



**ADVOCATES**  
for Highway & Auto Safety

**STATEMENT OF JACQUELINE S. GILLAN  
VICE PRESIDENT  
ADVOCATES FOR HIGHWAY AND AUTO SAFETY**

**ON**

**OPPORTUNITIES TO IMPROVE TRANSPORTATION SAFETY**

**BEFORE THE**

**SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

**APRIL 14, 2010**

Good morning Chairwoman Boxer, ranking member Inhofe, and members of the Senate Committee on Environment and Public Works. I am Jacqueline Gillan, Vice President of Advocates for Highway and Auto Safety (Advocates). Advocates is a coalition of public health, safety, and consumer organizations, and insurers and insurance agents that promotes highway safety through the adoption of safety policies and regulations and the enactment of state and federal safety laws. This year, Advocates is celebrating 20 years as a unique coalition dedicated to improving highway and auto safety by addressing it as a public health issue.

Thank you for the opportunity to testify before the Environment and Public Works Committee which has been an important force for advancing highway safety in the past two decades Advocates has been active. Members of this Committee, Democrats and Republicans, have been leaders on safety legislation addressing impaired driving, occupant protection and motor carrier safety. In every prior surface transportation authorization bill enacted by Congress in the past 20 years Advocates' safety priorities have focused on supporting enactment of programs and policies addressing safer roads, safer vehicles and safer drivers. Any significant and successful progress in achieving reductions in highway fatalities and injuries will require Congress to adopt safety countermeasures in all three areas. As the Committee formulates and writes a comprehensive surface transportation authorization bill there are several critical "opportunities for safety" that Advocates urges you to consider and include in the two areas of committee jurisdiction – safer roads and safer drivers. All of our proposals are effective both in terms of saving lives and saving billions of dollars for our nation.

### **Overview of Traffic Safety**

Traffic safety for the past two decades reflects both our successes and failures as a nation to protect our citizens from the tragic loss of life, serious physical injuries and enormous costs imposed by motor vehicle crashes. We have been successful in driving down the annual fatality rate by increasing the rate of seat belt use, enacting tough drunk driving countermeasures, adopting truck size limits, requiring vehicles to be equipped with proven safety technologies like airbags and electronic stability control, and designing more crashworthy vehicles.

At the same time, however, there is a major unfinished safety agenda that Congress needs to address. Recent deaths and recalls involving Toyota vehicles have revealed resource and regulatory gaps in our government's oversight and enforcement of safety defects, revolving door concerns involving agency staff, overdue vehicle safety standards and the lack of transparency that has blocked consumers from accessing essential safety information. Additionally, we have failed to close gaps in state traffic safety laws that would prevent many drunk drivers from getting behind the wheel, stop the huge number of occupant fatalities by requiring seat belt and motorcycle helmet use and protect the public from emerging safety threats such as distracted driving and dangerous overweight trucks. All of these safety problems result in thousands of preventable highway fatalities each year.

For 15 years, from 1993 through 2007, we were unable to reduce the annual national traffic fatality total below 40,000 deaths a year. Despite improvements in the fatality rate, the actual number of highway deaths remained static and signaled an inability to

make sufficient progress on the core safety issues that contribute to the unacceptably large annual death toll. Not only does this level of tragic, needless loss translate into over 100 persons killed each and every day – the equivalent of a daily commercial passenger airline crash – but it exacts an annual economic toll of more than \$230 billion<sup>1</sup> in economic costs – a yearly crash “tax” of nearly \$800 for every child, woman and man in the United States.

Although the traffic fatality total dropped below 40,000 deaths in 2007 and 2008, the majority of this recent decline is likely the result of reduced discretionary driving due to high gas prices and a weak economy rather than any significant or lasting breakthrough in safety policy or safe driving behavior. As the Honorable David Strickland, Administrator of the National Highway Traffic Safety Administration (NHTSA), cautioned in his recent Fiscal Year 2011 Budget Statement, while the downward trend is encouraging, “do not expect [it] to continue once the country rebounds from its current economic hardships. With any rebound, the expectation is that discretionary driving will increase, which in turn may reverse fatality reductions with increased exposure.”<sup>2</sup>

To place the recent fatality figures in perspective, Chart 1 accompanying my testimony indicates that since 1971, highway traffic deaths have temporarily declined each time the national economy went into a recession. Should this pattern continue the nation will see a return to higher fatality totals in the coming years as the economy recovers, unemployment eases, and discretionary travel along with concomitant increases in fatal crash exposure return to pre-recession levels. For this reason it is critical that Congress adopt strong safety measures in the surface transportation reauthorization bill. Even with these recent decreases in overall fatalities, motor vehicle crashes remain the leading cause of death for Americans between the ages of 4 and 34.<sup>3</sup>

### **When It Comes To Public Safety –Sanctions Save Lives**

Many opportunities to improve safety involving changes in behavior on the part of motor vehicle drivers and occupants are governed by state laws but with a clear and compelling national impact. However, as Advocates “2010 Roadmap Report”<sup>4</sup> evaluating state adoption of 15 basic traffic safety laws makes abundantly evident, many states have not taken the vitally important and proven safety actions that are urgently needed to save lives on our highways. This is where federal leadership is critical and has been effective in encouraging state action with the adoption of federal sanctions.

The potential withholding of federal funds – sanctions – has been an effective and successful means to expedite state passage of safety laws and to create a uniform, national safety policy. Over 20 years of legislative history has proven that when Congress reinforces the need for states to pass a lifesaving law by invoking sanctions, states consistently and promptly enact those life-saving laws. It is important to point out that no state has ever lost a single dollar of federal highway funds as a result of a federal sanction.

In the 1980s, for example, Americans lacked a uniform law across all 50 states that set a minimum drinking age of 21 to eliminate the “blood borders” problem. The differences in drinking age laws resulted in young drivers from states with a minimum drinking age of 21 driving to adjacent states with a lower legal drinking age, consuming alcohol, and

then driving home while under the influence. This resulted in the deaths of tens of thousands of teen drivers and young passengers, earning these areas the designation, “blood borders.” In 1984, because of the leadership of Sen. Frank Lautenberg (D-NJ), Congress enacted the Uniform Drinking Age Act,<sup>5</sup> which required states to enact a minimum age 21 law for the purchase and use of alcoholic beverages or face a potential decrease in federal highway funds.<sup>6</sup> The law was championed by then-Secretary of Transportation, Elizabeth Dole, and signed into law by President Ronald Reagan. Within 3 years, the District of Columbia and the 28 states that lacked an age 21 minimum drinking age law met the federal standard. Since the enactment of the Uniform Drinking Age Act the overall alcohol-related traffic fatality rate has been reduced by half,<sup>7</sup> and NHTSA estimates that 27,052 lives have been saved as a result.<sup>8</sup>

Similarly, in the Commercial Motor Vehicle Safety Act of 1986,<sup>9</sup> Congress included a sanction to encourage states to pass a law requiring specific criteria for the testing and licensing of commercial drivers.<sup>10</sup> By 1992, every state had passed a law requiring the testing and licensing standards outlined by the Secretary of Transportation. In 1995, 26 states lacked a zero tolerance law to better enforce the age 21 drinking law. Congress responded by enacting the National Highway Systems Designation Act,<sup>11</sup> which required that a portion of highway funds be withheld from states that failed to enact a zero tolerance law. By 1998, every state and the District of Columbia had passed a zero tolerance law. Finally, in the Department of Transportation Appropriations Act of FY 2001, Congress required each state to pass a law lowering the legal blood alcohol concentration (BAC) limit for drivers to .08 BAC or lose a portion of their highway funds.<sup>12</sup> By 2005, all 33 states that lacked a .08 BAC law had adopted one.

