

June 9, 2021

The Honorable Maria Cantwell, Chair  
The Honorable Roger Wicker, Ranking Member  
Committee on Commerce, Science, and Transportation  
United States Senate  
Washington, D.C. 20510

Dear Chair Cantwell and Ranking Member Wicker:

As you consider surface transportation reauthorization legislation, we urge you to advance safety solutions that will significantly reduce the motor vehicle crash death and injury toll that imposes a needless emotional and economic burden on our country. You have a unique opportunity to make progress on overdue lifesaving measures and achieve consequential reductions in highway deaths and injuries.

Since 2015, when Congress enacted the Fixing America's Surface Transportation Act, (FAST Act, Pub. L. 114-94), 184,000 people have been killed and 13.7 million injured in highway crashes (2015-2019). Nearly 24,000 of these deaths and 711,000 injuries were caused by truck crashes. The preventable toll on our roads is not abating. The National Highway Traffic Safety Administration (NHTSA) recently released 2020 preliminary estimates revealing 38,680 people were killed in motor vehicle crashes, marking the highest number of traffic fatalities since 2007 and a seven percent increase over 2019. These crashes are a drain on our economy as well. 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 are available. When adjusted solely for inflation, this figure amounts to over \$150 billion. The cost to businesses is substantial as well; the Network of Employers for Traffic Safety calculates the burden to employers at over \$72 billion in 2019.

Available and affordable solutions are urgently needed now. Conclusive studies show the effectiveness of technological advances in preventing crashes, other countries already implementing proven solutions have experienced positive results, and they have widespread support including from the National Transportation Safety Board (NTSB). Improvements needed include: requiring life-saving crash avoidance technologies such as automatic emergency braking (AEB), lane departure warning (LDW) and blind spot detection (BSD) on all new cars and trucks; mandating advanced impaired driving prevention technology to end a persistent, leading killer; requiring technology to detect the presence of an unattended vehicle occupant; strengthening CMV underride protections; updating the New Car Assessment Program (NCAP) to significantly enhance the program and provide more current and robust safety ratings for new cars; and, improving cybersecurity protections for vehicles.

Additionally, legislation sponsored by Committee Members Richard Blumenthal (D-CT), Ed Markey (D-MA) and others would: increase the effectiveness of motor vehicle recalls; upgrade the early warning reporting system and improve defect investigations; prohibit the sale, lease or loan of a used vehicle with an unrepaired open recall; implement shutoff systems and standards to prevent the movement of vehicles and carbon monoxide poisoning; address the epidemic of

driver distraction and complacency in vehicles with automated driving features; and, update the standards for seat back integrity in new cars, an essential action that NHTSA has neglected to take for more than fifty years despite repeated tragedies.

In addition, automatic emergency braking (AEB) should be required on all new vehicles including CMVs weighing over 10,000 pounds, as included in Committee Member Tammy Duckworth (D-IL) and Senator Dick Durbin's (D-IL) Protecting Roadside First Responders Act (S. 1386). The NTSB has recommended repeatedly, including most recently in its 2021-2022 Most Wanted List of Transportation Safety Improvements, that AEB and other crash avoidance technologies should be standard equipment on all vehicles. Additionally, based on new truck sales data, limiting the installation of AEB to Class 7 and 8 trucks will potentially exclude more than half a million new vehicles every year. At a time when many in the U.S. have become accustomed to e-commerce and next day delivery resulting in small and medium sized CMVs frequently driving through neighborhoods, this carve-out to accommodate segments of the trucking industry will imperil children, pedestrians, bicyclists and other vulnerable road users and should be removed. We are attaching a list of the stand-alone safety and consumer protection bills which should be included in the reauthorization legislation.

Lastly, reckless policies that would permit teenagers to operate a CMV in interstate commerce and further erode hours-of-service rules on our nation's roads to the risk of families and at increased taxpayer expense should be rejected.

Thank you for your consideration of these critically important issues. As always, we are ready to work with you and support your efforts in furtherance of our shared goal of improving safety for all road users.

