

June 25, 2021

The Honorable Peter A. DeFazio, Chair
The Honorable Sam Graves, Ranking Member
Committee on Transportation and Infrastructure
United States House of Representatives
Washington, D.C. 20515

The Honorable Frank Pallone, Chair
The Honorable Cathy McMorris Rodgers, Ranking Member
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

Dear Chairman DeFazio, Ranking Member Graves, Chairman Pallone and Ranking Member McMorris Rodgers:

As the multi-year surface transportation reauthorization bill, “The Investing in a New Vision for the Environment and Surface Transportation (INVEST) in America Act” (H.R. 3684), proceeds to the floor of the House of Representatives for consideration, we urge you to make important and needed improvements which prioritize safety on America’s roads and highways (See the attached Safety Spotlight).

Based on the highway death and injury toll these past few years, we can expect record numbers – over 183,000 people to be killed and nearly 14 million to be injured - in motor vehicle crashes at a comprehensive cost of more than \$5 trillion over the next five years. These figures are staggering, but can be addressed with proven, cost-effective solutions. The policies and provisions included in this legislation will determine whether or not our country is put on the path toward significant reductions in motor vehicle crash fatalities and injuries for the next five years and beyond.

Every major surface transportation law has included a robust bipartisan safety title to advance transformational solutions that reduce crashes, save lives, mitigate injuries, and curtail crash costs. Federal vehicle safety standards also address equity issues. Effective lifesaving technologies should not be available only to those who can afford expensive luxury add-ons that also include safety upgrades or high-end models equipped with advanced safety systems. We strongly support the language that advances lifesaving improvements including: crash avoidance systems; technology to prevent impaired, distracted and drowsy driving; detection and alert systems to prevent “hot cars” deaths and injuries; updates to standards to end dangers associated with keyless ignition switches; a comprehensive update to the New Car Assessment Program (NCAP); updates to headlamp standards; truck, limousine and school bus safety upgrades; and, a Safe System approach to road design, planning, maintenance and speed limit setting, among others. We urge you to continue this needed progress by making essential improvements to the following issues:

- **Automatic Emergency Braking (AEB) Should be Required in All New Vehicles Including All Trucks:** The Insurance Institute for Highway Safety (IIHS) has shown that forward collision warning plus autobrake (automatic emergency braking, AEB) reduces front-to-rear crashes for large trucks by more than 40 percent. The National Transportation Safety Board (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. Class 3-6 trucks travel on local streets and through neighborhoods everyday making millions of deliveries, picking up garbage, and delivering supplies to retail stores and other businesses. In fact, May 2021 sales in Class 6 soared 64.5 percent

to 4,767 compared with a year earlier. Class 4-5 trucks had the largest numerical increase in sales, climbing from roughly 8,500 to nearly 11,500.¹ Equipping these trucks with AEB subject to minimum performance standards which ensure the system detects and responds to pedestrians, bicyclists and other vulnerable roads users (VRUs), will make roadways safer for all. This proven technology should be required in Class 3-6 trucks, issued by a date certain, and not just limited to the largest trucks (Class 7-8). (Changes needed to Section 4404)