### **When Congress Acts, States React and Lives are Saved**

As illustrated, the use of sanctions by Congress to prompt states to enact lifesaving laws has been universally effective. Not only have the states enacted these safety laws in a timely fashion, but not one state has lost any federal highway funds. In contrast, when Congress has used the weaker strategy of providing only incentive grants to encourage state enactment of public health laws, the states have responded at a much slower pace, if at all. Congress initially tried using incentive grants to encourage states to pass .08 BAC laws in 1998. After several years, only 2 states and the District of Columbia had passed a .08 BAC law, a far cry from the 10 states that passed .08 BAC laws within the first year after a sanction was applied. More recently, the failure of the \$500 million primary enforcement seatbelt grant program in the 1995 Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU),<sup>13</sup> has underscored the fact that incentive grants alone are not effective in galvanizing all states to act. Only eight (8) States have responded to this program by adopting a primary enforcement seatbelt law.<sup>14</sup> Despite the incentive grant program and state transportation budget needs there are 21 states that still lack a primary enforcement seatbelt law.

The opportunities to improve transportation safety are many. This testimony addresses six (6) critical safety measures that this Committee and Congress should pass that will protect every family in every state. Advocates’ proposals include a national truck safety law and setting national goals on specific behavioral safety issues. These opportunities will save thousands of lives and include passage of a freeze on truck size and weights as well as sanctions to accelerate state adoption of uniform traffic safety laws that require:

- optimal graduated driver license requirements for teenage drivers;
- primary enforcement seat belt use laws;
- alcohol ignition interlock technology for convicted drunk and drugged drivers;
- ban on the use of distracting electronic devices while driving; and
- all-rider motorcycle helmet use.

**Teenage Driving Safety – Strong and Comprehensive Graduated Driver Licensing (GDL) Laws Save Lives**

Motor vehicle crashes remain the leading cause of death for teenagers between 15 and 20 years of age.<sup>15</sup> The number and percentage of young licensed drivers in the U.S. population has increased from 12.6 million (4.8 percent) in 1997, to 13.2 million (6.4 percent) in 2007.<sup>16</sup> The teen driver population will continue to increase as the current cohort of 12-to-19 year olds expands to 34.9 million this year, increasing the pool of those eligible to obtain drivers licenses.<sup>17</sup> Young drivers are over represented in terms of motor vehicle crashes. In 2008, 5,864 drivers, ages 15 to 20 years old, were involved in fatal crashes, comprising 12 percent of all drivers who were involved in fatal crashes.<sup>18</sup> Young drivers also represented 14 percent of all drivers involved in police-reported crashes in 2008.<sup>19</sup> A total of 6,428 people were killed in the fatal crashes involving young drivers in 2008, including their passengers, pedestrians and the drivers and occupants of other vehicles.<sup>20</sup>

Over the past six years, from 2003 through 2008, a staggering total of 47,852 fatalities have occurred in motor vehicle crashes involving teen drivers nationwide. See Map 1, attached to this testimony. More than a third of those deaths, 18,109, have occurred in the 19 states represented on the Environment and Public Works Committee.<sup>21</sup> This makes a strong case for the need to protect teen drivers in a uniform manner, from state-to-state, regardless of where novice drivers learn to drive.

Fortunately, there is a proven method for reducing teen driving deaths. Graduated driver license (GDL) laws phase-in driving privileges over time and in low risk circumstances. This allows teen drivers to be introduced slowly to driving and to obtain driving experience under safer conditions. Research has shown the effectiveness of state GDL programs in reducing teen driver crashes and teenage fatalities. A recent study evaluating New Jersey’s unique combination of a higher licensing age and a strong GDL system applicable to all novice drivers shows that after GDL implementation, there were significant reductions in the crash rates of 17-year-olds in all reported crashes (16%), injury crashes (14%) and fatal crashes (25%).<sup>22</sup> In Illinois, there has been a dramatic drop – more than 50 percent – in teen-related fatalities since their comprehensive GDL program took effect in January, 2008.<sup>23</sup> Even factoring in fewer fatalities due to reduced exposure in an economic downturn, Illinois’ strong set of GDL laws undoubtedly played a significant role in this successful outcome.

Advocates recommends five components for an optimal GDL law based on the National Transportation Safety Board (NTSB) recommendations, extensive research conducted on the effectiveness of strong GDL laws, and policies supported by the American Academy of Pediatrics and other public health and safety organizations:

- minimum age limit of 16 years to obtain a learners permit;
- minimum six-month holding period for a learners permit and intermediate stage;

- restriction on non-emergency use of cell phone and other communication devices during learners permit and intermediate stage;
- restriction on unsupervised nighttime driving in learners and intermediate stage;
- restriction on more than one non-familial teenage passenger in intermediate stage.

Despite the proven safety effectiveness of GDL laws that meet these optimal features, there remains a patchwork quilt of teen driving laws in states across the nation. Some states have weak laws while others have stronger laws creating another example of “blood borders”. As a result, millions of novice teen drivers lack some of the most basic protections that could prevent teen crashes and save lives. It is time for Congress to intercede in this public health crisis to encourage state adoption of comprehensive GDL laws.

Legislation that takes this action has already been introduced in Congress. In the House, Representatives Tim Bishop (D-NY), Michael Castle (R-DE) and Chris Van Hollen (D-MD) have introduced the Safe Teen and Novice Driver Uniform Protection (STANDUP) Act, H.R. 1895, which requires states to adopt the optimal GDL features mentioned above. The bill allows the Secretary of Transportation to consider additional requirements, such as minimum hours of behind-the-wheel driving time and driver training courses before full licensure is granted. The bill also provides for \$25 million per year for three years as incentive grants to entice states to adopt these laws. Furthermore, the bill includes a potential sanction on federal-aid highway funds to ensure that when all is said and done, uniform state GDL laws across the nation will save the lives of our most precious possession – our children. This legislation is supported by the Saferoads4teens Coalition whose members includes more than 110 national, state and local groups representing teens and parents, consumer, health, and safety interests, emergency doctors and nurses, the American Academy of Pediatrics, Mothers Against Drunk Driving (MADD), firefighters, law enforcement, insurance companies and the auto industry. We expect that the Senate version of this legislation will be introduced soon. We strongly urge the committee to include that bill in the surface transportation authorization legislation. It has the potential to significantly reduce teen crashes, deaths and injuries.

