Testimony of Jane Terry
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to
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"Safety on Our Roads: Overview of Traffic Safety and NHTSA Grant Programs"
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Chairman Wicker, Chairwoman Fischer, Ranking Member Cantwell, Ranking Member Duckworth and members of the Subcommittee, thank you for inviting me to testify today on behalf of the National Safety Council (NSC) on improving the safety of our nation's roadways. It is an honor to be with you today.

NSC is America's leading nonprofit safety advocate – and has been for over 100 years. As a mission-based organization, we work to eliminate the leading causes of preventable death and injury, focusing our efforts on the workplace, roadway and impairment. We create a culture of safety to not only keep people safer at work, but also beyond the workplace so they can live their fullest lives. Our more than 15,000 member companies and federal agencies represent employees at nearly 50,000 U.S. worksites.

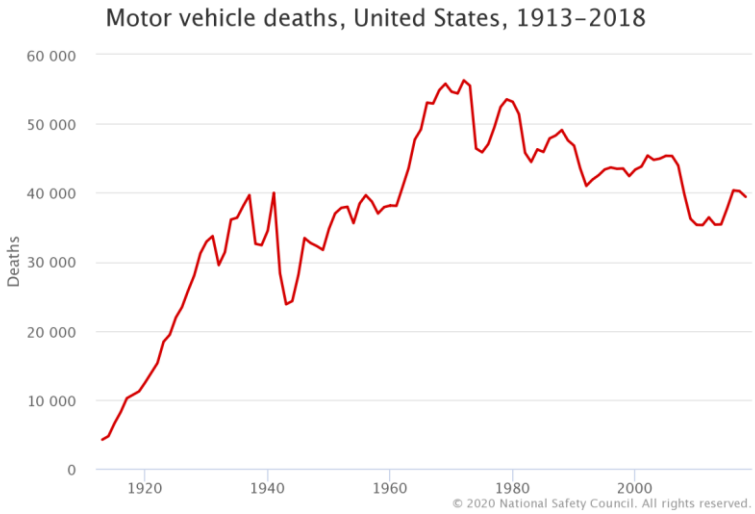
As I address you today, we are at the end of National Safety Month, which occurs every June. NSC has led this observance for over 20 years, always with the goal of providing employers with the materials and resources they need to keep their workers safe. This year, NSC is focusing on the greatest workplace safety threat facing employers and workers right now – the coronavirus pandemic, including the effects it is having on our roadways.

These are times like no other, and the pandemic has impacted our transportation system. Even with fewer vehicles on the roadways, it is less safe to drive. While the total number of miles travelled decreased, the motor vehicle fatality rate increased by an alarming 14% in March and 36.6% in April year-over-year. These numbers underscore how urgently we need today's hearing. We must change the culture of safety on our roads. A state-by-state breakdown of these fatalities for March and April is attached to this statement.

In addition, the country is having a necessary and overdue dialogue about equity and race. Roadway safety is a component of this discussion, too. Too often, past decisions made in the name of transportation improvements have failed Black, Indigenous and people of color. Research shows that people of color suffer higher rates of pedestrian fatalities and severe

injuries[1] and drivers are less likely to yield to Black people walking and biking[2] and a *ProPublica* investigation finds that frequently programs and policies to support safety – such as those around jaywalking[3] – disproportionately burden communities of color. In our discussion today on laws and enforcement, we must take time to listen, learn and reflect on how we can all be part of the solution to address disparities in transportation safety. To this end, NSC, through the Road to Zero Coalition, will lead discussions later this year to inform and improve our work.

The National Highway Traffic Safety Administration (NHTSA) states 36,560 people were killed in motor vehicle traffic crashes in 2018.[4]



(Chart shows total motor vehicle data, source National Center for Health Statistics)

Included here are the number of people killed in motor vehicle crashes in 2018 from the Chairs' and Ranking Members' states:[5]

Mississippi	664
Washington	546
Nebraska	230
Illinois	1,031

These entirely preventable crashes have a tremendous human toll and cost the American economy over $445.6 billion a year.[6]

These are the lives of your constituents. These mothers, fathers, sisters, brothers, aunts and uncles contributed to the communities in which they lived. Yet, our national outrage at these

[1] https://www.smartgrowthamerica.org/app/legacy/documents/dangerous-by-design-2014/dangerous-by-design-2014.pdf
[2] https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1009&context=psy_fac
[3] https://www.propublica.org/series/walking-while-black
[4] https://www.nhtsa.gov/traffic-deaths-2018
[5] https://www-fars.nhtsa.dot.gov/States/StatesCrashesAndAllVictims.aspx
[6] https://injuryfacts.nsc.org/motor-vehicle/overview/introduction/

losses is conspicuously absent, particularly when compared to deaths in other forms of transportation, such as aviation.

The United States has consistently avoided the hard choices needed to save lives on the roadways. The reauthorization of the Fixing America's Surface Transportation (FAST) Act is an opportunity for us to start making the right choices, and I appreciate the opportunity to talk with you today about how to do more to save lives because all of these deaths are preventable.

What disappoints many of us in the safety community is that the main causes of motor vehicle fatalities – lack of seat belt use, alcohol-impaired driving, and speed – have remained the same for decades.

