



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY

June 30, 2020

The Honorable Deb Fischer, Chairman
The Honorable Tammy Duckworth, Ranking Member
Subcommittee on Transportation and Safety
Committee on Commerce, Science, and Transportation
United States Senate
Washington, D.C. 20510

Dear Chairman Fischer and Ranking Member Duckworth:

As you prepare for today's hearing, "Safety on Our Roads: Overview of Traffic Safety and NHTSA Grant Programs," Advocates for Highway and Auto Safety (Advocates) urges you to prioritize proven safety solutions to the unacceptable death and injury toll on our Nation's roads while examining the implementation of the National Highway Traffic Safety Administration's (NHTSA) highway safety grant programs as well as other key traffic safety issues. Attached to this letter please find the statement Advocates submitted to the full Committee for the hearing held on June 3, 2020 entitled, "The State of Transportation and Critical Infrastructure: Examining the Impact of the COVID-19 Pandemic." We respectfully request that this letter and its attachments be included in the hearing record.

The carnage and expense borne from crashes on our roadways are unacceptable. Newly released estimates from the United States Department of Transportation (U.S. DOT) show that in 2019, 36,120 people were killed in traffic crashes.¹ Moreover, crashes injure millions of people each year as well as impose a financial burden of well 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.²

Advocates supports NHTSA's highway safety grant programs, particularly the National Priority Safety Program (405 Grant Program), because they address some of the leading causes of crashes on our Nation's roads. The 405 Grant Program, established by Congress in the Moving Ahead for Progress in the 21st Century (MAP-21) Act (Pub. L. 112-141), encourages states to enact statutes that require: vehicle occupants to wear a safety belt; the use of ignition interlock devices (IID) for drunk drivers; new drivers to participate in a graduated driver licensing (GDL) program; and, texting while driving to be prohibited, along with other important initiatives. To ensure that the 405 Grant Program continues to serve as an effective tool to incentivize states to enact optimal safety laws, Advocates recommends the following revisions:

- **Occupant Protection:** In 2018, nearly half (47%) of occupants of passenger vehicles killed in traffic crashes were not wearing seat belts, when restraint use was known. That year the percentage of unbelted occupants killed in crashes was much higher than the national average (60%) in Nebraska and lower (43%) in Illinois. Nebraska's seat belt law

¹ National Center for Statistics and Analysis (2020, May). Early estimate of motor vehicle traffic fatalities for 2019 (Crash•Stats Brief Statistical Summary. Report No. DOT HS 812 946). National Highway Traffic Safety Administration. (Statistics are from the U.S. Department of Transportation unless otherwise noted).

² "The Economic and Societal Impact of Motor Vehicle Crashes, 2010," NHTSA (2015).

only covers front seat passengers and is secondary enforcement while Illinois' law covers all occupants and is primary enforcement. Rear seat belt use by passengers in fatal crashes was lower than front seat belt use in almost every state and was substantially lower in many states.³ The proportion of unrestrained passenger vehicle occupants killed that were seated in the front seat was 46 percent, compared to 55 percent of unrestrained passenger vehicle occupants killed that were seated in the rear seat, according to NHTSA.⁴ Unbelted rear seat passengers are known as “back seat bullets” because they can be thrust at high rates of speed into the driver resulting in loss of control of the vehicle and into other occupants causing fatalities and serious injuries. The chance of death for a belted driver seated directly in front of an unrestrained passenger in a serious head-on crash was “2.27 times higher than if seated in front of a restrained passenger.”⁵ In fact, unbelted rear seat passengers are three times more likely than belted rear seat passengers to die in a crash.⁶ An Insurance Institute for Highway Safety (IIHS) poll found that nearly 40 percent of people surveyed said they sometimes don't buckle up in the rear seat because there is no law requiring it. If such a law existed, 60 percent of poll respondents said it would convince them to use seat belts in the back seat.⁷ As such, this program should be strengthened by adding a grant to encourage states to enact primary enforcement seat belt laws covering the front *and* rear seats. In addition, a supplemental grant should be established to motivate states to eliminate dangerous loopholes in their laws that allow passengers in vehicles-for-hire to not buckle-up.

