

**OPPORTUNITIES TO IMPROVE
TRANSPORTATION SAFETY**

HEARING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

APRIL 14, 2010

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ONE HUNDRED ELEVENTH CONGRESS
SECOND SESSION

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OPPORTUNITIES TO IMPROVE TRANSPORTATION SAFETY

WEDNESDAY, APRIL 14, 2010

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The full Committee met, pursuant to notice, at 10 a.m. in room 406, Dirksen Senate Office Building, Hon. Barbara Boxer (Chairman of the full Committee) presiding.

Present: Senators Boxer, Inhofe, Lautenberg, and Udall.

OPENING STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator BOXER. The Committee will come to order.

I want to thank my colleagues and the witnesses for being here today for this very important hearing on opportunities to improve our transportation safety.

More people are killed and injured on America's roads than on all other transportation modes combined, and motor vehicle crashes are a leading cause of death for Americans aged 3 to 34. That is shocking. Motor vehicle crashes are a leading cause of death for Americans aged 3 to 34.

According to NHTSA an average of 102 people died each day in motor vehicle crashes in 2008. That is one in every 14 minutes. For many years the number of fatalities on our Nation's highways has been relatively constant at around 40,000 a year, although the last 2 years have seen a decline in the number of fatalities, for which we are grateful.

Preliminary projections from NHTSA show that an estimated 33,000 people died in motor vehicle crashes in 2009, which is a 9 percent decrease from 2008 when 37,000 people died on America's roads. This improvement in the number of fatalities represents some progress, but it still means that tens of thousands of people continue to die on our roadways every year, and we have to do more to make our highways safer.

In addition to the devastating personal impact every death or serious injury has on the victim's families the large number of deaths and injuries on our highways each year has significant social and economic impacts. In 2000 NHTSA estimated that motor vehicle crashes cost the United States about \$230 billion, taking into account the costs of medical, emergency and police services, property damage, lost productivity and quality of life.

And there are new threats to highway safety that need to be addressed. For example NHTSA research shows that in 2008 alone

nearly 6,000 people were killed and more than half a million people were injured nationwide in crashes involving a driver distracted by a cell phone, a text message or other factors.

Under Secretary LaHood's leadership the Department of Transportation has started a new initiative to combat distracted driving, and I look forward to hearing more about this initiative from Deputy Secretary Porcari today.

The next Surface Transportation Authorization, MAP-21, which stands for Moving Ahead for Progress in the 21st Century, will give us the opportunity to reaffirm our commitment to safety and to develop safety programs that maximize the impact of limited Federal resources.

For the last month, the so-called Big Four on this Committee have been meeting to get ready for a markup of a transportation bill, MAP-21.

Senator INHOFE. So-called.

Senator BOXER. Well, we call ourselves the Big Four, but I am under 5 feet, so I always mention that.

I think what is good news is that we have seen tremendous cooperation on the safety part of this bill. The staff reports to me that there is a lot of agreement to move forward on the safety section. So I am very, very happy about this.

Today's witnesses will discuss a variety of ways to improve transportation safety, and we all look forward to hearing your suggestions, and we look forward to working with you as we develop the safety provisions of MAP-21.

And absolutely one of the Big Four is sitting here, Senator Inhofe.

**OPENING STATEMENT OF HON. JAMES M. INHOFE,
U.S. SENATOR FROM THE STATE OF OKLAHOMA**

Senator INHOFE. Thank you, Madam Chairman.

This is something that we have worked on for a long time. I don't think there are two people more committed to coming up with a transportation reauthorization bill than the two of us. And this is about the safety, and we are making good progress in reducing both the rate and overall number of fatalities. I am sure that was covered in the Chairman's statement.

Despite what some may think the Committee doesn't have the jurisdiction over the driver behavioral side. That said, it is important for us to work with States to reduce drunk driving, increase seat belt use, and generally encourage safe driving.

What I oppose is forcing a one size fits all Washington solution to all the States. A perfect example of this is the sanction approach favored by some on this Committee and some of the witnesses who are here today that withholds highway funds from States that do not enact specific laws. This goes all the way back, Madam Chairman, to when I was first elected to the State legislature back in the 1960s.

You will remember this. Lady Bird's Highway Beautification Act of 1965. And I came up here to protest to this Committee. What was the guy's name from West Virginia who was the Chairman? Well, that was well before you, but anyway. The reason I was protesting at that time was they were withholding funds that would

otherwise go to States. So I go way back 40, 45 years with this feeling.

SAFETEA created a new core safety program which I think is the single most important thing achieved in the \$286.4 billion bill that we had from 2005. The next highway bill needs to build on this success, and I think this will go a long way to continue that. And the reason for the safety program is so successful is that it has States look at data of where people are dying, accidents are occurring, and come up with a plan to address this.

So I really think that if there is any division up here in terms of philosophical division, it is going to be the role of the States. I feel very strongly that the closer you get to the people, the more they are aware of what the problems are, and the things that are problems in terms of safety in California are not the same as they are in Oklahoma.

So I look forward to this hearing, and I appreciate your list of witnesses.

[The prepared statement of Senator Inhofe follows:]

STATEMENT OF HON. JAMES M. INHOFE,
U.S. SENATOR FROM THE STATE OF OKLAHOMA

We are making very good progress in reducing both the rate and overall number of fatalities on our Nation's roads—but it is still not good enough.

In 2008 just over 37,000 people were killed on our highways. I think everybody knows somebody who has been killed or severely injured in an auto accident. This is clearly a tragedy that touches every American.

The good news is that highway deaths have been going down each year since 2005, when there were 43,500 fatalities. There are a number of critical ways to save lives on our roads by influencing driver behavior and increasing the safety of our roads.

Despite what some may think this Committee does not have jurisdiction over the driver behavior side. However, it is important to work with States to reduce drunk driving, increase seat belt use, and generally encourage safer driving. What I oppose is forcing a one size fits all Washington solution on all States. A perfect example of this is the sanction approach (favored by some on this Committee and some of the witnesses today) that withholds highway funds from States that do not enact specific laws. I support rewarding States for results (e.g. higher seat belt use, decreases in drunk driving) and campaigns like Secretary LaHood's efforts against texting while driving.

This Committee has jurisdiction over the physical condition and design of our transportation infrastructure. It is estimated that from one-third to over one-half of all fatalities result from deficiencies in roadway conditions. We need to make our roads and bridges safer. One of the witnesses today, Dr. Miller, has conducted research that found roadway condition to be a contributing factor in over half of all deaths resulting from motor vehicle crashes and 38 percent of the non-fatal injuries. His research also determined that in terms of crash outcome severity, road conditions are the single most lethal contributing factor in roadway fatalities—greater than speeding, alcohol, or not wearing seat belts.

SAFETEA created a new core safety program—which I think is the single most important thing achieved in the \$286.4 billion bill. The next highway bill needs to build on this success. I think this will go a long way to continue the historic declines in highway deaths.

The reason the safety program is so successful is that it requires States to examine data on where people are dying and where accidents are occurring and to devise a plan to address the greatest roadway safety problems in the State. It has States determine the best solutions to address their most unsafe conditions. It is critical that we continue to follow this data driven, flexible approach.

One example of how we deviated from this approach is the Safe Routes to School Program. This is not a safety program—it is a healthy lifestyle program. Its real goal is to encourage kids to walk and bike to school—a worthwhile goal, but let's remember: this not a safety issue, and it shouldn't be paid for by road users as our infrastructure is crumbling around us. This program received over \$600 million in the last bill and was 14 percent of the size of the entire safety program in 2009.

Countless studies have proven the safest way for children to get to school is in a yellow school bus. If the goal of this program were truly to get our children to school more safely, it would be to encourage them to take the school bus. I believe we'd save more lives if the Safe Routes to School money was put back into the safety program and children were encouraged to ride school buses.

This next highway bill needs to focus on the core safety program and build on its successes. I'd like to see a much larger, more data driven safety program. I'd also like to create a new safety performance measure that will highlight successful outcomes and assess how States are doing when it comes to saving lives.

Senator BOXER. Thank you, Senator Inhofe, and I do look forward to continuing our work on this and other issues.

We are so happy to see Senator Lautenberg here. There are leaders in the Senate on various issues, and if you had asked any Senator, if you asked about safety on our Nation's transportation freeways and our highways and our mass transit, Frank Lautenberg's name would be at the top of the list.

I am so glad you are here, Senator. Please proceed.

**OPENING STATEMENT OF HON. FRANK R. LAUTENBERG,
U.S. SENATOR FROM THE STATE OF NEW JERSEY**

Senator LAUTENBERG. Thank you, Madam Chairman, and thank you for getting on with the attempt to establish an opportunity for a new highway bill. It is critical. One need only be on our highways to see how critical it is.

Well, since I came to the Senate—and I thank you for your comments, Madam Chairman—I have fought to make our roads safer. In 1984 I authored the legislation that set the minimum drinking age at 21. Before that, to drink legally you had to be 21 in some States and 18 in others. We had a situation in New Jersey when our drinking age was 21 and our colleagues, our friends across the river, it was 18. And as a consequence, we developed a reputation for having a blood border because young people would go to New York City and have a good time, and often the results at the end of the evening were catastrophic. So we changed the law, and the minimum drinking age became 21 across the Nation.

The Department of Transportation has determined that this law is responsible for saving more than 24,000 lives since it was written. It is a stadium full of young people. In 2000 we built on that safety record by passing another law to set the maximum level of alcohol in a driver's blood at .08, and that law has helped further end drink driving, reducing drunk driving fatalities, credited with saving approximately 500 lives every year.

So I am proud of these accomplishments, but make no mistake, there is more work to do. And as we consider different ways to protect drivers, passengers, pedestrians, we have to remember one thing that has a proven record of reducing fatality rates quickly and effectively, and that is shifting the behavior, changing the behavior of drivers. In fact according to DOT more than 90 percent of crashes on our roads are caused by human factors alone, speeding, distracted driving, and obviously drunk driving.

So that is why I introduced a common sense bill a few months ago to stop the convicted drunk drivers from becoming repeat offenders. This bill will make the highways safer by requiring convicted drunk drivers to install ignition interlocks on their cars.

These devices will not let a vehicle start if the driver has any alcoholic content on their breath, and these systems are proven to work. A study by the Center for Disease Control found that re-arrests among convicted drunk drivers dropped by 73 percent when the ignition interlock was available in their car.

It is also essential that we take the dangers posed by massive trucks seriously. Large trucks account for just 3.5 percent of all the registered vehicles on our roads, and yet they are involved in more than 11 percent of all motor vehicle crash deaths. The fact is double and triple trailers don't belong on our highways. Yet, a loophole in our law allows them to endanger the public. We have to close the loophole, block these long overweight trucks from using our national highway system.

And finally we cannot ignore the risks posed to motorcycle drivers on our roads. In 1995 the law that I wrote, the Federal law that required these drivers to wear helmets, was repealed. And the rate of deaths among motorcycle riders has skyrocketed ever since. Head injury is the leading cause of death in motorcycle crashes, and we have to do more to encourage motorcycle drivers to wear helmets.

We have a lot of work ahead of us. I am looking forward, Madam Chairman, to hearing from our witnesses on how we can make our roads safer and working with your and our colleagues on this Committee, we want to accomplish these goals.

And I thank you.

Senator BOXER. Thank you, Senator.

The Honorable John D. Porcari, Deputy Secretary of Transportation, we welcome you

STATEMENT OF HON. JOHN D. PORCARI, DEPUTY SECRETARY OF TRANSPORTATION, U.S. DEPARTMENT OF TRANSPORTATION

Mr. PORCARI. Thank you, Chairman Boxer and Ranking Member Inhofe, members of the Committee. Thanks for the opportunity to address the Department of Transportation's single highest priority, which is safety and safety's role in the next reauthorization for surface transportation.

Improving highway safety throughout the United States by reducing road fatalities and injuries is one of our high priority performance goals, and I am pleased to report that we are making progress on that. In 2008 the number of fatalities on our roadways fell to the lowest rate ever recorded. For 2009 we are on track to do even better as fatalities continue to decline.

This is welcome news, and much of the credit goes to the effective intermodal partnerships to improve highway safety conducted by DOT's Federal Highway Administration, National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and our State and local partners. We are grateful for their continued leadership.

I would also like to thank Congress for more than doubling the amount of Federal aid funds available for highway safety under SAFETEA-LU. This additional funding has been tremendously important in helping us to enhance Federal research on traffic safety,

implement valuable safety programs, and encourage innovative, community-based approaches to road safety.

But there is still much work ahead of us. Too many individuals continue to be killed and injured on our highways, especially in drunk driving and distracted driving incidents. Our Department has set a goal to reduce the rate of highway fatalities from the current rate of approximately 1.25 per 100 million vehicle miles traveled to no more than 1.16 by the end of 2011. To achieve that goal we will need a comprehensive multi-agency, multi-disciplinary effort coupled with highly effective reauthorizing legislation.

Reauthorization offers many critical opportunities to help us refocus our transportation policies so we can continue on the path toward making the Nation's transportation system safer for everyone.

Let me share a preliminary overview of some of these efforts. One, the DOT Safety Council, which I chair, brings DOT senior leadership together from across the Department to address high priority, cross-cutting safety topics. This has proven to be a very effective vehicle for elevating our focus on issues like distracted driving, operator fatigue, and safety management systems.

The Safety Council's first action, by the way, was to endorse Secretary LaHood's transit safety reform bill, and I would note that this legislation must be enacted now. The tragic Metrorail crash that occurred here in Washington last June along with accidents and safety lapses on transit systems from San Francisco to Chicago to Boston underscores the need for new regulations that apply national, consistent safety standards to all rail transit agencies. The Federal Transit Administration currently lacks the authority needed to set these standards, and we need to remedy the situation.

Two, we are implementing a DOT roadway safety plan that will focus on coordinating our roadway safety activities from both a strategic and performance perspective to ensure that we achieve the desired outcomes. This effort requires sustained cooperation and outreach among DOT's modal agencies.

Three, we are focused on changing drivers' behaviors through our highly visible and successful distracted driving campaign, which includes efforts to provide incentives to States to promote laws curbing unsafe cell phone use. We must sustain the momentum we have developed through consumer education, law enforcement, research, and other mechanisms.

Fourth, we are encompassing pedestrians and bicyclists in our safety programs through our Livable Communities initiative, which aims to make communities safer while also improving the quality of life for families and businesses. This is a transformational approach that improves access to a range of safe, sustainable transportation options.

In addition to these priorities, we also have to improve our analytical and data collection capabilities and continue to refine our existing efforts to improve safety on rural and tribal roads and beyond.

All these efforts help to ensure that DOT's safety agenda preserves lives and delivers to the American people the safest, most reliable roadways in the Nation.