40% of occupants who die in motor vehicle crashes are unbelted[7]
29% of people who die in crashes are involved in alcohol-impaired wrecks[8]
26% of the fatalities are speed-related[9]

The solutions to these problems are simple and clearly known, but we need the political and societal will to implement them.

NHTSA Safety Grants

NHTSA is the national leader on roadway behavior safety programs, and one of the main tools the agency uses to work with states are the safety grant programs. NHTSA also regularly publishes "Countermeasures that Work: A Highway Safety Countermeasures Guide for State Highway Safety Offices."[10] This document evaluates countermeasures for effectiveness, and NSC believes that states should focus funding on 3-, 4-, and 5-star countermeasures to provide the biggest impact.

States outline how they will use these funds through their annual Highway Safety Plans (HSP), which are developed by the transportation leaders in the states including the Departments of Transportation, state highway safety offices, law enforcement, emergency medical services (EMS), and others. It is key that each of these offices fully participates in development of the HSP as each has a unique and shared commitment to saving lives on the roadways, whether it is to prevent the crash from occurring or to ensure an appropriate response.

Section 402 grants—named for the section of statute in which the program is located—are apportioned to states by a population and road miles based formula, and states have flexibility on how these funds are used for behavior programs. The 405 grants—also named for the section of statute in which the program is located—are dedicated to priority programs listed below and have requirements that states must meet to qualify for funding and incentives attached for meeting these requirements. These programs focus on the biggest roadway killers, and it is critical they remain in place to focus needed attention on these issues and save lives that may be otherwise lost to these persistent killers.

[7] https://injuryfacts.nsc.org/motor-vehicle/occupant-protection/seat-belts/
[8] https://www.responsibility.org/alcohol-statistics/drunk-driving-statistics/drunk-driving-fatality-statistics/
[9] https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812932
[10] https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812478_countermeasures-that-work-a-highway-safety-countermeasures-guide-.pdf

Priority grant programs include

405(b) Occupant protection grants (13% of funding)
405(c) Traffic Safety information systems (14.5% of funding)
405(d) Impaired driving, including 24-7 and ignition interlock programs (52.5% of funding)
405(e) Distracted driving (8.5% of funding)
405(f) Motorcycle safety (1.5% of funding)
405(g) Graduated driver licensing (5% of funding)
405(h) Nonmotorized safety (5% of funding)

The section 405 provisions may require state laws to be passed to qualify for funding, and in these cases, NHTSA must make a determination whether these laws met the goals as outlined. When NHTSA has determined states do not qualify for funding, the decision process and reasoning has not been clear. Without clear direction from NHTSA, state legislators may not try to strengthen their laws again. NSC supports the Committee requiring greater transparency of NHTSA on its decisions when grant applications are rejected and availability of NHTSA to provide technical assistance. NSC also supports authorizing additional resources to support this assistance.

Data

In all funding decisions, good data are the key to determine where and how to focus efforts. Our current data systems should be fully evaluated for updating and reflecting today's circumstances. The fatality analysis reporting system (FARS) is the national data collection tool for fatal roadway crashes, and it needs updating. For a more complete picture of fatal crashes, FARS should include events on non-public roadways too, such as driveways and parking lots, and on a monthly basis, NHTSA should also use the state data it receives to release monthly preliminary fatality estimates. This data can provide important insights to identify trends that can be addressed quicker than waiting until there is a full evaluation of FARS data, which usually occurs in October or November of the following year.

Traffic data improvements across states are imperative. The longstanding reliance on local law enforcement officers is and continues to be a strong foundation for understanding conditions that contribute to crashes, such as roadway design, driver impairment and weather, to name a few. In addition, the EMS data adds critical understanding of deaths and serious injuries from motor vehicle-related crashes. EMS includes ambulance services and other 911 medical response organizations that provide assessment and medical care on scene, as well as during transportation to the hospital. The EMS data is a missing link to provide a more complete picture of the health outcomes of crashes. Medical evaluation of the condition of the victim and documented clinical measurements such as vital signs and other indicators, like the Glasgow Coma Scale, can be used to calculate and approximate injury severity. EMS personnel contribute this data to the National EMS Information System (NEMSIS), which is a uniform standard for data collection and electronic record submission about patient care on scene and during transport to the hospital. States with fully developed NEMSIS databases can upload records in near real-time, linking crash and EMS records, and ultimately trauma registry data that is also available to most state EMS offices. This data provides a clearer picture of the health impacts and outcomes of crashes.

States regulate ambulance services, and for nearly 50 years, state licensure has required all ambulance services that respond to 911 calls to submit EMS response and patient care data to the state. As of last week, over 36 million patient care reports had been voluntarily submitted to NHTSA's NEMSIS database by state EMS offices for calendar year 2019. NHTSA's Office of EMS has supported the creation and management of this national repository for NEMSIS compliant records since the late 1990s, but state EMS offices do not receive federal funds to aid in this data collection. NSC supports allowing full integration of EMS offices in the HSP development and use of NHTSA grant funds to bring all states' NEMSIS databases up-to-date.

NHTSA also operates the Crash Reporting Sampling System (CRSS), which is a national sample of fatal and non-fatal crashes. Since the sample design does not allow for state level estimates, users are unable to evaluate non-fatal crash trends on a state-by-state basis. Having more granularity by requiring more reporting of non-fatal crash reports would allow for greater insight into roadway safety and help identify dangerous roadways and other problems. As more states use electronic reporting to share crash report data, NSC believes a more robust CRSS is possible and more easily achievable.

