving, and 38 states and the District of Columbia ban any cell phone use by novice or teen drivers.³⁴ These laws are undoubtedly saving lives, but more must be done. NSC encourages all states to adopt laws prohibiting any cell phone and electronic device use while driving, and in order to better understand the problem of distraction, for all states to have a field on police reports to capture texting and cell phone use.

NSC and GHSA worked together to amend the FAST Act section 405 distraction provisions. NSC encourages the Senate to adopt this same proposal in the Senate reauthorization bill.

Speed

The U.S. has a fatal problem with driving too fast. The Insurance Institute for Highway Safety (IIHS) estimated that increasing speed limits over the past 25 years have led to 37,000 deaths, and 26 percent of all crash fatalities in 2018 occurred in speed-related crashes.³⁵ For pedestrians, cyclists and other vulnerable road users, speed can be especially deadly. As illustrated, at 20 miles per hour, 9 out of 10 pedestrians would survive being struck by a vehicle, but if you double that speed, 9 out of 10 pedestrians would be killed.

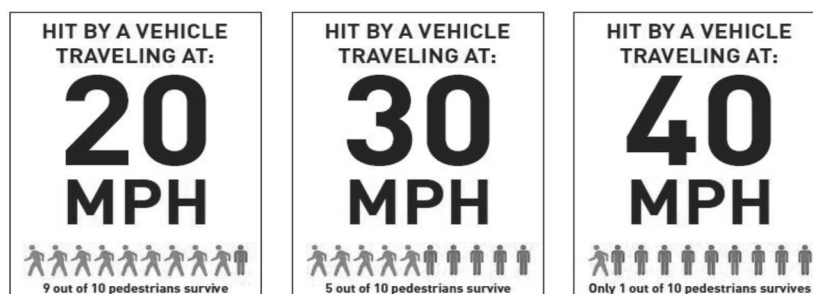


Image: Seattle Department of Transportation

In 2017, 5,977 pedestrians were killed in the U.S.—that’s one death every 88 minutes.³⁶ Pedestrians are 1.5 times more likely than passenger vehicle occupants to be killed in a car crash, and these numbers have increased dramatically in recent

³² <https://www.theiacp.org/states-and-countries-with-dres>

³³ <https://www.nhtsa.gov/distracted-driving/distracted-driving-kills>

³⁴ <https://www.ncsl.org/research/transportation/cellular-phone-use-and-texting-while-driving-laws.aspx>

³⁵ <https://www.iihs.org/topics/speed>

³⁶ https://www.cdc.gov/motorvehiclesafety/pedestrian_safety/index.html

years. From 2009 to 2018, the number of pedestrian fatalities increased by 53 percent.³⁷

It is not only pedestrians and other vulnerable road users impacted by excess speed, but also 8,884 motor vehicle drivers and occupants who died in 2018 in speed-related crashes.³⁸ One evidence-based proven countermeasure for speed is automated enforcement. Automated enforcement is proven to reduce speed and save lives, but implementation must be done properly, with safety—not revenue—as the primary objective. NSC, AAA, the Advocates for Highway and Auto Safety and IIHS created the attached checklist to provide guidance to communities as they deploy automated enforcement. The guidance encourages transparency and grace among enforcement actions given and dedication of the funds to safety, trauma care or a similar purpose.

Federal restrictions on automated enforcement should be eliminated. Additionally, Federal funding should be allowed to support automated enforcement. H.R. 2, the INVEST in America Act, allows the use of Federal funds for automated enforcement in work zones, and NSC urges the Senate to include similar provisions.

Graduated Driver Licensing

Motor vehicle fatalities are the number one cause of death for teenagers in the U.S., and data published in the NSC annual Injury Facts report shows that drivers 21 and younger have the highest fatal crash rates of any age group.³⁹ Tragically, 2,142 teens had their lives cut short due to motor vehicle crashes in 2018.⁴⁰

Novice drivers, regardless of age, have one thing in common: inexperience. We must do all we can to ensure the safest driving environment for this vulnerable driving population. Without structured introduction to the driving environment, more deaths and injuries can occur.

Strong graduated driver licensing (GDL) programs are evidence based programs that tier licensing to increase driving exposure. GDL is a three-step process: (1) initial learner's permit phase; (2) intermediate, or provisional, license phase; and (3) full licensure phase. In an October 2016 report, the Governor's Highway Safety Administration (GHSA) noted that although teen driver involvement in fatal crashes has fallen significantly since 2005, decreases have not been dramatic for drivers aged 18 to 20 years old. They conclude that this is likely due to the overwhelming number of GDL programs that only extend until age 18, and recommend that nationwide GDL requirements be expanded to include all novice drivers under 21 years of age.⁴¹ NSC supports increasing GDL requirements to age 21 because a new driver is inexperienced, no matter what the age.

Motor Vehicle Recalls

Right now, more than 53 million vehicles on America's roadways have open safety recalls—that's more than one in five vehicles on the road. In light of these record-high numbers, NSC launched the Check To Protect initiative in 2017. This public awareness campaign encourages vehicle owners to check their vehicles in order to protect the loved ones who ride with them. Anyone can learn their recall status by entering their VIN at CheckToProtect.org, which has drawn more than 800,000 users in the past 12 months. To further raise awareness, NSC works with state DMVs, military bases, colleges and universities, workplaces and others to promote Check To Protect and let people know how easy and important it is to ensure their vehicle does not have an unrepaired recall.

Tomorrow, Check To Protect will launch a new service that allows anyone to take a picture of their license plate and text it to a five digit number to learn their vehicle's recall information. This simple tool has the power to save lives.

Move Over

Move Over laws exist in every state, but the awareness about and compliance with them varies greatly. When you add distraction, it can be a deadly mix. In fact, last year, NSC conducted a survey finding that 71 percent of U.S. drivers admit to taking photos or videos when they see an emergency vehicle on the side of the road responding to a fire or a crash, or simply making a routine traffic stop. Sixty percent post to social media, and 66 percent send an e-mail about the situation—all while behind the wheel. Worse still, 16 percent—more than 1 in 10—said they either have struck or nearly struck a first responder or emergency vehicle stopped on or near the road. In spite of all this, 89 percent of drivers say they believe distracted motor-

³⁷ <https://injuryfacts.nsc.org/motor-vehicle/road-users/pedestrians/data-details/>

³⁸ NSC analysis of NHTSA FARS data

³⁹ <https://injuryfacts.nsc.org/motor-vehicle/overview/age-of-driver/>

⁴⁰ <https://injuryfacts.nsc.org/motor-vehicle/road-users/teen-drivers/>

⁴¹ http://www.ghsa.org/sites/default/files/2016-12/FINAL_TeenReport16.pdf

ists are a major source of risk to first responders. It is clear that we need to do more nationally to ensure increased compliance with move over laws. Already this year, 22 first responders have been struck and killed by motorists in roadway collisions, and the number nearly doubles if you include tow operators and mobile mechanics.⁴²

NSC applauds the bipartisan leadership of this subcommittee for initiating a GAO report on the effectiveness of move over laws. Senator Duckworth's bill S. 2700, the Protecting Roadside First Responders Act, would establish funding within the 405 programs for education about and compliance with move over laws. NSC supports the establishment of this program to save the lives of those people who are there to help us.

Child Passenger Safety (CPS)

Correct use of a child restraint system appropriate for a child's age and size saves lives. NHTSA estimates that car seats reduce the risk of fatal injury by 71 percent for infants and 54 percent for toddlers.⁴³

NSC supports the expansion of programs that recruit and train CPS Technicians and education on the importance of CPS for caregivers. These technicians conduct critical work by providing one-on-one instruction to parents to learn how to properly install their child's car seat. NSC supported an amendment⁴⁴ to H.R. 2 that expands NHTSA funding to allow states to recruit and train Child Passenger Safety Technicians and educate parents and care givers about proper use of CPS in low-income and underserved populations, and we encourage the Senate to consider similar language.

Hot Cars

It only takes 10 minutes for the temperature in a car to rise by 19 degrees. For children, in particular, this increase is enough to result in death.⁴⁵ Heatstroke is the leading cause of non-crash, vehicle-related deaths in children under 15.⁴⁶ The last two years—2018 and 2019—were particularly deadly for pediatric vehicular heatstroke (PVH), with more than 50 children dying each year. All these deaths are preventable. While deaths are down in 2020, likely due to a decline in overall vehicle use, five children (as of June 25, 2020) have died as a result of PVH. Three of these children gained access to unlocked vehicles, reinforcing the need to educate all drivers to lock their vehicles before walking away.

Chairman Wicker has been a committed leader on preventing these tragedies. NSC supports his bill S. 1601, the HOT CARS Act that requires in-vehicle technology solutions to end these preventable deaths.

NSC also has made a free training module to help people understand how heatstroke can happen. It's available in English and Spanish at www.nsc.org/hotcars, and only takes about 15 minutes to complete. Education is a key element of raising awareness for everyone, so that these events do not become tragedies.

Advanced Technology

Technology is an important disrupter that will continue to transform roadway safety well into the foreseeable future. To reach zero deaths, we need to encourage the development of innovations that address human and road design failures, and, once proven, establish mandates for adoption of technologies that work. Further, this regulatory certainty and defined standards should drive interoperability and ensure meaningful outcomes. Additionally, data collection on serious and fatal crashes should be required in order to share consistent and verified information, and testing on public roads should be reported to the jurisdictions in which the tests occur. This level of transparency will help consumers better understand the technology and how to operate in it, with it and around it.

As we sit here today, automakers, technology firms and others are developing partially and fully automated vehicles. The potential safety benefits of automated vehicles could be incredible. When ready, these vehicles will not glance down at their phone, speed through a red light or have an alcoholic beverage before getting behind the wheel—all mistakes that we as human drivers continue to make over and over again, with deadly consequences. To be clear, it will be decades before we have

⁴² https://www.google.com/maps/d/viewer?mid=1A2WpcwDeQhUXwH_W4VW2F-pPbnMLB-GA&ll=35.01551109524687%2C-113.42843004999999&z=3

⁴³ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812719>

⁴⁴ See: <https://transportation.house.gov/imo/media/doc/Titus%20041.pdf>

⁴⁵ <https://www.healthychildren.org/English/safety-prevention/on-the-go/Pages/Prevent-Child-Deaths-in-Hot-Cars.aspx>

⁴⁶ <https://www.healthychildren.org/English/safety-prevention/on-the-go/Pages/Prevent-Child-Deaths-in-Hot-Cars.aspx>

meaningful fleet penetration on U.S. roadways of automated vehicles (AVs). In the meantime, there are significant technologies available in vehicles today, Advanced Driver Assistance Systems (ADAS) that can prevent or mitigate crashes. Consumer education about these technologies is critical to ensure they are adopted and used appropriately.

Several studies show the effectiveness of advanced features. In 2019, the Insurance Institute for Highway Safety Highway Loss and Data Institute released some of the following statistics:

Forward Collision Warning systems reduced front-to-rear crashes with injuries by 20 percent

Forward collision warning systems with autobraking reduced front-to-rear crashes with injuries by 56 percent

Blind spot detection reduced lane-change crashes with injuries by 23 percent⁴⁷

One area where technology can make a difference to save lives is by preventing impaired driving. NSC supports Senators Scott and Udall's S. 2604, the RIDE Act, to require the development of a standard for in-vehicle technology to detect alcohol impairment. This is the type of technology that can save thousands of lives if widely deployed. H.R. 2 provides one additional year of funding for such technology development and then allows technology developers to take over to advance similar technologies to meet the performance standard. NSC believes this is the right approach to take to support a technology solution to a persistent and deadly problem.