Madam Chairman, that concludes my remarks, and I will be pleased to take your questions.
[The prepared statement of Mr. Porcari follows:]

**STATEMENT OF
THE HONORABLE JOHN D. PORCARI
DEPUTY SECRETARY OF TRANSPORTATION**

BEFORE THE

**COMMITTEE ON
ENVIRONMENT & PUBLIC WORKS
U.S. SENATE**

Opportunities to Improve Transportation Safety

APRIL 14, 2010

Chairman Boxer, Ranking Member Inhofe, and Members of the Committee, thank you for holding this hearing today to focus attention on the pressing need that faces us in the next surface transportation reauthorization legislation to pursue all possible opportunities to reduce fatalities and injuries on our Nation's highways.

Transportation safety is the Department of Transportation's (DOT) highest priority. As you know, improving highway safety requires a comprehensive, multi-agency and multi-disciplinary effort. Through the combined efforts of the DOT and the entire highway safety community, the number of traffic fatalities in 2009 is projected to be below 34,000—the lowest level since 1954. Despite these gains, too many individuals continue to be killed and injured on our Nation's highways.

As we approach reauthorization of surface transportation programs, concerted efforts to improve safety are needed for all surface transportation modes. Safety problems vary from State to State, and it is important that data-driven, performance-oriented programs be established to identify the most cost-effective strategies to improve safety in each jurisdiction. Innovation and technology will be critical to improving vehicle, operator, and infrastructure safety. Infrastructure improvements reduce the number of crashes and the severity of crashes. They are designed to work in concert with vehicle and behavioral measures to improve driver performance and diminish severity through tools such as signage, pavement friction, rumble strips, the Safety Edge, and cable median barriers. We must also explore innovative ways to reduce deaths and serious injuries caused by impaired driving, speeding, failure to wear seatbelts and motorcycle helmets, and other high risk behaviors, including distracted driving.

Secretary LaHood is personally committed to reducing the number of injuries and fatalities caused by distracted driving—a dangerous practice that has become a deadly epidemic. Our latest research shows that nearly 6,000 people died in 2008 in crashes involving a distracted driver, and more than half a million people were injured. Unless we take action now, the problem is only going to get worse. In late 2009, the Department hosted a Summit to help identify, target, and tackle the fundamental elements of this problem. We brought together over 300 experts in safety, transportation research, regulatory affairs, and law enforcement. More than 5,000 people from across the United States and a dozen countries also participated in the

Summit via the web. We also heard from several victims of this behavior whose lives have been changed forever. The unanimous conclusion of the Summit participants is that distracted driving is a serious and ongoing threat to safety.

The Administration is committed to addressing the distracted driving epidemic on a number of fronts across all modes. In October 2009, President Obama signed an Executive Order banning texting while driving for Federal employees when driving government-owned vehicles, using government-supplied electronic equipment, and driving privately-owned vehicles while on official government business. This Executive Order sends a strong, unequivocal signal to the American public that distracted driving is dangerous and unacceptable.

Education and awareness, together with strong laws and enforcement programs, are also essential elements of our action plan, which includes targeted outreach campaigns to inform key audiences about the dangers of distracted driving, and high visibility enforcement actions. DOT recently launched a national campaign called "Put it Down," to encourage the public to get involved in ending distracted driving, and to encourage implementation of legislation and high visibility enforcement to increase consequences for distracted driving. On April 8th, Secretary LaHood announced pilot enforcement campaigns for distracted driving in Hartford, Connecticut and Syracuse, New York. These pilot programs are similar to previous efforts to curb drunk driving and increase seat belt use among drivers and represent the first federally-funded efforts in the country specifically focused on the effects of increased enforcement and public advertising on reducing distracted driving. Drivers caught texting or talking on a hand-held cell phone will be pulled over and ticketed. The message is simple: "Phone in One Hand. Ticket in the Other." Each pilot program is supported by \$200,000 in Federal funds and matched by \$100,000 from the State. The Department will continue to work closely with stakeholders to test program strategies and collect and evaluate comprehensive distracted driving-related data needed to better understand risks and identify effective solutions.

In February of this year, Secretary LaHood unveiled another step in the campaign against distracted driving—model legislation for use by States to prohibit texting while driving. The model State law, prepared by NHTSA and a cross-section of safety and industry organizations, would authorize law enforcement officers to stop a vehicle and issue a citation to drivers who are texting while driving. This model State law is another powerful tool to help States combat this serious threat to public safety.

The Department is also taking other concrete actions such as encouraging States to install rumble strips along roads as an effective way to get the attention of distracted drivers before they deviate from their lane. On October 1, 2008, the Federal Railroad Administration issued Emergency Order 26 that severely restricts the use of personal electronic devices by railroad operating crews. While this Emergency Order is being vigorously enforced, FRA has initiated a rulemaking to obtain comments and refine the restrictions contained in the Emergency Order. DOT has also initiated rulemakings to ban text messaging and restrict the use of cell phones by truck and interstate bus operators while operating vehicles, and to disqualify school bus drivers convicted of texting while driving from maintaining their commercial driver's licenses.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) significantly increased the national policy emphasis on safety and the resources available to reduce traffic fatalities and injuries on all public roads. Additionally, the American Recovery and Reinvestment Act of 2009 provided more than one billion dollars to implement safety and operational improvements, including hundreds of miles of rumble strips and cable median barriers. Using these resources provided for safety improvements we have made progress and seen successful results, many of which I will highlight for you today. I will also outline some opportunity areas to reduce fatalities and injuries on our Nation's highways.

REDUCING HIGHWAY FATALITIES

In 2008, the number of individuals who lost their lives on the Nation's roadways fell to 37,261, equating to a fatality rate of 1.25 per 100 million vehicle miles traveled (VMT)—the lowest rate ever recorded. Occupant fatalities, including individuals killed in passenger cars, light trucks, large trucks, and buses, declined for the sixth year in a row to 26,689, the lowest annual total since 1975 when the Fatality Analysis Reporting System began collecting data. In addition, the number of individuals suffering injuries as a result of motor vehicle crashes in 2008 was the lowest total since 1988. The number of individuals killed in large truck crashes also continues to decline. In 2008, 4,229 people were killed in large truck crashes—593 less than in 2007. The number of truck occupant fatalities also declined from 805 in 2007 to 677 in 2008.

Despite the gains we have made in improving highway safety, in 2008: motorcycle rider fatalities continued their eleven-year increase, reaching 5,290; 4,378 pedestrians were killed; and, 11,773 people were killed in crashes involving an alcohol-impaired driver—about 32 percent of all motor vehicle fatalities.

These numbers are not acceptable. That is why the Department considers safety its top priority and is dedicating resources to reach its High Priority Performance goal of reducing the rate of highway fatalities to 1.13 - 1.16 per 100 million vehicle miles traveled by the end of fiscal year 2011. We will accomplish this through a variety of initiatives aimed at drivers, vehicles, improved road design, and the use of technology to improve safety. To most effectively align program and policy actions needed to meet key challenges, the Department has established four fatality sub-measures—passenger vehicles, nonoccupants (e.g., pedestrians and bicyclists), motorcycle riders, and large truck- and bus-related fatalities—which represent the breadth of all highway users. The purpose of this approach is to examine more closely the fatality rates of the various segments of highway users and develop targeted strategies to combat trends within these segments of highway users.

Some of the greatest gains in reducing fatality rates in the short term lie with influencing driver behavior. Over 90 percent of crashes involve some kind of driver error, such as speeding, alcohol and drug impairment, and driver distraction. The Department has implemented a number of driver behavior programs, including high-visibility enforcement of drunk driving and seat belt use laws, new data-driven law enforcement strategies, incentive grants for primary safety belt use laws, child passenger protection initiatives, and motorcycle safety programs. The Department also recognizes the importance of continuing to reduce the number of collisions at the Nation's approximately 225,000 highway-rail grade crossings and is dedicated to reducing

the number of highway-rail grade crossing fatalities and injuries. Although these programs have played a significant role in improving highway safety, much work remains.

PROGRAMS AND ACHIEVEMENTS

Comprehensive Safety Programs and Partnerships

At DOT, we are taking advantage of many opportunities for intermodal partnerships to help improve highway safety. For instance, the Federal Highway Administration (FHWA), the National Highway Traffic Safety Administration (NHTSA), and the Federal Motor Carrier Safety Administration (FMCSA) have collaborated on the DOT Speed Management Strategic Initiative. Through this effort, the Department has not only worked at the national level to provide leadership for promoting effective speed management programs, but also has worked directly with States to fund speed management demonstration projects. DOT has also implemented a training program that is being delivered to States to provide guidance in setting appropriate speed limits and enforcing them.

FHWA, NHTSA, and FMCSA also have collaborated on the USDOT Traffic Records Coordinating Committee, an intermodal team that provides coordinated Federal leadership to maximize the efficiency and effectiveness of integrated roadway, traffic and safety data collection and analysis. FHWA and FMCSA have supported NHTSA in the implementation of the State Traffic Safety Information System Improvement Grant program which provides grants to States to improve their data systems. FHWA, in consultation with FMCSA and NHTSA, has developed a Crash Data Improvement Program that gives States a detailed analysis of their crash data systems, training on how to make improvements, and individualized attention from data systems experts. In addition to these and other multi-modal efforts to improve safety, DOT agencies are also actively implementing safety programs within their respective jurisdictions.

FHWA has conducted Safety Summits with tribal governments in six States in coordination with the Department of Interior's Bureau of Indian Affairs to address highway safety issues. In some States, the crash rates on tribal lands is disproportionately higher than other areas in the State, and these summits have been instrumental in identifying issues and mitigating strategies.

Federal Highway Administration Programs

FHWA actively pursues improved highway safety through a collaborative, multi-faceted approach that addresses the "4Es of safety"—engineering, education, enforcement, and emergency medical services. Using a data-driven approach, FHWA works with other safety agencies at DOT and with safety partners to bring cutting-edge research and technology to some key safety areas, including intersections, roadway departures, and pedestrian safety.

Highway Safety Improvement Program. SAFETEA-LU authorized the Highway Safety Improvement Program (HSIP) as a new core Federal-aid formula program and more than doubled the amount of highway safety funding for the States by authorizing \$5.1 billion over four years. The HSIP emphasizes a results-based, data-driven, strategic approach to improving

highway safety. The program provides States with flexibility to use funds for safety projects on all public roads and publicly-owned pedestrian and bicycle paths, and to focus State efforts on implementation of State Strategic Highway Safety Plans (SHSPs). FHWA took rapid and aggressive action to get guidance and information out to States and stakeholders as soon as SAFETEA-LU was signed into law. FHWA, through its Division offices, provided hands on technical assistance to the States to develop and implement their State Strategic Highway Safety Plans. All States have plans in place, as required by statute, and are implementing these plans now. The SHSP is a data-driven, multi-year comprehensive plan that establishes statewide goals, objectives, and key emphasis areas. FHWA's emphasis on a collaborative approach to improving safety is especially critical in the HSIP, where each State's SHSP addresses all "4Es" of safety described above. Also as part of the HSIP, a new High Risk Rural Roads Program was established that provides funding for construction and operational improvements on rural major or minor collectors or rural local roads. Rural two-lane, two-way road fatality rates continue to be significantly higher than the fatality rates on the Interstate. More than fifty-five percent of total highway fatalities nationwide occur on rural roads, and the fatality rate for rural crashes is more than two and one-half times greater than the fatality rate for urban crashes.

The Highways for LIFE Program. The Highways for LIFE program has provided support for training, workshops, and showcases to advance the adoption of Road Safety Audits (RSA) as a standard of practice by States and local highway agencies across the Nation. RSAs are used to identify measures to improve safety at high crash occurrence locations. Research has shown implementation of RSA recommendations lead to significant reduction of crashes. Such research has also supported the demonstration and promotion of Safety Edge, a simple, low cost, technology for adding a wedge to the edge of pavement during construction, which significantly reduces runoff the road recovery crashes due to edge drop-off.

Safe Routes to School. SAFETEA-LU authorized \$612 million over five years for a new Safe Routes to School (SRTS) program to: enable and encourage children, including those with disabilities, to walk and bicycle to school; make walking and bicycling to school safer and more appealing; and facilitate the planning, development, and implementation of projects that will improve safety, and reduce traffic, fuel consumption, and air pollution in the vicinity of schools. Working with States, FHWA moved quickly to implement this program. As of December 2009, over 6,400 schools have or will benefit from the SRTS program, and FHWA has hosted four national meetings for State SRTS Coordinators to provide training. I would also note that SRTS has been cited as an example of the type of community-based program compatible with the goals of the Administration's Livable Communities Initiative.

At Congress' direction, FHWA established and convened a Federal Advisory Committee that has studied and developed a strategy for advancing SRTS programs nationwide. The Federal Advisory Committee's report entitled "Safe Routes to School: A Transportation Legacy, A National Strategy to Increase Safety and Physical Activity among American Youth" was sent to Congress in 2008. The report included several recommendations for sustaining and improving the SRTS program. Among the recommendations, the report proposed continuing a full-time SRTS coordinator at the State level, increasing Federal funding, streamlining the compliance and assurance processes for projects under title 23, and promoting and encouraging support for SRTS

among partners. In addition, the report encouraged innovative solutions, including training for motorists and children.

Work Zone Safety. In 2008, work zone fatalities were down nearly 40 percent since 2002, with 720 work zone fatalities out of the 37,261 total fatalities that year. FHWA has made improvements to work zone safety and mobility through standardization, rulemaking and outreach. All national standards to control traffic through work zones are contained in the FHWA *Manual on Uniform Traffic Control Devices (MUTCD)*. Key FHWA regulations in this area including the Work Zone Safety and Mobility Rule; the Temporary Traffic Control Devices Rule; and the Worker Visibility Rule are intended to provide safer and less disruptive work zones. Additionally, under the Work Zone Safety Training Grants Program, a total of 24 work zone related training courses have been held 946 times across the country since late 2007, and more than 23,000 individuals have been trained. A comprehensive repository of information designed to help improve work zone safety is made available under the Work Zone Safety Information Clearinghouse. In conjunction with the Highways for LIFE efforts to accelerate the adoption of innovations and new technologies, FHWA has also established a Work Zone Peer-to-Peer Program that serves as a resource to agencies looking for better methods, tools, and strategies to improve work zone safety and mobility.

Bridge Safety Efforts. The FHWA Highway Bridge Program supports State and local efforts to improve conditions, and thus safety, of highway bridges. Since its inception, the Highway Bridge Program in combination with other Federal, State, and local funding programs, has been successful in reducing bridge deficiencies. As of December 2009, there were 117,419 bridges out of 602,977 inventoried nationwide that were on the National Highway System (NHS). Of those, 25,684, or 21.9 percent, were considered deficient. That represents a reduction of 3.6 percentage points from 1999, when 33,154 out of 130,199, or 25.5 percent, of NHS bridges inventoried were deficient. When a bridge is classified as deficient, it does not mean that it is likely to collapse or that it is unsafe. Rather, a deficient bridge typically requires significant maintenance and repair to remain in service, and eventual rehabilitation or replacement is needed to address the deficiencies. Thousands of well-trained and dedicated bridge inspectors in the National Bridge Inspection Program work every day to ensure that critical safety issues for all bridges including those with deficiencies are identified and acted upon to protect the traveling public. With an aging infrastructure and limited resources, it is vitally important to continuously monitor the condition of the Nation's bridges and frequently assess the load-carrying capacity of those bridges that are showing signs of deterioration.