Supporting states' purchasing of technology to allow near real-time crash reporting improves safety and allows for a faster response by planners, engineers and law enforcement. The Senate should support the ability to use both 405 and 402 funding to purchase technology and upgrade systems for faster reporting.

In 2017, NSC released the report, *Undercounted is Underinvested: How incomplete crash reports impact efforts to save lives*.[11] Our review found that no state fully captures critical data needed to address and understand the rise in roadway fatalities. Crash reports from all 50 states[12] lack fields or codes for law enforcement to record the level of driver fatigue at the time of a crash, 26 state reports lack fields to capture texting, 32 states lack fields to record hands-free cell phone use and 32 lack fields to identify specific types of drug use if drugs are detected, including marijuana. Excluding these fields limits the ability to effectively understand and address these problems. NSC encourages capturing more uniform and complete data on crashes.

Road to Zero

More states and localities have adopted "zero" language into the goals on our roadways. This has been commonplace in other settings like workplaces, where NSC has been involved since its beginning, and it has had meaningful results. NSC is so committed to a zero goal on the roadways that we lead the Road to Zero Coalition, a diverse group of over 1500 members committed to eliminating roadway fatalities by 2050. The coalition includes members from across the country representing transportation organizations, businesses, academia, safety advocates and others – the first time so many organizations have collaborated to put forth a plan to address fatalities on our roads.

[11] https://www.nsc.org/Portals/0/Documents/DistractedDrivingDocuments/Crash%20Report/Undercounted-is-Underinvested.pdf

[12] The National Safety Council reviewed one crash report from each state. NSC was not able to obtain a current crash report from the District of Columbia, so it is not included.

The centerpiece of our work together has been the creation of the Road to Zero report, a comprehensive roadmap of the strategies necessary to achieve our goal by 2050. The coalition report includes three primary recommendations:

1. **Double down on what works through proven, evidence-based strategies**
2. **Accelerate advanced life-saving technology in vehicles and infrastructure**
3. **Prioritize safety by adopting a safe systems approach and creating a positive safety culture**

Double Down

We know what works. Enacting evidence-based laws related to seatbelts, alcohol impairment, speed and other killers shows we are ready for change. Education about the laws, combined with enforcement, delivers on the change. We urge legislators to look at these and the many other laws that, if enacted, enforced and promoted, would reduce fatalities. These improvements not only save lives, but also save money. The Centers for Disease Control and Prevention provides the Motor Vehicle Prioritizing Interventions and Cost Calculator for States (MV PICCS)[13] to help policymakers determine the lives saved and costs of implementation of 14 different evidence-based motor vehicle laws. While many of these laws require state action, Congress should support incentives in the reauthorization bill to accelerate state adoption and enforcement.

Seatbelts

Seat belts save lives and reduce serious injuries by half.[14] In 2017, seat belts saved almost 15,000 lives.[15] There is no question that seat belts play an important role in keeping passengers safe. Regardless of other causal factors, the lack of proper occupant restraint continues to increase the severity and lethality of motor vehicle crashes. While 89.6% of American drivers and vehicle occupants used seat belts in 2018, more than 1 in 10 continued to put their lives at unnecessary risk, with tragic consequences. Forty percent of people killed in motor vehicle crashes in 2017 were unbelted.[16] Yet despite these data, only 34 states and the District of Columbia have primary enforcement of their seatbelt laws – meaning law enforcement may stop vehicles solely for belt law violations. Of the other 16 states, 15 have secondary laws – requiring police to have another reason for a traffic stop – and one, New Hampshire, has no belt law.

Primary seatbelt laws are proven to increase the rate of belt use and save lives. In 2019, 92% of passenger vehicle occupants were belted in states with primary laws, while only 86.2% of occupants were belted in states with secondary or no seatbelt laws.[17] Public education and high-visibility enforcement campaigns such as *Click It or Ticket* have increased public awareness of the dangers of driving unrestrained, but will only be most effective when accompanied by strong laws.

[13] https://www.cdc.gov/motorvehiclesafety/calculator/index.html
[14] https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812691
[15] https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812691
[16] https://injuryfacts.nsc.org/motor-vehicle/occupant-protection/seat-belts/
[17] https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812662

In 2017, NHTSA estimated that the use of seat belts in passenger vehicles saved 14,955 lives, and if all drivers and passengers had worn their seatbelts, an additional 2,549 lives would have been saved.[18] In Nebraska and Illinois, an additional 23 and 50 lives respectively could have been saved in 2017 with 100% seat belt use.[19]

One area of seatbelt oversight is on school buses. NSC supports Senator Duckworth's bill, S. 2278, the School Bus Safety Act, to require new buses to have three-point belts so that children are appropriately protected each and every ride. Most school buses operating today only include a seat belt for the driver – not for the passengers. However, since 2002, lap and shoulder belts have been made available on school buses, and some school systems do, in fact, use passenger seat belts.[20] Congress should act to require this important protection on all school buses.