### **Primary Enforcement Seat Belt Laws Save Lives**

Seat belts remain the most effective occupant protection safety device in motor vehicles. Research shows that when lap/shoulder seat belts are used they reduce the risk of fatal injury by 45 percent, and the risk of moderate-to-critical injuries by 50 percent to front-seat passenger occupants in passenger cars. Additionally, seat belts reduce the risk of fatal injury by 60 percent, and the risk of moderate-to-critical injuries by 65 percent, for occupants of light trucks.<sup>24</sup> Yet, in 2008, more than half of the occupants killed in fatal crashes, 55 percent, were unrestrained in crashes where restraint use was known.<sup>25</sup>

Seat belts save lives by keeping occupants in the vehicle, thus preventing complete ejection in a crash. Ejection from the vehicle is one of the most serious and deadly events that can occur in a crash. In fatal crashes in 2008, 77 percent of occupants who were totally ejected from the vehicle were killed.<sup>26</sup> Nevertheless, the national observed seat belt use rate was 83 percent in 2008,<sup>27</sup> and only 29 states and the District of Columbia

have enacted primary enforcement seat belt use laws while 21 states have not. See Map 2, attached to this testimony.

In states with primary enforcement laws, belt use is higher. A study conducted by the Insurance Institute for Highway Safety (IIHS) found that when states strengthen their laws from secondary enforcement to primary, driver death rates decline by an estimated seven percent.<sup>28</sup> Use levels are typically 10 to 15 percentage points higher in these states than in states without primary enforcement laws. Needless deaths and injuries that result from a lack of seat belt use cost society an estimated \$26 billion annually in medical care, lost productivity, and other injury-related costs.<sup>29</sup>

NHTSA estimates that in 2008, seat belts saved 13,250 lives among passenger vehicle occupants over age 4.<sup>30</sup> If all passenger occupants over age 4 had worn seat belts in 2008 an estimated 17,402 lives, or an additional 4,152 lives, could have been saved.<sup>31</sup> NHTSA calculates that between 1975 and 2008 seat belts saved an estimated total of more than 255,000 lives.<sup>32</sup> Had seat belt use rates been 100 percent over the years, more than 350,000 additional lives would have been saved.<sup>33</sup>

Congress has already tried to persuade states to adopt primary seat belt enforcement laws with a generous grant program. In the 1995 SAFETEA-LU Act, Congress provided \$500 million in incentive grant funding to entice states to pass primary enforcement seat belt laws. In the five years since that incentive program took effect, only eight (8) states enacted primary seat belt enforcement laws and, as previously mentioned, 21 states still have not.

Incentive grants must be coupled with potential sanctions in order to boost the national seat belt use rate and to save thousands more lives each year. That is why Advocates supports the measure adopted by the House Transportation and Infrastructure Committee to amend existing law to include a potential sanction for states that do not adopt a primary enforcement seat belt use law by September 30, 2012.<sup>34</sup>

### **Alcohol Ignition Interlock Devices Save Lives**

Drinking and driving continues to be a national scourge on our nation's highways. While a number of measures have successfully reduced the historically high levels of carnage caused by drunk driving back in the 1980s, in 2008, 11,773 people were still killed in alcohol-impaired-driving crashes, accounting for 32 percent of all traffic fatalities.<sup>35</sup> The annual level of alcohol-involved crash fatalities has not declined significantly in the past 10 years.<sup>36</sup> Previous decreases in fatalities were in large measure due to a wave of enactment of state anti-impaired driving laws, serious enforcement of those laws and educational efforts by MADD and others to raise awareness of the problem. In order to continue to reduce the number of needless alcohol related crash deaths suffered on our highways each year, more must be done to keep impaired drivers off our neighborhood streets and roads.

One such measure is the required installation of technology to prevent drunk driving recidivism. An effort led by MADD is already underway to urge states to adopt a mandatory interlock system to prevent persons convicted of impaired driving, including first time offenders, from starting their vehicle when they are, yet again, impaired. A

breath alcohol ignition interlock device (IID) is similar to a breathalyzer used by police to determine if a driver has an illegally high BAC level. The IID is linked to a vehicle's ignition system and requires a driver who has been convicted of an impaired driving offense to breathe into the device. If the analyzed result exceeds the programmed BAC limit for the driver, the vehicle will not start. But if the alcohol in the driver's system registers below the prohibited limit they can start the vehicle and continue on their way.

Today, modern technology is used not just to provide drivers with vital safety information, but also to allow internet access and entertainment and business communications that can interfere with the driving task. There is no reason that technology should not be used to prevent impaired drivers who have previous convictions for that offense from operating motor vehicles.

Most Americans support this initiative as well. In 2009, a survey conducted by the Insurance Institute for Highway Safety (IIHS) found that 84 percent of respondents said that ignition interlock devices for convicted drunk drivers is a good idea.<sup>37</sup>

However, only 11 states have adopted the use of IID technology to prevent first time offenders convicted of impaired driving from repeating the same dangerous behavior at the expense of others. Thirty-nine states and the District of Columbia have yet to adopt this life-saving law. See Map 3, attached to this testimony.

Senator Lautenberg (D-NJ), has introduced the Drunk Driving Repeat Offender Prevention Act of 2009, S. 2920, that advances the cause of safety by requiring all states to adopt IID technology to prevent traffic crashes. The bill includes the tried and true approach of invoking potential sanctions in order to prompt states to enact laws that require the use of IIDs following conviction on first offense for impaired driving. Advocates strongly supports S. 2920 because taking the keys out of the hands of drunk drivers is the most effective action we can take to stop convicted drunk drivers from becoming repeat offenders. Every family deserves to be protected from drunk drivers and every state should have this law.

### ***Distracted Driving – Ban the Use of Electronic Devices While Driving to Save Lives***

Although various kinds of distractions have been a part of driving since the automobile was invented, the emergence of personal electronic communications devices that can readily be used while operating a vehicle has presented a whole new category of driver distraction and danger than ever before. The growing use of built-in and after-market or nomadic devices by drivers began with cell phone use but has proliferated through a myriad of personal electronics that allow drivers to access the internet, perform office work and to send and receive text messages while driving. As a result, in 2008, there were an estimated 5,870 fatalities and 515,000 injuries in crashes where driver distraction was a factor.<sup>38</sup>

Text messaging while driving poses the most extreme and evident crash risk danger. Diversion of attention from the driving task to input or read a text message clearly interferes with drivers' ability to safely operate a motor vehicle. A 2009 study found that text messaging while driving increases the risk of a safety-critical event by more than 23 times compared to drivers who are focused on the driving task.<sup>39</sup>

A mounting number of research studies and data show that the use of a mobile telephone while driving, whether hand-held or hands-free, is equivalent to driving under the influence of alcohol at the threshold of the legal limit of .08 percent blood alcohol concentration (BAC). Hand-held mobile phone use and dialing while driving require drivers to divert attention from the road and from the driving task, yet hands-free phone use has also been shown to involve cognitive distraction that is no less dangerous in terms of diverting attention from the driving task and the potential risk of crash involvement.

