



ADVOCATES  
FOR HIGHWAY  
& AUTO SAFETY

**STATEMENT OF CATHERINE CHASE  
PRESIDENT  
ADVOCATES FOR HIGHWAY AND AUTO SAFETY**

**ON**

**“EVERY LIFE COUNTS: IMPROVING THE SAFETY OF OUR  
NATION’S ROADWAYS”**

**SUBMITTED TO THE**

**UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT**

**APRIL 9, 2019**

## **Introduction**

Advocates for Highway and Auto Safety (Advocates) is a coalition of public health, safety, and consumer organizations, insurers and insurance agents that promotes highway and auto safety through the adoption of federal and state laws, policies and regulations. Advocates is unique both in its board composition and its mission of advancing safer vehicles, safer motorists and road users, and safer roads. We respectfully request that this statement be included in the hearing record.

## **Deaths and Injuries on Our Nation's Roads Remain Unacceptably High**

In 2017, more than 37,000 people were killed and 2.7 million were injured in motor vehicle crashes.<sup>1</sup> Crashes impose a financial toll of over \$800 billion in total costs to society and \$242 billion in direct economic costs, equivalent to a “crash tax” of \$784 on every American. This incredibly high level of carnage and expense would not be tolerated in any other mode of transportation.

Moreover, fatal truck crashes continue to occur at an alarmingly high rate. In 2017, crashes involving large trucks killed 4,761 people. This is an increase of 9 percent from the previous year and an increase of 41 percent since 2009. The number of 2017 fatalities in crashes involving large trucks is also the highest since 2007. Additionally, 149,000 people were injured in crashes involving large trucks in 2017. In fatal two-vehicle crashes between a large truck and a passenger motor vehicle, 97 percent of the fatalities were occupants of the passenger vehicle. The cost to society from crashes involving commercial motor vehicles (CMVs) was estimated to be \$134 billion in 2016.

## **Available Commonsense and Cost-Effective Solutions**

While far too many lives are lost and people are injured on our Nation's roads each year, proven solutions are currently available that can help to prevent or mitigate these senseless tragedies. The National Highway Traffic Safety Administration (NHTSA) currently values each life lost in a crash at \$9.6 million. Each one of these senseless tragedies not only irreparably harms families and communities, but they also impose significant costs on society that can be avoided.

### *Proven, Advanced Vehicle Technologies Should be Standard in All Vehicles*

Every day on average, over 100 people are killed and 7,500 people are injured in motor vehicle crashes. Nearly a third of all crashes continue to be caused by an impaired driver and speed is a contributing factor in over 25 percent of crashes. Additionally, distracted driving resulted in over 3,000 deaths in 2017 alone. Advanced vehicle technologies can prevent and lessen the severity of crashes and should be required as standard equipment on all vehicles. These include automatic emergency braking (AEB), lane departure warning (LDW) and blind spot detection (BSD) for cars, trucks and buses. These systems can help stop crashes from occurring, as well as reduce the impact of crashes that do occur. The Insurance Institute for Highway Safety (IIHS) has found that AEB can decrease front-to-rear crashes with injuries by 56 percent, LDW can reduce single-vehicle, sideswipe and head-on injury crashes by over 20 percent, and BSD can

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<sup>1</sup> Statistics are from the U.S. Department of Transportation unless otherwise noted.

diminish injury crashes from lane change by nearly 25 percent. However, these safety systems are often sold as part of an additional, expensive trim package along with other non-safety features, or included only in high end models or vehicles. Moreover, there are currently no minimum performance standards to ensure they perform as expected.

**Recommendation: Advanced vehicle technologies that have proven to be effective at preventing and mitigating crashes, including AEB, LDW and BSD, should be standard equipment on all cars, trucks and buses.**

*Commonsense Regulation of Experimental Driverless Car Technology is Essential*

Autonomous vehicles (AVs), also known as driverless cars, are being developed and tested on public roads without sufficient safeguards to protect both those within the AVs and everyone sharing the roadways with them without consent. Numerous public opinion polls show a high skepticism and fear about the technology, and for good reason. At least six crashes resulting in four fatalities have occurred in the U.S. involving cars equipped with autonomous technology that are being investigated by the National Transportation Safety Board (NTSB).

While AVs have tremendous promise to meaningfully reduce traffic crashes, fatalities and injuries as well as increase mobility, once they are proven to be safe, they must be subject to minimum performance standards set by the U.S. Department of Transportation (U.S. DOT). These standards should include, but not be limited to, cybersecurity, vehicle electronics, driver engagement for AVs that require a human driver to take over at any point, and a “vision test” for driverless cars to ensure they can properly detect and respond to their surroundings. Additionally, minimum performance requirements and protections will be especially critical as autonomous systems are deployed in commercial motor vehicles (CMVs). Large trucks and buses should always have an appropriately-trained and licensed driver behind the wheel, and introduction of automated systems should never be used as a rationale for weakening operational rules such as hours of service, driver training and other important requirements.