- **Impaired Driving:** In 2018, more than 10,500 people died in crashes caused by impaired driving across the nation.⁸ According to 2010 NHTSA data, which is the most recent available, these tragic yet preventable crashes resulted in \$201 billion in comprehensive costs to society. Traffic crashes also impact businesses. Motor vehicle crashes cost U.S. employers up to \$47.4 billion annually in direct expenses. Drunk driving crashes cost employers \$6 billion each year. Nearly 83 percent of drunk driving costs to employers, \$5 billion, are due to “off the job” alcohol use.⁹ At .05 percent blood alcohol concentration (BAC), a driver is impaired and exhibits reduced coordination, diminished ability to track moving objects, difficulty steering, and a less effective response to emergency driving situations.¹⁰ Establishing a BAC limit at .05 percent has been shown to result in a broad deterrent effect that lowers the incidence of drunk driving at all levels of BAC and saves lives (but does not necessarily increase arrests or lower alcohol consumption).¹¹ In 2018, Utah became the first state in the nation to lower its BAC limit from .08 percent BAC to .05 percent BAC, and since then states including

³ Unbuckled in Back: An Overlooked Issue in Occupant Protection, Governor's Highway Safety Association, November, 2015.

⁴ 2018 NHTSA data provide to Advocates for Highway and Auto Safety (Advocates) per request

⁵ Mayrose, James, *Influence of the Unbelted Rear-seat Passenger on Driver Mortality: "The Backseat Bullet"*, Academic Emergency Medicine, Volume 12, Issue 2. Article first published online: 28 June 2008.

⁶ Hedlund, James, *Unbuckled in Back: An Overlooked Issue in Occupant Protection*. (November, 2015). Governor's Highway Safety Association Available at:

https://www.drivingskillsforlife.com/images/pressrelease/pdf/RearBelts_FINAL.pdf

⁷ Status Report, Unbelted, Vol. 52 No. 5, “Adults admit they often skip belts in rear seats”, IIHS. August 3, 2017.

⁸ NHTSA, *Alcohol Impaired Driving 2018 Data*, DOT HS 812 864, December 2019.

⁹ Network of Employers for Traffic Safety (NETS) *Cost of Motor Vehicle Crashes to Employers – 2015*, June 2016.

¹⁰ National Transportation Safety Board (NTSB), .05 BAC Safety Briefing Facts, February 2017.

¹¹ *Id.*

California, Delaware, Hawaii, Michigan, New York, Oregon, Vermont, and Washington have also considered such action. As such, this section of the 405 Grant Program should include a provision encouraging states to lower their limit to .05 percent BAC for impaired driving offenses. In addition, research shows that IIDs lower recidivism among both first-time and repeat DWI offenders, with decreases in subsequent DWI arrests ranging from 50 to 90 percent while the interlock is installed on the vehicle.¹² States should continue to be encouraged to enact laws that require all offenders to use an IID. Several commonsense revisions to the current IID grant program can further this goal. For any state that currently has an IID law but does not qualify for the grant, NHTSA should be required to list each of the missing provisions that prevent the state from eligibility. This transparency is long overdue and should be required for all grant programs. After such a list is published, states that remedy one of their deficiencies should be qualified to receive a supplemental award.

- **Distracted Driving:** Far too many lives are lost each year as a result of crashes involving a distracted driver. In 2018, 2,841 people were killed and an estimated additional 400,000 people injured in crashes involving distracted drivers. In addition, issues with underreporting crashes involving cell phones remain because of differences in police crash report coding, database limitations, and other challenges. What is abundantly clear from an increasing body of safety research, studies and data is 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. As technology on mobile devices has developed to include other electronic communications and uses such as video chatting, streaming, posting to social media and “apps,” states have begun enhancing their texting ban laws by prohibiting these and other distracting electronic communications and uses while driving. Therefore, a supplemental grant should be available to states that prohibit in engaging any form of electronic data retrieval or exchange while operating a vehicle as well as clear statutory definition for texting. Additional incentives should also be provided for states that ban all non-navigational viewing as part of their law.
- **Graduated Driver Licensing (GDL):** Motor vehicle crashes are a leading killer of teens in the U.S.¹³ Young drivers are far more likely to be involved in fatal crashes because they lack driving experience and tend to take greater risks. GDL programs introduce teens to the driving experience gradually by phasing in full driving privileges over time and in lower risk settings. According to IIHS, in states that have adopted GDL programs, studies have found overall crash reductions among teen drivers of about 10 to 30