Impairment

Another leading cause of roadway deaths is impairment. Every day, almost 30 people die in alcohol-impaired crashes in the United States – one every 50 minutes.[21] Despite these data, our culture does not prioritize safety, with more than 1 in 10 drivers admitting to driving in the prior year when they thought they were close to or over the legal blood alcohol content (BAC) limit.[22] NHTSA estimates 10,511 lives were lost in 2018 from drunk driving motor vehicle crashes.[23]

The science on alcohol impairment is clear: drivers are four times more likely to crash at .05 than if they had nothing to drink.[24] Most other industrialized countries have implemented a BAC of .05 or lower, changes which have been followed by decreasing numbers of fatalities from alcohol-impaired crashes. Lowering the BAC limit from .08 to .05 is proven to save lives on the roadways, and in the U.S. could save as many as 1,500 lives if implemented nationally.[25] Utah is the first state in the U.S. to pass a law lowering the BAC to .05. NSC supports other states attempting to implement such legislation, and hopes to see federal legislation introduced to support this as well.

Drug impaired driving is also a problem. Too many of our fellow Americans suffer from substance use disorders to legal and illegal drugs. Drug overdoses, led by opioids, are the leading cause of preventable death in the U.S.[26] In 2018, nearly 140 million Americans aged 12 or older consumed alcohol in the past month, with 16.6 million being heavy users and 2.2 million

[18] https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812454
[19] Ibid.
[20]http://www.nasdpts.org/Documents/NASDPTS%20POSITION%20PAPER%20PASSENGER%20LAP%20SHOULDER%20BELTS%20FINAL%20FEB%202014.pdf
[21] https://www.nhtsa.gov/risky-driving/drunk-driving
[22] http://tirf.us/wp-content/uploads/2018/12/RSM-TIRF-USA-2018-Alcohol-Impaired-Driving-in-the-United-States-3.pdf
[23] https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812826
[24] Blomberg RD, Peck RC, Moskowitz H, Burns M, Fiorentino D: The Long Beach/Fort Lauderdale relative risk study; J Safety Res 40:285; 2009.
[25] Fell, J. C., and M. Scherer. 2017. Estimation of the potential effectiveness of lowering the blood alcohol concentration (BAC) limit for driving from 0.08 to 0.05 grams per deciliter in the United States. *Alcoholism, Clinical and Experimental Research.* doi: 10.1111/acer.13501.
[26] https://injuryfacts.nsc.org/home-and-community/safety-topics/drugoverdoses/data-details/

being aged 12-17. In 2018, 1 in 5 people aged 12 or older used an illicit drug in the past year. Marijuana is the most commonly used illicit drug, followed by prescription pain relievers.[27]

When the use of impairing substances and driving are mixed, too many lives are lost and changed forever. Data show that over 10,000 people die in alcohol-impaired crashes each year.[28] The Centers for Disease Control and Prevention reports that 12 million people aged 16 and older reported driving under the influence of marijuana in the past year, and 2.3 million people aged 16 and older reported driving under the influence of illicit drugs other than marijuana.[29]

During the last national roadside survey conducted in 2013-2014, the percentages of weekend nighttime drivers who tested positive for alcohol, marijuana and illicit drugs were 8.3%, 12.6% and 15.1%, respectively.[30] These results are one of the most comprehensive, national understandings of impaired driving that we have. The national roadside survey has been a key tool to understanding impaired driving on U.S. roads, and NSC encourages Congress to remove barriers to conducting this survey because it is hard to stop deadly behavior when you don't know what the behavior is.

Another key factor to establishing impaired driving data is to create standards for testing. Beginning in 2007, the Alcohol Drugs and Impairment Division of the National Safety Council has created and maintained a series of recommendations for the appropriate scope and level of sensitivity of testing for drugs in suspected drug impaired driving and motor vehicle fatality investigations. The process has involved surveying of 70-100 laboratories throughout the United States performing this work to determine the most frequently encountered drugs, positivity trends, and the emergence of new impairing drugs in driving populations. The survey also attempted to capture information about laboratory capacity and capability, and the available technology for routine drug testing.

This data has been used to generate a consensus document[31] based on diverse input from large and small, academic, public and private, and from multiple states, containing two tiers of drugs with identified involvement in impaired driving arrests and traffic deaths. The first tier includes the most common, most readily detectable drugs that account for the greatest number of impaired driving cases, and within the analytical capabilities of most laboratories. The second tier are emerging drugs, less frequently implicated, or requiring special testing equipment or technology, that should be considered in cases where testing for tier 1 drugs is negative.

These recommendations have been adopted by more than 50 of the most active laboratories in the country, and the toxicology community is working towards fuller adoption for a more uniform and comprehensive approach to testing to help ensure the availability of more reliable data for the epidemiological data on the severity of the drug impaired driving problem. The fourth iteration of these recommendations is being prepared and will be published in 2020.

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[27] https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHNationalFindingsReport2018/NSDUHNationalFindingsReport2018.pdf
[28] https://injuryfacts.nsc.org/motor-vehicle/motor-vehicle-safety-issues/alcohol-impaired-driving/
[29] https://www.cdc.gov/mmwr/volumes/68/wr/mm6850a1.htm
[30] https://www.nhtsa.gov/behavioral-research/2013-14-national-roadside-study-alcohol-and-drug-use-drivers
[31] https://www.nsc.org/Portals/0/Documents/NewsDocuments/2019/NSC-Model-Guidelines-for-Toxicological-Investigation-of-Drug-Impaired-Driving.pdf?ver=2019-12-02-172252-037

Given the wide use, adoption and support of these recommendations among the toxicology community, NSC offers that these standards should be incorporated into any legislation, with the goal of better drug testing data collection, and we appreciate Chair Fischer's leadership to include it in S. 2979. Additionally, NSC recommends that NHTSA use this document to provide national guidance for impaired driver testing to all toxicology labs in the U.S.

