



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY



February 23, 2021

The Honorable Eleanor Holmes Norton, Chair
The Honorable Rodney Davis, Ranking Member
Subcommittee on Highways and Transit
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, D.C. 20515

Dear Chair Norton and Ranking Member Davis:

Thank you for holding tomorrow's hearing, "Examining Equity in Transportation Safety Enforcement." Ensuring that all people can safely and equitably share in the transportation network is essential to our daily lives and opportunities for health care, employment, education, recreation, and others. This must be a cornerstone of our Nation's transportation policy. We respectfully request this letter be included in the hearing record.

Advancing safety on our roads is inextricably linked to ensuring that all transportation users benefit from the improvements. Traffic safety regulations and laws are "vaccines" that should be available to everyone and have been integral in reducing motor vehicle crashes, deaths and injuries. A recent report published by the *Center for Study of Responsive Law* on the occasion of the 55th anniversary of Ralph Nader's *Unsafe at Any Speed* noted:

No one in 1966 or 1974 predicted the huge number of lives that would be saved with motor vehicle safety standards, vastly upgraded and new state highway safety laws, and new highways built under the federal aid highway program. In 1966 the number of highway deaths were [*sic*] 50,894 (they increased to a high of 54,589 by 1972). In 2019, the number of fatalities was 36,096, despite the huge increase in the number of drivers, vehicles and miles traveled. Based on an analysis by the Center for Auto Safety of deaths per million vehicle miles traveled, an estimated 4.2 million lives were spared because of these safety improvements in the U.S. from 1966 to 2019.

In 2015, the National Highway Traffic Safety Administration (NHTSA) estimated that since 1960, more than 600,000 lives have been saved by motor vehicle safety technologies such as seat belts, airbags, child seats, and electronic stability control. According to an article in the *American Journal of Epidemiology*, "Trends in Socioeconomic Inequalities in Motor Vehicle Accident Deaths in the United States, 1995-2010":

Legislation against alcohol-involved driving, such as 0.08-g/dL blood alcohol concentration laws, sobriety checkpoints, and minimum legal drinking age laws, have reduced fatal and nonfatal crash injuries since they first were enacted in the 1970s. Mandatory seat-belt laws, particularly when robustly enforced, increase seat-belt use and have reduced mortality since their introduction in 1984. There have also been improvements in alcohol-impaired driving fatalities and the use of safety restraints.

This study also found that “[b]etween 1995 and 2010, overall MVA [motor vehicle accident] mortality rates fell by 15%–25%, depending on whether they were measured as a function of population, VMT [vehicles miles traveled], or PMT [person-miles traveled]. Crude mortality rates were higher in men, blacks, and persons aged 65 years or older.” Every year on average, over 36,000 people are killed and 2.74 million more are injured in motor vehicle crashes. Preliminary estimates from NHTSA indicate that the fatality rate and total for the first nine months of 2020 increased over the same time period in 2019. This is in line with troubling trends reported across the country, and confirmed by NHTSA, of drivers engaged in riskier driving behaviors including speeding, impairment, and lack of seat belt use during the COVID-19 pandemic. Media and analytics reports note distracted driving increased as well.

Moreover, in 2019, over 5,000 people were killed in crashes involving a large truck. Since 2009, the number of fatalities in large truck crashes has increased by 48 percent.¹ In 2019, 159,000 people were injured in crashes involving a large truck, and the number of large truck occupants injured increased by 18 percent. In fatal crashes involving a truck and a passenger vehicle, 96 percent of the fatalities were passenger vehicle occupants, according to the Insurance Institute for Highway Safety (IIHS). The cost to society from crashes involving commercial motor vehicles (CMVs) was estimated to be \$143 billion in 2018, the latest year for which data is available. According to the U.S. Department of Labor, truck driving is one of the most dangerous occupations in the United States.

This substantial crash death and injury toll also comes with a serious financial burden. Based on 2010 data, crashes impose an annual cost of over \$800 billion to society, including \$242 billion in direct economic costs (NHTSA). When adjusted only for inflation, comprehensive crash costs now near one trillion dollars, with direct economic costs amounting to \$292 billion – or an \$885 “crash tax” on every American. Additionally, crashes cost employers \$47.4 billion in direct crash-related expenses annually, based on 2013 data (Network of Employers for Traffic Safety (NETS)). Similarly adjusted, the cost to employers is now approximately \$54 billion annually.