¹² Ignition Interlocks – What You Need to Know: A Toolkit for Policymakers, Highway Safety Professionals, and Advocates, NHTSA, Nov. 2009, DOT HS 811 246, available at http://www.nhtsa.gov/staticfiles/nti/impaired_driving/pdf/811246.pdf

¹³ Centers for Disease Control And Prevention, Teen Driver: Fact Sheet, citing Centers for Disease Control and Prevention. Web-based Injury Statistics Query and Reporting System (WISQARS) [Online]. (2015). National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (producer). [Cited 2019 Mar 24], available at http://www.cdc.gov/motorvehiclesafety/teen_drivers/teendivers_factsheet.html

percent.¹⁴ However, teenagers who delay getting their license until they are older often are not subject to some of the most effective provisions of a GDL program such as training hours behind-the-wheel and/or the prohibition of the use of a cellular phone while driving. Aging out of GDL is a problem because drivers who begin the licensing process at age 18, 19 or 20 still have a high crash risk due to inexperience and brain development.¹⁵ As a result, older teen novice drivers are missing out on, yet still very much need, the safety benefits of GDL programs.¹⁶ Therefore, states that extend their GDL program to new drivers under the age of 21 should be eligible to receive a supplemental grant award.

- **Motorcycle Safety:** Motorcycles are the most hazardous form of motor vehicle transportation.¹⁷ According to a 2012 Government Accountability Office (GAO) report, “laws requiring all motorcyclists to wear helmets are the only strategy proved to be effective in reducing motorcyclist fatalities.”¹⁸ In fact, motorcycle helmets reduce the risk of head injury by 69 percent and reduce the risk of death by 42 percent.¹⁹ Further, NHTSA reports that in 2018, there were nine times as many unhelmeted fatalities (1,670 fatalities) in states without a universal helmet law compared to states with a universal helmet law (177 fatalities). These states were nearly equivalent with respect to total resident populations.²⁰ Based on this compelling research and data, only those states that have all-rider motorcycle helmet laws should be eligible to receive funding under this grant.
- **“Move Over” Laws:** The 405 Grant Program would be significantly enhanced by the additional of a grant to provide states with funding to increase public awareness of “Move Over” laws as well as encourage the implementation of lifesaving alert technology. Far too many officers are killed each year when struck on the roadside while doing their jobs. Move Over laws require motorists to slow down and, if possible, change their lane of travel or “move over” when they observe an emergency responder. Yet, many drivers are unaware of these statutes. In addition, digital alert technology, currently deployed by some localities, can send warnings to motorists (via navigation systems) when approaching a first responder. These commonsense improvements to the 405 Grant Program would be implemented by the Protecting Roadside First Responders Act (S. 2700/H.R. 4871). We thank Subcommittee Ranking Member Tammy Duckworth

¹⁴ Graduated Licensing Laws and Fatal Crashes of Teenage Drivers: A National Study, Insurance Institute For Highway Safety, June 2010, available at <http://www.iihs.org/frontend/iihs/documents/masterfiledocs.ashx?id=2038>

¹⁵ Mission Not Accomplished: Teen Safe Driving the Next Chapter, GHSA, October 2016, available at https://www.ghsa.org/sites/default/files/2016-12/FINAL_TeenReport16.pdf.