- **Passive Impaired Driving Prevention Systems Can Significantly Reduce Fatalities – About 1/3 of All Traffic Deaths:** The current provision must be strengthened by removing language tying the impaired driving prevention technology to a .08 percent blood alcohol concentration (BAC). Numerous national and international organizations representing public health and medical professionals, government safety experts, and impaired driving victims strongly support a BAC limit of .05 percent or lower based on the scientific research. Additionally, Utah has enacted a .05 percent BAC limit, and other states are considering the same action. (Changes needed to Section 10105)
- **Upgraded Hood and Bumper Standards Can Save Lives:** The U.S. Department of Transportation (DOT) should be required to update hood and bumper standards for motor vehicles to improve the safety of pedestrians, bicyclists and other VRUs. Many other countries already have implemented hood and bumper design changes that are making their roads safer for all road users. (Support Garcia Amendment 51)
- **50 Years is Too Long with Too Many Deaths to Continue Enduring a Failed and Deadly Seat Back Strength Standard:** Children who are properly restrained in the rear seat of a vehicle are being needlessly killed when a seatback fails. The federal standard for seat back strength has remained relatively unchanged since 1967. It must be required to be improved by a date certain to prevent any more senseless deaths. (Support Rice Amendment 16)
- **In the Distant Future Autonomous Vehicles (AVs) May Bring About Meaningful and Lasting Reductions in Motor Vehicle Crashes:** To accomplish this goal, commonsense safeguards and regulations are essential including for cybersecurity. In order to save lives now, the focus of policy makers must be repairing our crumbling roads and bridges and accelerating safety solutions instead of rushing the sale of unproven, unregulated technologies. (Oppose Graves Amendment 59, Latta Amendments 129 and 135, and Bilirakis Amendment 177.)
- **Fatal Truck Crashes Continue to Occur at an Alarming High Rate and Demand Urgent Action From Congress:** 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. Additionally, 159,000 people were injured in crashes involving a large truck in 2019, and injuries of large truck occupants increased by 18 percent. (Oppose Perry Amendments 153 and 210)
- **Truck Underride Crashes are Gruesome and Deadly but Can be Stopped with Better Guards:** Side and front underride guards that can prevent and mitigate horrific crashes where a passenger vehicle travels underneath a commercial motor vehicle (CMV) or trailer must be required, not just studied. (Changes needed to Section 4405)
- **Fatigue is a Well-Known and Well-Documented Lethal Threat to the Safety of Commercial Motor Vehicle Drivers and the Public:** The NTSB has repeatedly cited fatigue as a major contributor to truck crashes. Fatigue and sleep deprivation, and the associated dangers of falling asleep at the wheel, inattention and loss of alertness, are responsible for 13 percent or more of

¹ May Medium-Duty Sales Climb 36% From 2020 period, Transport Topics, Jun. 16, 2021.

heavy truck crashes. Congress must advance solutions to address this serious issue not reckless proposals that will worsen the problem. (Oppose Cheney Amendment 63, Perry Amendment 155, Bost Amendment 221, and Cammack Amendment 195)

- **Reject Reckless Changes to Federal Truck Size and Weight Limits:** Overweight trucks disproportionately damage our Nation's crumbling infrastructure and threaten public safety. The American Society of Civil Engineers (ASCE) 2021 Report Card for America's Infrastructure gives a grade of "D" for U.S. roads and "C" for bridges. Federal limits on the weight and size of CMVs are intended to protect both the traveling public and our roads and bridges. Bigger, heavier trucks cause bigger safety problems. (Oppose Sections 1619, 1623 and 4407, and Pappas Amendment 49, Luetkemeyer Amendment 85, Gonzalez Amendment 170, Lawson Amendment 172, and Guest Amendment 182)

Thank you for your consideration of these critically important issues. The INVEST Act contains many critically important safety provisions. However, we urge you to meet the moment by further strengthening the legislation to make significant and sustained reductions in highway deaths and injuries over the next five years.

Sincerely,

Catherine Chase, President, Advocates for Highway and Auto Safety

Jason Levine, Executive Director, Center for Auto Safety

Joan Claybrook, Chair, Citizens for Reliable and Safe Highways

Jack Gillis, Executive Director, Consumer Federation of America

Rosemary Shahan, President, Consumers for Auto Reliability and Safety

Amy Cohen, Co-Founder, Families for Safe Streets

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

Janette Fennell, Founder and President, Kids and Car Safety

Bill Nesper, Executive Director, League of American Bicyclists

Melissa Wandall, President, National Coalition for Safer Roads

Sally Greenberg, Executive Director, National Consumers League

Robert Weissman, President, Public Citizen

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

Andrew McGuire, Founder and Executive Director, Trauma Foundation

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.

Encl: Safety Spotlight

cc: Members of the United States House of Representatives

Safety Spotlight: Recommendations For H.R. 3684

From Advocates for Highway and Auto Safety, American Public Health Association, Center for Auto Safety, Citizens for Reliable and Safe Highways (CRASH), Consumer Federation of America, Consumers for Auto Reliability and Safety, Families for Safe Streets, FIA Foundation, Kids and Car Safety, League of American Bicyclists, National Coalition For Safer Roads, National Consumers League, Parents Against Tired Truckers (P.A.T.T.), Public Citizen, Society For the Advancement of Violence and Injury Research, Trauma Foundation, Truck Safety Coalition, .05 Saves Lives Coalition