Safety Research, Technology, and Innovation. Developing new technologies and tools through a strong research and development program in highway safety is a key component of FHWA's strategy to reduce highway deaths and injuries. FHWA conducts its own research and collaborates extensively with others who sponsor highway safety research and technology, including States and universities. For example, FHWA is evaluating low cost safety improvements with State and local partners, and maintaining a web-based clearinghouse of available safety effectiveness information so that the information is readily available to our partners. FHWA is also using advanced crash simulation and analysis to enhance the design of median cable barriers and other roadside hardware to make roadsides safer, and we have been working on Human Centered Systems to ensure that driver responses are considered in road

design. FHWA is deploying a new generation of safety analysis software to assist States in making cost-effective safety investment decisions. FHWA is evaluating new, low-cost signing and pavement marking treatments to better manage speeds on main roads through rural communities and at horizontal curves, and to improve the safety of pedestrians and bicyclists on our roads and streets.

OPPORTUNITIES IN REAUTHORIZATION TO IMPROVE TRANSPORTATION SAFETY

As long as people continue to lose their lives on our Nation's highways, DOT will remain committed to finding methods for reducing fatalities and injuries. Building on the strong foundation of safety requirements and resources provided by SAFETEA-LU, the Department sees many opportunities for improving highway safety through refocused transportation policies. Such opportunities include:

- Utilizing the DOT Safety Council, established by the Secretary under my chairmanship, which brings DOT senior leadership together to focus on the single issue of how to save lives. It operates under five guiding principles: a) providing a unified safety message, b) systematic, data-driven decision-making, c) open and frank dialog, d) transparency, and e) identification and recognition of safety action teams. Since its inception, topics the Council has addressed include new regulatory authority for FTA safety oversight authority and new metrics to track the Department's safety programs. Recently, the Committee formed two action teams to address what it considers to be high priority, cross-cutting, safety topics--safety culture and hours of service.
- Implementing a DOT Roadway Safety Plan for reducing fatalities and serious injuries on our Nation's highways and roadways. This plan will focus on coordinating the actions and initiatives of the DOT organizations and will seek to identify any gaps or opportunities where further work is needed. In this respect, the Roadway Safety Plan will have both a strategic view of roadway safety, and a performance perspective to assure that expected outcomes are identified and achieved.
- Exploring innovative ways to reduce deaths and serious injuries caused by driver inattention through initiatives such as the Distracted Driving campaign and incentivizing States to promote laws to curtail unsafe cell phone use and eliminate texting while driving.
- Focusing on the safety of all road users including pedestrians and bicyclists through the Department's Livable Communities Initiative to make communities safer for people of all ages.
- Enacting the transit safety reform bill as submitted by Secretary LaHood, on behalf of President Obama, to the Congress back in December 2009, in order to apply national, consistent safety standards to all rail transit agencies and ensure safe operation of rail transit systems that provide more than 10 billion passenger trips each year.

- Developing analyses and procedures to understand roadway departure crash causation; support better roadside safety design; evaluate infrastructure and intersection configurations to improve motorist, pedestrian, and bicyclist safety; and conduct research and deployment of best practices in safety training and management.
- Developing new tools for analyzing safety solutions, and strongly promoting proven, cost-effective steps, such as Safety Edge technology, rumble strips, and cable median barriers to help prevent roadway departures. More than fifty percent of fatal crashes involve a vehicle leaving the roadway.
- Streamlining reporting requirements contained in the HSIP and fostering greater transparency by posting the SHSPs online. Also ensuring that States periodically update and implement SHSPs.
- Ensuring continued progress in rural road safety by providing a more workable definition of “high risk rural roads” contained in the High Risk Rural Road Program to enable increased State participation.
- Improving the quality, consistency, and timeliness of work zone safety data to identify and quickly address potential safety problems.
- Working closely with tribes, the Bureau of Indian Affairs, and others to address the disproportionate level of fatalities on tribal roads.
- Improving safety data to support truly data-driven decisions about project selection and improve safety performance. Continuing to assist States in improving their data quality and collection of roadway inventory data.
- Continuing the important research on IntelliDrive technologies that provide critical safety warnings to drivers alerting them of hazardous situations. By enabling smart infrastructure and advanced vehicle to vehicle communications technology, the potential exists to dramatically reduce the number of crashes, injuries, and fatalities on our roadways.

CONCLUSION

This is just a preliminary view of some of the opportunities we have identified for improving transportation safety on our Nation’s highways through transportation policies that can be implemented in the next reauthorization of surface transportation programs. Be assured that safety is, and will continue to be, the Department’s top priority, and reducing highway fatalities is one of the Department’s High Priority Performance Goals. We look forward to continued work with this Committee, the States, and our partners in the transportation community to implement sound transportation policies to save lives.

Thank you and I am happy to respond to your questions.

Environment and Public Works Committee
April 14, 2010 Hearing
Follow-Up Questions for Written Submission

Question for Deputy Secretary Porcari

Senator Barbara Boxer

Question: In your testimony you mentioned that State Highway Strategic Plans, which are required under the Highway Safety Improvement Program, should be updated periodically. How often do you think they should be updated?

Answer: SAFETEA-LU requires States to evaluate their Strategic Highway Safety Plans (SHSPs) but does not specify a requirement or timing for updates. An update should be determined by a State's evaluation of its SHSP. A State should analyze its safety data on an annual basis to identify trends and determine whether the SHSP still addresses the current state of safety. This will help them know if it is time to do a more comprehensive evaluation. Also, if some strategies are not being implemented or do not appear to be useful, then an update is needed. States should be given a three- to five-year period to update their SHSPs. This would give them the time to accurately evaluate their SHSPs, identify their safety needs including any emerging issues, and work with safety stakeholders to develop the most effective strategies to address them.

Senator BOXER. Thank you very much, Mr. Porcari.

Do you feel you have enough safety data coming from the State and local level? And is this something we need to address in our bill, getting better data?

Mr. PORCARI. It is an excellent question because although the data collection has improved tremendously through SAFETEA-LU and through some of the mechanisms established in SAFETEA-LU, there are clearly gaps left. And if we are developing performance measures for safety, they should have strong data behind them.

Crash Data Improvement Program work that has a detailed analysis of the data is important to make sure that—not just on the national highway system, but on all of our roads, including our rural roads, which are disproportionately represented in accident data—that we have data to build a strong program.

Again, I would emphasize that SAFETEA-LU is a very strong start on this.

Senator BOXER. OK. Would you work with us? Because as we try to improve the situation, especially since SAFETEA-LU was done, we have more opportunities through computers. I mean, they are improved all the time, communications. So clearly we need to update that. Would you work with us on this issue?

Mr. PORCARI. Yes, Madam Chair, we would look forward to that.

Senator BOXER. I think it ought to be, supposing 1 day Senator Inhofe wanted to know what is happening in his State, there should be a click and find out kind of way to do it, it seems to me. And I don't think it is an intrusion on the local or State people. It is just important for us to know so that we can help our States. It may say X number of accidents happened at this crossing, and therefore as we do our bill, we want to improve that crossing.

So will you work with us on that section?

Mr. PORCARI. We will, Madam Chair.

Senator BOXER. We are going to ask you to work with us on lots of different sections, but that is one we really care about.

The National Surface Transportation Policy and Revenue Study Commission, members of whom have testified before us, recommended setting a goal of reducing fatalities by 50 percent by 2025. In your opinion, is this an achievable goal? And if so, what can we do to help achieve it?

Mr. PORCARI. Madam Chair, it is a very ambitious goal. It is a stretch goal. I believe it is important to have a stretch goal for safety. As I previously mentioned our high priority performance goals, which is one of the primary tools that the Office of Management and Budget uses to evaluate departmental performance, includes reducing the highway fatality rate.

We think that into the future as we continue to reduce the fatality rate that a stronger, stretch goal makes sense.

Senator BOXER. OK. In your testimony, you call for the development of a DOT roadway safety plan for reducing fatalities and injuries. Can you describe what such a plan would entail, and would it take congressional action?

Mr. PORCARI. We are currently developing that. What we are trying to do is make sure that we break down the modal barriers between the individual modes on issues like highway safety. And as we build our budget, for example, for fiscal year 2012, we are look-

ing at highway safety holistically. NHTSA, the Federal Motor Carrier Safety Administration, FHWA, and the Research and Innovative Technology Administration, in particular, are working across those modal lines and being modally neutral on these programs so that we can deploy resources most effectively.

We believe, at least at the present time, that we can do that within our existing authority. We may need to make some changes going forward, and we would look forward to working with you to do that.

Senator BOXER. Well, thank you very much.

Senator Inhofe.

Senator INHOFE. Thank you, Madam Chairman.

Secretary Porcari, let me just read from the Highway Administration, "Although 23 percent of the U.S. population live in rural areas, in 2007 rural fatalities accounted for 57 percent of all traffic fatalities in 2007." So there is a separate \$90 million a year Rural Road Program that looks solely at rural roads, but it is obviously completely inadequate.

Now, your background was the State of Maryland, and you do, obviously, you have rural areas there, as well as very large metropolitan areas. It just seems to me coming from a rural State that the focus is not really adequately distributed between where the problems are. How do you want to address the problem that is pointed out in not your statement, in the statement of the Administration that a very large percentage of those fatalities are from rural areas?

Mr. PORCARI. Clearly, Senator, you have put your finger on one of the real gaps in our safety efforts. The strategic highway safety plans that individual States develop with our partners, including Federal partners, should also be tailored to local and individual needs. One of the areas that we all need to focus more on is the rural roads. All four of the Es—engineering, education, enforcement, and emergency medical services—apply to that. There are some fundamental data collection issues that I believe we need to work together on so that we can positively impact that unacceptably high fatality rate on rural roads.

The gaps in data typically are more at the local and rural road portions of the system. Knowing where the high accident locations are and where the efforts should be focused is an important first step.

Senator INHOFE. Well, I would ask the question, since you said they should be tailored. Who is in the best position to tailor this? How do you see the States? Because one of the debates we are going to have up here is the difference of opinion as to the States' role. We go through this quite often. Do you think or is it your opinion from the last thing you said that some of the States and local communities or entities, whatever they are, counties or otherwise, have the accurate data to plug into this? What do you see as the States' role in this?

Mr. PORCARI. The States have an important role, first in formulating the overall strategic highway safety plan because it needs to be tailored to meet individual needs. The data collection part of it cannot be done by States alone. The local partners, in particular

where we are talking about rural or tribal roads, need to be part of it as well.

Clearly, one of the gaps that we have is that data collection. And if you look at the individual States' strategic highway safety plans, many of them specifically identify that as a gap that they need to address.

Senator INHOFE. Well, I know AASHTO has come out in strong support of each State setting its own goals and a larger percentage of the influence in the new program that we hope will be coming out be given to the States. So that is something that I would like to have all of us keep in mind as we move forward. And I think we are going to be facing the same thing when we talk about an overall transportation reauthorization bill in areas other than safety, too.

Thank you very much, Mr. Secretary and Madam Chairman.

Senator BOXER. Thank you.

Senator Lautenberg.

Senator LAUTENBERG. Thank you very much, Madam Chairman.

Thank you, Secretary Porcari, for your testimony and your good work on behalf of safety on our roads.

Despite the fact that large trucks take longer to stop, have a higher rate of rollovers, pose tremendous wear and tear on our crumbling transportation infrastructure, some are proposing relaxing the ban on large trucks that weigh more than 80,000 pounds and are longer than 53 feet on our interstate highway system.

What might be the impact of more large trucks on the highways on fatalities?

Mr. PORCARI. Senator, the current truck size and weight requirements that the Federal Highway Administration administers reflect that balance that we need between safety, infrastructure preservation, and truck productivity that Congress decided was appropriate. Safety should be the overriding consideration as always in this.

We look forward to working with Congress to make sure that an appropriate balance of those three factors is maintained. The very real issues associated with weight and size of vehicles are something that we are very focused on, and we want to make sure we maintain that appropriate balance.

Senator LAUTENBERG. Well, I would appreciate a very close examination of that because the statistics tell us that there is danger ahead if we increase the use of these larger trucks on our highways.

A proven method to reduce drunk driving is through the use of ignition interlock devices. Studies that I mentioned have found that re-arrest rates decrease by 73 percent. Fatalities drop by 30 percent for convicted drunk drivers with ignition interlocks.

Therefore, do you think that higher employment of these devices might be beneficial to reduce the fatalities that result from drunk driving?

Mr. PORCARI. Senator, we agree that ignition interlocks can play a larger role than they do now in reducing drunk driving. As you point out, it is clear from the data that they work and that they are highly effective. There are 12 States at this point that have enacted laws requiring ignition interlocks by all drunk driving offend-

ers, and we look forward to continuing to research this issue as well, whether it is ignition interlock or any other technological means that helps reduce the rate of drunk driving.

Senator LAUTENBERG. Is it likely that the use of these devices would assist in that endeavor?

Mr. PORCARI. I think it is clear from the data, Senator, that increased use of the devices has clearly resulted in a safety benefit.

Senator LAUTENBERG. By the way, to my friend and colleague, Senator Inhofe, Jennings Randolph.

[Laughter.]

Senator INHOFE. Yes. I remember that well.

Senator LAUTENBERG. Yes, I remember it myself.

I wrote the helmets required law for motorcyclists in 1991. The law was repealed in 1995. Motorcycle fatalities skyrocketed since that time. If we are to have real gains in motorcycle safety, isn't it time to reinstate the law that requires helmets to be worn by all motorcycle operators and passengers?

Mr. PORCARI. Senator, at the risk of stating the obvious, motorcycle helmet use is the single most effective way to reduce motorcycle fatalities. We strongly support motorcycle helmet laws because they do work. And our NHTSA data has shown that using helmets is 37 percent effective in preventing fatal injuries to riders and 41 percent effective for passengers. Those are clearly big safety gains, and again it is the single most effective thing that any motorcycle rider or passenger can do.

Senator LAUTENBERG. Thank you very much, Mr. Porcari.

And thank you, Madam Chairman.

Senator BOXER. Thank you so much.

And would you stand by, not here personally, but would you be willing to answer some questions that we didn't get to ask you, in writing?

Mr. PORCARI. Madam Chair, I would be happy to.

Senator BOXER. Excellent.

Well, we thank you so much, and now we call up our second panel: Mr. Steudle, Laura Dean-Mooney, Jackie Gillan, Deb Hubsmith, Gregory Cohen, Ted Miller. And then as we go, I will give your formal titles as I call on you, but we thank you all for being here very, very much. We look forward to hearing from you.

Mr. Steudle, we will start with you. You are the Director of the Michigan Department of Transportation. So, welcome.