Last year's national summit on distracted driving, organized by Transportation Secretary Ray LaHood,<sup>40</sup> the Presidential proclamation banning text messaging by federal employees,<sup>41</sup> and measures taken by the Department of Transportation (DOT) to curb distracted driving in commercial vehicles are good first steps.<sup>42</sup> However, the problem of distracted driving in commercial vehicles is not limited only to text messaging. For that reason, Advocates has filed a petition for rulemaking with the Federal Motor Carrier Safety Administration (FMCSA), the DOT administration that regulates commercial vehicle operations, seeking a review of all types of electronic devices used in commercial vehicles, not just those that permit the transmission of text messages.<sup>43</sup>

As the Committee is aware, the problem of distracted driving is not limited to commercial vehicles alone. To date, only 18 states and the District of Columbia have enacted all-driver text messaging bans, with 32 states having no such law. See Map 4, attached to this testimony. Two significant pieces of legislation have been introduced in Congress to prohibit drivers from sending, receiving and accessing text messages while driving passenger vehicles: The Avoiding Life-Endangering and Reckless Texting by Drivers, or the ALERT Drivers Act, of 2009, S. 1536, introduced by Sen. Charles Schumer (D-NY), and the Distracted Driving Prevention Act of 2009, S. 1938, introduced by Senator Jay Rockefeller (D-WV) in the Senate Commerce, Science and Transportation Committee. Each bill is a strong initiative intended to address distracted driving, and Advocates supports the goals of both bills. However, Advocates is convinced that the use of potential sanctions, included in S. 1536, will be needed in order to ensure that effective text messaging prohibitions are expeditiously adopted in all states.

The Senate Environment and Public Works Committee should favorably act on Senator Schumer's bill and retain the sanction provision.

### **Motorcycle Deaths are Climbing and Helmet Laws are Under Attack**

NHTSA estimates that 80 percent of motorcycle crashes injure or kill a rider.<sup>44</sup> In 2008, 5,290 motorcyclists were killed and 96,000 were injured.<sup>45</sup> This is more than double the motorcycle fatalities in 1998 and a level not seen since 1981.<sup>46</sup> Motorcycle fatalities have increased by more than 130 percent since 1998. While fatality and injury rates for other types of vehicles have dropped over the years, the fatality and injury rates for motorcycles have been steadily rising.<sup>47</sup>

At present, motorcycles make up less than three percent of all registered vehicles and only 0.4 percent of all vehicle miles traveled, but motorcyclists account for 14 percent of total traffic fatalities, 17 percent of all occupant fatalities, and 4 percent of all occupants

injured.<sup>48</sup> NHTSA estimates that helmets saved the lives of 1,829 motorcyclists in 2008 and that if all motorcyclists had worn helmets, an additional 823 lives could have been saved.<sup>49</sup> NHTSA estimates that 148,000 motorcyclists have been killed in traffic crashes since 1966.<sup>50</sup>

In the past, annual motorcycle rider deaths were much lower in part because most states had all-rider motorcycle helmet laws. Congress used the power of the sanction to require states to enact helmet use laws.<sup>51</sup> When the sanction was repealed by Congress, the states followed suit with more than half the states repealing their helmet laws.<sup>52</sup>

Some motorcycle enthusiasts who oppose motorcycle helmet use laws have asserted that training and education alone are the way to improve motorcycle safety. However, in SAFETEA-LU, Congress included a number of measures aimed at promoting motorcycle training and education. These programs have been ineffective in stemming the increasing tide of motorcycle fatalities.

Today, only 20 states and the District of Columbia require helmet use by all motorcycle riders. See Map 5, attached to this testimony. Last year, 12 of those state laws were under attack by repeal attempts. In 2007, the NTSB recommended that all states without an all-rider helmet law should adopt one.<sup>53</sup> Research conclusively and convincingly shows that all-rider helmet laws save lives and reduce medical costs. While helmets will not prevent crashes from occurring, they have a significant and positive effect on preventing head and brain injuries during crashes. These are the most life-threatening and long-term injuries as well as the most costly.

Helmet laws are the most effective countermeasure to prevent motorcycle rider fatalities, and they save state and federal costs associated with crashes and injuries. According to NHTSA, almost 50 percent of motorcycle crash victims have no private health insurance, so their medical bills are paid by taxpayers.<sup>54</sup> In 1992, California's all-rider helmet law took effect resulting in a 40 percent drop in its Medicaid costs and total hospital charges for medical treatment of motorcycle riders.<sup>55</sup>

Finally, in a 2008 report by NHTSA guiding states on highway safety actions that work, a state all-rider motorcycle helmet use law was the only countermeasure rated as "Proven" in the "Effectiveness" category.<sup>56</sup> In states that have all-rider helmet laws, helmet use is nearly 100 percent.

### **Stopping Truck Size & Weight Increases Protects Safety and Yields Other Important Policy and Societal Benefits**

I would like to turn now to the serious issue of large truck safety in the U.S. In the decade from 1998 through 2007, an average of 5,145 people were killed in truck-involved crashes each year.<sup>57</sup> As with passenger vehicle deaths, large truck-involved fatalities have shown a recent decline in part due to economic conditions.<sup>58</sup> Large, heavy trucks are dramatically overrepresented each year in severe, especially fatal crashes. Large trucks, although only three to four percent of registered motor vehicles in the U.S. are nevertheless involved in 12 percent of annual traffic fatalities.<sup>59</sup> In 2008, one of every nine people killed in a traffic crash was a victim of a large truck crash.<sup>60</sup>

Nevertheless, proponents of bigger, heavier trucks want to increase truck weights to 97,000 pounds or more, and allow super-sized trucks to operate on roads throughout the U.S. Increases in large truck sizes and weights will inevitably lead to even more, not fewer, large trucks than ever before, a fact that has been documented repeatedly over the past 40 years. Since 1974, every time truck sizes and weights have increased, so have the number of large trucks on the highways. Policies that allow ever increasing dependence on more and bigger, heavier trucks invite a death spiral that not only poses greater safety risk, but has negative outcomes for environmental enhancement, infrastructure protection, fuel use, Highway Trust Fund revenues, and a balanced, long-term national transportation freight strategy.

In order to advance highway safety, protect the environment, preserve transportation infrastructure, and provide a truly equitable, inter-modal national freight policy, Congress should permanently adopt the current limits on large trucks. The *Safe Highways and Infrastructure Preservation Act of 2010* (SHIPA), S. 779, introduced by Sen. Frank Lautenberg (D-NJ), and its companion bill in the House, H.R. 1619, introduced by Rep. James McGovern (D-MA), will save lives, preserve our roads and bridges and promote a variety of important national policy interests. These bills have more than 120 bipartisan cosponsors.

First, SHIPA can stop the endless spiral of more bigger, heavier trucks by placing a freeze on trailer lengths. That freeze not only would govern maximum length on the Interstate system, but on the entire National Highway System (NHS), the country's prime set of interconnected roads for freight transportation. SHIPA builds on the 1991 longer combination vehicle (LCV) freeze, enacted with the leadership of Senator Lautenberg, Senator Daniel Patrick Moynihan, and former Chairman John Chafee,<sup>61</sup> that protects states from being pressured to open their roads to excessively long trucks.