Consumer understanding of ADAS technology is key, and establishing performance standards and common nomenclature for the automated vehicle (AV) technology will also help encourage better understanding. In 2016, NSC testified before a congressional committee on the need to standardize ADAS nomenclature to eliminate consumer confusion. Our conclusions were based on research conducted during the development of a national consumer education campaign, MyCarDoesWhat.org in 2015. In 2019, AAA released a report about the lack of consistency in naming and performance of these technologies. In it, they found adaptive cruise control has 20 different names and lane keeping assistance has 19 unique names.⁴⁸ The trend continued with other technologies. These different names do not aid consumer understanding and acceptance. In fact, AAA also found that over 70 percent of consumers are afraid of fully automated vehicles.⁴⁹

Last year, NSC, in collaboration with AAA, Consumer Reports, and J.D. Power, released "Clearing the Confusion: Recommended Common Naming for Advanced Driver Assistance Technologies" (attached).⁵⁰ Our four organizations agreed on standardized naming that is simple, specific, and based on system functionality in an effort to reduce consumer confusion. Safety features may change over time as software and hardware updates in turn modify the operational parameters for vehicle systems. Providing education throughout the life of vehicles can help consumers better understand how these features can advance safety. Today, 93 percent of new vehicles offer at least one ADAS feature, and the terminology often seems to prioritize marketing over clarity.⁵¹ Earlier this year, DOT endorsed these recommendations, and just last month the Society of Automotive Engineers (SAE) did as well. We urge other safety organizations, automakers, journalists and lawmakers to join us in adopting these terms.⁵²

The New Car Assessment Program (NCAP), a national "star rating system" for vehicles, must be updated to reflect advances in safety technology. NSC supports changes to NCAP, at a minimum, for crash avoidance, crashworthiness and pedestrian detection.

- *Crash avoidance.* NSC believes that NCAP must evolve to reflect improvements in recent years to crash avoidance and post-crash technologies. Safety technologies to provide advanced warnings or intervene can potentially prevent a crash due to human factors.

⁴⁷ <https://www.iihs.org/media/259e5bbd-f859-42a7-bd54-3888f7a2d3ef/e9boUQ/Topics/ADVANCED%20DRIVER%20ASSISTANCE/IIHS-real-world-CA-benefits.pdf>

⁴⁸ <https://www.aaa.com/AAA/common/AAR/files/ADAS-Technology-Names-Research-Report.pdf>

⁴⁹ <https://newsroom.aaa.com/2019/03/americans-fear-self-driving-cars-survey/>

⁵⁰ <https://www.nsc.org/Portals/0/Documents/NewsDocuments/2019/ADAS%20Common%20Naming%20One-pager.pdf?ver=2019-11-20-094231-643>

⁵¹ <https://www.aaa.com/AAA/common/AAR/files/ADAS-Technology-Names-Research-Report.pdf>

⁵² <https://www.transportation.gov/briefing-room/us-transportation-secretary-elaine-l-chao-announces-new-initiatives-improve-safety>

- *Crashworthiness.* While car technology is making cars safer, NCAP should modernize to reflect post-crash engineering advancements in reducing fatalities and the severity of injuries.
- *Pedestrian protection.* In 2018, 7,680 pedestrians were killed, and pedestrian fatalities are increasing while motor vehicle crash fatalities are decreasing.⁵³ Advances in technology and vehicle design changes can save lives of these vulnerable road users.

It is important to note that ADAS features should not be limited to passenger motor vehicles. NSC fully supports the National Transportation Safety Board (NTSB) long-standing recommendations that advanced technology on commercial vehicles can prevent or mitigate crashes. Large trucks account for 4 percent of all registered vehicles, but are overrepresented in fatal crashes, involved in 9 percent of these crashes. ADAS features on these vehicles will save lives, and the Senate should require rulemaking to this end.

5.9 GHz Safety Spectrum

When it comes to technology, the U.S. prioritized safety years ago by dedicating the 5.9 GHz spectrum band for intelligent transportation systems. Commonly referred to as V2X technologies, these systems allow vehicles to communicate with other vehicles, infrastructure, and bicycle and pedestrian road users to avoid crashes and enhance safety. NHTSA predicts that the safety applications enabled by V2X technologies could eliminate or mitigate the severity of up to 80 percent of non-impaired crashes.⁵⁴

Unfortunately, since 2013, the FCC has been threatening to repurpose spectrum away from these cutting-edge transportation safety technologies and has now released a notice of proposed rulemaking (NPRM) to reduce the spectrum that is available to V2X technologies.⁵⁵ The FCC proposal rule would reallocate the majority of the 5.9 GHz band away from transportation safety. This would be a grave mistake.

NSC believes that all of the 5.9 GHz safety spectrum should be reserved for transportation safety purposes, which is why, on June 23, we joined more than 40 other organizations on a letter⁵⁶ to Chairman Wicker and Ranking Member Cantwell requesting the FCC reconsider the approach in the NPRM that reallocates spectrum within the 5.9 GHz band for unlicensed uses. Use of your authority at this critical juncture could save thousands of American lives and hundreds of billions of dollars each year. We implore you to do so.

Prioritize Safety

By prioritizing safety, we commit to changing our Nation’s safety culture. This means we have to accept that any life lost is one too many. Once we accept that one death is too many, we will begin thinking about how to take a “safe systems” approach to our roadways. Fully adopted by other modes of transportation, this means building fail-safe features that anticipate human error and developing infrastructure with safety margins.

With the understanding that people will make mistakes, the built environment or infrastructure can be more forgiving to eliminate fatalities. Some of these changes may include engineering greater safety into a design. For example, in the pictures below, a multi-lane intersection with a red light in Scottsdale, Arizona was replaced with a roundabout. With the intersection, there are 32 potential points of failure, but with a roundabout, that is engineered down to only 8.⁵⁷ Speeds are decreased, and if crashes do occur, they occur at angles that are not as violent.

⁵³ <https://injuryfacts.nsc.org/motor-vehicle/road-users/pedestrians/>

⁵⁴ https://one.nhtsa.gov/About-NHTSA/Press-Releases/ci.nhtsa_v2v_proposed_rule_12132016.print

⁵⁵ In the Matter of Use of the 5.850–5.925 GHz Band, ET Docket No. 19–138, Notice of Proposed Rulemaking, FCC 19–129 (2019).

⁵⁶ <https://itsa.org/wp-content/uploads/2020/06/V2X-Stakeholder-Letter-to-CST.pdf>

⁵⁷ https://safety.fhwa.dot.gov/intersection/innovative/roundabouts/presentations/safety_/long.cfm



Successful infrastructure redesign can also look like the picture below from New York City. The picture on the left shows two roads merging together without an area for pedestrians, and the lane lines are non-existent. However, the reworked merge incorporates clearly marked lanes of travel, large sidewalks and areas of less exposure to vehicles for pedestrians.



These infrastructure changes are just as important in rural areas. Rumble strips on the center line or edge of roadways can prevent the roadway departure crashes that account for 52 percent of fatalities in the U.S.⁵⁸ Cable median barriers can also provide a margin of safety to redirect people in to their lane of travel, and high friction surface treatments can decrease vehicle stopping distance on roadways. These are all tools we have available today.

Infrastructure changes can be expensive, but they do not have to be. Through the Road to Zero Coalition, NSC has awarded millions in grants to groups across the country working in communities of all sizes. In the first year of grants, the National Complete Streets Coalition, worked with three communities: Lexington, KY, Orlando, FL, and South Bend, IN. Each city was provided only \$8,000 dollars from the grant for temporary infrastructure changes, and each city had measurable improvements to safety even with a small dollar investment.

Allowing for flexibility to implement local safety measures is key to reflect the local priorities. NSC encourages this committee to explore options for cities, counties, and metropolitan planning organizations to prioritize safety for their citizens. This may allow for lowering speed limits, instituting automated enforcement, collecting data, accessing safety funds, and other items.

The biggest and hardest change is the shift to truly prioritize safety by changing safety culture on the roads. We are complacent when it comes to losing so many people each and every day on our roads. That must change. We need strong and passionate leaders committed to doing so. And I can think of none better than the members of this Committee and Subcommittee using the reauthorization as the vehicle to accomplish it. We have changed safety culture in workplaces, around child

⁵⁸ https://safety.fhwa.dot.gov/roadway_dept/

passenger safety and in other areas. We can do it here too, with your help. NSC looks forward to working with this Committee to fully develop these provisions.

Conclusion

You have an opportunity in front of you to prioritize safety, and the National Safety Council is committed to working with you to reach zero fatalities on our roadways. I hope you will join me in saying enough is enough and start down the Road to Zero. It is not impossible. It just hasn't been done yet.

March
State Motor-Vehicle Deaths and Changes

State	Number of Months Reported	Deaths Identical Periods			Percent Changes	
		2020	2019	2018	2019 to 2020	2018 to 2020
TOTAL U.S.	3	8,460	8,330	8,759	2%	-3%
Alabama	3	197	190	229	4%	-14%
Alaska	3	13	17	13	-24%	0%
Arizona	3	232	241	265	-4%	-12%
Arkansas	3	114	98	87	16%	31%
California	3	685	633	542	8%	26%
Colorado	3	101	95	120	6%	-16%
Connecticut	3	68	48	52	42%	-31%
Delaware	3	23	18	21	28%	10%
Dist. of Columbia	3	7	3	7	133%	0%
Florida	3	894	882	866	1%	3%
Georgia	3	366	354	326	3%	12%
Hawaii	3	21	31	25	-32%	-16%
Idaho	3	28	39	29	-28%	-3%
Illinois	3	188	170	239	11%	-21%
Indiana	3	146	154	189	-5%	-23%
Iowa	3	54	62	61	-13%	-11%
Kansas	3	96	93	88	3%	9%
Kentucky	3	138	149	152	-7%	-9%
Louisiana	3	170	138	163	23%	4%
Maine	3	28	32	12	-13%	133%
Maryland	3	90	104	89	-13%	1%
Massachusetts	3	69	73	81	-5%	-15%
Michigan	3	174	198	177	-12%	-2%
Minnesota	3	68	67	57	1%	19%
Mississippi	3	125	127	135	-2%	-7%
Missouri	3	175	163	184	7%	-5%
Montana	3	27	20	21	35%	29%
Nebraska	3	41	44	49	-7%	-16%
Nevada	3	66	60	73	10%	-10%
New Hampshire	3	27	14	21	93%	29%
New Jersey	3	123	119	119	3%	3%
New Mexico	3	101	103	77	-2%	31%
New York	3	149	127	148	17%	1%
North Carolina	3	314	285	325	10%	-3%
North Dakota	3	7	17	13	-59%	-46%
Ohio	3	231	240	224	-4%	3%
Oklahoma	3	131	120	146	9%	-10%
Oregon	3	75	99	94	-24%	-20%
Pennsylvania	3	222	233	284	-5%	-22%
Rhode Island	3	12	13	11	-8%	9%
South Carolina	3	186	211	189	-12%	-2%
South Dakota	3	18	13	24	38%	-25%
Tennessee	3	240	227	209	6%	15%
Texas	3	861	813	893	6%	-4%
Utah	3	56	48	54	17%	4%
Vermont	3	6	3	7	100%	-14%
Virginia	3	189	183	182	3%	4%
Washington	3	96	119	100	-19%	-4%
West Virginia	3	56	55	57	2%	-2%
Wisconsin	3	84	99	130	-15%	-35%
Wyoming	3	7	35	20	-80%	-65%

NOTE: Deaths are reported by state traffic authorities. ALL FIGURES ARE PRELIMINARY. To ensure proper comparisons, 2018 and 2019 figures are preliminary figures covering the same reporting period as those for 2020. The total for 2018 is from the National Center for Health Statistics.

States in bold: States with a decrease in deaths from 2019 to 2020.