STATEMENT OF KIRK T. STEUDLE, DIRECTOR, MICHIGAN DEPARTMENT OF TRANSPORTATION, ON BEHALF OF THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS

Mr. STEUDLE. Good morning, Chairwoman Boxer and Minority Member Inhofe and Senator Lautenberg.

I am Kirk Steudle. I am the Director of the Michigan Department of Transportation, and I am Chairman of AASHTO Standing Committee on Highway Traffic Safety. I am also Chair of the SHRP II Program, which is the second generation of the Strategic Highway Research Program. And my verbal comments today are just taken pieces of my written statement that has been submitted for the record.

There is no more important topic than highway safety. As has been noted in the first panel SAFETEA-LU made significant strides in enhancing America's focus on safety. It increased funding for safety, created a new and core safety program, and required all States to develop a strategic highway safety plan.

In May 2007 the AASHTO Board of Directors adopted a national goal of halving traffic deaths over two decades. That would translate into saving 1,000 American lives per year over the next 20-year period.

This year, Michigan will spend nearly \$70 million on safety on our roadways, targeting signal improvements, signing improvements, pavement markings, modernizing signalized intersections, cable barriers, rumble strips, intelligent transportation systems, and safe routes to school. These kind of consistent expenditures have helped us to reduce our highway fatalities on Michigan roads to 871 in 2009, the lowest since 1924. Our seat belt usage is at 97.9 percent. That, along with our long history of collaboration, has led to this two decade decline in traffic fatalities.

Nationwide 33,963 Americans perished in traffic collisions in 2009, a drop of 9 percent from 2008. While that is excellent news, we need to continue our progress in reducing highway fatalities. AASHTO stands ready to work with you toward this effort.

To that end AASHTO recommends a series of bold congressional actions. Let me stress the key eight recommendations briefly.

No. 1, Congress should adopt a national goal of halving traffic deaths over two decades. We would also like to see for you to call for and fund a national summit on highway safety.

Second, Congress should increase the flexibility and level of funding for all safety programs and then continue to fund the High Risk Rural Roads Program and update the Safe Routes to School Program to further focus on pedestrians.

Third, Congress should continue the requirement that States develop and implement strategic highway safety plans and require that they be updated at least once during the 6-year reauthorization cycle. And further, Congress should establish an aggressive State-determined fatality reduction goal to help achieve the national goal.

Fourth, Congress should provide \$20 million per year to enhance NHTSA's State data system. This will enable further development of the system to include traffic and roadway characteristics as well as injury outcomes. Good data is the foundation for determining how and where money and efforts need to be spent.

Fifth, Congress should support a national effort led by NHTSA to develop and recommend model laws and best practices to the States to drive down traffic deaths, including rigorous enforcement and adjudication of those laws.

Sixth, Congress should encourage more expeditious deployment of technical safety improvements in vehicles through Federal incentives and regulatory and research and development incentives, much like the electronic stability control that is being used in vehicles.

Seven, Congress should increase funding for safety research development and technology, and expand the coordination among research entities. Congress should increase funding for intelligent

transportation systems, the IntelliDrive Program, Federal Highway, NHTSA and FMCSA's safety research, and also the SHRP II Program.

And the last one, Congress should provide \$5 million to modernize the commercial driver's license information system needed to fully implement one drive/one record. In addition \$14 million is needed for the Department of Homeland Security for the National Driver Registry.

In conclusion, Madam Chairwoman, safety is not just a catch phrase or a feel good word. The number of fatalities is not just data or rate to compare over years. Safety on our transportation systems means that we go home to our families every night.

We can push last year's 34,000 deaths lower and lower in future years with a focus and intensity to bring more people home every night.

Let me assure you that AASHTO is a strong safety advocate, and we are eager to be part of the solution, and we stand ready to assist you in your legislative deliberations as you craft the next reauthorization bill.

[The prepared statement of Mr. Steudle follows:]



TESTIMONY OF

THE HONORABLE KIRK T. STEUDLE

**DIRECTOR
MICHIGAN DEPARTMENT OF TRANSPORTATION**

ON BEHALF OF

**THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION
OFFICIALS**

REGARDING

OPPORTUNITIES TO IMPROVE TRANSPORTATION SAFETY

BEFORE THE

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE**

APRIL 14, 2010

Chairman Boxer and Members of the Committee, thank you for the opportunity to testify on opportunities to improve transportation safety. My name is Kirk Steudle. I am Director of the Michigan Department of Transportation, and am speaking today on behalf of the American Association of Highway and Transportation Officials (AASHTO) which represents the state departments of transportation (DOTs) of all 50 states, Washington, D.C. and Puerto Rico.

In my capacity as Chair of AASHTO's Standing Committee on Highway Traffic Safety, I want to thank you for holding this hearing on transportation safety consideration as you prepare to take up reauthorization of the federal-aid surface transportation programs. There is no more important issue than highway safety, and heightening the awareness highway safety is of utmost importance for the health and prosperity of the nation.

First, I should note that several changes safety funding have been essential contributors to the continued downward trend and historic low in highway fatalities in the US. The new, core Highway Safety Improvement Program established in SAFETEA LU as part of the Federal-Aid Highway Program and funded at \$1 billion per year, funding increases for programs under the National Highway Traffic Safety Administration (NHTSA), the Federal Motor Carrier Safety Administration (FMCSA), and additional funding under the Recovery Act (ARRA) have all had positive safety outcomes. But we must do more.

SAFETEA-LU made significant strides in enhancing the nation's focus on safety. The legislation significantly increased funding for safety programs, created a new apportioned safety program, and required all states to develop an evidence-based strategic highway safety plan. State DOTs are using these funds to implement effective solutions designed to drive down fatalities. The legislation is still in its infancy, thus making it difficult to assess the progress that each program has had in reducing fatalities and crashes, but we are very optimistic these measures and those we are recommending for future legislation will bring us closer to meeting and surpassing our goals. The AASHTO Board of Directors passed in May of 2007, the goal of halving fatalities over two decades. This translates to saving 1000 lives per year from the base number---we know that together we can do this.

In 2010, the Michigan Department of Transportation will spend nearly \$70 million on safety, targeting signing improvements, pavement markings, modernizing signalized intersections, median cable barrier installations and specific safety improvements on our roadways. Such focused expenditures over the years of SAFETEA LU have helped in reducing highway fatalities on Michigan roadways to 871 in 2009, the lowest number since 1924 (when fatalities were 863). A variety of factors have contributed to this decline, including fewer miles driven, Michigan's high use of seat belts at 97.9 percent, strict enforcement of traffic laws, roadway engineering and vehicle safety improvements.

The steady national level of 42,000 plus fatalities per year has hopefully ended with 34,000 deaths being the new plateau reached in 2009. This new level is the result of many factors, not the least of which is the economic downturn resulting in less travel overall and less travel by the freight industry and the young. But these unique circumstances will not last.

As a nation we must do better; with the support of the US Congress we can do better—our future depends on it.

BACKGROUND

The National Highway Traffic Safety Administration reports that there were 33,963 highway fatalities in 2009, approximately 9 percent fewer than 2008. In Michigan, fatalities dropped from 980 in 2008 to 871 in 2009, an 11 percent reduction. This is excellent news for all of us, but instead of celebrating we need to continue to work on reducing this number to zero. It is too early to have much detail on the 2009 data, but if trends continue from 2008, we will continue to see an increase in seat belt use and a decrease in alcohol-related highway fatalities. However, 32 percent of highway fatalities involved alcohol. Speeding contributed to 31 percent of all fatal crashes. Motorcyclist fatalities were 14 percent of the total, making motorcyclists 37 times more likely to be killed than passenger car occupants. Twenty-three percent of the people killed on our highways were between the ages of 16 and 24, and 13 percent were age 65 or older. (7)

The societal cost of crashes in just the larger metro areas is a staggering \$164.2 billion annually (based on 2006 data). This is nearly two and a half times greater than the \$67.6 billion price tag for congestion, as reported by AAA^{1&2}. The national cost for crashes equates to an annual per person cost of \$1,051, compared to \$430 per person annually for congestion. I don't mean to downplay the cost congestion by any means, but curing the safety problem will also greatly reduce the congestion problem. Over half of congestion is caused by non-recurring incidents. Both safety and congestion need to be addressed aggressively if the nation is to prosper.

For example, Michigan recently passed a "Quick Clearance" law, which for non-injury crashes, requires the vehicles be removed from the traveled roadway as soon as possible. This will alleviate both congestion at the crash site and the associated secondary crashes. Many other states also have such Quick Clearance laws. Quick Clearance has 4 levels – Move over/slow down law; Driver Removal law; Authority Removal law; and Hold Harmless law. The safety costs I mentioned include medical, emergency and police services, property damage, lost productivity, and quality of life, among other things. NHTSA has estimated the cost of all crashes---not just those in the larger cities--- to be about \$230.6 billion per year³ in year 2000 dollars.

The World Health Organization (WHO) forecasts that roadway fatalities and disabling injuries will be the second leading cause of productive days lost by 2015, second only to heart disease⁴. Furthermore, WHO also estimates the cost of road crash injuries at roughly 1-2% of gross domestic product in developed countries. According to the National Safety Council, vehicle crashes are the Number 1 cause of death in the United States for 3 to 34 year olds. Vehicle crashes are among the top three causes of death throughout a person's lifetime.⁸ They are also the Number 1 cause of work-related deaths.⁹ Solving the safety problem will foster real economic growth in this country.

AASHTO SAFETY PROGRAM RECOMMENDATIONS

In October, 2008 the AASHTO Board of Directors, composed of the chief executives of the departments of transportation from the 50 States, the District of Columbia and Puerto Rico approved a series of bold Congressional actions to continue our progress in reducing highway fatalities. These recommendations follow here:

1. National Agenda on Highway Safety

Congress should adopt a National goal of halving fatalities over two decades; call for and fund a National Summit on Highway Safety (\$500,000) to include the US DOT, Members of Congress, State transportation and safety officials, and safety advocates; and fund a joint AASHTO-GHSA Safety Center of Excellence at \$3 million per year.

AASHTO first adopted in May, 2007 the goal of halving fatalities over two decades, and we have worked with our public sector safety partners to have their leadership adopt this goal as well. To date many have done so, including the Governors Highway Safety Association (GHSA), American Association of Motor Vehicle Administrators (AAMVA), Commercial Vehicle Safety Alliance (CVSA), National Association of County Engineers (NACE); ; the International Association of Chiefs of Police (IACP) and the National Association of State Emergency Medical Safety Officials (NASEMSO)

In addition, it matches the goal presented to the Congress by the National Surface Transportation Policy and Revenue Study Commission. The goal also was supported at a Visioning Conference⁹ held in Cambridge MD in 2007 which was attended by over 50 Industry/governmental/and transport user associations representing all surface modes. Defining a national safety goal brings additional focus to the charge.

In support of a national summit, the last time the White House held a surface transportation safety summit was in 1956—in conjunction with the launching of the Interstate Highway System. It would be fitting for the Congress to lead such a charge again as we fund the renewal and enhancement of that system for our future prosperity!

2. Highway Safety Funding

Increase the flexibility and level of funding for all safety programs commensurate with increases in the other core programs' funding in order to meet the national safety goal.

All the states have developed and implemented a Strategic Highway Safety Plan. These were not developed in isolation by the state departments of transportation, but are collaboratively developed, statewide plans that depend on local participation since not all crashes happen on state highways. These plans prioritize and lay out strategies and action plans for addressing a state's most pressing safety needs ranging from infrastructure improvements and engineering to education and behavior; from enforcement activities to emergency response strategies. A priority for one state can be

very different than for another. For example, trees and moose hits contribute to a large percentage of fatalities in the northeastern states.

However, one common thread among all state safety plans is the recognition that the majority of fatalities occur off the freeway and interstate systems, and on local roadways (typically a 60/40 percent split). In our quest to reduce all vehicle crashes, injuries and fatalities, future resources must target not only the freeways and interstates, but also these local systems. States following their safety plans should have the ability and flexibility to apply safety funding to where their most critical needs lie, and where they can have the biggest impact. However, we want accountability, and the public is demanding it. Therefore, spending should be performance-driven to assure the most pressing needs are being addressed.

Specific Highway Safety Improvement Program (HSIP) funding recommendations include:

- Increase HSIP funding commiserate with the other core programs and include sufficient enhancements to continue the current funding level for the High Risk Rural Road Program;
- Update the Safe Routes to School Program to increase its focus on pedestrian safety and coordination with the State's Strategic Highway Safety Plan;
- Eliminate the requirement for developing and reporting the top five percent locations in each state currently exhibiting the most severe highway safety needs. The intended goals of this requirement are mostly addressed through the development and implementation of a state's Strategic Highway Safety Plan (SHSP) and HSIP;
- To address those safety needs of our rail/highway partners and local governments and our walking and biking youths, continue the dedication of funding to the rail-highway grade crossing and Safe Routes To School programs.

In addition, we recommend consolidation of NHTSA funding to the degree possible and streamlining of the grant application process.

3. Strategic Highway Safety Plan Continuation

Continue the requirement that states develop and implement Strategic Highway Safety Plans (SHSP) consistent with their long-range transportation planning and short-range programming processes. Require each State to update their plans at least once during the new authorization cycle and establish an aggressive State-determined fatality reduction goal to help achieve the national goal.

An extraordinary amount of work and effort went into the development of the SHSP plans. They don't belong on a shelf. They need to be followed, revisited and measured. In Michigan, we strive to update our strategic plan every 3 years and have 12 active, interdisciplinary action teams addressing the 12 strategic focus areas most relevant to Michigan. AASHTO is also encouraging each State's Department of Transportation and

Governors Highway Safety Office (where this cabinet position is located outside the DOT) to host a peer review with adjacent states, thereby furthering collaborative and partnership efforts and benefiting on sharing best practices.

4. Highway Safety Data Collection and Sharing

Support the further development of the NHTSA State Data System.

This system should include traffic and roadway characteristics, and injury outcome data. We want to encourage all states to participate in the NHTSA Data System, and to address and encompass the issues of collection, quality, management and linkage. AASHTO recommends \$20 million per year to enhance the NHTSA State Data System; that the collection of data needed to support safety analyses for all public roads are eligible for HSIP and NHTSA safety funding; and that funding (\$500,000) be provided to AASHTO and GHSA to develop guidance for states on implementing a data-collection-analysis system. We also recommend statutory changes that are necessary in order to protect individual privacy while providing for the disclosure of information related to crashes.

Good data is the foundation for determining how and where money and efforts need to be focused.

5. Highway Safety Laws and Adjudication

Support a national effort, led by NHTSA, to develop and recommend model statutes and best practices to the States on ways to drive down fatalities, including rigorous enforcement and adjudication of those laws. (\$750,000 per year)

Local and state law enforcement agencies are a key and critical component in reducing fatalities. They experience many challenges in their daily activities that can have an impact on highway safety, from critical law enforcement (work zones, speed, red light running, distracted driving/cell phone use and aggressive driving) to exposure when having someone pulled over. They also play a key role in creating or compiling good crash data.