Sincerely,

Catherine Chase, President  
Advocates for Highway and Auto Safety

Georges C. Benjamin MD, Executive Director  
American Public Health Association

Steve Barrow, State Program Director  
CA Coalition for Children's Safety and Health (CCCSH)

Jason Levine, Executive Director  
Center for Auto Safety

Joan Claybrook, Chair  
Citizens for Reliable and Safe Highways (CRASH)

Jack Gillis, Executive Director  
Consumer Federation of America

Rosemary Shahan, President  
Consumers for Auto Reliability and Safety

Natalie Draisin, North American Office & United Nations Representative  
FIA Foundation

Janette Fennell, Founder and President  
Kids and Car Safety

Melissa Wandall, President  
National Coalition for Safer Roads

Sally Greenberg, Executive Director  
National Consumers League

Lorraine M. Martin, President & CEO  
National Safety Council

Stephen Hargarten MD, Founding President  
Society for the Advancement of Violence and Injury Research

Andrew McGuire, Founder and Executive Director  
Trauma Foundation

Dawn King, President  
Truck Safety Coalition

T. Bella Dinh-Zarr, Co-founder  
.05 Saves Lives Coalition  
Former Vice Chair National Transportation Safety Board

Daphne and Steve Izer, Founders and Co-Chair, Parents Against Tired Truckers (P.A.T.T.) and Board Members, Truck Safety Coalition. (*Maine*)  
Daphne and Steve's son, Jeff, and three of his friends were killed in 1993 when a semi driver fell asleep at the wheel and ran over the car as it was parked on the shoulder.

Russell Swift, Co-Chair, P.A.T.T. and Board Member, Truck Safety Coalition (*Maine*)  
Russ's son, Jasen, was killed instantly, as was a fellow Marine, while they drove in the dark to work in 1993, by a 17-year-old truck driver & without a permit whose truck was stuck across two lanes after trying a U-turn, causing the car to drive into and under the side of the trailer.

Catherine DeSalvo (*New Jersey*)  
Catherine's husband, Jim, was killed while riding his bike in 2019, when the tire flew off of an overweight, unmaintained dump truck and hit him.

Laura and Richard Fredricks (*New Jersey*)

Laura and Richard's daughter, Emily, was killed while riding her bicycle to work in 2017 when a sanitation truck turned in front of her.

Eileen Kosc (*Delaware*)

Eileen was driving home from the beach in slow traffic in 2013 with her sons, Brandon and Bryan, when she was struck from behind by an inattentive box truck driver who failed to slow down. The truck continued on to hit four other vehicles before coming to a stop. Eileen and Brandon were taken to the hospital with injuries. Bryan did not survive. Bryan was 7 years old.

Catriona and Brad Moe (*Kansas*)

Brad was walking with his 3-year-old daughter, Isla, when they accepted a package from a delivery truck driver who was backed into the end of the driveway. They continued up their driveway when the driver backed up, killing Isla.

Purushottam & Mina K P Panthee (*New York*)

In 2020, Purushottam and Mina's 10-year-old son, Shree, was killed, and Mira has serious, life-threatening injuries, from a collision in a school cross walk with a Queens, NY, sanitation truck. In Purushottam's words: "It is not just the physical wounds but she (Mina), along with our whole family, is suffering from mental pain. We are a victim's family and want to request the U.S. government to impose more regulations for truck safety and pedestrian rights to save lives."

Dawn King, President, Truck Safety Coalition & Board Member, Citizens for Reliable and Safe Highways (CRASH). (*Michigan*)

Dawn's father, Bill Badger, was killed in 2004 while slowed in traffic when he was hit from behind by a semi driver who had fallen asleep at the wheel.

Jane Mathis, Vice President, Truck Safety Coalition & Board Member, P.A.T.T. (*Florida*)

Jane's 23-year-old son, David, and his bride, Mary Kathryn, were killed while on their way home from their honeymoon in 2004 when they were stopped in traffic and hit from behind by a semi whose driver fell asleep at the wheel. The car became wedged under the truck, then exploded.

Jennifer M. Tierney, Board Member, CRASH & Truck Safety Coalition. (*North Carolina*)

Jennifer's father, James Mooney, was killed on a dark, rural road in 1983 when he crashed into a truck with no visible lights blocking the roadway.

Tami Friedrich Trakh, Board Member, CRASH & Truck Safety Coalition. (*California*)

Tami's sister, Kris, brother-in-law, Alan, and two of their children, Brandie and Anthony, were killed in 1989 when a tanker truck overturned in front of them and exploded.

Pamela Biddle, Board Member, CRASH & Truck Safety Coalition (*Georgia*)

In 2017, Pamela's 23-year-old son, Aaron Lee, his father, Brian Lee, and Brian's partner, Stephanie Swaim, were killed when they were stopped in interstate highway traffic caused by a semi with a wheel fire and hit from behind by another semi which failed to slow. The semi driver also perished.

Larry and Patty Liberatore (*Maryland*)

Larry and Patty Liberatore's son, Nick, was killed in 1997 by a fatigued truck driver who drove his semi over their son's vehicle.