Drug recognition experts (DREs) are a key enforcement tool for many localities. These are specially trained law enforcement officers who can evaluate the signs of impairment from drugs. This is especially important because some drug tests only detect presence of the drug and not impairment. Advanced Roadside Impaired Driving Enforcement (ARIDE) officers, which is the first step in becoming a DRE, are also key officers for law enforcement to have as part of their squads. The U.S. needs more trained DREs. According to data from the International Association of Chiefs of Police, DREs are outnumbered. In the Chair's state of Nebraska, there are 109 DREs, and 1.4 million licensed drivers. Illinois also has 109 DREs and 8.5 million licensed drivers and a new marijuana decriminalization law.[32] NSC supports the use of NHTSA and other federal funding to pay for DRE and ARIDE training to stop drug-impaired driving.

Distraction

Distracted driving is a contributing factor in far too many preventable motor vehicle crashes nationwide. Anything that requires drivers to take their eyes off the road, hands off the wheel or mind off the task of driving is inherently dangerous. Even attentive drivers are at risk when operating around someone who is distracted. In the five seconds it takes to send or read a text or email message, a vehicle traveling at 55 miles per hour will travel the length of a football field.[33] During that time, drivers can miss much of what is in their driving field, including stop signs and pedestrians.

Safe driving is a collective responsibility. Yet, many drivers still do not understand or simply choose to ignore the risks of distracted driving. An NSC survey found 47% of drivers mistakenly believe they can safely text while driving, though many of these same respondents did not want others to do so. Eighty percent of respondents support laws that would ban the use of hand-held devices while driving, and 65% would support a total ban on the use of devices, including hands-free devices linked through dashboard technology.

State legislatures around the country have recognized the dangers of distracted driving for years. Currently, 48 states and the District of Columbia ban text messaging for all drivers, 21 states and the District of Columbia prohibit hand-held cell phones while driving, and 38 states and the District of Columbia ban any cell phone use by novice or teen drivers.[34] These laws are undoubtedly saving lives, but more must be done. NSC encourages all states to adopt laws prohibiting any cell phone and electronic device use while driving, and in order to better understand the problem of distraction, for all states to have a field on police reports to capture texting and cell phone use.

NSC and GHSA worked together to amend the FAST Act section 405 distraction provisions. NSC encourages the Senate to adopt this same proposal in the Senate reauthorization bill.

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[32] https://www.theiacp.org/states-and-countries-with-dres
[33] https://www.nhtsa.gov/distracted-driving/distracted-driving-kills
[34] https://www.ncsl.org/research/transportation/cellular-phone-use-and-texting-while-driving-laws.aspx

Speed

The U.S. has a fatal problem with driving too fast. The Insurance Institute for Highway Safety (IIHS) estimated that increasing speed limits over the past 25 years have led to 37,000 deaths, and 26% of all crash fatalities in 2018 occurred in speed-related crashes.[35] For pedestrians, cyclists and other vulnerable road users, speed can be especially deadly. As illustrated, at 20 miles per hour, 9 out of 10 pedestrians would survive being struck by a vehicle, but if you double that speed, 9 out of 10 pedestrians would be killed.

Image: Seattle Department of Transportation

In 2017, 5,977 pedestrians were killed in the U.S. – that's one death every 88 minutes.[36] Pedestrians are 1.5 times more likely than passenger vehicle occupants to be killed in a car crash, and these numbers have increased dramatically in recent years. From 2009 to 2018, the number of pedestrian fatalities increased by 53%.[37]

It is not only pedestrians and other vulnerable road users impacted by excess speed, but also 8,884 motor vehicle drivers and occupants who died in 2018 in speed-related crashes.[38] One evidence-based proven countermeasure for speed is automated enforcement. Automated enforcement is proven to reduce speed and save lives, but implementation must be done properly, with safety – not revenue – as the primary objective. NSC, AAA, the Advocates for Highway and Auto Safety and IIHS created the attached checklist to provide guidance to communities as they deploy automated enforcement. The guidance encourages transparency and grace among enforcement actions given and dedication of the funds to safety, trauma care or a similar purpose.

Federal restrictions on automated enforcement should be eliminated. Additionally, federal funding should be allowed to support automated enforcement. H.R. 2, the INVEST in America Act, allows the use of federal funds for automated enforcement in work zones, and NSC urges the Senate to include similar provisions.

[35] https://www.iihs.org/topics/speed
[36] https://www.cdc.gov/motorvehiclesafety/pedestrian_safety/index.html
[37] https://injuryfacts.nsc.org/motor-vehicle/road-users/pedestrians/data-details/
[38] NSC analysis of NHTSA FARS data

Graduated Driver Licensing

Motor vehicle fatalities are the number one cause of death for teenagers in the U.S., and data published in the NSC annual Injury Facts report shows that drivers 21 and younger have the highest fatal crash rates of any age group.[39] Tragically, 2,142 teens had their lives cut short due to motor vehicle crashes in 2018.[40]

Novice drivers, regardless of age, have one thing in common: inexperience. We must do all we can to ensure the safest driving environment for this vulnerable driving population. Without structured introduction to the driving environment, more deaths and injuries can occur.