April
State Motor-Vehicle Deaths and Changes

State	Number of Months Reported	Deaths Identical Periods			Percent Changes	
		2020	2019	2018	2019 to 2020	2018 to 2020
TOTAL U.S.	4	10,980	11,370	11,738	-3%	-6%
Alabama	4	251	253	312	-1%	-20%
Alaska	4	13	19	18	-32%	-28%
Arizona	4	295	336	367	-12%	-20%
Arkansas	4	177	143	128	24%	38%
California	4	909	914	627	-1%	45%
Colorado	4	137	144	168	-5%	-18%
Connecticut	4	90	62	81	45%	11%
Delaware	4	27	22	28	23%	-4%
Dist. of Columbia	4	9	8	9	13%	0%
Florida	4	1,136	1,185	1,139	-4%	5%
Georgia	4	454	470	450	-3%	1%
Hawaii	4	25	38	30	-34%	-17%
Idaho	4	34	53	44	-36%	-23%
Illinois	4	256	242	314	6%	-18%
Indiana	4	185	220	252	-16%	-27%
Iowa	4	71	85	86	-16%	-17%
Kansas	4	124	129	120	-4%	3%
Kentucky	4	193	208	201	-7%	-4%
Louisiana	4	246	210	217	17%	13%
Maine	4	37	43	15	-14%	147%
Maryland	4	121	141	130	-14%	-7%
Massachusetts	4	106	107	118	-1%	-10%
Michigan	4	216	260	247	-17%	-13%
Minnesota	4	89	84	85	6%	5%
Mississippi	4	177	175	209	1%	-15%
Missouri	4	237	227	253	4%	-6%
Montana	4	32	31	38	3%	-16%
Nebraska	4	55	61	61	-10%	-10%
Nevada	4	90	84	91	7%	-1%
New Hampshire	4	34	19	29	79%	17%
New Jersey	4	141	155	161	-9%	-12%
New Mexico	4	123	126	105	-2%	17%
New York	4	197	198	210	-1%	-6%
North Carolina	4	432	402	457	7%	-5%
North Dakota	4	12	26	19	-54%	-37%
Ohio	4	279	310	298	-10%	-6%
Oklahoma	4	170	161	185	6%	-8%
Oregon	4	93	129	120	-28%	-23%
Pennsylvania	4	288	341	369	-16%	-22%
Rhode Island	4	16	18	16	-11%	0%
South Carolina	4	253	287	281	-12%	-10%
South Dakota	4	25	18	32	39%	-22%
Tennessee	4	313	315	276	-1%	13%
Texas	4	1,107	1,105	1,172	0%	-6%
Utah	4	68	66	71	3%	-4%
Vermont	4	8	4	12	100%	-33%
Virginia	4	245	245	246	0%	0%
Washington	4	129	153	131	-16%	-2%
West Virginia	4	72	69	82	4%	-12%
Wisconsin	4	133	140	159	-5%	-16%
Wyoming	4	24	52	25	-54%	-4%

NOTE: Deaths are reported by state traffic authorities. ALL FIGURES ARE PRELIMINARY. To ensure proper comparisons, 2018 and 2019 figures are preliminary figures covering the same reporting period as those for 2020. The total for 2018 is from the National Center for Health Statistics.

States in bold: States with a decrease in deaths from 2019 to 2020.
Denotes change of less than 0.5%.



LIGHT CAMERA PROGRAM CHECKLIST

Photo enforcement is a proven, effective tool to make roads safer. Well-controlled before-and-after studies have found that red light cameras reduce violations and injury crashes, especially the violent front-into-side crashes most associated with red light running.

Successful programs have a strong public information component, are transparent, and emphasize safety over revenue. In fact, communities should expect that revenue will decline over time as fewer drivers run red lights. Some, though not all, studies indicate that rear-end crashes increase initially, but rear-enders are typically low-severity crashes compared with the high-speed right-angle collisions targeted by red light camera programs.

This checklist assumes your community is already legally authorized to set up a program. It is intended to help you operate a program to reduce crashes, prevent injuries, save lives, and maintain strong public support.

FIRST STEPS

- Identify problem intersections:
 - Assess violation and crash data.
 - Conduct field observations.
 - Collect resident input.
- Make changes necessary to ease compliance with the law:
 - Ensure the road geometry conforms with guidelines from the American Association of State Highway and Transportation Officials or state road design manuals.
 - Ensure that signal timing at a minimum conforms with the Manual on Uniform Traffic Control Devices and Institute of Transportation Engineers guidelines.
 - Remove sightline obstructions of signals and signage.
- If photo enforcement is appropriate for the problem intersections, establish an advisory committee comprised of stakeholders, e.g., law enforcement, transportation department, victim advocates, school officials, community residents, first responders, health officials, and the courts. Outline the committee's role to advise on the development and implementation of the program.
- Meet with the media and newspaper editorial boards to build support and educate the public.

SECOND STEPS

- Select appropriate sites based on data from first steps.
- Publicize the extent of the safety problem and need for innovative solutions.
- Secure a vendor and establish payment based on the vendor's actual costs, not the number of citations.
- Establish a grace period before a vehicle is photographed of up to 1/2 second and no less than 1/8 of a second after the light turns red.
- Establish that law enforcement officers or other appropriately trained personnel employed by the locality will review evidence, identify violations, and issue citations.
- Create a website and social media plan with program details, such as how to pay and dispute tickets.
- Establish a method for answering questions accurately and in a timely manner.
- Develop an emergency action plan for handling problems, such as system malfunctions.

IMPLEMENTATION

- Hold a kickoff event with advisory committee members. Introduce a sustained public education campaign focused on improving safety by changing driver attitudes and behavior.
- Connect the program to safety initiatives such as Vision Zero, Toward Zero Deaths, and Road to Zero.
- Install prominent warning signs at camera locations and major roadways entering the jurisdiction.
- Establish a probationary period during which only warnings are issued.
- Target violations with the greatest safety consequences. Discard right-turn-on-red violations when pedestrians, bicyclists, and oncoming vehicles are not present.
- Allow for due process. Minimize the number of days between the violation and citation issuance. Establish and publicize the available procedures for contesting an alleged violation.
- To the extent feasible, allocate fines in excess of program costs to traffic safety programs.

LONG TERM

- Publicize changes, including new camera locations. Reinstate the probationary period before ticketing begins at new locations.
- Monitor program operation and publicize results.
- Require regular field reviews. Verify monthly camera calibration and synchronization with signals.
- Require regular program evaluation by collecting crash and infraction data. Avoid simple before-and-after comparisons by using proper control intersections. Include control intersections that are not subject to spillover effects.
- Regularly meet with the advisory committee and media to review program status and sustain public support.

For more information on red light cameras, go to IHS.ORG/RED-LIGHT-RUNNING

Partner organizations:



CLEARING THE CONFUSION: Recommended Common Naming for Advanced Driver Assistance Technologies



CR Consumer Reports

J.D. POWER



Advanced Driver Assistance Systems (ADAS) have become increasingly prevalent on new vehicles, but the terminology used by automakers to describe them varies widely and often seems to prioritize marketing over clarity.

The common naming outlined is simple, specific and based on system functionality. The list is meant to aid in reducing driver confusion and define the functions of ADAS in a consistent manner. This is critical to ensure that drivers are aware these systems are designed to assist, not replace an engaged driver.

These terms are not meant to replace automaker proprietary system or package names, but rather help identify key functions within those packages and provide clarity to consumers. This naming list will be continually refined as we work with stakeholders and policymakers and as new systems are developed.

DRIVING CONTROL ASSISTANCE

Adaptive Cruise Control	Assists with acceleration and/or braking to maintain a prescribed distance between it and a vehicle in front. Some systems can come to a stop and continue.
Active Driving Assistance	Assists with vehicle acceleration, braking and steering. ¹ Some systems are limited to specific driving conditions. Driver is responsible for primary task of driving.
Lane Keeping Assistance	Assists with steering to maintain vehicle within driving lane.

COLLISION WARNINGS

Blind Spot Warning	Detects vehicles to rear in adjacent lanes while driving and alerts the driver to their presence.
Forward Collision Warning	Detects impending collision while traveling forward and alerts driver. Some systems include pedestrian or other object detection.
Lane Departure Warning	Monitors vehicle's position within driving lane and alerts driver as the vehicle approaches or crosses lane markers.
Parking Obstruction Warning	Detects obstructions near vehicle during parking maneuvers.
Rear Cross Traffic Warning	Detects vehicles approaching from the side and rear of vehicle while traveling in reverse and alerts driver.

¹ Also referred to as Level 2 defined by SAE standard J3016.

COLLISION INTERVENTION

Automatic Emergency Braking	Detects potential collision while traveling forward, provides forward collision warning and automatically applies the brakes to avoid or lessen the severity of impact. Some systems include pedestrian or other object detection.
Automatic Emergency Steering	Detects potential collision and automatically controls steering to avoid or lessen the severity of impact. Some systems include pedestrian or other object detection.
Rear Automatic Braking	Detects potential collision while traveling in reverse and automatically applies the brakes to avoid or lessen the severity of impact. Some systems include pedestrian or other object detection.

PARKING ASSISTANCE

Active Parking Assistance	Controls steering and potentially other functions during parking. Driver may be responsible for acceleration, braking and gear position. Some systems are capable of parallel and/or perpendicular parking.
Remote Parking	Parks vehicle without driver being physically present inside the vehicle. Automatically controls acceleration, braking, steering and shifting.

OTHER DRIVER ASSISTANCE SYSTEMS

Automatic High Beams	Switches between high and low beam headlamps automatically based on lighting, surroundings and traffic.
Backup Camera	Provides view of area behind vehicle when in reverse. Could include trailer assistance, a system that assists drivers during backing maneuvers with a trailer attached.
Driver Monitoring	Monitors drivers to determine if they are actively engaged in the task of driving. Some systems monitor driver's eye movement and head position.
Head-Up Display	Projects image of vehicle data and/or navigational info into the driver's forward line of sight.
Night Vision	Aids driver vision at night by projecting enhanced images on instrument cluster or head-up display.
Surround-View Camera	Uses cameras located around vehicle to present view of surroundings.

FOR MORE INFORMATION, PLEASE CONTACT

Greg Brannon – AAA
Director of Automotive Engineering and Industry Relations,
407-444-7543

Kelly Funkhouser – Consumer Reports
Program Manager, Vehicle Interface Testing,
Head of Connected and Automated Vehicles
860-537-0763 x 7308

Alex Epstein – National Safety Council
Director, Transportation Safety
630-775-2128

Kristin Kolodge – J.D. Power
Executive Director, Driver Interaction and HMI
248-680-6446

Senator FISCHER. Thank you, Ms. Terry. Next, I would ask the Chairman of the Commerce Committee, Senator Wicker, if you would have an opening statement for us?

**STATEMENT OF HON. ROGER WICKER,
U.S. SENATOR FROM MISSISSIPPI**

Senator WICKER. Yes. Thank you so much, Madam Chairman, and I want to thank Senators Fisher and Duckworth for their leadership in holding this important hearing. I am a little surprised and disappointed though that this hearing about highway traffic safety would be used as an occasion for a partisan speech criticizing the President of the United States on his response to the COVID-19 crisis.

To me, that has little to do with the subject matter today. I would observe in fairness that what we have experienced over the last five to six months is a worldwide crisis that has affected every continent and most countries, a pandemic the likes of which we have never seen and as I recall, the President of the United States was early to act in stopping flights from the country of origin of this virus. And he did that in the face of a good deal of criticism from a number of angles. I recall daily briefings by the President of the United States with some of the leading practitioners and scientists in the country dealing with this and I recall President Trump putting the entire weight of his administration behind an effort to combat this.

And also, the Congress, this House working hand-in-hand together on a bipartisan basis for phases 1, 2 and 3 of our COVID-19 virus response. And phase 3, of course, being the unprecedented CARES Act which has done so much to prevent widespread economic depression in this country. So I didn't intend to get involved in that but I just have to regret that in so many occasions when we really should be sticking to the subject, the Presidential election has encroached upon a hearing dealing with other subject matter.

And there are indeed far too many Americans who die every year on the roads.

My information is 2018 more than 36,000 people were killed in motor vehicle crashes. This includes more than 600 in my home state of Mississippi. That is too many and there are things this Committee and this Senate are about which are designed to address this. NHTSA has found that more than 90 percent of such fatalities are attributable to human error. These figures demonstrate that the Federal Government and states need to work together to reduce reckless and impaired driving even as technology and automated systems make cars safer.