Second, SHIPA extends current state and federal weight limits on the Interstate system to the non-Interstate highways on the NHS. This not only puts a cap on truck weights at their current levels, but it also protects the states' existing grandfathered rights and flexibility to allow certain differences in truck axle and gross weights than those in federal law.

Next, SHIPA is crucial to a rational program of surface freight transportation that simultaneously advances the most desirable features of big truck safety, highway pavement and bridge infrastructure protection, and fuel and environmental conservation. The current astounding rate of pavement and bridge destruction already inflicted by extra-heavy trucks will increase dramatically if SHIPA is not enacted to preserve highway roads and bridges from further infrastructure deterioration. Furthermore, the need to raise additional funds to repair the even greater degree of road and bridge damage caused by heavier trucks places another burden on states and the federal government.

Larger, heavier trucks will further erode scarce fossil fuel resources at a time when we need to lessen our dependence on foreign oil. Finally, without enactment of SHIPA, increasing numbers of large trucks will spread more air pollution.

SHIPA represents a major step toward creating a balanced national surface transportation freight delivery system. An unwarranted emphasis on surface transportation freight movement tilted heavily in favor of highway-only freight movement by large, heavy trucks has resulted in a badly out-of-balance national transportation policy. This has resulted in the disintegration of regional and short-line railroads, massive rail right-of-way abandonment and reductions in maritime shipping, especially along our inland waterways. This is keenly recognized in a number of major reports and studies over the last few years, and achieves particular emphasis and urgency in the seminal report authorized by Congress, *Transportation for Tomorrow*.<sup>62</sup> SHIPA is crucial to the pursuit of a renewed, rationally based, multi-modal national freight transportation system based on increased safety, efficiency, equity, and cost-effectiveness.

### **Conclusion**

The quality of life for all Americans depends on a safe, reliable, economical and environmentally sound surface transportation system. However, transportation solutions to promote mobility and the economy involve not only financial investments but investments in safety as well. As previously mentioned, highway crashes cost our nation more than \$230 billion annually. This is money that could be better spent on addressing surface transportation needs. Nearly all of the highway safety priorities I have outlined in my testimony this morning can be realized with minimal or no expenditures of funds but will achieve maximum savings of lives and taxpayer dollars.

If Congress enacts a five year authorization bill we can expect during that time frame more than 150,000 motor vehicle fatalities and over 7 million injuries unless crucial safety measures are adopted. Including these proven and practical safety proposals will dramatically improve highway safety and reduce deaths and injuries. There are no acceptable excuses for delaying any longer the adoption of lifesaving laws or accommodating special interests that seek to roll back safety while the death and injury toll continues to mount.

Thank you for the opportunity to testify before you today and I am pleased to answer your questions.

---

### **Endnotes:**

- <sup>1</sup> *The Economic Impact of Motor Vehicle Crashes 2000*, National Highway Traffic Safety Administration (NHTSA), DOT HS 809 446, U.S. Department of Transportation (DOT) (May 2002) available at <http://www.nhtsa.dot.gov/staticfiles/DOT/NHTSA/Communication%20&%20Consumer%20Information/Articles/Associated%20Files/EconomicImpact2000.pdf>.
- <sup>2</sup> Budget Estimates, Fiscal Year 2011, Statement of the Administrator at 1-2, NHTSA (Feb. 2011).
- <sup>3</sup> *10 Leading Causes of Injury Death by Age Group Highlighting Unintentional Injury Deaths, United States – 2006*, National Vital Statistics System, National Center for Health Statistics, Center for Injury Prevention and Control, CDC.
- <sup>4</sup> *Teens, Texting, Tragedy*, The 2010 Roadmap To State Highway Safety Laws, Advocates (Jan. 2010) (2010 Roadmap Report) available at <http://www.saferoads.org/2010-roadmap-state-highway-safety-laws>.
- <sup>5</sup> Pub. L. 98-363 (July 17, 1984), *codified as* National Minimum Drinking Age, 23 U.S.C. § 158.
- <sup>6</sup> *Determine Why There Are Fewer Young Alcohol-Impaired Drivers, What caused the decrease?*, DOT HS 809 348. NHTSA (1998), available at [http://www.nhtsa.dot.gov/people/injury/research/FewerYoungDrivers/iv\\_what\\_caused.htm](http://www.nhtsa.dot.gov/people/injury/research/FewerYoungDrivers/iv_what_caused.htm).

- 
- <sup>7</sup> *Statistical Analysis of Alcohol-Related Driving Trends, 1982-2005*, DOT HS 810 942. NHTSA (2008), available at <http://www.nhtsa.gov/staticfiles/DOT/NHTSA/NCSA/Content/Reports/2008/810942.pdf>.
- <sup>8</sup> Young Drivers. Traffic Safety Facts 2008 , DOT HS 811 169. NHTSA (2009), available at <http://www-nrd.nhtsa.dot.gov/Pubs/811169.PDF>
- <sup>9</sup> Title XII, Pub. L. 99-570 (Oct. 27, 1986), *codified as* 49 U.S.C. §§ 31301 *et seq.*.
- <sup>10</sup> The Commercial Motor Vehicle Safety Act of 1986 and Classified Driver Licensing. Transportation Research Board Publications Index, Accession Number 00475965, 1988, p. 14, available at <http://pubsindex.trb.org/view.aspx?id=286034>
- <sup>11</sup> Title III, § 320, Pub. L. 104-59 (Nov. 28, 1995), *codified as* 23 U.S.C. § 161.
- <sup>12</sup> Title III, § 351, Pub. L. 106-346 (Oct. 23, 2000), *codified as* 23 U.S.C. § 163. *See* .08 BAC illegal *per se* level, Traffic Safety Facts, vol. 2 No. 1, NHTSA (March 2004), available at <http://www.nhtsa.dot.gov/People/injury/New-fact-sheet03/fact-sheets04/Laws-08BAC.pdf>.
- <sup>13</sup> Title I, Subtitle D, § 1406, Pub. L. 109-59 (Aug. 18, 1995), *codified at* 23 U.S.C. § 157.
- <sup>14</sup> *Grants Generally Address Key Safety Issues, Despite State Eligibility and Management Issues*, United States Government Accountability Office (Mar. 2008), available at <http://www.gao.gov/new.items/d08398.pdf>.
- <sup>15</sup> *Young Drivers*, Traffic Safety Facts 2008, at 1, DOT HS 811 169 (2009).
- <sup>16</sup> *Id.*
- <sup>17</sup> U.S. Bureau of the Census (1999).
- <sup>18</sup> *Young Drivers*, Traffic Safety Facts 2008 at 1.
- <sup>19</sup> *Id.* at 2.
- <sup>20</sup> 2010 Roadmap Report at 20.
- <sup>21</sup> The state-by-state breakdown of deaths in teen driver fatal crash from 2003 to 2008 for states represented on the EPW Committee is: CA (4,486), DE (174), ID (300), LA (1,076), MD (682), MO (1,428), MN (695), MT (241), NJ (692), NM (468), NY (1,412), OH (1,542), OK (896), OR (484), PA (1,780), RI (108), TN (1,394), VT (99) and WY (152).
- <sup>22</sup> Williams, *et al.*, *Evaluation of New Jersey's Graduated Driver Licensing Program*, Traffic Injury Prevention 11:1-7 (Feb. 2010).
- <sup>23</sup> Information provided by the Office of the Illinois Secretary of State, available at [www.cyberdriveillinois.com/press/2009/january/090128d1.html](http://www.cyberdriveillinois.com/press/2009/january/090128d1.html), and from the Illinois Department of Transportation, available at <http://www.dot.il.gov/press/r040709.html>.
- <sup>24</sup> *Occupant Protection*, Traffic Safety Facts 2008, at 3, DOT HS 811 160, NHTSA (2009).
- <sup>25</sup> *Id.* at 2
- <sup>26</sup> *Id.* at 3.
- <sup>27</sup> *Id.* at 1.
- <sup>28</sup> Farmer, C. M. & Williams, A. F., *Effect on Fatality Risk of Changing from Secondary to Primary Seat Belt Enforcement*, Insurance Institute for Highway Safety (Dec. 2004), available at <http://www.gahighwaysafety.org/pdf/ihsseatbelts.pdf>
- <sup>29</sup> The Economic Impact of Motor Vehicle Crashes, 2000. at 55.
- <sup>30</sup> *Occupant Protection*, Traffic Safety Facts 2008, at 3.
- <sup>31</sup> *Id.*
- <sup>32</sup> *Id.* at 4.
- <sup>33</sup> *Traffic Safety Facts 2008*, Early Edition, Lives Saved by Restraint Use and 21-Year-Old Minimum Legal Drinking Age Laws Chart, Inside Back Cover, DOT HS 811 170, NHTSA (2009).