Strong graduated driver licensing (GDL) programs are evidence based programs that tier licensing to increase driving exposure. GDL is a three-step process: 1) initial learner's permit phase; 2) intermediate, or provisional, license phase; and 3) full licensure phase. In an October 2016 report, the Governor's Highway Safety Administration (GHSA) noted that although teen driver involvement in fatal crashes has fallen significantly since 2005, decreases have not been dramatic for drivers aged 18 to 20 years old. They conclude that this is likely due to the overwhelming number of GDL programs that only extend until age 18, and recommend that nationwide GDL requirements be expanded to include all novice drivers under 21 years of age.[41] NSC supports increasing GDL requirements to age 21 because a new driver is inexperienced, no matter what the age.

Motor Vehicle Recalls

Right now, more than 53 million vehicles on America's roadways have open safety recalls – that's more than one in five vehicles on the road. In light of these record-high numbers, NSC launched the Check To Protect initiative in 2017. This public awareness campaign encourages vehicle owners to check their vehicles in order to protect the loved ones who ride with them. Anyone can learn their recall status by entering their VIN at CheckToProtect.org, which has drawn more than 800,000 users in the past 12 months. To further raise awareness, NSC works with state DMVs, military bases, colleges and universities, workplaces and others to promote Check To Protect and let people know how easy and important it is to ensure their vehicle does not have an unrepaired recall.

Tomorrow, Check To Protect will launch a new service that allows anyone to take a picture of their license plate and text it to a five digit number to learn their vehicle's recall information. This simple tool has the power to save lives.

Move Over

Move Over laws exist in every state, but the awareness about and compliance with them varies greatly. When you add distraction, it can be a deadly mix. In fact, last year, NSC conducted a survey finding that 71% of U.S. drivers admit to taking photos or videos when they see an

[39] https://injuryfacts.nsc.org/motor-vehicle/overview/age-of-driver/
[40] https://injuryfacts.nsc.org/motor-vehicle/road-users/teen-drivers/
[41] http://www.ghsa.org/sites/default/files/2016-12/FINAL_TeenReport16.pdf

emergency vehicle on the side of the road responding to a fire or a crash, or simply making a routine traffic stop. Sixty percent post to social media, and 66% send an email about the situation – all while behind the wheel. Worse still, 16% – more than 1 in 10 – said they either have struck or nearly struck a first responder or emergency vehicle stopped on or near the road. In spite of all this, 89% of drivers say they believe distracted motorists are a major source of risk to first responders. It is clear that we need to do more nationally to ensure increased compliance with move over laws. Already this year, 22 first responders have been struck and killed by motorists in roadway collisions, and the number nearly doubles if you include tow operators and mobile mechanics.[42]

NSC applauds the bipartisan leadership of this subcommittee for initiating a GAO report on the effectiveness of move over laws. Senator Duckworth's bill S. 2700, the Protecting Roadside First Responders Act, would establish funding within the 405 programs for education about and compliance with move over laws. NSC supports the establishment of this program to save the lives of those people who are there to help us.

Child Passenger Safety (CPS)

Correct use of a child restraint system appropriate for a child's age and size saves lives. NHTSA estimates that car seats reduce the risk of fatal injury by 71% for infants and 54% for toddlers.[43]

NSC supports the expansion of programs that recruit and train CPS Technicians and education on the importance of CPS for caregivers. These technicians conduct critical work by providing one-on-one instruction to parents to learn how to properly install their child's car seat. NSC supported an amendment[44] to H.R. 2 that expands NHTSA funding to allow states to recruit and train Child Passenger Safety Technicians and educate parents and care givers about proper use of CPS in low-income and underserved populations, and we encourage the Senate to consider similar language.

Hot Cars

It only takes 10 minutes for the temperature in a car to rise by 19 degrees. For children, in particular, this increase is enough to result in death.[45] Heatstroke is the leading cause of non-crash, vehicle-related deaths in children under 15.[46] The last two years – 2018 and 2019 – were particularly deadly for pediatric vehicular heatstroke (PVH), with more than 50 children dying each year. All these deaths are preventable. While deaths are down in 2020, likely due to a decline in overall vehicle use, five children (as of June 25, 2020) have died as a result of PVH. Three of these children gained access to unlocked vehicles, reinforcing the need to educate all drivers to lock their vehicles before walking away.

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[42] https://www.google.com/maps/d/viewer?mid=1A2WpcwDeQhUXwH_W4VW2F-pPbnMLB-GA&ll=35.01551109524687%2C-113.42843004999999&z=3

[43] https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812719

[44] See: https://transportation.house.gov/imo/media/doc/Titus%20041.pdf

[45] https://www.healthychildren.org/English/safety-prevention/on-the-go/Pages/Prevent-Child-Deaths-in-Hot-Cars.aspx

[46] https://www.healthychildren.org/English/safety-prevention/on-the-go/Pages/Prevent-Child-Deaths-in-Hot-Cars.aspx

Chairman Wicker has been a committed leader on preventing these tragedies. NSC supports his bill S. 1601, the HOT CARS Act that requires in-vehicle technology solutions to end these preventable deaths.

NSC also has made a free training module to help people understand how heatstroke can happen. It's available in English and Spanish at www.nsc.org/hotcars, and only takes about 15 minutes to complete. Education is a key element of raising awareness for everyone, so that these events do not become tragedies.