¹⁶ *Id.*

¹⁷ The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised), NHTSA, May 2015 (Revised), DOT HS 812 013, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812013.pdf>

¹⁸ Motorcycle Safety: Increasing Federal Flexibility and Identifying Research Priorities Would Help Support States’ Safety Efforts, GAO, 2012, GAO-13-42, available at <http://www.gao.gov/assets/660/650037.pdf>

¹⁹ Liu BC, Ivers R, Norton R, Boufous S, Blows S, Lo SK, Helmets for preventing injury in motorcycle riders (Review), The Cochrane Library, Issue 1, 2009. Available online at: <http://onlinelibrary.wiley.com/doi/10.1002/14651858.CD004333.pub3/abstract> (Accessed Nov. 11, 2013).

²⁰ 2018 data provided by NHTSA to Advocates for Highway and Auto Safety (Advocates) per request

(D-IL) for her leadership in sponsoring this measure and urge the Subcommittee to advance this legislation promptly.

Advocates also urges the Subcommittee to revise the language contained in 23 U.S.C. 402(c)(4) that prohibits states that receive funding under this program from using those awards on automated enforcement programs. According to IIHS, automated enforcement programs have been shown to reduce some of the most common types of crashes involving red-light running and speed. For vulnerable road users, such as pedestrians and bicyclists, small changes in speed can have a large impact on survivability. At a time when pedestrian and bicyclist fatalities remain very high and when local budgets are stretched to the breaking point because of the COVID-19 pandemic, this life-saving technology can assist local law enforcement in ensuring that traffic safety laws are enforced in a safe and judicious manner. This Subcommittee should follow sound data and research and revise this misguided language.

As this Subcommittee examines the most pressing issues involving highway safety, advanced technologies effective in preventing and mitigating crashes should be standard equipment with minimum performance standards. Advocates is a long-time proponent of this strategy which has produced numerous safety successes including airbags, electronic stability control, and most recently rearview cameras. In fact, in 2015 NHTSA estimated that since 1960, more than 600,000 lives have been saved by motor vehicle safety technologies.²¹ Furthermore, the National Transportation Safety Board (NTSB) has included increasing implementation of collision avoidance technologies in its Most Wanted Lists of Transportation Safety Improvements since 2016.²²

Currently available proven collision avoidance systems include automatic emergency braking (AEB), lane departure warning (LDW), blind spot detection (BSD), rear AEB and rear cross-traffic alert. The 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;
- BSD can diminish injury crashes from lane change by nearly 25 percent;
- Rear AEB can reduce backing crashes by 78 percent when combined with rearview camera and parking sensors; and,
- Rear cross-traffic alert can reduce backing crashes by 22 percent.²³

These crash avoidance safety systems are often sold as part of an additional, expensive trim package along with other non-safety features, or included as standard equipment only in high end models or vehicles. In fact, this month, Consumer Reports (CR) released a report that found an astounding upcharge of more than \$16,000 for AEB with pedestrian detection in the second most

²¹ Lives Saved by Vehicle Safety Technologies and Associated Federal Motor Vehicle Safety Standards, 1960 to 2012, DOT HS 812 069 (NHTSA, 2015).

²² NTSB Most Wanted List Archives, https://ntsb.gov/safety/mwl/Pages/mwl_archive.aspx

²³ IIHS, Real world benefits of crash avoidance technologies, available at: <https://www.iihs.org/media/259e5bbd-f859-42a7-bd54-3888f7a2d3ef/e9boUQ/Topics/ADVANCED%20DRIVER%20ASSISTANCE/IIHS-real-world-CA-benefits.pdf>

popular vehicle sold in the U.S.²⁴ In addition, CR released a report this week finding that 20,000 lives could be saved annually by installing safety technologies reviewed in their analysis in all new cars.²⁵ This inordinate charge underscores Advocates' long-held position that crucial vehicle safety technology must be standard equipment and provided to everyone purchasing a new vehicle. Moreover, there are currently no minimum performance standards to ensure these technologies function as expected. And, the IIHS has also found that while nighttime visibility is essential for safety, few vehicles are equipped with headlights that perform well.²⁶ Federal Motor Vehicle Safety Standard (FMVSS) 108 should be upgraded to improve headlight performance.