- 
- <sup>34</sup> Surface Transportation Authorization Act of 2009, § 1516, Transportation and Infrastructure Committee, markup draft, [Committee Print] (June, 2009).
- <sup>35</sup> *Alcohol-Impaired Driving*, Traffic Safety Facts 2008, DOT HS 811 155 at 1, NHTSA (2009).
- <sup>36</sup> *Id.* at 2.
- <sup>37</sup> 2010 Roadmap Report at 26.
- <sup>38</sup> *An Examination of Driver Distraction as Recorded in NHTSA Databases*, Traffic Safety Facts Research Note, DOT HS 811 216, at 1, NHTSA (Sept. 2009).
- <sup>39</sup> Olson, et al., *Driver Distraction in Commercial Motor Vehicle Operations*, Virginia Tech Transportation Institute (2009).
- <sup>40</sup> Distracted Driving Summit, September 30 – October 1, 2009 (Washington, D.C.)
- <sup>41</sup> *Federal Leadership on Reducing Text Messaging While Driving*, Executive Order No. 13513 (Oct. 1, 2009), 74 FR 51225 (Oct. 6, 2009).
- <sup>42</sup> See *Limiting the Use of Wireless Communications Devices*, Notice of Proposed Rulemaking request for comments, 75 FR 16391 (Apr. 1, 2010); *Regulatory Guidance Concerning the Applicability of the Federal Motor Carrier Safety Regulations to Texting by Commercial Motor Vehicle Drivers*, Notice of Regulatory Guidance, 75 FR 4305 (Jan. 27, 2010).
- <sup>43</sup> *Distracted Driving Petition for Rulemaking: Requesting Issuance of a Rule to Consider Prohibiting or Restricting the Use of Electronic Devices During the Operation of Commercial Motor Vehicles*, filed by Advocates for Highway and Auto Safety with the Acting Administrator, Federal Motor Carrier Safety Administration, dated September 24, 2009.
- <sup>44</sup> Motorcycle Safety, National Highway and Traffic Safety Administration, DOT HS 807 709 (Oct. 1999), available at <http://www.nhtsa.dot.gov/people/injury/pedbimot/motorcycle/motosafety.html>.
- <sup>45</sup> *Motorcycles*, Traffic Safety Facts 2008, DOT HS 811 159, at 1, NHTSA (2009).
- <sup>46</sup> *A Highway Safety Countermeasures Guide for State Highway Safety Offices*, DOT HS 810 891, p. 5-4, NHTSA (3d ed., Jan. 2008) (NHTSA Safety Countermeasures Guide).
- <sup>47</sup> *Motorcycles*, Traffic Safety Facts 2008, at 1.
- <sup>48</sup> *Id.* at 3.
- <sup>49</sup> *Id.* at 6.
- <sup>50</sup> *Id.* at 3.
- <sup>51</sup> The National Motor Vehicle and Traffic Safety Act of 1966, Pub. L. 89-563 (Sept. 9, 1966).
- <sup>52</sup> See e.g., *Evaluation of the Reinstatement of the Helmet Law in Louisiana*, DOT HS 810 956, NHTSA (May 2008), available at [http://www.nhtsa.gov/portal/nhtsa\\_static\\_file\\_downloader.jsp?file=/staticfiles/DOT/NHTSA/Traffic%20Injury%20Control/Articles/Associated%20Files/810956.pdf](http://www.nhtsa.gov/portal/nhtsa_static_file_downloader.jsp?file=/staticfiles/DOT/NHTSA/Traffic%20Injury%20Control/Articles/Associated%20Files/810956.pdf).
- <sup>53</sup> NTSB Recommendations H-07-38, available at [http://www.nts.gov/Recs/letters/2007/H07\\_38.pdf](http://www.nts.gov/Recs/letters/2007/H07_38.pdf), and H-07-39, available at [http://www.nts.gov/Recs/letters/2007/H07\\_39.pdf](http://www.nts.gov/Recs/letters/2007/H07_39.pdf).
- <sup>54</sup> 2008 Roadmap Report, p. 15.
- <sup>55</sup> *Id.*
- <sup>56</sup> NHTSA Safety Countermeasures Guide, p. 5-4.
- <sup>57</sup> *Large Truck and Bus Crash Facts 2007*, FMCSA-RRA-09-029, Jan. 2009.
- <sup>58</sup> Although truck crash fatalities have declined in 2007 and 2008, this reduced death toll is strongly linked with a major decrease in truck freight demand, including substantially reduced truck tonnage in the latter part of 2007, with continuing reductions through 2008 and into 2009. See, e.g., <http://www.glgrou.com/News/Leading-Indicator---2008-North-America-Freight-Market--Truck-Build-Numbers-Down---2009-Predicted-To-Be-Worse-With-2010-30689.html>, demonstrating 7 consecutive

---

quarterly declines in truck freight tonnage through the third quarter of 2009. Also see, <http://www.ttnews.com/articles/basetemplate.aspx?storyid=22609>, "ATA's Costello Hopeful Freight Levels Have Bottomed Out," *Transport Topics*, Aug. 27, 2009, and a similar, earlier report in *Transport Topics*, March 2, 2009.