Advanced Technology

Technology is an important disrupter that will continue to transform roadway safety well into the foreseeable future. To reach zero deaths, we need to encourage the development of innovations that address human and road design failures, and, once proven, establish mandates for adoption of technologies that work. Further, this regulatory certainty and defined standards should drive interoperability and ensure meaningful outcomes. Additionally, data collection on serious and fatal crashes should be required in order to share consistent and verified information, and testing on public roads should be reported to the jurisdictions in which the tests occur. This level of transparency will help consumers better understand the technology and how to operate in it, with it and around it.

As we sit here today, automakers, technology firms and others are developing partially and fully automated vehicles. The potential safety benefits of automated vehicles could be incredible. When ready, these vehicles will not glance down at their phone, speed through a red light or have an alcoholic beverage before getting behind the wheel – all mistakes that we as human drivers continue to make over and over again, with deadly consequences. To be clear, it will be decades before we have meaningful fleet penetration on U.S. roadways of automated vehicles (AVs). In the meantime, there are significant technologies available in vehicles today, Advanced Driver Assistance Systems (ADAS) that can prevent or mitigate crashes. Consumer education about these technologies is critical to ensure they are adopted and used appropriately.

Several studies show the effectiveness of advanced features. In 2019, the Insurance Institute for Highway Safety Highway Loss and Data Institute released some of the following statistics:

> Forward Collision Warning systems reduced front-to-rear crashes with injuries by 20%
> Forward collision warning systems with autobraking reduced front-to-rear crashes with injuries by 56%
> Blind spot detection reduced lane-change crashes with injuries by 23%[47]

One area where technology can make a difference to save lives is by preventing impaired driving. NSC supports Senators Scott and Udall's S. 2604, the RIDE Act, to require the development of a standard for in-vehicle technology to detect alcohol impairment. This is the type of technology that can save thousands of lives if widely deployed. H.R. 2 provides one additional year of funding for such technology development and then allows technology developers to take over to advance similar technologies to meet the performance standard.

[47] https://www.iihs.org/media/259e5bbd-f859-42a7-bd54-3888f7a2d3ef/e9boUQ/Topics/ADVANCED%20DRIVER%20ASSISTANCE/IIHS-real-world-CA-benefits.pdf

NSC believes this is the right approach to take to support a technology solution to a persistent and deadly problem.

Consumer understanding of ADAS technology is key, and establishing performance standards and common nomenclature for the automated vehicle (AV) technology will also help encourage better understanding. In 2016, NSC testified before a congressional committee on the need to standardize ADAS nomenclature to eliminate consumer confusion. Our conclusions were based on research conducted during the development of a national consumer education campaign, MyCarDoesWhat.org in 2015. In 2019, AAA released a report about the lack of consistency in naming and performance of these technologies. In it, they found adaptive cruise control has 20 different names and lane keeping assistance has 19 unique names.[48] The trend continued with other technologies. These different names do not aid consumer understanding and acceptance. In fact, AAA also found that over 70% of consumers are afraid of fully automated vehicles.[49]

Last year, NSC, in collaboration with AAA, Consumer Reports, and J.D. Power, released "Clearing the Confusion: Recommended Common Naming for Advanced Driver Assistance Technologies" (attached).[50] Our four organizations agreed on standardized naming that is simple, specific, and based on system functionality in an effort to reduce consumer confusion. Safety features may change over time as software and hardware updates in turn modify the operational parameters for vehicle systems. Providing education throughout the life of vehicles can help consumers better understand how these features can advance safety. Today, 93% of new vehicles offer at least one ADAS feature, and the terminology often seems to prioritize marketing over clarity.[51] Earlier this year, DOT endorsed these recommendations, and just last month the Society of Automotive Engineers (SAE) did as well. We urge other safety organizations, automakers, journalists and lawmakers to join us in adopting these terms.[52]

The New Car Assessment Program (NCAP), a national "star rating system" for vehicles, must be updated to reflect advances in safety technology. NSC supports changes to NCAP, at a minimum, for crash avoidance, crashworthiness and pedestrian detection.

- **Crash avoidance.** NSC believes that NCAP must evolve to reflect improvements in recent years to crash avoidance and post-crash technologies. Safety technologies to provide advanced warnings or intervene can potentially prevent a crash due to human factors.
- **Crashworthiness**. While car technology is making cars safer, NCAP should modernize to reflect post-crash engineering advancements in reducing fatalities and the severity of injuries.
- **Pedestrian protection.** In 2018, 7,680 pedestrians were killed, and pedestrian fatalities are increasing while motor vehicle crash fatalities are decreasing.[53] Advances in technology and vehicle design changes can save lives of these vulnerable road users.

[48] https://www.aaa.com/AAA/common/AAR/files/ADAS-Technology-Names-Research-Report.pdf
[49] https://newsroom.aaa.com/2019/03/americans-fear-self-driving-cars-survey/
[50] https://www.nsc.org/Portals/0/Documents/NewsDocuments/2019/ADAS%20Common%20Naming%20One-pager.pdf?ver=2019-11-20-094231-643
[51] https://www.aaa.com/AAA/common/AAR/files/ADAS-Technology-Names-Research-Report.pdf
[52] https://www.transportation.gov/briefing-room/us-transportation-secretary-elaine-l-chao-announces-new-initiatives-improve-safety
[53] https://injuryfacts.nsc.org/motor-vehicle/road-users/pedestrians/

It is important to note that ADAS features should not be limited to passenger motor vehicles. NSC fully supports the National Transportation Safety Board (NTSB) long-standing recommendations that advanced technology on commercial vehicles can prevent or mitigate crashes. Large trucks account for 4% of all registered vehicles, but are overrepresented in fatal crashes, involved in 9% of these crashes. ADAS features on these vehicles will save lives, and the Senate should require rulemaking to this end.