Captain Peterson mentioned that in his capacity he has noticed a drop off in DUIs, but that distracted driving is more of a factor for his part. And I would observe that that smartphone that almost all of us carry around can be just about as addictive and lethal as alcohol addiction. I would hope that we could also have some testimony in addition to about DUIs and distracted driving, about combating drug impaired driving, which is something we are not accustomed to testing for as we have been over the decades with regard to alcohol impaired driving.

The CARES Act did provide for flexibility to states on the use of NHTSA grants and it is increasingly important that we continue providing that flexibility for unique highway safety challenges. Transportation safety issues have been and will continue to be a focus of this committee. I have previously introduced legislation to improve NHTSA highway safety programs by increasing research to assist law enforcement in detecting marijuana and opioid impaired driving.

With the upcoming expiration of the FAST Act, this committee has an opportunity to review additional reforms in highway safety and consider how the COVID-19 pandemic affects our transportation needs in the future. I will attend a—just in closing, I want to mention to members of the Committee that I will attend an event tomorrow addressing, once again, the issue of hot cars and hot car deaths. It is something that I introduced legislation about some years and months ago.

There were 52 hot car deaths in 2019, a record 53 in 2018, and of course, we have already started seeing that again this year although the first day of summer is only a week behind us. So I appreciate the automobile industry agreeing to adopt voluntarily the guidelines which would have been imposed by my legislation and perhaps our panel will want to discuss heatstroke awareness and suggestions about how we can avoid this avoidable tragedy for our children. Thank you, Madam Chair.

Senator FISCHER. Thank you, Mr. Chairman. I would like to begin the Committee's questioning by asking Captain Peterson in Nebraska a question. Captain, in your testimony you talked about the rising threat of distracted driving because of cell phone and electronic device use.

Can you talk a little bit more about what you are seeing with that issue in Lincoln, and are you noticing more distracted driving violations and seeing accidents that are the result of that distracted driving? And if so, what is causing this increase that we are seeing?

Mr. PETERSON. Yes, ma'am. Thank you. We believe that there has been an increase. However, it is very difficult to record distracted driving even at the scene of an accident simply because if people are using a cell phone and it is questions that we are asking to document on an accident report about what they were distracted by, whether it is a cell phone or other devices, the answer will not be 100 percent every time and some would be reluctant to share that information with me or on a state accident report that they complete and send themselves to the state.

But we believe that there is an increase. We do believe that, as Senator Wicker pointed out, that it has to do with the personal electronic device or cellphone that most everyone has on their person almost at all times and that we are simply distracted with that additional communication and ability to get information at the tips of your fingers. The citations that we are able to write within the State of Nebraska and the City of Lincoln is a secondary offense.

So I am not able to simply stop someone or one of our officers isn't able to stop someone simply because they see a device being used unless it is causing another related traffic issue such as striking the curb or crossing the center line, for example. So I believe

that those numbers are increasing, they are just very difficult to measure, Senator.

Senator FISCHER. In my opening statement, I spoke about traffic is down about 35 percent because of the pandemic is being one factor in that. Also, Captain Peterson, during that time between March and April of this year, the State patrol reported 100 citation Statewide for speeding over 100 miles per hour compared to 61 in the same time in 2019.

What have you noticed at the local level on that? Are you seeing changes in traffic safety that are related to those lower traffic volumes that may be caused by the pandemic, and what do you see with that? Is it speeding? Is it other types of safety concerns?

Mr. PETERSON. Yes, we are, Senator. In fact, the Lincoln traffic count is a directed measure that we were tracking during the pandemic and we can count week by week and month to month the traffic decrease averages per month. And we have noticed decreases that range from 27—pardon me, the overall average decrease is 37, nearly 38 percent, and our traffic count has steadily decreased as the pandemic increased, excuse me, and it does appear to be on the rise.

Some anecdotal information from officers working traffic on the streets during these timeframes suggested that because there were fewer motorists, it did not simply correlate with the number of accidents or speed in general type violations. They appear to have more open street way or roadway, and a greater speed can be attained with less traffic on the streets. So the accidents were a little bit more severe even if the total numbers were down slightly and the speed was much greater.

Senator FISCHER. Thank you. Mr. Saunders, you spoke in a lot of detail about the 405 grants and the programs. And I appreciate the depth that you went into some of the improvements that are needed. I know Ms. Terry, you spoke about that in your testimony as well. You wrote about that in your testimony.

I am short on time, but I am going to take my prerogative as Subcommittee Chairman here and ask you to begin, Ms. Terry, if you could elaborate on some of the issues you have with NHTSA being transparent on those grant decisions that they make, whether they grant it or they don't grant it for the 405 program. And then Mr. Saunders, if you can give us a short example since you went in such depth on the 405 program before, and I appreciated all of your recommendations. So Ms. Terry, if you would like to address that?

Ms. TERRY. Yes, thank you, Senator. We do think that NHTSA needs more transparency around the decisions that they make because there is not enough information right now that is going back to the states. States that are doing their best in trying to enact some strong safety laws, and NHTSA should provide information to help guide them on what changes they need to make. Accompanying that, we would support also a greater authorization for NHTSA to get the resources it needs to provide that customer service.

Senator FISCHER. Thank you. And, Mr. Saunders. You are looking at all sorts of examples, I know.

[Laughter.]

Mr. SAUNDERS. No, only a few comments.

Senator FISCHER. Good.

Mr. SAUNDERS. The 405 program, I think, once seemed very helpful to dedicate funding to very specific priority areas. This bifurcation of programs has ultimately hurt more than it helps as its programs are subdivided further and further. There is only one pie and the slices gets smaller and smaller so states receive less money and face more complicated application and program rules. For each grant, states must provide separate qualification information and provide detailed accounts of State laws and programs.

We are seeing states disqualified from grants on technical reasons that have minimal impact on the effectiveness of State laws. It results in states not being awarded funds and we want to prevent that from happening in the future. I don't have any specific cases I can talk to you about, but I think just the overall in general, the purpose of these incentive grants oftentimes take a long time to prompt a State to take action towards achieving our highway safety goals.

So it might take years to change the State law. Meanwhile, the funds are not being used by the states to address the priorities which have been identified. So that seems to be what we are seeing across many states.

Senator FISCHER. Thank you very much. Senator Duckworth.

Senator DUCKWORTH. Thank you. Ms. Terry, I appreciate the National Safety Council support of my bill, the School Bus Safety Act. Your support is consistent with your testimony that based on NHTSA data, seatbelts save lives and reduce serious injuries by half.

Seatbelts save lives should not be a controversial statement yet when it comes to loading children on large school buses, all of a sudden there seems to be a great influx of confusion, cost-benefit analysis, and bizarre analogies that propose we treat children like eggs in a carton, which I have to say, if anyone ever dropped a carton of eggs and had to roll over on impact, I am not certain that industry talking point is as comforting as its authors intended.

So just to clarify for the record, Ms. Terry, does the statement seatbelts save lives apply to a passenger in a car and to a passenger in a big yellow bus?

Ms. TERRY. Absolutely, Senator.

Senator DUCKWORTH. Thank you. Five years ago, NHTSA's then Administrator admitted that the agency has not always spoken with a clear voice on the issue of seatbelts on school buses. Ms. Terry, do you believe that former Administrator Rosekind's critique of his agency was accurate? And if yes, could you assess whether NHTSA has made progress on this front over the past 5 years?

Ms. TERRY. Yes, NHTSA was moving in the right direction, under Administrator Rosekind, to really highlight the need for belts on buses. I think since Administrator Rosekind has left, that discussion has stopped.

There is the cost benefit analysis that NHTSA will point to as why they do not want to require seatbelts on buses. But luckily some cities and states are moving forward regardless of that and purchasing buses with seatbelts because they do know that at the

end of the day the safest way for a person to ride in any vehicle is belted.

Senator DUCKWORTH. Thank you. Administrator Rosekind also stated back in 2015 that in NHTSA's policies, that every child on every school bus should have a three-point seatbelt. This may be one of the rare instances when NHTSA proactively took the lead on safety and even outpaced the National Transportation Safety Board's recommendations.

Of course, we all know a first half lead can evaporate before the final whistle blows, and today all the regular players seem back in their comfortable positions with NTSB now pushing for safety upgrades that my bill would require, industry pushing back and focusing 100 percent of energy on why it cannot be done, and NHTSA once again fading into the background, a seemingly bystander in this very important debate. NHTSA could change that by supporting my bill and once again speaking with a clear voice on this issue. I would like to also address this issue of racial profiling and traffic stops.

Our Nation is in the middle of a long overdue conversation on police reform. The horrific video of the Minneapolis Police Officer using his knee in the back of George Floyd's neck to hold him face down on concrete for 8 minutes and 46 seconds until Mr. Floyd lost consciousness and was killed is absolutely heartbreaking.

Of course, we know it was not an isolated incident of police brutality and excessive use of force. In 2016, another black American by the name of Philando Castillo was fatally shot during a traffic stop. Does anyone on this panel know how many times police had stopped Mr. Castillo while driving before the fatal 2016 encounter? No one wants to take a guess?

[No response.]

Senator DUCKWORTH. Well, based on court records the answer is 46 times. Forty-six incidents of Mr. Castillo driving and then being stopped by law enforcement. Finally, of these 46 traffic stops, does anyone want to guess how many stops were for violations at a police officer could observe from outside the car such as speeding or broken muffler?

[No response.]

Senator DUCKWORTH. The answer is 6. Only 6 out of the 46 stops were for visible violations like speeding. Look, if we are going to have an honest conversation, we need to acknowledge that when Americans are on the road, black drivers are effectively deprived equal protection under the law. Ms. Terry, is there any credible evidence that racial profiling makes our roads safer?

Ms. TERRY. I have seen no data to support that racial profiling makes our roads safer.

Senator DUCKWORTH. Thank you. Captain Peterson, Mr. Saunders, would either of you like to respond as well?

Mr. SAUNDERS. I have seen no evidence to that fact, ma'am.

Senator DUCKWORTH. Thank you.

Mr. PETERSON. Yes, ma'am. I don't see any evidence of that either.

Senator DUCKWORTH. Thank you. So my question for the panel is, how would you recommend Congress help improve transparency and accountability to achieve a just enforcement of traffic laws?

You can submit that for the record later. Thank you. Madam Chairwoman, I do have one final question. I think I might run out of time for that. Thank you. Move over laws. Move over laws are suppose to protect emergency responders, workers, and others who are stopped on the side of the road by requiring motorists to shift lanes or slow down.

However, states continue to report numerous incidents of drivers failing to move over and crashing into emergency responders and others. One of my priorities is working to reduce and eliminate law enforcement fatalities from roadside accidents. Last year, Chairwoman Fischer and I asked a Government Accountability Office to review State level “move over” laws.

Additionally, Senator Durbin and I introduced the Protecting Roadside First Responders Act to promote the development and use of safety technologies that reduce accident risk for those who need to stop along busy highways. Captain Peterson, according to the National Law Enforcement Officers Memorial Fund, 122 law enforcement officers have been killed in traffic related deaths along U.S. roadways over the past 10 years.

In Illinois, we faced such a tragedy in 2019 when two officers were sadly killed after being struck by vehicles that failed to move over as they conducted routine traffic stops. Captain Peterson, do you think more can be done to help increase awareness and compliance with move over laws, including actions at the Federal level to help prevent these tragedies? You are on mute, Captain. There you go.

Mr. PETERSON. Yes, ma’am. Thank you. I believe that the education and awareness, while it may seem relatively simple, does have some positive results. And while we have not had similar law enforcement deaths in Lincoln, we certainly have for maintenance and construction workers and is equally as devastating. And while we have had local efforts at education and awareness, I believe that at a State and a Federal level that that will have a positive influence.

Senator DUCKWORTH. Thank you. Would any of the other witnesses want to add anything on how you think we might be able to reduce the number of First Responders killed in roadside accidents?