Nikki Hensley Weingartner, Board Member, P.A.T.T. & Truck Safety Coalition. (*Hawaii*)

Nikki's husband, Virgil Hensley, was killed in 1997 when a truck driver ran a stop sign at an intersection, killing him instantly.

Linda Wilburn, Board Member, P.A.T.T. & Truck Safety Coalition. (*Oklahoma*)

Linda and Gary Wilburn's son, Orbie, was killed in 2002 when a tired truck driver slammed into his car.

Nancy Meuleners (*Minnesota*)

Nancy was severely injured in 1989 when her vehicle slid under the back of a semi stopped in traffic without emergency flashers illuminated. She has had over 40 surgeries to reconstruct her face and mouth and expects there will be more.

Franklin Wood (*Virginia*)

Franklin's daughter, Dana, and her friend were killed in 2002 when a truck driver, driving on a suspended license, struck Dana's car, pushing it 1500 feet down the highway.

Ed Slattery (*Maryland*)

Ed's wife, Susan, was killed, and his sons, Peter and Matthew, were severely injured in 2010 when they were rear-ended by a truck driver who fell asleep. Lifetime costs for Matthew's care alone are estimated to be \$35 – \$45 million. Ed's journey since the crash has been documented in the book, *The Long Blink, the true story of trauma, forgiveness, and one man's fight for safer roads*, by award-winning Baltimore reporter and author, Brian Kuebler.

Roy Crawford (*Kentucky*)

Roy's son, Guy Champ Crawford, was killed in 1994 by an overloaded coal truck that had poor conspicuity and no underride guards. Roy is a retired forensic engineer who has reconstructed many fatal truck crashes.

Gage Evans (*Colorado*)

In 2019, Gage's husband, Bill Bailey, was killed when a truck driver hauling a load of lumber was descending from the mountains on an interstate at a very high speed and crashed into the rear of slowing traffic in Lakewood, Colorado, killing 4 people and injuring many others. The motor carrier's limits of liability coverage (of either \$750k or \$1 million) was paid out to other claimants (including payments to other motor carriers for their property damage) before Gage even had time to hire a lawyer.

Rick Watts (*Virginia*)

In 2015, Rick's wife, Tiffany, his stepdaughters, Kelsie and Savannah, and Sandra Anderson, Tiffany's mother, were stopped near Chattanooga, TN, in traffic due to construction, when a

tractor trailer collided with 8 vehicles. Six people, including Rick's entire family, were killed, and another 6 people were injured. The NTSB investigated this horrific crash.

Kristi, Floyd, and Brandi Garrigues (*Washington*)

Kelsie and Savannah, from the 2015 Watts crash above, were Kristi and Floyd Garrigues' granddaughters and Brandy's nieces. They lost both of them that terrible day.

Dorine E. and Thomas S. Norko, Kaiya Manlapit-Norko (*Connecticut*)

In 2018, in Idaho, Dorine's son, Kaiya's brother, Senior Airman Lawrence P. Manlapit III, was killed along with two of his fellow airmen, Carlos Johnson and Karlie Westall, when the Jeep they were riding in was stopped in traffic in a construction zone and rear-ended by a tractor-trailer. The Jeep and truck were engulfed in flames. The semi driver, who had a poor record, was going 62 mph before impact, and was also killed.

Paula Tolliver (*Ohio*)

On December 7, 2018, Paula's granddaughter, Teresa Howell, was working on U.S. 33 replacing a guardrail when a semi driver veered off the road. Teresa was hit and killed. The driver did not stop, and when he was found, he stated he did not realize he had hit anything. The driver of this semi had killed another person in a similar crash less than 6 months prior. Teresa left behind two sons, ages 5 and 6.

Marija and Tiana Ozolins, Mary Bakken (*Virginia*)

On October 2, 2019, Mary's husband, Marija and Tiana's father, Peter Ozolins, was slowing in traffic when a tractor trailer failed to respond and hit the line of traffic. Peter and one other person were killed.

Brenda Stotts-Young (*Kentucky*)

Brenda and Chuck are parents of Detective Deidre Mengedoht, who was killed as a first responder in December 2018 when a semi-truck hit her cruiser which was stopped on the side of the I-64, sending her into the pickup truck she had pulled over due to traffic violations. Her cruiser burst into flames and Detective Mengedoht was killed.

Anna Guardipee (*Virginia*)

Anna and her dear friend, Jennifer Burton, were slowed in construction traffic in 2019 when a semi failed to stop and rear ended their vehicle, pushing them into another semi. Anna was paralyzed and Jennifer was killed.