<sup>59</sup> *Insurance Institute for Highway Safety Fatality Facts 2008: Large Trucks*.

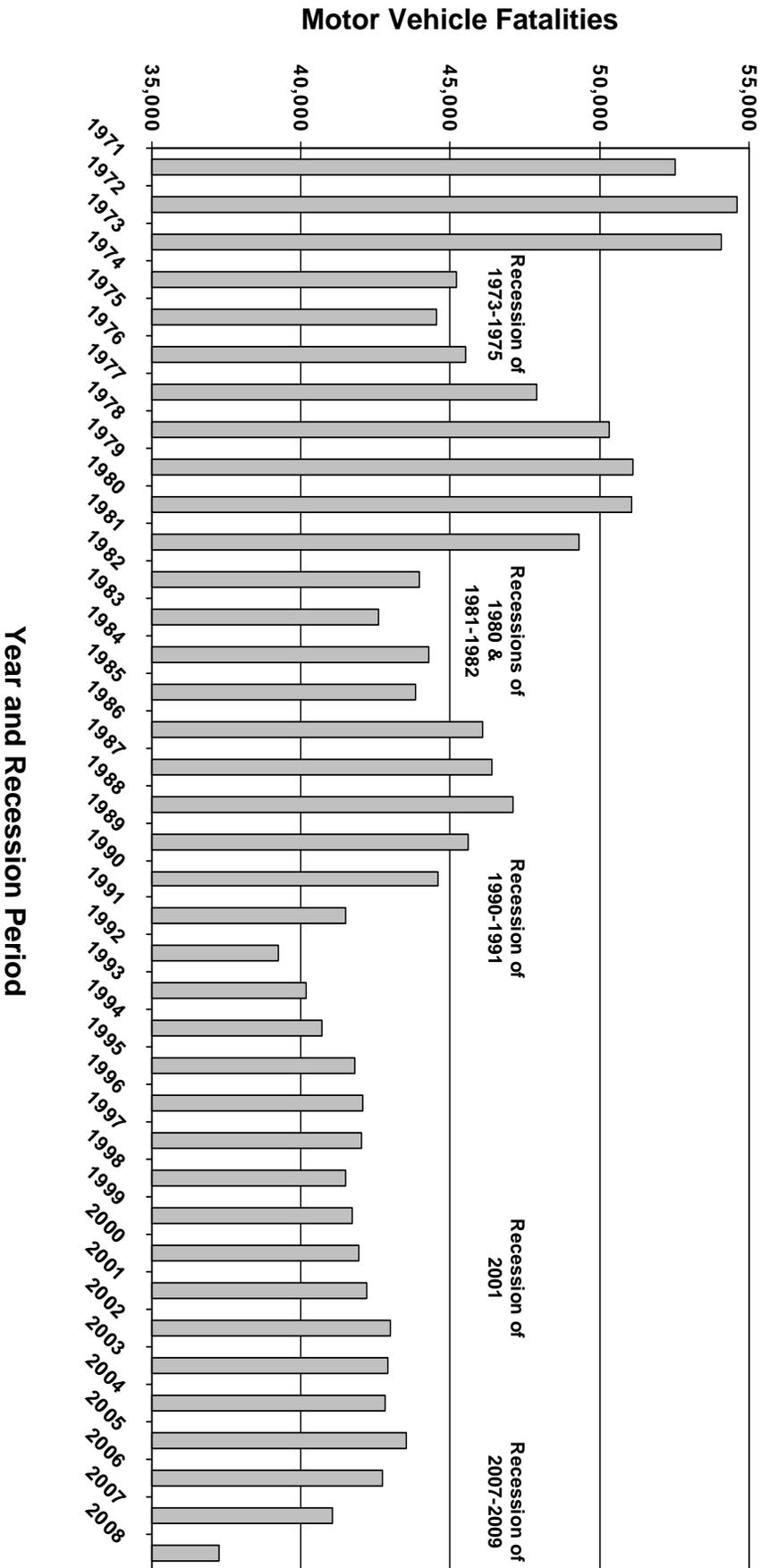
<sup>60</sup> *Traffic Safety Facts 2008*, DOT HS 811 158, NHTSA (2009). Although truck crash fatalities have declined in 2007 and 2008, this reduced death toll is strongly linked with a major decrease in truck freight demand, including substantially reduced truck tonnage in the latter part of 2007, with continuing reductions through 2008 and into 2009. See, e.g., <http://www.glgroupp.com/News/Leading-Indicator---2008-North-America-Freight-Market--Truck-Build-Numbers-Down---2009-Predicted-To-Be-Worse-With-2010-30689.html>, demonstrating 7 consecutive quarterly declines in truck freight tonnage through the third quarter of 2009. Also see, <http://www.ttnews.com/articles/basetemplate.aspx?storyid=22609>, "ATA's Costello Hopeful Freight Levels Have Bottomed Out," *Transport Topics*, Aug. 27, 2009, and a similar, earlier report in *Transport Topics*, March 2, 2009.

<sup>61</sup> Intermodal Surface Transportation Efficiency Act of 1991, Title I, § 1023(b), Pub. L. 102-240 (Dec. 18, 1991) *codified at* 23 U.S.C. § 127(d).

<sup>62</sup> National Surface Transportation Policy and Revenue Commission (Dec. 2007), available at [http://www.transportationfortomorrow.org/final\\_report/](http://www.transportationfortomorrow.org/final_report/).

# U.S. Recession Periods and Motor Vehicle Fatalities

Chart shows correlation between U.S. recessions and motor vehicle fatalities, 1971-2008.\*



\*Motor vehicle fatality data only available through 2008.