Ms. TERRY. Yes. Senator Duckworth, thank you for your leadership and Chair Fischer also on this issue. Technology is also one of those things that can really help prevent crashes involving roadside responders and workers, and technology that can alert drivers if they are coming up to an emergency scene or a roadside worker can save lives.

What we found, unfortunately, in the National Safety Council is that oftentimes when people approach an emergency situation on the side of the road, they pull out their camera instead of paying more attention to what is actually happening and avoiding it. They film it and then upload it online. So there is a lot more that we can do and I think in-vehicle technology can help us go a long way in that regard.

Mr. SAUNDERS. Thank you, Senator. I would agree with that also—but I think also we have to do what we can do to minimize the time that our officers and our first responders are on the side

of the road, such as by introducing electronic citations and similar tools that can really cut the amount of time, especially for police officers, to be on the road to write a citation.

Another issue is clearing traffic at emergency scenes in a more efficient manner and also conducting traffic incident management to better prepare first responders in how we can get people and vehicles off of the roadsides as quickly and safely as possible.

Senator DUCKWORTH. Thank you. I yield back, Madam Chair.

Senator FISCHER. Thank you, Senator Duckworth. Next, I believe we have Senator Capito online. Senator?

**STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. SENATOR FROM WEST VIRGINIA**

Senator CAPITO. Madam Chair, and thank you Ranking Member Duckworth for having the hearing and thank all of you for coming today. I am going to go right to drunk driving. Drunk driving remains a major concern in the United States. In 2018, nearly 20 percent of traffic fatalities were caused by alcohol impaired driving.

Since 2008, ACTS and NHTSA, National Highway Traffic Safety Administration, have been collaborating on research and development on driver alcohol detection systems for safety called DADSS program. Since its inception, DADSS has made significant progress toward developing in-vehicle technologies that could reduce or eliminate alcohol impaired crashes. I believe this technology holds great promise. I have worked with several of the other members of this committee on that and could have a significant impact on the number of drunk driving fatalities we experience each year.

My colleagues and I are having ongoing conversations about this program. Mr. Saunders, as you noted, Virginia was the first state to partner with DADSS in implementing the Driven to Protect Pilot program. How has that pilot been implemented in Virginia? And as the pilot program been successful in educating the public about the benefits of this technology? What have you discovered?

Mr. SAUNDERS. Thank you, Senator, for the question. We have been the leaders of supporting the DADSS program in partnership with NHTSA and also with the State of Maryland who was also on board with us in this program. We in Virginia have had a wonderful experience. The DADSS program has been very progressive. The mission of the Driver Alcohol Detection System for Safety, which is the DADSS program, is to develop—of course as all of you know in the Subcommittee—a kind of alcohol detection technology that can passively detect when the driver is impaired with blood alcohol content (BAC) above that legal limit of 0.08.

Since the DADSS program was founded, it has grown from its oldest conceptual iteration on the dinner napkin into a viable suite of alcohol detection technologies that has significant potential for saving lives on and off the road. Among other things, the program is developing two viable technology approaches, a breath-based technology and a touch-based technology, that are on track to becoming effective, consumer-friendly safety options.

Also, they are inventing devices and developing procedures to test these prototypes to ensure that they are providing consistent accurate and precise BAC readings. We really cannot have any room for false positives in this process. Building partnerships with

the OEMs and the Tier 1 automotive suppliers, they have also ensured the technology can be manufactured at the automotive production scale and at a cost to ensure that it is a viable consumer safety option. The word is getting out as we work to take vehicles equipped with this system out to the public to let them touch it, see it, see how it works, and get an understanding of what DADSS is all about.

So, I believe what we are doing in Virginia is to take the first steps as this technology comes about. I was looking at the program just as we are now looking forward to where are we going. As we look to 2021, hopefully, we will be able to market this to some fleets as accessories. We are currently working with James River Transportation in Richmond area and we have some of their—many of their vehicles equipped with this technology as a pilot project.

In 2024, we hope to be see new vehicle safety options, and hopefully by 2025, we will have this ready for it to be placed in all new vehicles.

So we are on track in Virginia. It is a very progressive program. With the COVID-19, we have slowed it down a little bit. A lot of the outreach that we planned on doing, we have had to reschedule, but as far as where we are going to, I think we are on a clear path.

Senator CAPITO. Well, that sounds really, really good. Encouraging. I would encourage you to speed up, because obviously I think it will save lives in the end. And as I have stated, the drunk driving statistics still remain high. I am going to ask a really quick question, because I am curious.

Despite the decreased highway traffic due to stay at home orders, and I know Senator Fischer asked a similar question, preliminary estimates from the National Safety Council estimate that the U.S. year over year has 14 percent jump in fatality rates for miles driven in March, which is sort of remarkable since we are all staying home. Ms. Terry, can you answer that question? What are the causes for this?

Ms. TERRY. Thank you for that question, Senator Capito. And actually, West Virginia, in both March and April has had increase in their fatality rates year over year from last year. We don't quite know yet what the cause is. We don't have that level of detail in the data. But anecdotally, we know that speed is a problem.

And, some of the persistent issues that we are talking about today, not wearing a seatbelt, being distracted, and being impaired behind the wheel are also likely at fault. One other thing that we have also probably all seen during the pandemic is the increase in pedestrians and cyclists on the roadways. We know that sometimes when vehicles and pedestrians are in the same area, fatalities can result. Data on pedestrian and cyclist fatalities is something to monitor as well.

Senator CAPITO. OK. Thank you. Good answer. Thank you all so much. Appreciate it.

Senator FISCHER. Thank you, Senator Capito. Next, we have Senator Udall.

**STATEMENT OF HON. TOM UDALL,
U.S. SENATOR FROM NEW MEXICO**

Senator UDALL. Thank you so much, Chairman Fischer and Ranking Member Duckworth. You know, I have been in the fight in drunk driving for a long time since the 1990s when I was Attorney General in New Mexico and my state had one of the highest DWI rates in the Nation. We have come a long way since then. We are now on the verge of having technology to stop drunk drivers from turning on the ignition in the first place, on the verge of preventing thousands of deaths.

Mr. Saunders, in your testimony, you discussed DADSS and your state's pilot program implementing alcohol detection technology. DADSS was first created in 2008. I have been working to make sure the program remains authorized and funded.

After 12 years, I am glad to see the technology in cars, but I am concerned by ongoing challenges to implementing new technologies and expanding a pilot. What will it take to get drunk driving prevention technology into cars in every state?

Mr. SAUNDERS. Again, Senator, thank you so much for your question regarding DADSS. Again, I think we must take the opportunity to be sure that we are doing all of the testing and all of the work that we need to do to prepare this equipment to ensure that we have a device that we feel is "foolproof." Once we can get to that level, and, of course, that takes funding for us to get to that level, I think to be able to sell it and to be able to get it for our manufacturers. I think there will be an outcry from the public to have such equipment the same way that there is for the other types of safety options that we are talking about in vehicles right now. Especially for those parents who may have a teenager: they can have a device like this in a vehicle that is an option that they can use and have available.

So I just think that we have to continue to work our plan. I think we have to continue to educate the public, to make them aware of what we are doing, and to get them comfortable with what we are doing with this technology. And also, I believe, if we can do that, I believe that politically, the political climate will also allow us to be able to move it to every state.

Senator UDALL. Right. Thank you for that answer. Now is the time to finally make sure new vehicles are equipped with technology to stop drunk driving before it starts. Requiring drunk driving prevention systems is no different than requiring airbags, technology that we have all come to accept, in fact, demand that saves tens of thousands of lives. Tragic losses, the 10,000 Americans killed every year from drunk driving can be stopped. Senator Scott and I have proposed legislation to reduce impaired driving for everyone, the RIDE Act, which could save 10,000 lives a year by requiring technology in all vehicles to prevent drunk driving, the leading cause of highway deaths.

The rulemaking we are proposing in our bill would likely be the most significant life saving measure ever implemented by NHTSA. Ms. Terry, I want to thank you and the National Safety Council for your support of the RIDE Act. In your testimony, you mentioned similar legislation in the House. Is this the right approach and should this committee consider and pass a bill that requires car

manufacturers develop and deploy a technology standard to end drunk driving?

Ms. TERRY. Senator, as you stated, NSC is supporting the RIDE Act. We do believe that passive alcohol detection technology that doesn't even allow a car to start, if somebody is behind the wheel and they have had too much to drink, can save lives and prevent some of the 10,000 deaths that we see each and every year on our roads due to alcohol impaired driving. Having a mandate for that to be installed in vehicles is absolutely the right way to go to save lives.

Senator UDALL. Thank you and thank you, Madam Chair, very much. Appreciate the hearing.

Senator FISCHER. Thank you, Senator Udall. Next, we have Senator Scott.

**STATEMENT OF HON. RICK SCOTT,
U.S. SENATOR FROM FLORIDA**

Senator SCOTT. Hi, I want to thank you. Thank you for the opportunity. First up, I want to compliment you, Senator Udall and Senator Capito. And I know others before me have put a lot of effort into stopping drunk driving, but I know they have been—those two have actually been leaders in trying to make sure that these are preventable deaths, that that they don't happen.

I want to thank Senator Udall for cosponsoring the RIDE Act. And it basically—it is finally going to get to the point where we say you have to do this. And so what is—do you think—do you all think it is realistic that we can implement alcohol detection systems, passive alcohol detection systems within the next 4 years on new passenger cars?

Mr. SAUNDERS. Senator, thank you so much. We do. Again, and I am looking at the—the current schedule in front of me right now that would have us on a track to be able to do that. It looks to me to be a new vehicle safety option in 2025.

So that would put us right at that four to five year point to be able to have that technology where we believe it will be at the level that we could have it in all new vehicles.

Senator SCOTT. But do you believe it is doable? Do you believe that, just to make sure it is going to happen, that we ought to have a very specific date that is mandated by law?

Mr. SAUNDERS. I have a saying that I say we move at the speed of success. I would go back to what I mentioned earlier. It is very critical to ensure that there cannot be any false positives. And I think that takes a lot of testing, whether it be climatic testing, getting it in cars and all type of weather situations, all kinds of climates that takes a little time and tweaking.

I would not—I would have to maybe get back with you on a final. I would think that we want to give that a lot of thought before we would mandate a date, because in the end, we have come so far, we have come so far that we would be right at the precipice of being able to move forward in a successful manner that I would not want to waste all of the work that we have done to get us to that point.

So I will get with the Board of Governors Highway Safety Association and we will give you a response back to that.

Senator SCOTT. So I think what you are saying is—I think, you know, you are saying the right thing because you want to have success and you want to do something that is going to implement our ability to have success. But I think all of us who, you know, think about our lives and the more we have deadlines, we move faster and, you know, good things happen. Right. So do you think it makes sense? And whether the deadlines, 4 years, 5 years, 6 years or 7 years—I mean, do you think there is a value of having a deadline saying we are going to do it by this date?

Mr. SAUNDERS. Senator, again, I sure agree with you. I think when we have a deadline, it sure gives us a target goal to be set. Here again, I do not want to go on record speaking for the organization on a mandated date.

We could quite possibly be talking about an area where DADSS could come back and give us a written estimated completion date. Again, I have DADSS materials here in front of me. We could surely get that back to the Committee for their review. And maybe we could start from there.

Senator SCOTT. Do you think there is any limitations that we can get something done in the next four or five years? Is there any—do you see any hindrance that we will be able to get this done? And do you think there is enough commitment by the private sector to get this done?

Mr. SAUNDERS. I do believe there is enough commitment by the private sector and also by the individuals who are working on this DADSS project. They are totally committed to it. They have been moving forward at a wonderful speed and really not that heavily funded. But they are getting it done. And I do believe that we will meet that date of 2025, if not before.

Senator SCOTT. Alright. One more thing. I want to thank each of you for what you are doing to try to keep people safe. So thank you. Thank you very much. Again, I want to thank Senator Udall and Senator Capito for all their commitment to stop drunk driving.

Senator FISCHER. Thank you, Senator Scott. Next, we have Senator Peters.