Encls: List of Stand-Alone Safety Bills

cc: Members of the Committee on Commerce, Science, and Transportation

## **Critical Traffic Safety Bills That Must Be Included As Introduced In Any Commerce, Science, and Transportation Committee Safety Title:**

### **To require proven crash avoidance technology in new vehicles:**

- Protecting Roadside First Responders Act (S. 1386/ H.R. 2867), Sens. Dick Durbin (D-IL) and Tammy Duckworth (D-IL), to require life-saving crash avoidance technology, including automatic emergency braking (AEB), on new cars and commercial motor vehicles (CMV) weighing over 10,000 pounds.
- Stop Underrides Act (S. 605/H.R. 1622), Sens. Kristen Gillibrand (D-NY), Marco Rubio (R-FL) and Richard Burr (R-NC), to require U.S. DOT to issue a final rule to require the installation of rear, side, and front underride guards on new CMVs.

### **To meaningfully reduce impaired driving fatalities and injuries:**

- Reduce Impaired Driving for Everyone (RIDE) Act (S. 1331), Sens. Ben Ray Lujan (D-NM), Rick Scott (R-FL) and Gary Peters (D-MI), to mandate technology-neutral advanced impaired driving prevention technology in new cars.

### **To prevent pediatric vehicular heatstroke “hot cars” incidents:**

- Hot Cars Act (S. 1601, 116<sup>th</sup> Congress/ H.R. 3164, 117<sup>th</sup> Congress), Sens. Roger Wicker (R-MS), Richard Blumenthal (D-CT), Maria Cantwell (D-WA), Gary Peters (D-MI), Ed Markey (D-MA) and others, to require proven technology to detect the presence of an unattended occupant and issue an alert.

### **To curb distracted driving and automation complacency:**

- Stay Aware for Everyone (SAFE) Act (S. 1406), Sens. Ed Markey (D-MA), Richard Blumenthal (D-CT) and Amy Klobuchar (D-MN), to require the U.S. DOT to study how driver-monitoring systems can prevent driver distraction, driver disengagement, automation complacency, and require a rulemaking to mandate new cars be equipped with driver-monitoring technology.
- States Afforded Funding Extensions To Oppose Driving Recklessly In Vehicular Engagements (SAFE TO DRIVE) Act (S.195/H.R.762), Sens. Amy Klobuchar (D-MN) and Richard Blumenthal (D-CT), to incentivize states to upgrade distracted driving laws and improve transparency in distracted driving safety grant awards.

### **To improve the safety of vehicles with unrepaired recalls:**

These bills would improve public safety, consumer awareness and information associated with unrepaired recalls.

- Early Warning Reporting Systems Improvement Act (S. 1407), Sens. Ed Markey (D-MA) and Richard Blumenthal (D-CT).
- Safe Recall Information Distributed Equitably (Safe RIDE) Act of 2021 (S.376/H.R.1239), Sens. Amy Klobuchar (D-MN), Ed Markey (D-MA) and Richard Blumenthal (D-CT).
- Promoting Auto Recalls Toward Safety (PARTS) Act (S. 1416), Sens. Ed Markey (D-MA), Richard Blumenthal (D-CT) and Tammy Baldwin (D-WI).
- Used Car Safety Recall Repair Act (S. 1835), Sens. Richard Blumenthal (D-CT), Ed Markey (D-MA) and Elizabeth Warren (D-MA).

**To prevent fatalities and injuries associated with keyless ignitions:**

These bills would direct the U.S. DOT to finalize regulations related to automatic shutoff systems for motor vehicles to prevent issues such as inadvertent roll-away or carbon monoxide poisoning.

- Protecting Americans from the Risks of Keyless Ignition Technology (PARK IT) Act (S. 1268/H.R. 3629), Sens. Richard Blumenthal (D-CT) and Ed Markey (D-MA).
- Stop CO Poisoning Exposures (SCOPE) Act (S. 1551), Sens. Richard Blumenthal (D-CT), Ed Markey (D-MA) and Deb Fischer (R-NE).

**To protect passengers from seat back failure:**

- Modernizing Seat Back Safety Act (S. 1413), Sens. Richard Blumenthal (D-CT) and Ed Markey (D-MA), to require the National Highway Traffic Safety Administration (NHTSA) to update its standards for seat back integrity in new cars to prevent seat back failure and the resulting fatalities and injuries to passengers, especially children in a rear seat.

**To improve school bus safety:**

- School Bus Safety Act (S. 2278, 116th Congress/ H.R. 3381, 117<sup>th</sup> Congress), Sen. Tammy Duckworth (D-IL), to require lifesaving upgrades to school buses including crash avoidance technology, occupant protection improvements and fire suppression.