In many municipal and local courts, penalties against the traffic safety laws that are in place are commonly reduced, thus minimizing the emphasis on practices that have shown to work to save lives. Efforts to put responsibility back on drivers should be encouraged and supported.

6. Highway Safety Improvement in Vehicles

Incorporate technical safety improvements in vehicles more expeditiously through federal incentives, and through regulatory and research and development initiatives.

Provide General Fund assistance either through tax credits or on a cost sharing basis to early adopters of auto and truck vehicle advanced safety systems.

A recent example of a helpful federal initiative is the U.S. Department of Transportation rulemaking requiring electronic automated stability systems in all vehicles produced after 2012. The U.S. DOT estimates that this regulatory action will save at least 5,000 deaths per year from the base.

Federal general fund support for early adopters of advanced safety systems can help spur needed economic growth in the languishing auto industry and support our national goal of saving lives through a safer vehicle fleet.

7. Highway Safety Research, Development and Technology

Enhance the level of funding for safety research, development and technology, and expand the coordination between research entities. Increase funding for safety research in the following areas: ITS and IntelliDrive R&D, FHWA research, SHRP2 Research, NHTSA research, and FMCSA research, and eliminate safety research designations that have not been identified as part of the National Agenda on Highway Safety.

Specific recommendations include:

- Increase the overall FHWA research program to \$200 million per year.
- Support overall SHRP 2 implementation funding for all areas, not just safety, at a level of \$75 million per year and as a takedown from federal-aid apportionments.
- Increase the overall NHTSA research program to \$20 million per year.
- Increase the overall FMCSA research program to \$15 million per year.
- Provide \$1 million to FHWA to quantify and qualify the benefits of the safety aspects of other modes (non-motorized)
- Provide \$1 million to NHTSA to study certain vehicle and behavioral safety issues
- Amend Section 112 of Title 23, USC to allow greater flexibility in use of proprietary products on road improvement projects that are beneficial to the public interest, especially those that can provide safety benefits to the public⁶.

8. Safety Improvements in Drivers Licensing

Provide \$5 Million to complete the modernization of the Commercial Driver Licensing Information System (CDLIS), which is needed to fully implement "One Driver-One Record." Provide \$14 Million in General Fund support through the Department of Homeland Security for the final phase of development of the information hub which will allow motor vehicle agencies to implement a one-driver one license system.

ADDITIONAL RECOMMENDATIONS

AASHTO has a long history of collaboration to advance highway safety goals. Five national organizations that represent state highway safety organizations that comprise the State Highway Safety Alliance – AASHTO, the American Association of Motor Vehicle Administrators (AAMVA); the Commercial Vehicle Safety Alliance (CVSA); the Governor’ Highway Safety Association (GHSA); and the National Association of State EMS Officials (NASEMSO) along with the International Association of Chiefs of Police (IACP) recently agreed to a set of principles for the next reauthorization of federal highway safety programs. The joint principles, which are consistent with the AASHTO positions on highway safety, demonstrate that we have a common agenda for highway safety, including the adoption of national goal of halving motor vehicle fatalities by 2030, increased funding, streamlined program administration, strengthened strategic highway safety planning, enhanced data collection, increased investment in safety research, and the use of incentives not sanctions. I have attached our *Joint Statement of Principles and Recommendations for Surface Transportation Reauthorization*.

We also want to recognize the leadership of Senator Baucus in addressing highway safety issues in his bill, S. 791, the “Surface Transportation Safety Act of 2009.” I would like to point out that AASHTO’s Board of Directors has approved policies that are supportive of the provision in Senator Baucus’ bill that would grant the states greater flexibility to use proprietary products that are beneficial to the public interest, including those that can provide safety benefits. We do have some concerns with other provisions and look forward to working with Senator Baucus and the Committee on those issues.

CONCLUSIONS

Safety is not just a catch phrase or a feel good word. The number of fatalities is not just data or a rate to compare over the years. Safety on our transportation system means we go home to our families every day. It means that we will live through our less than perfect moments to drive another day.

Drivers should take responsibility for their actions, and we as a nation should take responsibility for a safe transportation system. We need to break through the plateau. A clear way to success is to do something different and to push through that steady level of over 34,000 deaths per year with more focus and intensity – to bring people home. This is possible. Our ultimate vision should be...Zero Fatalities!

Thank you for the opportunity to appear before the Committee and let me assure you that AASHTO is a very strong safety advocate. We are eager to be part of the solution, and we stand ready, in concert with our State Safety Alliance partners, to assist you in your legislative deliberations.

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Recommendations for the Surface Transportation Reauthorization

The undersigned organizations support the following recommendations for the highway safety portion of the next surface transportation reauthorization legislation:

ESTABLISH NATIONAL PERFORMANCE GOAL AND STATE TARGETS

The State Highway Safety Alliance urges Congress to establish a national goal of halving motor vehicle fatalities by 2030 and authorize a federal program that enables state and local governments to attain that goal.

State highway safety-related agencies should set state performance targets in their federally-funded highway safety plans that would enable them to move toward attainment of the national goal. The Federal Highway Administration (FHWA), the National Highway Traffic Safety Administration (NHTSA) and the Federal Motor Carrier Safety Administration (FMCSA) should work cooperatively with state safety-related agencies to identify performance measures with which to measure state progress. At the end of each federal fiscal year, states should report results using agreed-upon performance measures. Rather than penalizing states if they are unable to reach their safety targets within a fixed time period, the federal safety agencies and their state agency counterparts should cooperatively identify creative strategies for enhancing results at the state level.

INCREASE SAFETY FUNDING

Although progress has been made in highway safety, more than 37,000 people—more than 100 a day—were killed and 2.4 million were injured in motor vehicle crashes in 2008. Most of these crashes were preventable. Increased funding must be authorized to enable states to reverse these troubling statistics and meet national safety goals and state highway safety targets. The State Highway Safety Alliance urges Congress to double federal highway safety program funding. Increased highway safety funding for the grant programs administered by FHWA, NHTSA and FMCSA would enable states to improve safety on the roadways, address hazardous driving behavior and ensure that unsafe commercial motor vehicles are taken off the road.

STREAMLINE PROGRAM ADMINISTRATION AND ENHANCE FLEXIBILITY

The Alliance urges Congress to consolidate separate categorical highway safety programs to the greatest extent possible. Federal programs should have a single application and application deadline. Congress should identify eligible activities for the consolidated funding, but states should have the flexibility to determine how much funding should be used for each eligible activity so that funding is targeted toward the most critical highway safety problems. Require-

ments on states related to Maintenance of Effort (MOE), if not dispensed with altogether, need to be simplified and made so they incentivize state and local safety activities. They also should be based on activity levels or outputs and not purely on funding.

STRENGTHEN STRATEGIC HIGHWAY SAFETY PLANNING

The Strategic Highway Safety Plan (SHSP) requirements of the Sec. 148 Highway Safety Improvement Program have been a positive force for addressing safety in the states. The State Highway Safety Alliance supports those requirements and recommends that they be strengthened. States should continue to convene broad committees to oversee the state highway safety planning effort. At a minimum, these committees should consist of representatives of state and local agencies responsible for engineering, education, enforcement, emergency medical systems, licensing, and commercial vehicle safety. The SHSP should address highway safety issues on all public roads, target funding to areas of highest need as identified by state and local data, and set statewide safety performance targets. Any separate federally-funded safety implementation plans (e.g., the Highway Safety Plan, the Commercial Vehicle Safety Plan, the State Transportation Plan) should support the SHSP performance targets, and states should update their SHSPs at least once during the reauthorization period.

SUPPORT ENHANCED DATA COLLECTION AND ANALYSIS

The collection of performance data is central to the effective functioning of federal performance-based programs. In order to track and analyze performance, states need to be able to collect more complete, reliable and accurate data, have automated and linked data systems, exploit emerging data collection technologies and utilize better data analysis tools. Data improvements are complex and expensive. Federal funds for these improvements have been inadequate. This is a priority for states and the State Highway Safety Alliance urges Congress to fund state data improvements at significantly higher levels than current ones.

INCREASE INVESTMENT IN SAFETY RESEARCH AND DEVELOPMENT

State highway safety programs are stronger and more effective if they are built around evidence-based strategies. Research to produce the evidence of countermeasure effectiveness has been difficult because federal funding for highway safety research is so limited.

Recommendations for the Surface Transportation Reauthorization

More countermeasure research is urgently needed. Research is also needed to evaluate emerging safety technologies, demonstrate and evaluate new strategies for reducing highway deaths and injuries, develop model laws and model programs and identify and document best practices. Additional driver and vehicle-related research is needed to enhance the safety of drivers and vehicles and to strengthen federal regulations. The State Highway Safety Alliance strongly supports increased funding for federal highway safety research.


PREPARE THE SAFETY WORKFORCE FOR THE FUTURE


The highway safety workforce at the state level is aging, and institutional knowledge about highway safety issues and programs will be diminished when the current workforce retires. There have been few efforts to attract young professionals into the field or enhance the professional capabilities of the current workforce. Members of the State Highway Safety Alliance are extremely concerned about this trend and urge Congress to allow states to obligate their high-


way safety grant funds (those administered by FHWA, NHTSA and FMCSA) for workforce development, training and education with a 100% federal share. Congress should more adequately fund federal highway safety training for states, and a Center for Highway Safety Excellence should be established to facilitate the development of innovative safety workforce training (such as peer-to-peer training programs) and support better integration of highway safety training of the three federal safety agencies.


CHOOSE INCENTIVES OVER SANCTIONS


The Alliance submits that incentives are preferable to sanctions and transfer penalties. Incentives give states the flexibility and resources to find creative, results-oriented solutions that meet safety goals and fit state and local needs. States are currently sanctioned for at least seven different safety-related purposes. An over-reliance on sanctions moves federal highway safety programs away from a cooperative federal-state partnership and generates increased state resistance toward the very safety issues that Congress wishes states to address.



AAMVA
Neil Schuster, President and CEO


AASHTO
Larry L. "Butch" Brown Sr., President
Executive Director, Mississippi Department of Transportation


CVSA
Francis (Buzzy) France, President
Maryland State Police


GHSA
Vernon F. Belkey, Jr., Chairman
Chief, Maryland Highway Safety Office


IACP
Michael J. Carroll, President
Chief of the West Goshen Township, Pennsylvania, Police Department


NAEMSO
Steven L. Blessing, President
Director, State of Delaware EMS



**Answers to Questions Submitted by Senator Barbara Boxer to Kirk Steudle,
Director, Michigan Department of Transportation**

**Committee on Environment and Public Works
U.S. Senate
April 14, 2010 Hearing**

Question #1: *If the federal government was to set a national goal for fatality and injury reduction, how can we ensure that states individually do their part to meet such a goal?*

Answer #1: With the programs states are already implementing, along with the concepts AASHTO is promoting, states will be well equipped to contribute to a goal of reducing the number of highway deaths by approximately 1,000 per year. These concepts—such as a national goal to unify efforts, requirements for states to set aggressive targets and update their Strategic Highway Safety Plans, increased and more flexible safety funding, tax incentives for safer vehicles, additional research on vehicle safety requirements and driver licensing—are a broad set of strategies that will us meet a national goal.

To track progress with the state-set goals, state Departments of Transportation should be asked to report annually on their progress, using a three-year moving average trend. Tracking the annual number of fatalities does not clearly demonstrate progress, especially in states where there are typically small numbers of fatalities, or in states where one catastrophic event may have occurred. AASHTO intends to publish individual states' three-year averages annually in order for the public, other safety stakeholders, and the states themselves to be able to track progress nationwide.

Every state is unique in its ability to influence roadway infrastructure. For example, California has jurisdiction over less than 10 percent of the roads in the state, and Oklahoma is responsible for approximately 11 percent. Nationwide, state DOTs own, operate, and maintain only 19 percent of the public roads, while each year approximately half the fatalities are non-state owned roads. With well over 30,000 counties, cities, townships, and other local agencies, the responsibility for reducing highway deaths is spread among many partners. In addition, state DOTs have much less of a role in adopting tough motor vehicle and driver laws, as well as in enforcement and adjudication of laws related to improving highway safety. These activities, however, are crucial to saving lives on our nation's highways.

Such strong partnerships are needed among agencies and individuals within each state in order to reach their goals that limitations placed on state DOT funding as a result of progress with reaching the goal will not adequately address the challenges faced by the DOTs and safety partners. As demonstrated by states' strong commitment to lower highway deaths and in consideration of the state-supported additional strategies proposed (as mentioned above and further discussed in the attached document), incentives would help ensure states are successful in meeting their goals.

Question #2: *Do you currently have enough data on fatalities and injuries in Michigan to make the best decisions regarding safety improvements? If not, what data is missing and how can the federal government help?*

Answer #2: In Michigan, we are very fortunate to have a statewide map base that allows us to locate crash data statewide on all roads regardless of jurisdiction. Most states do not have this capability and therefore lack the framework to identify problem areas for corrective measures. Further, this deficiency does not allow other states to capture and integrate/link road features (ADT, speed, lane width, road curvature, etc.) to crash data to support problem identification.

While Michigan does have a model system for traffic crash data, we still face the challenge of linking crash data to all data from other traffic record components, i.e., law enforcement, courts, driver licensing, vehicle, EMS and hospital records. If all these data bases were linked and brought up to the standard of timeliness, completeness, uniformity, integration, and accessibility of Michigan's current crash data base, we would have a complete set of factors affecting the efficient expenditures of safety funds. Future funding to address these goals will help both Michigan and all other states in their efforts to continually reduce crashes and fatalities on the nation's roadways.

Senator BOXER. Thank you very much.
We will move on to Laura Dean-Mooney, National President of Mothers Against Drunk Driving.

**STATEMENT OF LAURA DEAN-MOONEY, NATIONAL
PRESIDENT, MOTHERS AGAINST DRUNK DRIVING**

Ms. DEAN-MOONEY. Thank you, Chairman Boxer and Ranking Member Inhofe, for the opportunity to testify before your Committee. Your leadership and the leadership of this Committee are to be commended as we work to eliminate drunk driving in our Nation.

This year marks the 30th anniversary of Mothers Against Drunk Driving. And since our founding in 1980 drunk driving fatalities have dropped by over 40 percent. The public is now well aware of the human consequences of drinking and driving because MADD has shared stories like mine with the Nation.

I became involved with MADD after my husband, Mike Dean, was killed on November 21, 1991, by a drunk driver. At 7:15 p.m. on a Thursday evening a drunk driver with a .34 blood alcohol concentration, going the wrong way on a Texas highway, met Mike's car head-on, killing him instantly and making me both a grieving widow and a single mom, as well as making his mom childless.

Much of the progress in the fight against drunk driving was achieved by the mid-1990s. For the past 15 years we have been able to maintain that progress, but until recently make no further reductions in reducing fatalities from DWI crashes.