Ending the physical, emotional, and economic impacts of motor vehicle crashes is achievable. It is vital that inequitable enforcement is eliminated as this goal is pursued. The Subcommittee is to be commended for convening this important hearing to discuss this issue. Furthermore, we laud the Committee on Transportation and Infrastructure for advancing numerous safety improvements in the Moving Forward Act (116th Congress, H.R. 2) as well as those Committee members who introduced stand-alone safety bills last session. We urge the Subcommittee to once again, advance those overdue and needed safety solutions as well as additional upgrades to accomplish our shared goal of safety equity for all. The following recommendations will achieve this goal; however, they are not an exhaustive list of our organizations’ safety and equity agendas.

¹Note, the 48 percent figure represents the overall change in the number of fatalities in large truck involved crashes from 2009 to 2019. However, between 2015 and 2016 there was a change in data collection at U.S. DOT that could affect this calculation. From 2009 to 2015 the number of fatalities in truck involved crashes increased by 21 percent and between 2016 to 2019, it increased by 7 percent.

Require and expand the use of proven technologies which are demonstrated by data, research and experience to prevent, mitigate or reduce motor vehicle crashes yet are currently deployed inequitably.

Require Vehicle Safety Technology: Advanced driver assistance systems (ADAS) including automatic emergency braking (AEB), lane departure warning (LDW) and blind spot detection (BSD) have shown remarkable potential. According to IIHS, AEB can reduce front-to-rear motor vehicle crashes with injuries by 56 percent. Other ADAS technologies have similar impressive results. The National Transportation Safety Board (NTSB) has included increasing implementation of collision avoidance technologies in its Most Wanted List of Transportation Safety Improvements since 2016. ADAS technologies are already widely used in places like Europe, Australia, Japan and Korea.

However, access to these lifesaving crash avoidance technologies currently is not equitable. They are often sold as part of an additional, expensive trim package coupled with other non-safety features, or included as standard equipment only in high end models or vehicles, which are unaffordable to many families. A report from Consumer Reports found an astounding upcharge of more than \$16,000 for AEB with pedestrian detection in the second most popular vehicle sold in the U.S. It is essential that vehicle safety technology be required as standard equipment to make safety equitable and to expedite the benefits to all road users. This requirement, which involves the U.S. Department of Transportation (DOT) developing minimum performance standards, will also ensure these technologies function as expected and needed including the detection and response to all road users. Individuals who rely on walking or biking for utilitarian purposes, rather than choice, to reach work or school are at the highest risk for injury or death. Mandating safety equipment in all new vehicles and ensuring the protection of vulnerable road users could address yet another aspect of social inequality. Furthermore, as part of the rulemaking process, NHTSA should be instructed to collect information about the performance of the technology and any negative impacts on people of color and be required to address these issues in the final rule, issued by a date certain. Successful widespread infiltration of advanced technologies into the marketplace and the resultant reduction and mitigation of crashes should lead to a decrease in the interface of road users and law enforcement.

Large trucks equipped with forward collision warning (FCW) and AEB technology have also experienced lower crash rates. IIHS research, which looked at approximately 2,000 crashes between 2017 and 2019, found that FCW and AEB reduced rear-end crashes by 44 and 41 percent respectively. Trucks equipped with FCW had 22 percent fewer crashes and trucks with AEB had 12 percent fewer crashes than those without either of these vital safeguards. The protections offered by these systems would mitigate a myriad of crash causations including speed, distraction, impairment and fatigue. Safety groups petitioned NHTSA to initiate a rulemaking on AEB for all vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or more in 2015. The petition was granted but no regulatory action has been taken by the agency. AEB has been required on large trucks in the European Union since 2015. Congress should mandate the U.S. DOT completes the rulemaking so that all truck drivers eventually have access to these crucial systems. A requirement will reduce the cost of technology and level the economic “playing field.”

Impaired driving continues to be a leading killer on our roads, and its incidence can be similarly mitigated through technology by adoption of advanced impaired driving prevention technology. According to IIHS, technological solutions have the potential to save more than 9,000 lives a year if widely deployed. Technology that can passively detect alcohol or monitor driver behavior behind the wheel has shown great promise to prevent driving while impaired. Congress should move this transformative technology forward by directing NHTSA to issue a final rule requiring new vehicles to be equipped with advanced impaired driving prevention technology subject to a minimum performance standard. This will both reduce crashes and the need for law enforcement officers to pull over impaired drivers.