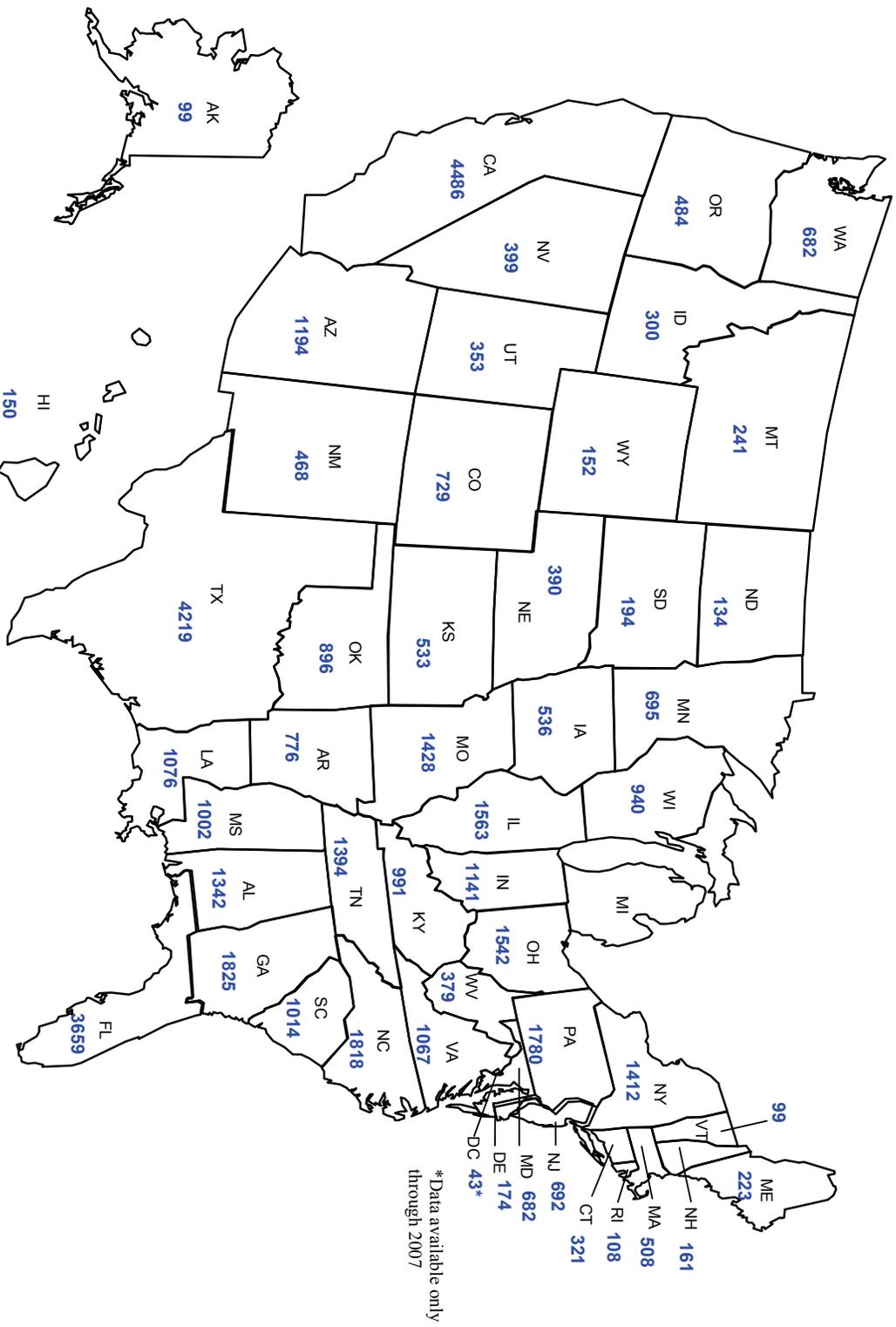
## Year and Recession Period



**ADVOCATES**  
for Highway & Auto Safety

Sources: The National Bureau of Economic Research, <http://www.nber.org/cycles/cyclesmain.html>; Fatality Analysis Reporting System (FARS), National Highway Traffic Safety Administration

# FATALITIES IN MOTOR VEHICLE CRASHES INVOLVING TEEN DRIVERS 2003-2008



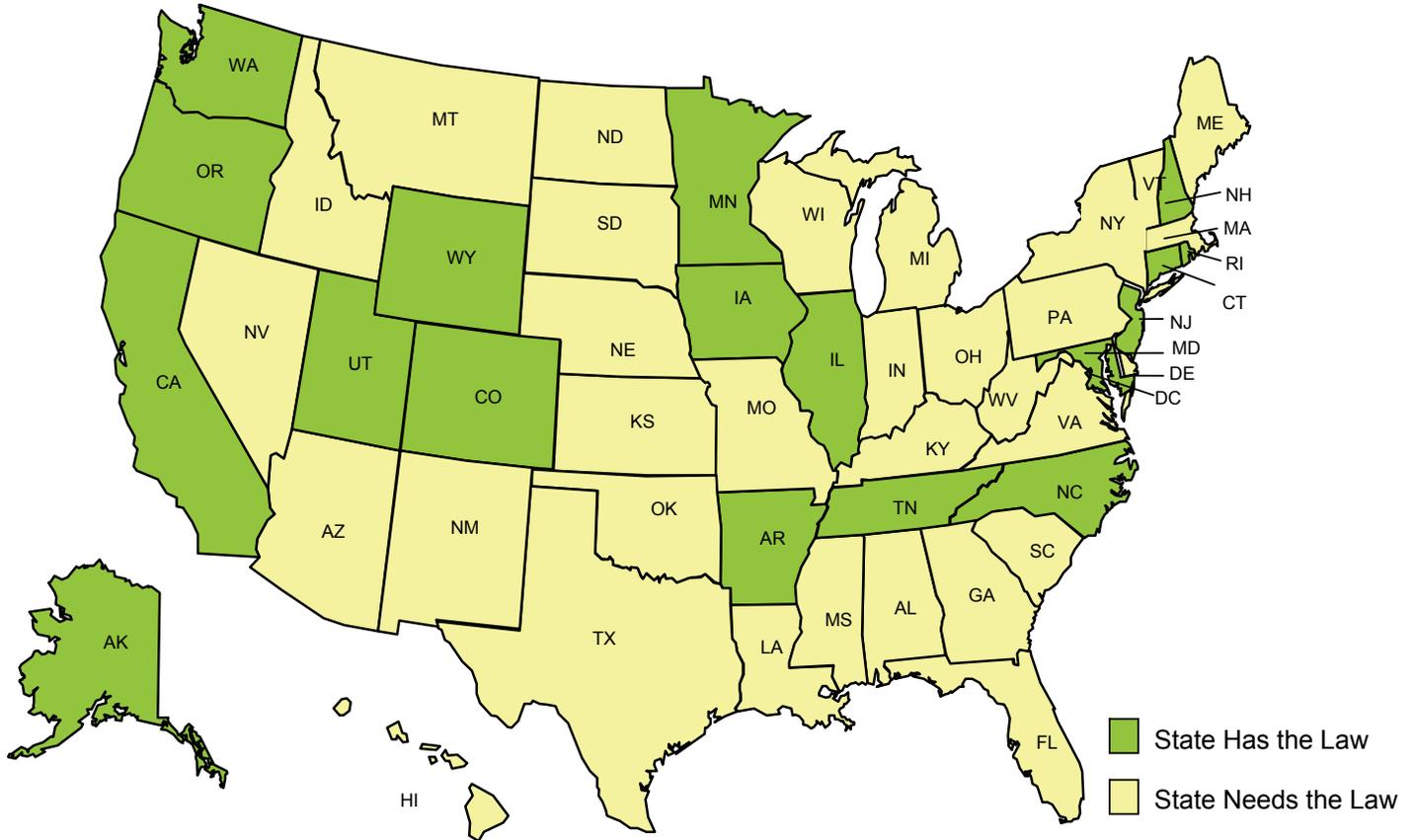
Sources: Advocates for Highway and Auto Safety;  
National Highway Traffic Safety Administration



Map 4

## ALL-DRIVER TEXT MESSAGING BANS

18 states and DC ban text messaging for all drivers; 32 states still need this law



Map 5

## ALL-RIDER MOTORCYCLE HELMET LAWS

20 states and DC have an all-rider motorcycle helmet law; 30 states still need this law