In 2008 11,773 real Americans were killed in DUI related crashes, equaling 32 percent of all traffic fatalities. A statistic collected by NHTSA from the States themselves paints a startling portrait of what is happening on our roads. Madam Chairman, Californians share the road with 310,971 motorists with three or more DUI convictions and 44,210 with five or more DUI convictions. Data from every State shows that we are still not doing enough to stop drunk driving.

In 2006 MADD sought to reverse the deadly trends on our roads by launching the Campaign to Eliminate Drunk Driving. The Campaign consists of four parts: support for law enforcement, including sobriety checkpoints and saturation patrols; requiring all convicted drunk drivers to use an ignition interlock device; exploration of advanced vehicle technology set at .08 which will prohibit the impaired driver from driving their vehicle; and finally grassroots support for this initiative.

The simple reason that drunk drivers continue to drink and drive is because they can. The reality, too, is that unless you live in an area with accessible mass transit options you need a car to get to work and other destinations. This all adds up to the fact that 75 percent of people with a suspended driver's license continue to drive illegally.

The alcohol ignition interlock allows a DUI offender to continue to drive wherever they need to go. He or she just can't drive drunk and hurt your family or mine. As Senator Lautenberg mentioned, the research on ignition interlocks is crystal clear and irrefutable. The CDC in 15 published studies proved that interlocks are effective in protecting the public.

Beyond the research we have fatality data for New Mexico and Arizona showing an over 30 percent reduction in DUI fatalities following the passage of all-offender interlock laws. Today, thanks in part to MADD's Campaign, 10 States require all DUI offenders to use an ignition interlock device. Two States highly incentivize DUI offenders to use an interlock, and California passed a major pilot program requiring all convicted DUI offenders in four counties, with a total population of 14 million people, to use an ignition interlock. Every American should be protected under an all-offender interlock law, which is why MADD is calling for Federal highway fund sanctions on States which do not require interlocks for all convicted offenders.

This is the same approach that Congress took toward the 21 minimum drinking age in the 2008 .08 per se BAC law.

MADD has worked hard at the State level to pass interlock laws, but our efforts have stalled due to the special interest of DUI defense attorneys and the alcohol industry putting the lives of our families in danger. Quite frankly, we need this Committee's help.

All across the country there are examples of industry opposition. As just one example, a proposed interlock law that passed the Maryland Senate but was held up in the House of Delegates by the Chairman of the Judiciary Committee, who is a well known DUI defense attorney, was just killed in Maryland—the bill, that is. The Chairman refused to even hold a vote on this life saving legislation even though it is likely that the votes were there for passage. The resistance was so bad that both the Washington Post and the Baltimore Sun editorial boards took issue with the Chairman.

We urge this Committee to include the same highway fund sanctions that both Chairman Oberstar and Ranking Member Mica have included in the Surface Transportation Act in the House. Senators Lautenberg and Udall have introduced legislation which mirrors the Oberstar-Mica language, pushing States to require all drunk driving offenders to use an interlock for at least 6 months, potentially saving 4,000 lives.

I want to thank you, too, Chairman, for your referencing advanced technology efforts as the Manhattan Project for drunk driving in a hearing in this Committee in October 2007. The Driver Alcohol Detection System for Safety, or DADSS, is a project to research the possibility of creating a passive and unobtrusive technology which could measure the driver's BAC and render the vehicle inoperable if the BAC is above .08 or greater.

Senators Udall and Corker have introduced the ROADS SAFE Act to provide \$12 million per year for this project, and I would ask you, Madam Chairman, and all members of this Committee to please cosponsor this legislation.

To conclude, I thank you again, Madam Chairman and Ranking Member Inhofe, for your leadership on this issue. Please include ignition interlock sanctions in your bill, and please support the ROADS SAFE Act. With the help of this Committee we can make drunk driving the public health equivalent of polio.

Thank you.

[The prepared statement of Ms. Dean-Mooney follows:]

Testimony of Laura Dean-Mooney
MADD National President
Senate Environment & Public Works Committee
Opportunities to Improve Transportation Safety
April 14, 2010

Thank you Chairman Boxer and Ranking Member Inhofe for the opportunity to testify before the Senate Environment and Public Works committee. Your leadership and the leadership of this committee are to be commended as we work to eliminate drunk driving in our nation.

This year marks the 30th anniversary of Mothers Against Drunk Driving. Since our founding in 1980, drunk driving fatalities have dropped by over 40 percent. We are proud of our successes, but as we reflect on 30 years of advocacy with the goal of saving lives, we must recommit to the elimination of drunk driving. There is much left to do as far too many continue to drive impaired. Drunk driving is no longer socially acceptable, yet it is still tolerated. The public is now well aware of the human consequences of drinking and driving because MADD has shared stories like mine with the nation.

I became involved with MADD after my husband, Mike Dean, was killed in Texas by a drunk driver, leaving me to raise our 8-month old daughter alone. On November 21, 1991, Mike left a business meeting in Oklahoma and drove to the Dallas-Fort Worth area to visit his family.

At 7:15 p.m., a drunk driver going the wrong way on a Texas highway met Mike's car head on, killing him instantly and simultaneously making me both a grieving widow and a single mom. The offender, who died at the crash scene, had a blood alcohol concentration (BAC) of .34 and was driving with an almost empty bottle of whiskey in his car.

For more than 17 years, I have worked as a volunteer to try and advance MADD's mission at the local, state, and national levels.

Madame Chairman, we have made great progress in the fight against drunk driving – much of which occurred in the 1980's and through the mid-1990's -- thanks to strong laws, like the 21 minimum drinking age, administrative license revocation, and especially, tireless leadership by law enforcement.

For the past 15 years, we have been able to maintain this progress, but few gains have been made in actually reducing the overall number of impaired driving fatalities. The national .08 standard passed by Congress in 2000 has been instrumental in holding progress in place as vehicle miles traveled steadily increased. Thanks to this congressional action, all 50 states have adopted .08 as the illegal BAC.

In 2008, there were 11,733 fatalities involving a driver or motorcycle operator with at least a .08 blood alcohol concentration (BAC) and nearly half a million injuries due to alcohol-related traffic crashes. Alcohol involved crashes represented 32 percent of all highway fatalities and most importantly represent real-life tragedies, just like mine.

For too long in America, we have been practicing a “catch and release” program: law enforcement does their very best to catch drunk drivers, and we as a society through our legislatures and courts, oftentimes let them go with few consequences. Studies show that up to 75 percent of drunk drivers continue to drink and drive even when their licenses have been revoked.

A couple of statistics collected by the National Highway Traffic Safety Administration (NHTSA) paint a startling portrait of what’s happening on our roads.

- Californians share the road with 310,971 motorists with three or more DUI convictions and 44,210 with five or more DUI convictions.
- In Texas, 124,662 motorists are driving with three or more DUI convictions and 18,271 with five or more.

Unfortunately, this type of data is not available for all states, but the limited figures we have point to a significant area of concern.

Campaign to Eliminate Drunk Driving

Fortunately, MADD, with support from Members of Congress, NHTSA and others in the highway safety community, has a plan.

Following only those solutions proven to work, MADD announced the Campaign to Eliminate Drunk Driving in November 2006.

The Campaign consists of four parts, all singularly focused on putting a long-overdue end to drunk driving tragedies of our roads:

- Intensive high-visibility law enforcement, including twice-yearly impaired driving crackdowns and frequent enforcement efforts that include sobriety checkpoints and saturation patrols in all 50 states.
- Full implementation of current alcohol ignition interlock technologies, including efforts to require interlock devices for all convicted drunk drivers. A key part of this effort will be working with judges, prosecutors and state driver’s license officials to stop the revolving door of repeat offenders.
- Exploration of advanced vehicle technologies through the establishment of a Blue Ribbon panel of international safety experts that will assess the feasibility of a range of technologies that would prevent drunk driving. Ultimately, any technologies put forth for the public must be voluntary, moderately priced,

absolutely reliable, unobtrusive to the sober driver, and set at the illegal limit of .08.

- Mobilization of grassroots support, led by MADD and its more than 400 affiliates, and our partners to make the elimination of drunk driving a reality. MADD is uniting drunk driving victims, families, community leaders, and policy makers in the fight to eliminate drunk driving.

Interlocks Save Lives

The simple reason that drunk drivers continue to drink and drive is because they can. The reality too is that unless you live in an area with accessible mass transit options, you need a car to get to and from work, school, treatment and other everyday destinations. This all adds up to the fact that 75 percent of people with a suspended driver's license continue to drive illegally.

An alcohol ignition interlock is a breath test device linked to a vehicle's ignition system. When a driver wishes to start their vehicle, they must first blow into the device. The vehicle will not start unless the driver's BAC is below a pre-set standard.

The alcohol ignition interlock allows a DUI offender to continue to drive wherever they need to go. He or she just can't drive drunk and hurt your family or mine.

Studies overwhelmingly show that interlocks work. The Centers for Disease Control (CDC) has reviewed ignition interlocks and has stated that "based on strong evidence of the effectiveness of interlocks in reducing re-arrest rates, the (CDC) Task Force recommended that ignition interlock programs be implemented." In addition to the CDC, there are more than 15 published studies on interlock effectiveness which show that interlocks are associated with substantial and impressive reductions in recidivism, ranging from 50 percent to 90 percent. The evaluations involve a diversity of programs, accounting for the variation in results.

The research on ignition interlocks is crystal clear and irrefutable. Beyond the research, we have fatality data that proves interlocks are effective. In 2005, New Mexico became the first state to require interlocks for all convicted DUI offenders. Since this time, DUI fatalities in the state have been reduced by over 30 percent. Arizona passed a similar law in 2006 and has seen a 33 percent reduction in DUI fatalities.

Today, thanks in part to MADD's campaign, 10 states require all DUI offenders to use an ignition interlock device. Two states highly incentivize DUI offenders to use an interlock and California passed a pilot program requiring all convicted DUI offenders in four counties (a total of 14 million people) to use an ignition interlock device.

These states total over 81 million Americans under the protection of laws which require or highly incentivize all DUI offenders to use an ignition interlock device.

Every American should be protected under an all-offender interlock law. It is the right thing to do. That is why MADD is calling for federal highway fund sanctions on states which do not require interlocks for all convicted DUI offenders. This is the same approach the Congress took toward the 21 minimum drinking age and the .08 per se BAC law.

MADD advocates for the passage of laws at the state level until the process becomes broken and no more progress can be made. Then we must turn to the Congress for help. We now find ourselves at a standstill across the country, facing opposition from well-funded alcohol industry lobbyists and defense attorneys.

An example of this roadblock is in Maryland where an ignition interlock law is being considered in a legislature dominated by criminal defense attorneys. The Senate President, Michael Miller, is a DUI defense attorney who, according to his law firm's Web site "practices in the areas of criminal law, traffic law, DWI and personal injury." Senator Miller worked to amend interlock legislation to remove the interlock penalty for DUI offenders who plead down to a lesser punishment, known as probation before judgment. Roughly half of those arrested for DUI in Maryland will plead to this lesser offense.

In the House of Delegates, the Judiciary Chairman is also a well known DUI defense attorney who routinely amends sound DUI law in favor of significant judicial discretion. The **Washington Post** Editorial Board commented on this fact in a March 30, 2010 editorial which I will submit for the record. It is titled *Maryland Lawmakers Need to Stop Coddling Drunk Drivers*.

Maryland is but one example. The truth is that these patterns exist across the country. The need for federal interlock sanctions could not be more clear.

In the House, Chairman Oberstar and Ranking Member Mica have included just such a sanction in their version of the highway reauthorization bill. In the Senate, Senators Lautenberg and Tom Udall have introduced the Drunk Driving Repeat Offender Prevention Act, or DDROP, which mirrors language in the House reauthorization bill by requiring all DUI offenders to use an interlock for at least 6 months.

MADD strongly urges this committee to include these sanctions in its version of the highway reauthorization bill. If the number of lives saved in New Mexico and Arizona were replicated on a national level, close to 4,000 lives could be saved each year thanks to widespread use of ignition interlocks.

Advanced Alcohol Detection Technology

While interlocks are currently the most proven technology available to stop drunk driving, a program is underway which could one day literally eliminate drunk driving. In fact, Madame Chairman, you may recall that you referred to such an effort as the "Manhattan Project" for drunk driving in an October 2007 hearing in this committee.

The Driver Alcohol Detection System for Safety, or DADSS, is the result of a cooperative research agreement currently underway between the Automotive Coalition for Safety (ACTS), comprised of many of the world's leading auto manufacturers, and NHTSA. The agreement is a public-private partnership with both entities providing \$1 million per year for 5 years.

The purpose of this \$10 million agreement is to research, develop, and demonstrate non-invasive in-vehicle alcohol detection technologies that can very quickly and accurately measure a driver's BAC. These advanced technologies offer the potential for a system that could prevent the vehicle from being driven when the driver's BAC exceeds the legal limit.

Any technology which is developed must be highly accurate, nearly instantaneous, and not hassle the sober driver. If the technology is successful, a sober driver would notice no difference in his or her driving experience. Any technology developed must be set to detect blood alcohol concentrations of .08 or above.

In the first phase of technology development, three companies have been selected through a request for proposal process and testing will be performed at Harvard Medical School. While we are hopeful that DADSS will be successful in identifying a technology which will one day eliminate drunk driving, we need the help of Congress.

Senator Tom Udall and Senator Bob Corker have introduced bipartisan legislation, the Research of Alcohol Detection Systems for Stopping Alcohol-related Fatalities Everywhere Act, or ROADS SAFE, which would authorize an additional \$12 million per year for DADSS. In the House, Representatives Ehlers and Sarbanes have introduced similar legislation.

The additional funding would provide a much needed financial boost to the program and ensure a greater federal commitment toward eliminating drunk driving.

MADD urges the Congress to enact this legislation which would provide \$12 million to address a problem that costs the United States \$130 billion each year. Madame Chairman, this is a good return on taxpayer investment.

Conclusion

The Campaign to Eliminate Drunk Driving started as a lofty goal in 2006 and has rapidly progressed to being on the verge of reality. In 2006, just 2 million Americans were protected by all offender interlock laws. Today, 81 million people are protected by these laws, but MADD will not stop until interlocks for all offenders becomes the law of the land.

With this Committee's leadership, we will eliminate drunk driving. MADD asks the committee to push all states to protect its citizens by requiring all offender interlock laws. Studies show interlocks work. Surveys show offenders believe the devices are fair. We urge the Senate to include this lifesaving policy in the next highway bill.

We also ask for the support of Congress for the ROADS SAFE Act. Together with the widespread use of interlocks, we can literally eliminate drunk driving as a primary threat to the American family, making it the public health equivalent of polio.

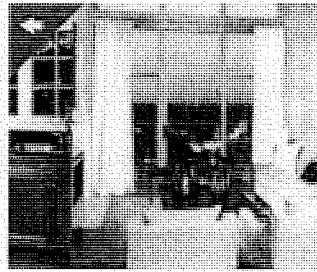
Thank you again Madame Chairman and Ranking Member Inhofe, for your leadership on this issue.