Similarly, connected vehicle technology offers potential to improve safety and limit the need for police officer/motorist interaction. Specifically, vehicle-to-everything (known as V2X) communication can relay signals to the vehicle about upcoming traffic lights and speed limits, among other messaging, further improving the safety of drivers and all road users. Connected vehicle technology can also amplify the benefits of certain vehicle safety technologies. Vehicle technologies are already being introduced that provide speed assistance. In fact, the European New Car Assessment Program (Euro NCAP) “promotes the installation of speed assistance systems that support drivers to control their speed.” We urge Congress to direct NHTSA to complete the upgrade of U.S. NCAP to include this advancement and update and complete the 2017 Notice of Proposed Rulemaking (NPRM) to require vehicle-to-vehicle (V2V) technology, as well as partner with the Federal Highway Administration (FHWA) to study the needs and benefits of vehicle-to-infrastructure (V2I) with the goal of V2X communications for safety. These steps could significantly advance safety and reduce the role of law enforcement in traffic safety enforcement and crash response.

Past legislation which promotes these issues and should be advanced includes: Moving Forward Act (116th Congress, H.R. 2); 21st Century Smart Cars Act (116th Congress, H.R. 6284); Protecting Roadside First Responders Act (116th Congress, S. 2700/H.R. 4871); Safe Roads Act (116th Congress, H.R. 3773); School Bus Safety Act (116th Congress, S. 2278/H.R. 3959); HALT Drunk Driving Act (116th Congress, 4354); Reducing Impaired Driving for Everyone (RIDE) Act (116th Congress, S. 2604); and, Five-Stars for Safe Cars Act (116th Congress, H.R. 6256).

Expand the Use of Road Safety Technology: Automated enforcement (AE), such as speed and red-light running cameras, is a verified deterrent against frequent crash contributors and has been identified by NHTSA, NTSB, Centers for Disease Control and Prevention (CDC), IIHS and others as an effective means to curb dangerous driving behavior. Moreover, a recent review by the Congressional Research Service (CRS) found that speed camera programs are effective in reducing speeding and/or crashes near cameras. Additionally, for vulnerable road users, such as pedestrians and bicyclists, small changes in speed can have a large impact on survivability. New crash tests performed by IIHS, the AAA Foundation for Traffic Safety, and Humanetics show that modest five to ten miles per hour (mph) increases in speed can have a severe impact on a driver’s risk of injury or even death. Expanding the use of AE is especially important considering in 2019 pedestrian and bicyclist fatalities remained among the highest levels in 30 years. According to the 2019 *Dangerous by Design* released by Smart Growth America and the National Complete Streets Coalition, “Drivers strike and kill people of color,

especially Black or African American and American Indian or Alaska Native people, at higher rates compared to White, Non-Hispanic, and Asian or Pacific Islander people.”

With local budgets strained because of the COVID-19 pandemic, lifesaving AE should be used to augment local law enforcement efforts to make certain that traffic safety laws are enforced in a safe and judicious manner. Advocates for Highway and Auto Safety joined leading traffic safety organizations to produce a resource for communities implementing new AE programs or updating existing ones called the [*Red Light Camera Checklist*](#) (*Checklist*). We are currently in the process of jointly updating the *Checklist* to apply to speed camera systems as well. Furthermore, limiting the need for police interaction with motorists will help reduce the safety risk of police officers and other first responders from other vehicles while on the roadside. We urge the Subcommittee to revise the language in 23 U.S.C. 402(c)(4) that prohibits states that receive funding under this program from using those awards on AE programs.

Encourage enactment and enforcement of comprehensive, transparent and unambiguous traffic safety laws. The intent of traffic safety laws and consistent enforcement is to deter dangerous behaviors and ensure road safety. It is vitally necessary that enforcement is conducted fairly and without bias or excessive force. Some state legislatures have introduced bills to revoke or weaken traffic safety laws without concurrently assuring the safety need provided by such laws is equally met, which is especially precarious considering the surge in risky driving behavior on our roads. While numerous studies performed by NHTSA and others find that primary enforcement seat belt laws do not result in increased ticketing of people of color, the potential for improper enforcement and harassment is an ongoing concern that is not limited to, nor created, by seat belt and other traffic safety laws. Repeated requests that NHTSA update its research pertaining to primary enforcement laws, traffic stops and ticketing have gone unanswered, and we urge the Subcommittee to call on them to do so as part of your ongoing efforts to examine equity in transportation safety.