**STATEMENT OF HON. GARY PETERS,
U.S. SENATOR FROM MICHIGAN**

Senator PETERS. Thank you, Chairman Fischer and Ranking Member Duckworth, for convening this meeting and to our witnesses here today, thank you for your testimony. Mr. Saunders, in your testimony, you make several recommendations to Congress to expand the permissible uses by states for 402 highway safety grants. And I would like to follow up on one in particular, if I may.

And that is the need for increased public education and understanding and safety using some of the new safety technologies that are being put onboard in automobiles. You know, I think many folks assume that some of these safety technologies can do more than they can and may not be as focused as they should in driving, for example. So if you could talk to me a little bit about some of the challenges that you have observed in your work as drivers interact with what are becoming increasingly automated systems within their automobiles.

Mr. SAUNDERS. Thank you, Senator. Senator Peters, I can say from that standpoint that there is a real need for education of the public on these devices and safety devices that we are seeing in the vehicles. One of the things we see is that there is a confusion sometimes by the lack of standardization of how to identify products and what to calling them.

One manufacturer may call it one thing and then another manufacturer will have another title for that. So this issue of being able to educate the public on the technology and ensuring that they understand the technology when they buy the vehicle—I have one of those vehicles and I can tell you that there are times that it beeps and I have no idea why it is beeping. So there is a need for us to educate the public on that technology at point of sale, I believe.

And by doing that, getting that consistency across, I believe that it saves lives. Blind spot detection, the braking systems, the new headlights that give you a much better view. All of these things, the technologies that I think do save lives and will continue to save lives. But there is a need, I believe, for better education of the public regarding these devices and how they work.

Senator PETERS. Right. Well, I appreciate that. You are right. Absolutely. These are transformative technologies that will save thousands of lives. But folks have to know how to interact with that technology in an appropriate way and we have to work on that.

Ms. Terry, your testimony notes that the potential safety benefits of autonomous vehicles could be incredible, which we were just talking about now. And you seem to concur with that. But as we sit here today, automakers, technology firms and others are developing these partially and fully automated systems, but not necessarily a full regulatory framework or legislative framework.

So my question to you is, what recommendations do you have for Congress in considering legislation to guide the safe development of automated technologies?

Ms. TERRY. Thank you for that question, Senator Peters. There are some good provisions that were talked about in last Congress, like the reporting requirements, the safety evaluation reports, for example. Reporting to NHTSA on information on testing that is being conducted and the types of vehicles involved in testing. The consumer education point that you brought up is very important for adoption and appropriate use of the technologies as well.

Incorporating these provisions into some type of legislation is important. Also, greater transparency with the jurisdictions in which the vehicles are operating, the states and cities and with the law enforcement, so that they know that these types of vehicles and tests are occurring in their areas. These are some very good provisions from bills that were debated in both the Senate and the House last year. And I am happy to talk with you more about some of those.

Senator PETERS. Well, I am the author of one of those bills so I look forward to continuing to work with you on some of those ideas. So that relates to my last question here is, what risk do you see in continuing to regulate autonomous vehicle development through ad hoc and NHTSA waiver issuance? I believe there is some risk there. What would be your assessment of that?

Ms. TERRY. I think the waiver process that NHTSA has allows for greater public awareness and participation in that, and that is a good thing. And I think the technology—a lot of this technology is operating on the roads today and having, increasing awareness of it, increasing public education about it, making sure that you know how a vehicle may operate that is operating around you is very important.

Having that awareness and reporting standards that some of those waivers require is key to helping bring the rest of the public along and helping hopefully prevent crashes that could occur around some of these vehicles.

Senator PETERS. Would you agree that we need a more comprehensive framework to deal with this?

Ms. TERRY. I think it probably would be a lot easier to look at it more holistically.

Senator PETERS. Right. Thank you so much.

Senator FISCHER. Thank you, Senator Peters. We are waiting for Senator Blumenthal to come back. So I am going to ask a question until he gets here. I would like to ask Captain Peterson, in your testimony, you mentioned different types of infrastructure that may result in fewer injury accidents. For example, the roundabouts that are in Lincoln, the Lincoln South Beltway that could also improve traffic safety. And why do you think that these improvements in road infrastructure could contribute to improved traffic safety?

Mr. PETERSON. Thank you, Senator. The roundabouts in particular we have experienced directly in Lincoln. There has been a number of them each year over the past five to seven years. And what we have found is that they reduce the likelihood of right angle type accidents. While it may not completely reduce or eliminate the accidents, it reduces the severity. Still going to be some property damage accidents.

And in some of our more highly traveled intersections, the speed has been reduced and the likelihood of a fatality is less. So as we examine as a community the types of intersections that would be helpful as we either establish a new street or intersection or repair an older one, if the possibility exists, it is given some serious consideration. And then, of course, the South Beltway study has been taking place for quite some time.

And as it relates to the Lincoln Police Department, the amount of truck traffic through the city on Nebraska Highway 2 is, of course, something that causes wear and requires maintenance on the city streets related to Highway 2. And then, of course, with all of the intersections and traffic control devices, there are related traffic accidents with that.

And we believe that based on the studies, the likelihood of decreasing those numbers of accidents and the severity of the accidents could be decreased if the traffic was allowed to bypass the city center.

Senator FISCHER. Thank you. And Ms. Terry, you also talked about how infrastructure could improve safety. Do you have any points on that that you would like to add?

Ms. TERRY. Yes, ma'am. Thank you. In my full statement, there are some great pictures that really show the change of how clearly

marking lanes, adding roundabouts, for example, marking where pedestrians should be and cyclists should be, can really help de-conflict problems where they could occur otherwise.

Safe systems approach where you are looking at the entire system, taking into account that we make mistakes as people, and that just because we make a mistake in a vehicle or on a bicycle or as a pedestrian shouldn't mean that the price for those is death or serious injury. We must address how we change our built infrastructure to allow that everybody who is using it can be mobile safely.

Senator FISCHER. Thank you. Senator Duckworth, do you have any further questions with the panelists?

[No response.]

Senator FISCHER. I will ask one more while we continue to wait for Senator Blumenthal. Ms. Terry, you spoke about de-conflicting, and when we look at pedestrian fatalities here in the United States, there are too many and they continue to increase. What are some of the factors that contribute to these higher rates, we are seeing in pedestrian fatalities? Are they, as you just said, related to poor markings or are they related, of course, to distracted driving? Maybe something else that would play into that that we're not aware of. What would some of that be?

Ms. TERRY. Yes, ma'am, it is a variety of different issues, and we can provide a more robust description of some data points to you. But a lot of them occur at night. So conspicuity and just being seen and having appropriate lighting where pedestrians are going to be is definitely a safety concern. Impairment for both drivers and pedestrians is a concern as well. And having clear areas where cars and pedestrians can each operate safely is of course a key factor.

Senator FISCHER. And I have noticed here in Washington the increase in pedestrian traffic, the increase in bikes. A lot of times I notice bikes, they slow down a little bit at a red light, and if nobody is coming, they go on through. How are we going to make sure that we can all follow the rules of the road and make sure that we have a safer atmosphere for all the users on our roads?

Ms. TERRY. There is definitely responsibility for cyclists, pedestrians, and vehicle drivers, everybody to make sure that they know what the rules of the road are and that they are following them and stopping at red lights, for example, staying in the crosswalk. Following those rules are important and key. If you are driving a car and you see the crosswalk, you know, it is a signal that there may be pedestrians present or it could be cyclists who are present.

And you become more aware as a driver. Making sure that people are using crosswalks and that they are there to use and incorporated into city planning is really going to be key to reducing some of these numbers of the fatalities.

Senator FISCHER. Thank you very much. Senator Blumenthal.

**STATEMENT OF HON. RICHARD BLUMENTHAL,
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thanks, Madam Chair, and thank you for having this hearing. Thanks to you and the Ranking Member. And thanks to our witnesses, advocates of safety and health, particularly for our children. As Chairman Wicker noted, over the past

two years, 2018, 2019, about 100, more than 100 children passed away in hot cars. A totally preventable form of death. Tragic. As we all know, many of us from personal experience, a number of those deaths have occurred in Connecticut.

And I want to read a couple of lines from a letter that I received on Monday, June 29, from 81 parents of children who have passed away from vehicular heatstroke. It reads in part, “unfortunately, educational efforts over the last 20 years have not been effective. While public awareness of the issue is at an all-time high, so is the number of children dying. The last two years, 2018, 2019 were the worst years in history for children dying in hot cars with over 100 little lives lost.

These children do not have to die. Families who do not have to live with the unbearable pain that we feel every day.” I have helped to lead an effort to the Hot Cars Act. I think it is past overdue and I would like to know from the panelists, do you support the Hot Cars Act? Mr. Saunders?

Mr. SAUNDERS. The Governors Highway Safety Association does support the Act. This is just a tragic, tragic thing. When we hear the stories, they touch you at a different level because the victims are children. And we all know that even one fatality is too many fatalities when we are talking about highway safety, but when it is a child and it is so unnecessary—it touches us at a much deeper level. So we support that.

Senator BLUMENTHAL. Thank you. Ms. Terry?

Ms. TERRY. We support the Hot Cars Act.

Senator BLUMENTHAL. Thank you. Mr. Peterson? I hope that was a yes. I couldn’t hear it.

Senator FISCHER. You are on mute, sir. Captain Peterson, if you would unmute please.

Mr. PETERSON. Yes, sir, we support the Act.

Senator BLUMENTHAL. Thank you. A number of my colleagues have raised the issue of racial profiling and driving while black. I want to call attention to a study that was done in Connecticut on racial profiling. Over the past few weeks, I have walked in more than 15 demonstrations around Connecticut that have called attention to issues of discrimination and inequity and racism.

I’m proud of the fact that a groundbreaking project in Connecticut, Connecticut’s Racial Profiling Prohibition Project, has been made to establish a system for police agencies to report their data electronically through criminal justice information systems. It has led to an increase in electronically recorded stops from 76 percent in 2013 to 95 percent last year. It has been led by students and faculty at the Institute for Municipal and Regional Policy at Central Connecticut State University. And this increase in reports is profoundly important to know and identify disparities, determine the causes, and take steps to eliminate these disparities.

Connecticut is only one of six states that receives funding from NHTSA, its section 1906 grant program. Why are so few states receiving these funds and what can we do to increase grant participation? Ms. Terry, maybe you can begin.

Ms. TERRY. The National Safety Council actually shared the Connecticut program with other states as a model because we have seen that it has been successful in tracking this data. I will defer

to my colleague here from GHSA about the state participation, but I think Connecticut is doing a great job.

Senator BLUMENTHAL. Thank you. Mr. Saunders, do you have a comment on that?

Mr. SAUNDERS. Senator, I would only comment that the key issue with data collection is getting states to understand that we have to have criteria. It has to be standardized data that we are requesting from each of the states. And there must be some level that we can get that standardizations—we have all kinds of data.

However, we don't have access to data in many situations and also once we get the data, being able to conduct the analytics behind the data is another issue. So, I think we can do that.

Senator BLUMENTHAL. Thank you. And I agree that the Connecticut Project is a model that other states could follow and not only track data, but also help to address this pernicious problem. Finally, let me just call attention to the need for legislation, the Used Car Safety Recall Repair Act, to ensure that consumers are not sold cars that are under recall.

Incredibly still many cars are sold even though they are under recall. In one report, new vehicle sales for the weekend ended May 28 were down 28 percent while used car sales were up 6 percent. So used cars are being sold in larger numbers. But there is nothing to prevent them from being sold, even if they have serious safety defects.

I hope that Congress will finally address this issue through the measure that I have proposed, which would apply the requirement for notification and information that presently exists for new cars also to used cars. Thank you.

Senator FISCHER. Thank you, Senator Blumenthal. I want to thank the witnesses for being here today and appreciate the time that you have given us and the information you have given us. The hearing record will remain open for two weeks, and during this time, Senators are asked to submit any questions for the record. Upon receipt, the witnesses are requested to submit their written answers to the Committee as soon as possible.