The recent crashes involving the Boeing 737 MAX airplane tragically highlight the catastrophic results that can occur when automated technology potentially malfunctions and is not subject to thorough oversight. Reports have indicated that many aspects of the plane’s certification were delegated to Boeing. In addition, safety systems that could have assisted the pilots were not required as standard equipment. Lastly, both planes were being operated by experienced pilots that had extensive training. Yet, there are no such federal training requirements for individuals testing or operating automated vehicle technology or for the consumers who purchase these vehicles and are using them on public roads.

**Recommendation: AVs must be subject to minimum performance standards set by the U.S. DOT including for cybersecurity, vehicle electronics, driver engagement for AVs that require a human driver to take over at any point, and a “vision test” for driverless cars to ensure they can properly detect and respond to their surroundings.**

### *Crash Data Must be Collected and Available*

At a minimum, crash data should be collected, recorded, accessible, and shared with appropriate federal agencies and researchers so that safety-critical problems can be identified. Consumers must also be given essential information about the limitations and capabilities of AVs in the owner's manual and at the point of sale, as well as via a public website searchable by VIN that includes, at a minimum, vehicle information such as any exemptions from federal safety standards and the AV's operational design domain (ODD).

**Recommendation: Crash data generated by vehicles should be collected, recorded, accessible, and shared with appropriate federal agencies and researchers so that safety-critical problems can be identified. In addition, consumers must also be given essential information about the limitations and capabilities of AVs in the owner's manual and at the point of sale, as well as via a public website searchable by VIN.**

### *Vulnerable Road Users Must be Protected*

Deaths and injuries of pedestrians and bicyclists remain unacceptably high. In fact, in 2016, pedestrian and bicyclist fatalities hit their highest levels in nearly 30 years. Vehicles can be designed, specifically in the front end, to reduce the severity of impacts with pedestrians and/or bicyclists. Additionally, collision avoidance systems for pedestrians, like advanced AEB, have promise to further reduce deaths and injuries. Advocates continues to monitor research on the effectiveness of these systems and will support data-driven solutions to these fatalities. Moreover, the New Car Assessment Program (NCAP) must be updated to include pedestrian crashworthiness and pedestrian crash avoidance. Upgrades to infrastructure could also offer pedestrians and bicyclists better protection to reduce the occurrence and severity of crashes.

**Recommendation: NHTSA should be directed to issue a standard for improved vehicle designs to reduce the severity of impacts with road users. In addition, NCAP must be updated to include pedestrian crashworthiness and pedestrian crash avoidance.**

### *Improving Safety for Older Americans*

In 2017, over 6,500 people age 65 and older were killed in traffic crashes – representing 18 percent of all traffic fatalities. Advocates has developed federal legislative proposals addressing both human factors and vehicle design issues to advance the safety of older adults. These recommended improvements include development of a crash test dummy representing older occupants, endorsing revisions to NCAP to include a “Silver Car Rating”, and promoting a modification of the injury criteria used in crash tests to address the specific injury patterns suffered by older occupants. Additionally, Advocates supported the need to mandate that hybrid and electric vehicles be manufactured to make sounds when operating at speeds below 18 miles per hour in order to enable child and adult pedestrians and bicyclists, especially those with visual-impairments and older adults, to identify the presence and movement of these very quiet vehicles. This final rule was issued in December 2016 and compliance is required by September 2020.

**Recommendation:** NHTSA should be required to develop a crash test dummy representing older occupants, revise NCAP to include a “Silver Car Rating”, and modify injury criteria used in crash tests to address the specific injury patterns suffered by older occupants.

*The Epidemic of Distracted Driving Must be Addressed*

In 2017, crashes involving a distracted driver claimed 3,166 lives. Moreover, crashes in which at least one driver was identified as being distracted imposes an annual economic cost of \$40 billion dollars, based on 2010 data. Issues with underreporting crashes involving cell phones remain because of differences in police crash report coding, database limitations, and other challenges. It is clear from an increasing body of safety research, studies and data that the use of electronic devices for telecommunications (such as mobile phones and text messaging), telematics and entertainment can readily distract drivers from the driving task.

Numerous devices and applications, which pose a substantial danger for distracted driving, are being built into motor vehicles. Yet, NHTSA has issued non-binding guidelines which recommend, but do not require, that clearly unsafe electronic devices should not be installed in vehicles. This does not prohibit manufacturers from installing electronic communications devices that have highly distracting features and will not prevent manufacturers from disregarding the agency guidelines.

**Recommendation:** NHTSA should issue regulations to strictly limit the use of electronic communication and information features that can be operated while driving, and to prohibit the use of those features that cannot be conducted safely while driving.