The Washington Post

Maryland lawmakers need to stop coddling drunk drivers

Tuesday, March 30, 2010; A24

MARYLAND'S GENERAL Assembly, which has coddled drunk drivers for decades, is once again busy gutting legislation that would end the policy of forgiveness for those who get sloshed before getting behind the wheel. This is no great surprise given the overweening power of the alcohol industry and its lawmaker pals in Annapolis, many of whom hold day jobs that include defending drunk drivers in court. What's more surprising is that for once, there is serious pushback from those who are serious about getting tough with drunk drivers.



What's at issue this year is legislation that would require the installation of a device in the cars of convicted drunk drivers. The device, called an ignition interlock, would block drivers from starting their car until they blow into a mouthpiece that analyzes blood alcohol level to determine whether a driver is sober. If he is, the car will start (and the driver will be retested randomly as he drives); if not, the information will be stored and be accessible to the authorities.

The devices have proven effective at cutting the number of alcohol-related accidents and deaths on the road. That has been particularly true in states such as New Mexico and Arizona, where they are mandatory for offenders whose blood alcohol content was .08. They are less effective in cutting the carnage on highways in states such as Virginia, where they are required only for drivers who have been convicted of offenses involving blood-alcohol content twice as high -- in other words, drivers who could barely stand, let alone drive.

In Annapolis, legislation to extend the use of the devices received its first blow from an amendment that would exempt more than half of all first offenders -- those who receive sentences of probation before judgment. Now the House Judiciary Committee, the graveyard of many attempts to get serious about drunken driving, is toying with further measures to weaken the bill.

The bill's backers fear that the committee's chairman, Joseph F. Vallario Jr. (D-Prince George's), will go the Virginia route, making the devices mandatory only for repeat offenders with a blood-alcohol content of .15. That would do little to change the status quo in Maryland, which gives convicted offenders with a .15 blood-alcohol content the choice between having the device installed and having their license suspended.

Lawmakers who defend drunk drivers for a living, and in the legislature, worry about the harm suffered by drivers who may be "one sip over the line." They'd do better to worry about the scores of people killed every year on the state's roads by drunk drivers, and to require that the interlock devices be installed in the cars of all first-time drunk drivers.

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Senator BOXER. Thank you so much, just for your courage and turning your life into something so positive.

How old was your husband when he was killed?

Ms. DEAN-MOONEY. He was 32 years young. I did bring a picture, and our daughter is in this picture with him. She was 8 months old at the time that her dad was killed.

Senator BOXER. Thank you for bringing that.

Jackie Gillan, Vice President, Advocates for Highway and Auto Safety.

**STATEMENT OF JACKIE GILLAN, VICE PRESIDENT,
ADVOCATES FOR HIGHWAY AND AUTO SAFETY**

Ms. GILLAN. Thank you, and good morning, Madam Chair. I appreciate the opportunity to testify this morning.

This year, Advocates for Highway and Auto Safety is celebrating our 20th anniversary. As we have done in the past two decades we want to ensure that the MAP -21 bill enacted by the Senate this year has a strong safety component.

Although as a Nation we have made progress in driving down the annual fatality rate there is still a major unfinished highway safety agenda. Recent declines in highway deaths these past 2 years are almost certainly related to the economic downturn, high gas prices, and a decrease in discretionary driving. A chart that I attached to my statement shows that declines in highway deaths in the past 40 years have been temporary and always coincide with economic recessions.

I do want to add that Advocates supports all of the goals to cut highway deaths that are being proposed by witnesses, "stretch" or otherwise. And there are actions that this Committee can take that will achieve those goals. And there are tremendous opportunities for safety. We just need the political will to do it.

Without adoption of safety provisions that I am going to outline in my testimony, in the next 5 years we will likely see another 180,000 people needlessly dying on our highways and more than 10 million injuries at a staggering and numbing human and economic cost. We can't let this happen, and we don't have to let this happen.

One of the most significant obstacles in reducing highway deaths and injuries is the lack of uniform traffic safety laws among States. Attached to my statement are several maps showing that too many States lack some of the most fundamental traffic safety laws. This is where Federal leadership is absolutely crucial. In the past 20 years when Congress reinforced the need for States to pass life-saving laws by invoking sanctions, States acted. This was the case in the 21 drinking age, minimum standards for licensing commercial drivers, a zero tolerance law for underage drinking and driving, and the .08 BAC law.

I also want to draw your attention to the fact that every single time Congress used a sanction every State adopted the law. Not a single State lost a single dollar of Federal highway funds, and the result was that thousands of lives have been saved.

It is now time for Congress to use this approach to encourage State action on several essential laws. First, every State needs a strong and comprehensive teen driving law. Motor vehicle crashes

remain the leading cause of death for our teens in every single State, and since 2003 more than 50,000 deaths have occurred in crashes involving young drivers.

We have a patchwork quilt of teen driving laws across the country that jeopardize the safety of our children. This is another example of the so-called blood borders where teens in some States are better protected than in others. Advocates supports legislation that has been introduced in the House, the Safe Teen and Novice Driver Uniform Protection Act, or STANDUP Act, which sets minimum standards for State teen driving laws. And we look forward to a Senate companion bill as well. These are NTSB recommendations, recommendations by the American Academy of Pediatrics, and the result of extensive research and studies.

Every State also needs a primary enforcement seat belt law. Last year more than half of those that were killed in crashes were unbelted. In SAFETEA-LU, Congress provided \$500 million in incentive grants to get the States to adopt primary laws. Only 8 acted, leaving 21 States today that still need that law.

We also need every State to have an ignition interlock law to curb drunk driving, and Advocates strongly supports the efforts of MADD to get a sanction in the bill to require that every State has this important law, especially for first time offenders to keep them from getting behind the wheel. This law does not prevent people from driving. It just prevents them from driving drunk.

We also need a ban on texting. Another source of distraction is taking your hands off the wheel, your eyes off the road, and your mind off the task of driving. We support legislation introduced by Senator Schumer and by Senator Rockefeller to address this issue.

Every State also needs an all rider motorcycle helmet law. Deaths have been skyrocketing because of the fact that so few States have all rider motorcycle helmet laws. In fact in California when they reinstated their law in 1992 they had a 40 percent drop in Medicaid costs for injured motorcyclists. More States introduced laws to repeal all rider motorcycle helmet laws last year than to impose them.

And finally, we need to stop the increase in truck size and weights. We have lost 50,000 people in large truck crashes in the last 10 years. Oversized, overweight trucks are dangerous and destructive. The public doesn't want them, and they have good reason because so many people are killed by trucks, and it is a very serious problem. In 1991 Congress passed a freeze on large double and triple trailer trucks, and we think the same thing needs to be done because trucking interests are lobbying mightily to increase truck weights now, set up pilot programs, and get special weight exemptions.

Let me just finish by saying that the transportation solutions to promote mobility in our economy involve not only financial investments, but we need safety investments as well. Nearly all of the safety proposals that I have outlined in my testimony today can be realized by expending minimal Federal dollars while achieving maximum gains in saving lives. We can do it. We should do it. We need to do it. And we look forward to working with this Committee.

[The prepared statement of Ms. Gillan follows:]



**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 billion¹ 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.”²

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 34.³

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”⁴ 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,⁵ 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.⁶ 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,⁷ and NHTSA estimates that 27,052 lives have been saved as a result.⁸

Similarly, in the Commercial Motor Vehicle Safety Act of 1986,⁹ Congress included a sanction to encourage states to pass a law requiring specific criteria for the testing and licensing of commercial drivers.¹⁰ 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,¹¹ 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.¹² 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),¹³ 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.¹⁴ 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.¹⁵ 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 2007.¹⁶ 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.¹⁷ 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.¹⁸ Young drivers also represented 14 percent of all drivers involved in police-reported crashes in 2008.¹⁹ 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.²⁰

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.²¹ 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%).²² 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, 2008.²³ 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.²⁴ Yet, in 2008, more than half of the occupants killed in fatal crashes, 55 percent, were unrestrained in crashes where restraint use was known.²⁵

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.²⁶ Nevertheless, the national observed seat belt use rate was 83 percent in 2008,²⁷ 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.²⁸ 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.²⁹

NHTSA estimates that in 2008, seat belts saved 13,250 lives among passenger vehicle occupants over age 4.³⁰ 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.³¹ NHTSA calculates that between 1975 and 2008 seat belts saved an estimated total of more than 255,000 lives.³² Had seat belt use rates been 100 percent over the years, more than 350,000 additional lives would have been saved.³³

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, 2012.³⁴

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.³⁵ The annual level of alcohol-involved crash fatalities has not declined significantly in the past 10 years.³⁶ 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.³⁷

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.³⁸

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.³⁹

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,⁴⁰ the Presidential proclamation banning text messaging by federal employees,⁴¹ and measures taken by the Department of Transportation (DOT) to curb distracted driving in commercial vehicles are good first steps.⁴² 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.⁴³

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.⁴⁴ In 2008, 5,290 motorcyclists were killed and 96,000 were injured.⁴⁵ This is more than double the motorcycle fatalities in 1998 and a level not seen since 1981.⁴⁶ 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.⁴⁷

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.⁴⁸ 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.⁴⁹ NHTSA estimates that 148,000 motorcyclists have been killed in traffic crashes since 1966.⁵⁰

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.⁵¹ When the sanction was repealed by Congress, the states followed suit with more than half the states repealing their helmet laws.⁵²

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.⁵³ 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.⁵⁴ 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.⁵⁵

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.⁵⁶ 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.⁵⁷ As with passenger vehicle deaths, large truck-involved fatalities have shown a recent decline in part due to economic conditions.⁵⁸ 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.⁵⁹ In 2008, one of every nine people killed in a traffic crash was a victim of a large truck crash.⁶⁰

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,⁶¹ 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*.⁶² 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:

- ¹ *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>.
- ² Budget Estimates, Fiscal Year 2011, Statement of the Administrator at 1-2, NHTSA (Feb. 2011).
- ³ *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.
- ⁴ *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>.
- ⁵ Pub. L. 98-363 (July 17, 1984), *codified as* National Minimum Drinking Age, 23 U.S.C. § 158.
- ⁶ *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.

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- ⁷ *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>.
- ⁸ *Young Drivers*. Traffic Safety Facts 2008 , DOT HS 811 169. NHTSA (2009), available at <http://www-nrd.nhtsa.dot.gov/Pubs/811169.PDF>
- ⁹ Title XII, Pub. L. 99-570 (Oct. 27, 1986), codified as 49 U.S.C. §§ 31301 *et seq.*
- ¹⁰ 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>
- ¹¹ Title III, § 320, Pub. L. 104-59 (Nov. 28, 1995), codified as 23 U.S.C. § 161.
- ¹² 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>.
- ¹³ Title I, Subtitle D, § 1406, Pub. L. 109-59 (Aug. 18, 1995), codified at 23 U.S.C. § 157.
- ¹⁴ *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>.
- ¹⁵ *Young Drivers*, Traffic Safety Facts 2008, at 1, DOT HS 811 169 (2009).
- ¹⁶ *Id.*
- ¹⁷ U.S. Bureau of the Census (1999).
- ¹⁸ *Young Drivers*. Traffic Safety Facts 2008 at 1.
- ¹⁹ *Id.* at 2.
- ²⁰ 2010 Roadmap Report at 20.
- ²¹ 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).
- ²² Williams, *et al.*, *Evaluation of New Jersey's Graduated Driver Licensing Program*, Traffic Injury Prevention 11:1-7 (Feb. 2010).
- ²³ Information provided by the Office of the Illinois Secretary of State, available at 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>.
- ²⁴ *Occupant Protection*, Traffic Safety Facts 2008, at 3, DOT HS 811 160, NHTSA (2009).
- ²⁵ *Id.* at 2
- ²⁶ *Id.* at 3.
- ²⁷ *Id.* at 1.
- ²⁸ 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/ihsseatbeltsof.pdf>
- ²⁹ *The Economic Impact of Motor Vehicle Crashes, 2000*. at 55.
- ³⁰ *Occupant Protection*, Traffic Safety Facts 2008, at 3.
- ³¹ *Id.*
- ³² *Id.* at 4.
- ³³ *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).

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- ³⁴ Surface Transportation Authorization Act of 2009, § 1516, Transportation and Infrastructure Committee, markup draft, [Committee Print] (June, 2009).
- ³⁵ *Alcohol-Impaired Driving*, Traffic Safety Facts 2008, DOT HS 811 155 at 1, NHTSA (2009).
- ³⁶ *Id.* at 2.
- ³⁷ 2010 Roadmap Report at 26.
- ³⁸ *An Examination of Driver Distraction as Recorded in NHTSA Databases*, Traffic Safety Facts Research Note, DOT HS 811 216, at 1, NHTSA (Sept. 2009).
- ³⁹ Olson, et al., *Driver Distraction in Commercial Motor Vehicle Operations*, Virginia Tech Transportation Institute (2009).
- ⁴⁰ Distracted Driving Summit, September 30 – October 1, 2009 (Washington, D.C.)
- ⁴¹ *Federal Leadership on Reducing Text Messaging While Driving*, Executive Order No. 13513 (Oct. 1, 2009), 74 FR 51225 (Oct. 6, 2009).
- ⁴² 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).
- ⁴³ *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.
- ⁴⁴ 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>.
- ⁴⁵ *Motorcycles*, Traffic Safety Facts 2008, DOT HS 811 159, at 1, NHTSA (2009).
- ⁴⁶ *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).
- ⁴⁷ *Motorcycles*, Traffic Safety Facts 2008, at 1.
- ⁴⁸ *Id.* at 3.
- ⁴⁹ *Id.* at 6.
- ⁵⁰ *Id.* at 3.
- ⁵¹ The National Motor Vehicle and Traffic Safety Act of 1966, Pub. L. 89-563 (Sept. 9, 1966).
- ⁵² 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.
- ⁵³ NTSB Recommendations H-07-38, available at 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.
- ⁵⁴ 2008 Roadmap Report, p. 15.
- ⁵⁵ *Id.*
- ⁵⁶ NHTSA Safety Countermeasures Guide, p. 5-4.
- ⁵⁷ *Large Truck and Bus Crash Facts 2007*, FMCSA-RRA-09-029, Jan. 2009.
- ⁵⁸ 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.

⁵⁹ *Insurance Institute for Highway Safety Fatality Facts 2008: Large Trucks*.