Again, thank you all. Thank you, Senators. And with that, we are adjourned.

[Whereupon, at 3:52 p.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. RICK SCOTT TO JOHN SAUNDERS

Question. How important is it to have a deadline for the DADSS program?

Answer. No highway-safety program will succeed without public trust. The history of highway safety features a number of countermeasures that failed to win or maintain public trust, including seat belt interlocks, and to a certain extent motorcycle helmets and automated enforcement, though we continue to work to convince the public to use and accept the latter two.

It is imperative to ensure that passive alcohol detection works before offering it in vehicles. If not, public outcry may cause the auto industry and policymakers to discard this technology. GHSA urges Congress to continue to fund the DADSS research program and warns against imposing an arbitrary deadline that would jeopardize the lifesaving promise of this technology. GHSA also urges U.S. Congress to focus more on what it can do today. Between now and any deadline years in the future, about ten thousand Americans every year may continue to be killed in impaired driving crashes. To most effectively combat impaired driving, Congress should increase investment in today's proven countermeasures and remove administrative constraints that limit the implementation of highway safety programs.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO JOHN SAUNDERS

Question 1. Physical Infrastructure. What is the most significant change we can make to our physical infrastructure to improve pedestrian safety? And for cyclist safety?

Answer. GHSA is pleased to offer perspectives on these issues with the caveat that GHSA's members implement behavioral highway safety programs and therein lies our greatest expertise. However, infrastructure safety initiatives offer valuable solutions to better protect our most vulnerable road users.

In the past four years, GHSA has released numerous reports on the safety of pedestrians, bicyclists and micromobility users that outline state activities and best practices:

- *A Right to the Road: Understanding & Addressing Bicyclist Safety*, published August 24, 2017
- *Pedestrian Traffic Fatalities by State: 2017 Preliminary Data*, published February 28, 2018
- *Speeding Away from Zero: Rethinking a Forgotten Traffic Safety Challenge*, published January 15, 2019
- *Pedestrian Traffic Fatalities by State: 2018 Preliminary Data*, published February 28, 2019
- *Pedestrian Traffic Fatalities by State: 2019 Preliminary Data*, published February 27, 2020
- *Understanding and Tackling Micromobility: Transportation's New Disruptor*, published August 27, 2020

Evidence suggests that providing infrastructure that separates non-motorists from motorists is the most effective countermeasure. This includes, but is not limited to, marked bike lanes, bicycle boulevards, bike boxes, pedestrian beacons, pedestrian islands, innovative crosswalk technologies, and the implementation of Complete Streets and Vision Zero policies in communities where they will have the most impact. Planners should target countermeasures at high-risk locations and use road safety audits and other tools to help with this process.

Excessive speed is often an aggravating factor in either causing a crash or making it worse for those unprotected within a motor vehicle. Infrastructure improvements

can be bolstered by countermeasures to lower speed limits, both through statutory changes and road design.

Planners should consider that bicycle crashes tend to take place at intersections but crashes involving pedestrians happen more frequently in non-intersection locations. However, crashes for all non-motorized road users are more likely to occur in the dark. Countermeasures to improve lighting and conspicuity will do much to ensure all road users see each other and take appropriate action to avoid a collision.

It is important to note that protecting non-motorized road users requires a comprehensive approach that includes infrastructure, education, enforcement, emergency medical services (EMS), and data/research. Though the State Highway Safety Offices and their partners typically are not involved in building infrastructure, they can help bolster the positive impact of safety infrastructure by educating law enforcement, other government officials and the public about how and why it works. State Departments of Transportation and local road agencies also lack resources or the rationale to implement infrastructure changes quickly or universally. Infrastructure improvements to protect pedestrians and bicyclists in particular are often underfunded. Behavioral countermeasures play an important role filling these gaps.

Question 2. Data. What improvements to the collection of data on pedestrian and cyclist death and injury would you recommend?

Answer. We know that data about crashes involving non-motorized road users is incomplete. National fatality data is drawn from NHTSA databases that aggregate state-reported data on fatal crashes or estimate non-fatal crash information from samples of police crash reports. States are leveraging the Model Minimum Uniform Crash Criteria (MMUCC) to create more uniformity in police crash reporting and NHTSA has launched its next regular MMUCC update. On the state-level, MMUCC compliance can be complex, expensive and time-consuming, especially as State Highway Safety Offices expand partnerships with more data custodians and much of the work of traffic records becomes electronic.

Because national data conforms to uniform definitions and templates, states often have more detailed data about crashes within their jurisdictions. States also have data earlier than NHTSA, as it takes approximately two years to finalize national data for any given calendar year. This is how and why GHSA has drawn upon state data to publish a series of Pedestrian Safety Spotlights (see above) that have close to accurate projections of total pedestrian fatalities six to eight months before NHTSA.

While fatal crash counts, if not the full detail, are confidently captured, not all non-fatal crashes are reported to the police. Thus, states often rely on linkages between different data sets, such as EMS and hospital data. These data are health-focused and thus do not capture the same crash characteristics as police crash reports. Hospital data may include incidents that do not occur on roads or involve motor vehicles and can sometimes be shielded by health privacy laws. Micromobility vehicles (*e.g.*, electric scooters, electric bikes) pose a particular data challenge as they face the unique barrier that they are often legally classified differently in one jurisdiction to another and unless they collide with a motor vehicle, data is unlikely to be captured on a crash report. Currently, hospital emergency rooms are the best source of micromobility-related injury and fatality data.

GHSA recommends the U.S. Senate adopt key provisions proposed in the Moving Forward Act to strengthen state traffic records programs funded by NHTSA under Title 23 Section 405 (c). For many years, states have experienced constraints on how they may use these funds, but the Moving Forward Act would ease state grant eligibility requirements and aggressively expand allowable use. This includes the use of funds to achieve greater linkage of data across different state data systems, which is a key factor to better understanding non-motorized and non-fatal crashes.

GHSA also recommends the U.S. Senate adopt reforms to the NHTSA grant program under Section 405(h) for nonmotorized safety. This grant is another for which states have experienced constraints on allowed uses of funds. The Moving Forward Act would aggressively expand allowable use to include data analysis and research concerning pedestrian and bicycle safety.

Question 3. Targeted Investments. Currently, when states experience an increase in the number of fatalities and injuries per capita on rural roads or among older drivers, the state is required to invest resources to improve safety standards (23 USC 148 (g)). Would you support a similar requirement for pedestrians and cyclists?

Answer. This requirement pertains to the Highway Safety Improvement Program (HSIP) to fund infrastructure improvements. While some of GHSA's members administer state HSIP initiatives by virtue of shared positions, we would not consider our members to be the primary constituency for this program and so cannot comment on the impact of the existing requirements.

However, GHSA would respectfully urge Congress to leave resource allocation to the states, who are best equipped to match resources to local highway safety needs. The national earmarking of highway safety funding has proven to be a substantial barrier to the proper allocation of resources. A large proportion of NHTSA funding is tied up in the competitive Section 405 National Priority Safety grant programs that have an incomplete relation to actual state highway safety problems and priorities. For example, there is no NHTSA National Priority grant program for speed management, despite the fact that speeding is among the three leading contributing factors in all fatal crashes and a significant factor in crashes involving non-motorized road users. In lieu of eliminating the NHTSA Section 405 grant programs entirely, GHSA has urged Congress to make extensive reforms to increase grant eligibility and expand allowable uses.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. TODD YOUNG TO
JANE TERRY

Question. Ms. Terry, illegal passing of stopped school buses is the most pressing issue facing school bus transportation, and my Stop for School Buses Act takes a reasonable, balanced, and data-driven approach to solving this issue. Can you discuss the importance of limiting and ultimately eliminating illegal passing of stopped school buses?

Follow-up. What are your thoughts on the Stop for School Buses Act, and would you endorse this bipartisan bill?

Answer. Unfortunately, the school bus loading zone can be dangerous. All 50 states have laws prohibiting drivers from passing a stopped school bus, yet each day in the United States, it happens tens of thousands of times with virtually no consequences. A 2019 study from the National Association of State Directors of Pupil Transportation Services (NASDPTS) found that 95,319 vehicles passed their buses illegally on a single day earlier that year.¹ The National Highway Traffic Safety Administration (NHTSA) recommends a two-pronged approach to combating this problem, focusing on both education/awareness and enforcement.²

To eliminate the passing of stopped school buses the drivers must be educated on local laws as well as proper stopping procedures, passengers must be educated on how to enter and exit the bus safely, and other motorists must be educated on the law as well as the danger and consequences of not obeying the law. The National Safety Council (NSC) agrees education is an important and useful tool, and it is most effective when combined with laws and proper enforcement.

Increasing enforcement of illegal passing is also critical to eliminating the passing of stopped school buses. The National Safety Council (NSC) views technology as a tool to increase enforcement the laws, change this illegal behavior and improve safety. Incorporating technology on buses to record these violations and allow for the prosecution of violators would deter others from taking the same potentially deadly actions.

NSC supports S. 1254, the Stop for School Buses Act, and urges Congress and U.S. Department of Transportation to require the incorporation of these technologies in to school buses.

NSC also supports the collection of more and better data on the effectiveness of various countermeasures. On July 17, 2020, NHTSA published a notice in the Federal Register outlining its plan to undertake two studies on driver awareness and knowledge of laws and regulations governing passing of school buses (docket No. NHTSA-2020-0018). NSC believes more research in this field is needed and encourages Congress to study the results of these studies to guide future legislative efforts.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO
JANE TERRY

Distracted Driving. One recent study found that an average of nine people die and more than 1,000 are injured every day in crashes involving distracted driving. I introduced legislation that was included in the previous FAST Act reauthorization to help more states qualify for grants to prevent distracted driving. This year, only 4 out of 17 state applicants qualified for these grants.

¹ <https://www.schoolbusfleet.com/10040488/national-stop-arm-survey-counts-over-95k-illegal-passes-of-school-buses>

² <https://www.nhtsa.gov/school-bus-safety/reducing-illegal-passing-school-buses>

Question 1. As smartphone habits continue to cause distracted driving nationwide, is NHTSA doing enough to help states qualify for this funding?

Answer. NSC was pleased to work with you to craft the FAST Act proposal, which allowed more states to qualify for the distracted driving grants. As you know, this is a persistent roadway safety problem that is undercounted.

In FY20, only six States and Territories—Arkansas, Connecticut, Maine, New Jersey, Oregon, Rhode Island—that applied were awarded 405(e) grants, while 10 states and territories that applied—California, Hawaii, Illinois, Indiana, Louisiana, New Hampshire, Ohio, Puerto Rico, Utah, and Washington—were not awarded. Remaining states did not apply. When the FAST Act first passed, many more states applied but were denied funding.

Reasons for the denials are not always clear. NSC believes more information can and should be provided by NHTSA to states regarding its decision-making. In many cases, applying states have leaders who want to prevent distracted driving and will introduce legislation to this end. However, if legislators are not provided with more specific information on what is needed to qualify, opportunities for stronger legislation may pass by. Greater transparency on NHTSA decisions and availability of NHTSA technical assistance should be a goal. NSC supports authorizing additional resources to support this assistance.

Uber and Lyft Recalls. Reports have found that one in six vehicles used to transport Uber and Lyft passengers has at least one open recall, and neither app alerts passengers in these situations. In September, I led a letter to NHTSA with Senators Cantwell, Markey and Blumenthal asking NHTSA to help ensure that drivers and passengers are informed of this problem and improve the notice and recall process.

Question 2. Is NHTSA doing enough to address the problem of open recalls of vehicles owned by drivers for ridesharing companies?

Answer. Right now, more than 53 million vehicles on America's roadways have open safety recalls—that is more than one in five vehicles on the road. In many cases, the vehicle owner does not know about the recall. In light of these record-high numbers, NSC launched the Check To Protect initiative in 2017 (www.checktoprotect.org). This public awareness campaign encourages vehicle owners to check their vehicles in order to protect the loved ones who ride in them. Anyone can learn their recall status by entering their VIN at CheckToProtect.org, which has drawn more than 800,000 users in the past 12 months.