SUPPORT

- **Rice #14:** Competitive grant process and evaluation on educational efforts to reduce drug impaired driving
- **Rice #16:** Requires update of seat back standard to prevent seat back failures and the resulting fatalities and injuries which are often sustained by children properly restrained in the backseat
- **Garcia #51:** Requires improvements to hood and bumper standards to better protect bicyclists, pedestrians and other vulnerable road users (VRU)
- **Lowenthal #79:** Directs a study of commercial vehicle weight classes to improve safety
- **Garcia #86:** Elevates considerations for VRUs in the update of the Manual on Uniform Traffic Control Devices (MUTCD) to improve safety
- **Rice #183:** Directs the Government Accountability Office (GAO) to study the effectiveness of child endangerment laws and make recommendations for improvements

Vital Improvements Needed to Existing Provisions:

(needed changes underlined)

- Require proven crash avoidance technology in all new trucks including class 3-6. (Sec. 4404)
- Changes needed to the definition of passive impaired driving prevention technology to remove language that ties it to .08% blood alcohol concentration (BAC), instead of state limits. This will have a chilling effect on .05% BAC efforts if it is not removed. (Sec. 10105)
- Require side and front underride guards on trucks in addition to upgrading the rear guard standard. (Sec. 4405)
- Missing: Provisions needed to prevent dealers from selling, leasing or loaning used vehicles with unrepaired safety recalls.

Oppose

Cheney #63 – Strikes Sec. 4311 permitting the DOT to use Electronic Logging Device (ELD) data for research

Perry #155 – Strikes requirement for obstructive sleep apnea screening

Bost #221 – Strikes requirement for new guidance on HOS for personal conveyance

Cammack #195 – HOS exemption for livestock haulers

Any Action to Exacerbate Truck Driver Fatigue:

Actions to weaken or circumvent truck driver hours of service (HOS) rules and ELD requirements are a persistent, anti-truck safety objective of some members of the industry. The National Transportation Safety Board (NTSB) has repeatedly cited fatigue as a major contributor to truck crashes and included reducing fatigue-related crashes on its Most Wanted List of Safety Changes. Actions must be taken to prevent, rather than worsen, this well-known and pervasive safety issue.

Pappas #49 – Exempts tow truck operators from length limits

Luetkemeyer #85 – Permits an increase in length limits for auto transporters

Gonzalez #170 – Permits overweight trucks to operate on new roads

Lawson #172 – Permits weight increase for auto transporters

Guest #182 – Permits weight exemptions for future interstate roadway

Any Action to Increase, Circumvent or Provide Exemptions to Truck Size and Weight Limits, Height Restrictions or Axle Tolerances:

Bigger and heavier trucks endanger all motorists and disproportionately damage the infrastructure. Exemptions from federal truck size and weight limits severely diminish their effectiveness and compromise enforcement efforts. Any action to increase, circumvent or provide exemptions to truck size and weight limits or axle tolerances including state or industry carve-outs, pilot programs or other efforts should be rejected.

Graves #59 – Diverts \$100M from highway trust fund away from current needs for autonomous vehicle (AV) deployment with no safety requirements

Latta #129 / #135 – Allows mass exemptions from safety standards for AV deployment absent deadlines for new critical standards for the electronics and systems that will “drive” the vehicle and other issues (i.e., cybersecurity)

Bilirakis #177: Adds new category for exemptions to safety standards for AVs, fails to guarantee access to all people with disabilities

Any Action to Accelerate Deployment of AVs Absent Safeguards to Prevent Safety Deficits and Ensure Safe and Accessible Operations:

At a time when our roads and bridges are crumbling and traffic fatalities spiked in 2020 reaching the largest projected number of traffic fatalities since 2007, proven safety technologies such as advanced driver assistance systems (ADAS) can and should be required as standard equipment with minimum safety standards developed by the National Highway Traffic Safety Administration (NHTSA) which is a chronically underfunded agency. AVs are a long-term possibility by the admission of numerous senior auto and tech industry executives. The focus should be on improving the integrity and safety of our infrastructure for all road users and accelerating proven safety advances and countermeasures.

Perry #153 - Strikes Automatic Emergency Braking Requirement for Class 7 & 8 Trucks

Perry #210 – Strikes revisions to improve speed issues and speed limit setting

Efforts to Strike or Reduce Any Safety Provisions:

The 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. This toll includes 4,894 people killed in crashes involving large trucks. NHTSA also identified speeding as a leading contributor to traffic fatalities in 2020. The time for action is now and efforts to advance proven solutions should not be undercut or stricken.