5.9 GHz Safety Spectrum

When it comes to technology, the U.S. prioritized safety years ago by dedicating the 5.9 GHz spectrum band for intelligent transportation systems. Commonly referred to as V2X technologies, these systems allow vehicles to communicate with other vehicles, infrastructure, and bicycle and pedestrian road users to avoid crashes and enhance safety. NHTSA predicts that the safety applications enabled by V2X technologies could eliminate or mitigate the severity of up to 80% of non-impaired crashes.[54]

Unfortunately, since 2013, the FCC has been threatening to repurpose spectrum away from these cutting-edge transportation safety technologies and has now released a notice of proposed rulemaking (NPRM) to reduce the spectrum that is available to V2X technologies.[55] The FCC proposal rule would reallocate the majority of the 5.9 GHz band away from transportation safety. This would be a grave mistake.

NSC believes that all of the 5.9 GHz safety spectrum should be reserved for transportation safety purposes, which is why, on June 23, we joined more than 40 other organizations on a letter[56] to Chairman Wicker and Ranking Member Cantwell requesting the FCC reconsider the approach in the NPRM that reallocates spectrum within the 5.9 GHz band for unlicensed uses. Use of your authority at this critical juncture could save thousands of American lives and hundreds of billions of dollars each year. We implore you to do so.

Prioritize Safety

By prioritizing safety, we commit to changing our nation's safety culture. This means we have to accept that any life lost is one too many. Once we accept that one death is too many, we will begin thinking about how to take a "safe systems" approach to our roadways. Fully adopted by other modes of transportation, this means building fail-safe features that anticipate human error and developing infrastructure with safety margins.

With the understanding that people will make mistakes, the built environment or infrastructure can be more forgiving to eliminate fatalities. Some of these changes may include engineering greater safety into a design. For example, in the pictures below, a multi-lane intersection with a red light in Scottsdale, Arizona was replaced with a roundabout. With the intersection, there are 32 potential points of failure, but with a roundabout, that is engineered down to only 8.[57] Speeds are decreased, and if crashes do occur, they occur at angles that are not as violent.

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[54] https://one.nhtsa.gov/About-NHTSA/Press-Releases/ci.nhtsa_v2v_proposed_rule_12132016.print
[55] In the Matter of Use of the 5.850-5.925 GHz Band, ET Docket No. 19-138, Notice of Proposed Rulemaking, FCC 19-129 (2019).
[56] https://itsa.org/wp-content/uploads/2020/06/V2X-Stakeholder-Letter-to-CST.pdf
[57] https://safety.fhwa.dot.gov/intersection/innovative/roundabouts/presentations/safety_aspects/long.cfm

Successful infrastructure redesign can also look like the picture below from New York City. The picture on the left shows two roads merging together without an area for pedestrians, and the lane lines are non-existent. However, the reworked merge incorporates clearly marked lanes of travel, large sidewalks and areas of less exposure to vehicles for pedestrians.

These infrastructure changes are just as important in rural areas. Rumble strips on the center line or edge of roadways can prevent the roadway departure crashes that account for 52% of fatalities in the U.S.[58] Cable median barriers can also provide a margin of safety to redirect people in to their lane of travel, and high friction surface treatments can decrease vehicle stopping distance on roadways. These are all tools we have available today.

Infrastructure changes can be expensive, but they do not have to be. Through the Road to Zero Coalition, NSC has awarded millions in grants to groups across the country working in communities of all sizes. In the first year of grants, the National Complete Streets Coalition,

[58] https://safety.fhwa.dot.gov/roadway_dept/

worked with three communities: Lexington, KY, Orlando, FL, and South Bend, IN. Each city was provided only $8,000 dollars from the grant for temporary infrastructure changes, and each city had measurable improvements to safety even with a small dollar investment.

Allowing for flexibility to implement local safety measures is key to reflect the local priorities. NSC encourages this committee to explore options for cities, counties, and metropolitan planning organizations to prioritize safety for their citizens. This may allow for lowering speed limits, instituting automated enforcement, collecting data, accessing safety funds, and other items.

The biggest and hardest change is the shift to truly prioritize safety by changing safety culture on the roads. We are complacent when it comes to losing so many people each and every day on our roads. That must change. We need strong and passionate leaders committed to doing so. And I can think of none better than the members of this Committee and Subcommittee using the reauthorization as the vehicle to accomplish it. We have changed safety culture in workplaces, around child passenger safety and in other areas. We can do it here too, with your help. NSC looks forward to working with this Committee to fully develop these provisions.

Conclusion

You have an opportunity in front of you to prioritize safety, and the National Safety Council is committed to working with you to reach zero fatalities on our roadways. I hope you will join me in saying enough is enough and start down the Road to Zero. It is not impossible. It just hasn't been done yet.