Reviewing recall status should be part of a vehicle check for for-hire vehicles, and we look forward to working with you on this initiative.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. EDWARD MARKEY TO
JANE TERRY

Pedestrian, Bicyclists, and Vulnerable Road Users. According to the National Highway Traffic Safety Administration (NHTSA), there were 6,283 pedestrian fatalities and 857 bicyclist fatalities in 2018, the most recent year for which final data is available. The Insurance Institute for Highway Safety (IIHS) notes that pedestrian deaths have increased 53 percent since reaching their low point in 2009 and account for 17 percent of crash fatalities. In Massachusetts, pedestrian fatalities accounted for 22 percent of all traffic fatalities in the state in 2018 (78 pedestrians).

Taking action to protect vulnerable road users is urgently needed in Massachusetts, as well as across our Nation. Research performed by IIHS has shown that advanced vehicle safety technologies, also known as advanced driver-assistance systems (ADAS), prevent and lessen the severity of crashes and reduce deaths and injuries on our roads. In fact, the National Transportation Safety Board (NTSB) has included increasing implementation of collision avoidance technologies in its Most Wanted Lists of Transportation Safety Improvements since 2016.

Question 1. How will requiring this technology now—especially automatic emergency braking that detects bicyclists, pedestrians, and other vulnerable road users—improve traffic safety? What dangerous driving behavioral issues might this technology help overcome on our roads?

Answer. The national goal should be zero fatalities, no matter what the mode of transportation. This is why, the National Safety Council (NSC) led a letter to the Biden administration to set a goal of zero fatalities.¹

¹ <https://www.nsc.org/road/resources/road-to-zero/call-on-president-biden-to-end-traffic-fatalities>

NSC is alarmed by rising fatalities of vulnerable road users, which has been especially acute over the last few years. According to the Governors Highway Safety Association, 6,590 pedestrians were killed in 2019 on the roadways, an increase of over 50 percent over the past ten years.² In 2018, 854 cyclists died in crashes, which is a 38 percent increase since 2010.³ More must be done to protect these roadway users.

Improved vehicle technology is one way we know these fatalities can be reduced, and NSC fully supports the National Transportation Safety Board (NTSB) long-standing recommendations that advanced technology on commercial and personal vehicles can prevent or mitigate crashes. Advanced Driver Assistance Systems (ADAS) features on these vehicles, such as pedestrian detection, adaptive headlights, automatic emergency braking (AEB) and others, will save lives, and Congress should pass legislation to require these technologies. As NHTSA has stated, ADAS technology, if available fleet wide and fully adopted, could save 11,800 lives each year.⁴

AEB, in particular, can help combat driver distraction or delayed braking for other reasons. The promise of this technology led to NSC support for the NHTSA-led voluntary agreement with most personal vehicle manufacturers to install AEB technology on all new vehicles by model year 2022. NSC believes this is a step in the right direction and supports the advancement of a requirement for this technology as well.

Drunk Driving. Drunk driving is a persistent killer on our roads. Each year, approximately 30 percent of all traffic fatalities nationwide involve a drunk driver. In 2018, 33 percent of traffic deaths in Massachusetts (120) involved a drunk driver. Advanced drunk driving technology that could prevent a driver from operating a vehicle if they are impaired is rapidly being developed, and has the potential to save many lives.

Question 2. Please elaborate on why the National Safety Council (NSC) supports this vital technology.

Answer. NSC knows vehicle technology is improving safety, and we are very hopeful in-vehicle passive alcohol detection technology can prevent alcohol-impaired crashes before they happen. We lost 10,511 lives to alcohol-impaired driving in 2018,⁵ a leading killer on our roadways, and all these crashes are preventable. In the 116th Congress, NSC supported several legislative efforts to require such technology in motor vehicles—the RIDE Act (S.2604), the HALT Drunk Driving Act (H.R. 4354), and provisions in the Moving America Forward Act (H.R. 2)—because data show vehicle safety requirements save lives.

NSC is aware several technology developers have created solutions to solve this persistent problem, and we are hopeful there will be a variety of viable, in-vehicle passive alcohol detection technology options and driver monitoring systems for the marketplace. A 2020 study from the Insurance Institute for Highway Safety⁶ showed wide deployment of in-vehicle alcohol-detection systems could prevent more than a quarter of U.S. road fatalities and save more than 9,000 lives a year.

Making meaningful impact to reduce alcohol-impaired driving will take a host of changes. Other policies, such as requiring first-time alcohol-impaired drivers to install ignition interlock devices and lowering the blood alcohol concentration (BAC) to .05 can help save lives too.

Question 3. I understand that NSC also supports other promising drunk driving countermeasures, including lowering the limit of blood alcohol content (BAC) for drivers to .05 percent. Why should lower BAC limits be widely implemented?

Answer. Impairment is a leading cause of roadway deaths—every day, almost 30 people die in alcohol-impaired crashes in the United States.⁷ Despite these data, our culture does not prioritize safety, with more than 1 in 10 drivers admitting to driving in the prior year when they thought they were close to or over the legal blood

² <https://www.ghsa.org/resources/news-releases/pedestrians20#:~:text=More%20than%206%2C500%20Pedestrians%20Killed,in%20more%20than%2030%20years>

³ <https://www.ihs.org/topics/fatality-statistics/detail/bicyclists>

⁴ https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/final_safe_fria_web_version_200330.pdf

⁵ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812864#:~:text=In%202018%20there%20were%2010%2C511%20people%20killed%20in%20alcohol%2Dimpaired,the%20United%20States%20in%202018.>

⁶ <https://www.iihs.org/news/detail/alcohol-detection-systems-could-prevent-more-than-a-fourth-of-u-s-road-fatalities#:~:text=Technology%20could%20offer%20the%20next%20big%20break%20through.&text=Alcohol%2Ddetection%20systems%20that%20stop,Institute%20for%20Highway%20Safety%20shows.>

⁷ <https://www.nhtsa.gov/risky-driving/drunk-driving>

alcohol concentration (BAC) limit.⁸ NHTSA estimates 10,511 lives were lost in 2018 from drunk driving motor vehicle crashes.⁹

The science on alcohol impairment is clear: drivers are four times more likely to crash at .05 than if they had nothing to drink.¹⁰ Most other industrialized countries have implemented a BAC of .05 or lower, changes which have resulted in decreased numbers of fatalities from alcohol-impaired crashes.

Lowering the BAC limit from .08 to .05 is proven to save lives on the roadways, and could save as many as 1,500 lives if implemented nationally.¹¹ Utah is the first state in the U.S. to pass a law lowering the BAC to .05, and Congress should pass legislation encouraging other states to do so. The National Transportation Safety Board approved this recommendation in 2013, and NSC joins other safety groups in supporting this life-saving proposal.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO
JANE TERRY

Pedestrian, Bicyclists and Vulnerable Road Users. Research performed by the Insurance Institute for Highway Safety (IIHS) has shown that advanced vehicle safety technologies, also known as advanced driver-assistance systems (ADAS), prevent and lessen the severity of crashes and reduce deaths and injuries on our roads. In fact, the National Transportation Safety Board (NTSB) has included increasing implementation of collision avoidance technologies in its Most Wanted Lists of Transportation Safety Improvements since 2016.

Question 1. How will requiring this technology, especially AEB that detects bicyclists, pedestrians, and other vulnerable roads users, improve traffic safety?

Answer. The national goal should be zero fatalities, no matter what the mode of transportation. This is why the National Safety Council (NSC) led a letter to the Biden administration to set a goal of zero fatalities (<https://www.nsc.org/road/resources/road-to-zero/call-on-president-biden-to-end-traffic-fatalities>).¹²

The National Safety Council (NSC) is alarmed by rising fatalities of vulnerable road users, which has been especially acute over the last few years. According to the Governors Highway Safety Association, 6,590 pedestrians were killed in 2019 on the roadways, an increase of over 50 percent over the past ten years.¹³ In 2018, 854 cyclists died in crashes, which is a 38 percent increase since 2010.¹⁴ More must be done to protect these roadway users.

Improved vehicle technology is one way we know these fatalities can be reduced, and NSC fully supports the National Transportation Safety Board (NTSB) long-standing recommendations that advanced technology on commercial and personal vehicles can prevent or mitigate crashes. Advanced Driver Assistance Systems (ADAS) features on these vehicles, such as pedestrian detection, adaptive headlights, automatic emergency braking (AEB) and others, will save lives, and Congress should pass legislation to require these technologies. As NHTSA has stated, ADAS technology, if available fleet wide and fully adopted, could save 11,800 lives each year.¹⁵

AEB, in particular, can help combat driver distraction or delayed braking for other reasons. The promise of this technology led to NSC support for the NHTSA-led voluntary agreement with most personal vehicle manufacturers to install AEB technology on all new vehicles by model year 2022. NSC believes this is a step in the right direction and supports the advancement of a requirement for this technology as well.

NCAP. The New Car Assessment Program, also known as NCAP or Stars on Cars, was created in the U.S. over 40 years ago with the goal of reducing road

⁸ <http://tirf.us/wp-content/uploads/2018/12/RSM-TIRF-USA-2018-Alcohol-Impaired-Driving-in-the-United-States-3.pdf>

⁹ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812826>

¹⁰ Blomberg RD, Peck RC, Moskowitz H, Burns M, Fiorentino D: The Long Beach/Fort Lauderdale relative risk study; J Safety Res 40:285; 2009.

¹¹ Fell, J. C., and M. Scherer. 2017. Estimation of the potential effectiveness of lowering the blood alcohol concentration (BAC) limit for driving from 0.08 to 0.05 grams per deciliter in the United States. *Alcoholism, Clinical and Experimental Research*. doi: 10.1111/acer.13501.

¹² <https://www.nsc.org/road/resources/road-to-zero/call-on-president-biden-to-end-traffic-fatalities>

¹³ <https://www.ghsa.org/resources/news-releases/pedestrians20#:~:text=More%20than%206%2C500%20Pedestrians%20Killed,in%20more%20than%2030%20years>

¹⁴ <https://www.iihs.org/topics/fatality-statistics/detail/bicyclists>

¹⁵ https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/final_safe_fria_web_version_200330.pdf

deaths and injuries by incentivizing auto manufacturers to build safer vehicles and encouraging consumers to buy them. However, some argue that NCAP is not equipped to address the acceleration of the adoption of new safety technologies.

Question 2. What needs to be done ensure that the U.S. NCAP is once again a leader to incentivize safer vehicles and why it is important to do so?

Answer. NSC believes that NCAP must be updated to reflect advances in safety technology. NSC supports changes to NCAP, at a minimum, for crash avoidance, crashworthiness and pedestrian detection:

- *Crash avoidance.* NSC believes the NCAP must evolve to reflect improvements in recent years to crash avoidance and post-crash technologies. Safety technologies to provide advanced warnings or intervene can potentially prevent a crash due to human factors.
- *Crashworthiness.* While car technology is making cars safer, NCAP should modernize to reflect post-crash engineering advancements in reducing fatalities and the severity of injuries.
- *Pedestrian protection.* In 2019, 6,590 pedestrians¹⁶ were killed, and pedestrian fatalities are increasing while motor vehicle crash fatalities are decreasing.¹⁷ Advances in technology and vehicle design changes can save lives of these vulnerable road users.

NSC also supports NCAP expanding its role in evaluating ADAS safety as has been done in other countries. NCAP is a widely understood and accepted framework to evaluate safety of vehicles by consumers. NCAP is a primary way that manufacturers talk about safety benefits of their vehicles and updating it as these new technologies come on board is critical to maintaining its relevance.



¹⁶<https://www.ghsa.org/resources/news-releases/pedestrians20#:~:text=More%20than%206%2C500%20Pedestrians%20Killed,in%20more%20than%2030%20years>

¹⁷<https://injuryfacts.nsc.org/motor-vehicle/road-users/pedestrians/>