Congress should also establish an incentive grant program for states to lower the legal blood alcohol concentration (BAC) limit to .05 percent or lower, and to encourage states to fill gaps in their seat belt laws to require all occupants in the front and rear seating positions to buckle up and ensure everyone is protected. Moreover, 16 states still do not have an essential law requiring ignition interlock devices (IIDs) for all offenders. Congress should enact a sanction withholding federal highway construction money for states that do not adopt an IID law by a date certain. This successful approach was used to achieve uniform adoption of state laws on the 21-drinking age, zero tolerance BAC for underage drinking and driving and a national .08 percent BAC. No state lost a single dollar of federal highway construction money and every state now has these lifesaving laws. Further, fatalities in distraction-affected crashes increased by 10 percent in 2019. Congress should direct improvements to the current Section 405 incentive grant program to encourage state adoption of better laws and stronger enforcement to curb distracted driving, including by passing the SAFE TO DRIVE Act (H.R. 762/S. 195). We also ask Congress to advance appropriate legislation to improve law enforcement training including for procedures for traffic stops and to promote better data and accountability in the enforcement of traffic safety laws, among other issues.

Improve road infrastructure design, planning, maintenance and building to factor in all road users and make changes to incorporate safety upgrades to the road transportation system. The Safe Systems approach is based on the reality that humans will make mistakes, that they are vulnerable in crashes, and that it is imperative fatalities and injuries on our roads are eradicated. It includes research proven countermeasures such as lowering speed limits, adding design elements that separate vulnerable road users from vehicles (i.e., separated and protected bike lanes, accessible sidewalks and pedestrian islands), redesigning roads which were once designed for speed for mixed use, and advancing vehicle safety technology including AEB and intelligent speed assistance. Congress should take action to direct the U.S. DOT to offer grant opportunities to incentivize the incorporation of Safe Systems principles in state and local road infrastructure projects. These projects must be extended to all neighborhoods to promote equity of the safety improvements. They should aim to help improve our roads to ensure safety for mixed modal use (i.e., vehicles, pedestrians, bicyclists, people who use wheelchairs or other assistive devices, micromobility and other novel mobility products) and expand the ability for localities to respond to different road use challenges, among other upgrades.

Federal truck size and weight limits must be maintained and all special interest exemptions must be rejected. Federal limits on the weight and size of CMVs are intended to protect all truck drivers, the entire traveling public and America's roads and bridges. Yet, well-funded special interests continue to lobby Congress for legislative provisions allowing larger and heavier trucks that violate or circumvent these federal laws to operate in certain states or for specific industries. State, roadway-specific and industry-based exemptions and pilot programs to increase truck size and weight will further erode an already economically inequitable system and should be rejected.

Any consideration of autonomous vehicle (AV) legislation must include policy positions in the "AV Tenets." AV manufacturers and developers have touted the promise of AVs to improve access, equity, mobility, environmental impact and safety. Yet, without specific policies to require these outcomes, not only could these goals be derailed, but wide-ranging negative consequences could be experienced by a variety of diverse stakeholders. To address these challenges, last November, we and numerous other stakeholders released the "[Autonomous Vehicle \(AV\) Tenets](#)," a comprehensive approach to prioritize the safety of all road users, guarantee accessibility and equity, preserve consumer and worker rights, and ensure local control and sustainable transportation.

One example of a safeguard included in the AV Tenets is a "vision test" for AVs. If a vehicle takes over the driving responsibility it will need to "see" and properly respond to all vehicles, people, and objects in the roadway including but not limited to Black and Brown people, pedestrians, bicyclists, people who use wheelchairs and other assistive technology, children and strollers, motorcyclists, roadway infrastructure, construction zones and roadside personnel, and interactions with law enforcement and first responders. Additionally, the AV Tenets include a recommendation that if AVs are used as part of transportation services, clear plans are needed to coordinate the safe transportation for all people including the need for delivery of medical care as well as laws in furtherance of social equity to protect those who are marginalized (Black and Brown people, Indigenous people, LGBTQ+ people, people with disabilities, women, older adults, and all other groups).

Further, the AV Tenets direct the U.S. DOT to review algorithms and risk assessment procedures for potential issues, including bias, in technologies that assist in or takeover the driving task. Any identified problems must be corrected by the developer or manufacturer and verified by the U.S. DOT. Coordination and oversight should be led by the Office of the NHTSA Civil Rights Director in partnership with the Office of the Assistant Secretary for Research and Technology, NHTSA Office of Vehicle Safety Research, and NHTSA Chief Counsel's office. The Office of the NHTSA Civil Rights Director should be given adequate resources, expertise and authority to accomplish this role. If, and when, Congress considers AV legislation these and the other positions in the AV Tenets should be incorporated.

Maximizing safety and achieving equity in our transportation system are complementary goals which should and can be realized together. Thank you again for convening this important hearing and considering our recommendations. We look forward to working with you to advance safety equity for all road users.

Sincerely,

Catherine Chase, President
Advocates for Highway and Auto Safety

Dawn King, President
Truck Safety Coalition

cc: Members of the U.S. House Committee on Transportation and Infrastructure