Unfortunately, directives from Congress are needed to accomplish these improvements due to Agency inaction and industry resistance. Voluntary industry agreements have been demonstrated to be ineffective as most recently evidenced by the March 2016 agreement among 20 automakers to have AEBs in most new light vehicles by 2023. As of December 2019, two manufacturers, which account for nearly a third of the U.S. auto market, demonstrate this lackluster response to the detriment of the motoring public. Only 29 percent of General Motors' vehicles and 9.5 percent of Fiat Chrysler vehicles were sold with AEB between September 1, 2018 through August 31, 2019. Similarly, the voluntary agreement announced by industry in September 2019 on technology to prevent hot car deaths of children has prolonged the timeline to get this equipment into new cars, even though it is available at a very minimal cost now. In fact, General Motors announced it would equip its new cars with technology that "can detect motion as subtle as the breathing of an infant sleeping in a rear-facing child safety seat" in 2001 with the intent to begin rollout in 2004.²⁷ This voluntary agreement harkens back to that empty promise while children continue to needlessly die. The agreement also failed to include the important component that the systems must detect and alert to the presence of children who have been unknowingly left in or gained access to hot cars.²⁸ This is needed to ensure that children who access vehicles independently are detected. According to KidsAndCars.org, three of the six child hot cars deaths in 2020 were children who entered the vehicle on their own without knowledge of their parent or caregiver. Moreover, at any time, any or all automakers could decide they no longer want to comply with the agreement without any ramifications, underscoring the importance of Congressional action.

In addition to the aforementioned improvements, we urge this Subcommittee to advance legislation to swiftly achieve the goal of providing lifesaving technologies as standard equipment on new motor vehicles. Several bills have the potential to directly target preventable fatalities and injuries including:

²⁴ Douglas, E., A High Price on Safety, Consumer Reports (Jun. 1, 2020). Preston, B, Lawmakers Should Require Proven Safety Systems on All New Cars, Consumer Reports (Jun. 29, 2020).

²⁵ New Consumer Reports analysis finds existing vehicle safety technologies could cut road deaths in half if they came standard on every vehicle, Consumer Reports (June 29, 2020).

²⁶ IIHS, Headlights improve, but base models leave drivers in the dark (Nov. 29, 2018).

²⁷ General Motors News Release, "General Motors Announces Important New Technology to Help Save Children Trapped in Hot Cars," (April 26, 2001).

²⁸ Auto Alliance Driving Innovation and Global Automakers, Helping to Combat Child Heatstroke, Automakers Commit to Introducing New Vehicles with Rear Seat Reminder Systems (Sept. 4, 2019).

- The School Bus Safety Act of 2019 (S.2278/H.R. 3959) would collectively require advanced technologies in new passenger cars, commercial motor vehicles (CMVs) and school buses. Again, we commend Senator Duckworth (D-IL) for sponsoring S. 2278.
- The Reduce Impaired Driving for Everyone (RIDE) Act (S. 2604), introduced by Subcommittee Members Senator Rick Scott (R-FL) and Senator Tom Udall (D-NM), has tremendous potential to curb impaired driving crashes.
- The Hot Cars Act, introduced by Committee Chairman Roger Wicker (R-MS), Committee Ranking Member Maria Cantwell (D-WA) and Subcommittee Member Senator Richard Blumenthal (D-CT), will help prevent child hot cars fatalities. While this bill has advanced out of the Committee, we urge that it be amended to include language requiring a detection system.

We are pleased that the House of Representatives is considering surface transportation reauthorization legislation, the Moving Forward Act (H.R. 2), which includes similar priorities as well as many other crucial safety provisions and urge its prompt consideration in the Senate. Attached please find a letter from a diverse coalition of organizations supporting the bill.

Thank you for holding this important hearing. Advocates looks forward to working with the Members of the Subcommittee to address these and other critical safety issues, including those involving the operation of commercial motor vehicles, in upcoming surface transportation reauthorization legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine Chase", with a stylized flourish at the end.

Catherine Chase
President