*NHTSA Must be Sufficiently Funded and Given Additional Authorities*

Ensuring NHTSA has adequate resources, funds and staff is a crucial priority. However, the Administration has proposed reducing NHTSA’s vehicle safety program by \$49 million (26 percent) from the agency’s 2019 budget. The Fixing America’s Surface Transportation (FAST) Act (Pub. L. 114-94) authorized \$214,073,440 for NHTSA’s vehicle safety program for fiscal year 2020. The Administration’s request is \$63 million less than the Congressional authorization. In addition, under the Administration’s proposal the enforcement budget, which supports the agency’s efforts to identify safety recalls and ensure new vehicles meet federal safety standards, will be cut by \$13.5 million (40.9 percent) and the rulemaking budget will be cut by \$2.4 million (9.6 percent).

In recent years, millions of motor vehicles have been recalled for serious and sometimes fatal safety defects. NHTSA must have the ability to take immediate action when the agency determines that a defect involves a condition that substantially increases the likelihood of serious injury or death if not remedied immediately. This “imminent hazard” power is needed to protect the public, by allowing the agency to direct manufacturers to immediately notify consumers and remedy the defect as soon as possible. Further, NHTSA must also be given the authority to pursue criminal penalties in appropriate cases where corporate officers who acquire actual knowledge of a serious product danger that could lead to serious injury or death and knowingly and willfully fail to inform NHTSA and warn the public. Under current federal law, many agencies already have authority to pursue criminal penalties including the Consumer Product Safety Commission, the Food and Drug Administration, and the Securities and Exchange

Commission. The lack of criminal penalty authority has hampered the agency's ability to deter automakers from safety defect recidivism.

**Recommendation: Considering the unacceptably high number of fatalities and injuries on our Nation's roads, the prevalence of recalls, and the new responsibilities incumbent upon the U.S. DOT as AVs are developed and deployed, NHTSA must have additional resources and authorities to effectively oversee vehicle safety.**

#### *Commercial Motor Vehicle Safety Must be Improved*

Large truck crash fatalities continue to skyrocket. Each day on average, 13 people are killed and more than 400 more are injured in large truck crashes. This preventable fatality toll amounts to a major airplane crash every other week of the year. However, technology currently exists that can help to reverse these grim statistics. They include crash avoidance systems like AEB and speed limiting devices. This equipment should be made standard on all large trucks. Advocates has also recommended mandating comprehensive underride guards for large trucks in order to prevent serious injuries and deaths that occur in crashes in which a passenger vehicle goes underneath the rear, side or front of a truck – known as “underride.”

Additionally, the lack of uniform adequate training for candidates wishing to obtain their commercial driver's license (CDL) has been a known safety problem for decades. Yet, a rule requiring training for all new CDL applicants issued in 2016 failed to include a requirement that they receive a minimum number of hours of the behind-the-wheel (BTW) training. This type of real-world experience is needed to enhance the ability of CDL applicants to operate a CMV safely. In addition to these measures, federal truck safety laws including truck size and weight limits, truck driver hours of service rules, and the age requirement for transporting interstate commerce should not be weakened.

Further, the safety deficiencies of motorcoaches identified in countless recommendations and crash investigations by the NTSB had not been addressed for years, even decades, until deadlines for agency action were enacted in the Moving Ahead for Progress in the 21st Century (MAP-21) Act (Pub. L. 112-141). Even still, NHTSA has yet to complete several of these rulemakings despite a long overdue Congressional deadline of October 2014.

**Recommendation: Lifesaving technology including AEB, speed limiting devices and underride guards should be standard equipment on CMVs and trailers. Federal truck safety laws including truck size and weight limits, truck driver hours of service rules, and the age requirement for transporting interstate commerce should not be weakened, and truck driver training requirements should be enhanced. Overdue rulemakings enhancing the safety of motorcoaches must be completed without further delay.**

#### *Our Most Precious Passengers Need Enhanced Protections*

Every year, nearly 500,000 school buses transport more than 25 million children to and from school and school-related activities according to the NTSB. School bus crashes are similar in many respects to aviation crashes – crashes are infrequent but when they do occur, the results can be catastrophic. Leading safety experts have determined that all school buses should be equipped with safety belts to improve passenger safety. Since 2013, the NTSB has

recommended that new school buses be equipped with safety belts. Moreover, the American Academy of Pediatrics has a long standing position that new school buses should be equipped with safety belts. NHTSA also supports requiring safety belts on school buses, and has stated that its goal is to make sure there are no fatalities in school buses. Additional technologies can also make school buses safer. NTSB has recommended that school buses be equipped with both electronic stability control (ESC) and AEB. In addition, motion-activated detection systems that can detect pedestrians located near the outside of the school bus and alert the driver of their presence can improve safety for students boarding and departing a school bus.

**Recommendation: Congress should require that important safety advancements be made to ensure the safety of children both inside and outside of school buses.**

### **Conclusion**

America's roads are needlessly dangerous. Far too many lives are lost and serious injuries sustained in crashes each year. However, commonsense solutions are at hand that can help to improve the safety of all road users. With bold action from this Committee, these measures can be implemented and lives can be saved.