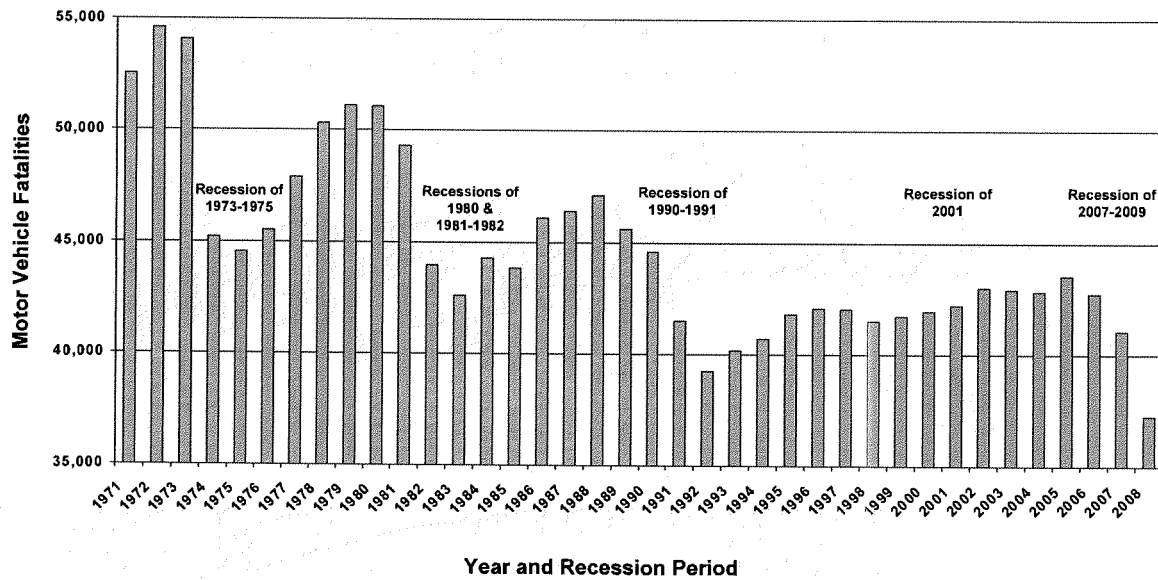
⁶⁰ *Traffic Safety Facts 2008*, DOT HS 811 158, NHTSA (2009). Although truck crash fatalities have declined in 2007 and 2008, this reduced death toll is strongly linked with a major decrease in truck freight demand, including substantially reduced truck tonnage in the latter part of 2007, with continuing 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.

⁶¹ 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).

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U.S. Recession Periods and Motor Vehicle Fatalities

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



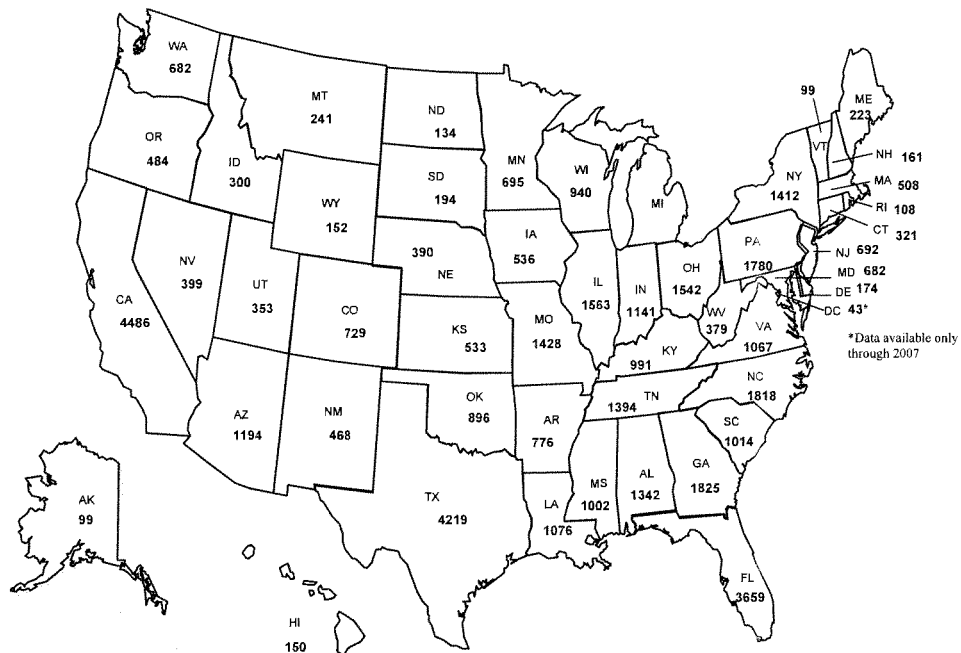
*Motor vehicle fatality data only available through 2008.

Chart 1



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



*Data available only through 2007

Map 1

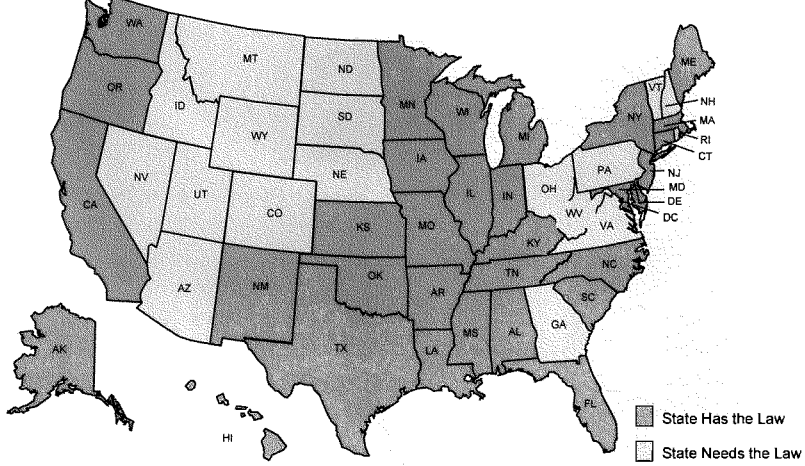
Sources: Advocates for Highway and Auto Safety;
National Highway Traffic Safety Administration

April 2010

Map 2

PRIMARY ENFORCEMENT OF SEAT BELTS

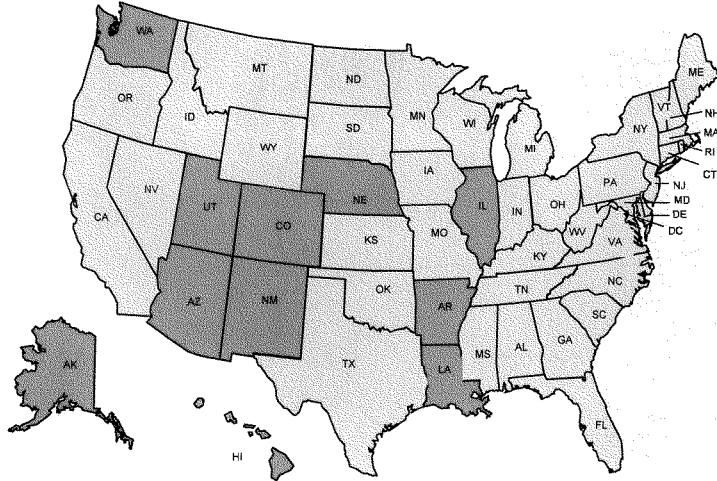
29 states and DC have primary enforcement of seats belts; 21 states still need this law



Map 3

IGNITION INTERLOCK DEVICES FOR FIRST OFFENDERS

11 states require ignition interlocks for first offenders; 39 states and DC still need this law



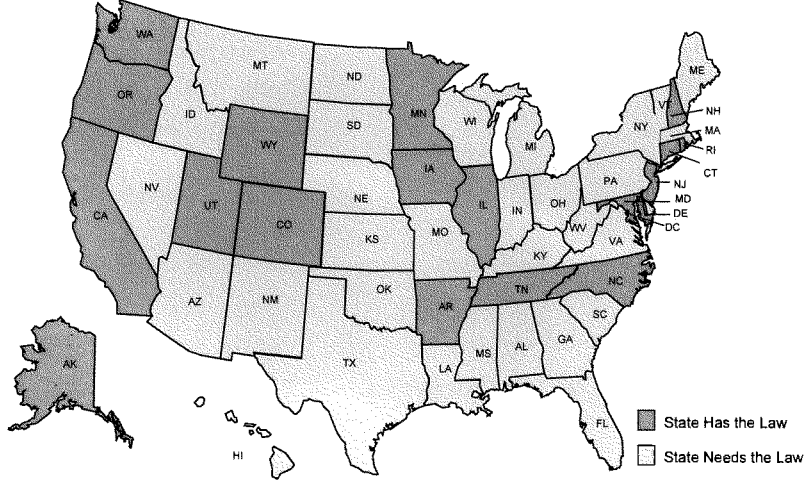
Source: Advocates for Highway and Auto Safety

April 2010

Map 4

ALL-DRIVER TEXT MESSAGING BANS

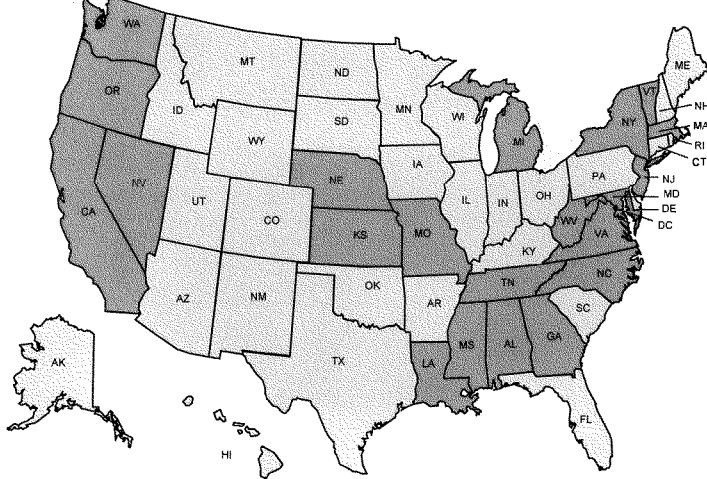
18 states and DC ban text messaging for all drivers; 32 states still need this law



Map 5

ALL-RIDER MOTORCYCLE HELMET LAWS

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



Source: Advocates for Highway and Auto Safety

April 2010

Questions for Jacqueline S. Gillan, Vice President, Advocates for Highway and Auto Safety --Senator Boxer

Question #1: *You highlighted many safety issues that you feel should be addressed as part of the next authorization. Which of these policies do you think would result in the greatest reduction in fatalities and injuries if adopted?*

Response: In my testimony I discussed several safety strategies that have the potential to significantly reduce motor vehicle crashes, save lives and prevent serious injuries because there is no single safety countermeasure that will achieve the dramatic decreases in annual traffic deaths that are needed. Sustained and steady reductions in highway deaths and injuries require a comprehensive public health response that addresses the underlying causes of the problem rather than a single symptom. An effective public health approach requires us to promote, with equal zeal and determination, several remedies to combat all of the top-tier safety problems we face as a nation that contribute to the overall highway mortality and morbidity toll. Several equally important areas of traffic safety that require federal leadership stand out because available and successful solutions are on hand. These include safety belt use, teen driving, drinking and driving, distracted driving as well as truck safety. Each of these traffic safety problems results in thousands of preventable deaths each year and reasonable laws and modest enforcement efforts in every state are needed if we are to seriously reduce highway deaths and injuries and the economic costs of crashes.

Legislative proposals addressing each of these priority safety issues are pending in Congress and are strongly supported by numerous consumer, health, safety and medical organizations as well as business groups. We urge the Environment and Public Works Committee to include these life saving proposals in the Moving Ahead for Progress in the 21st Century (MAP 21) legislation.

Question #2: *Could you provide information detailing the number of fatalities that result from speeding and alcohol use?*

Response: According to the National Highway Traffic Safety Administration (NHTSA) speeding is one of the most prevalent factors contributing to traffic crashes. In 2008, speeding was a contributing factor in 31 percent of all fatal crashes, and 11,674 lives were lost in speeding-

related crashes. Speed is lethal because the laws of physics dictate that the faster a vehicle is moving at the time of crash the greater the level of energy that is released, and transferred to the vehicle occupants, when a crash occurs. In fact, a vehicle involved in a crash at sixty miles per hour releases double the energy (100 percent more) as a vehicle traveling at 50 miles per hour, even though the difference in speed is only one-fifth (20 percent more).

Speeding and alcohol use are a lethal combination because alcohol impairs driving judgment, reaction time and the ability to accurately discern vehicle speed. Also, for most drivers, the impairment of driving skills begins even before a driver reaches the legal level for drunk driving (driving under the influence) which is 0.08 percent blood alcohol concentration (or BAC). Statistics show that alcohol involvement is prevalent for drivers involved in speeding-related crashes. For example, in 2008:

- 41 percent of drivers with a BAC of .08% or higher involved in fatal crashes were speeding, compared with only 15 percent of drivers with a BAC of .00 % involved in fatal crashes;
- 27 percent of the speeding drivers under age 21 who were involved in fatal crashes also had a BAC of .08 % or higher, in contrast, only 12 percent of the non-speeding drivers under age 21 who were involved in fatal crashes had a BAC of .08% or higher; and,
- For drivers between the ages of 21 and 24 involved in fatal crashes, 50 percent of speeding drivers had a BAC of .08% or higher, compared with only 27 percent of non-speeding drivers.

Alcohol, speeding and fatal crashes are clearly linked. This is why it is essential to require the use of alcohol ignition interlocks in the vehicles of drivers who have previously been convicted of drunk driving. The ignition interlock prevents a driver with a history of drinking and driving from doing so again and endangering the public. If the driver is within the legal limit, however, the driver is not prevented from starting and operating the vehicle.

Senator BOXER. Thank you so much.

Our next speaker is Deb Hubsmith, Director of Safe Routes to School National Partnership. Welcome.

STATEMENT OF DEB HUBSMITH, DIRECTOR, SAFE ROUTES TO SCHOOL NATIONAL PARTNERSHIP

Ms. HUBSMITH. Good morning. Thank you, Chairman Boxer. I am honored to have the opportunity to present today to discuss improving transportation safety. I serve as Director of the Safe Routes to School National Partnership, a network of nearly 500 organizations.

Currently, 12 percent of trips in the United States are already made by walking and bicycling, and the use of these modes of transportation is on the rise. For many Americans walking and bicycling is a necessity as one-third of Americans don't own cars. Americans want more transportation options. In a recent poll conducted by Transportation for America a majority of voters said that they would like to spend less time in their cars, but 73 percent said that they had no other choice but to drive.

Unfortunately a major factor limiting the number of people who can walk and bicycle is safety, and Americans have good reason to be concerned. According to the most recent data from the National Highway Traffic Safety Administration more than 5,000 pedestrians and bicyclists were killed on U.S. roads in 2008, and more than 120,000 were injured. This includes 650 children who were killed. This is the equivalent of a jumbo jet going down roughly every month, yet it receives nothing like the kind of attention that would surely follow such a disaster. In fact on a per mile basis walking in unsafe conditions is 10 times as dangerous as driving.

Here is just one example of the type of tragedies that are taking place all across America. In December 2009 three girls, aged 12, 14 and 16, were killed trying to cross a street in their neighborhood in Terrell, Texas. An editorial in the Dallas Morning News cited extremely high speeds, a lack of pedestrian infrastructure, and the design of roads that caters solely to cars as major contributing factors in the girls' deaths.

Pedestrian and bicycle safety issues are not limited to urban and suburban areas. In fact while 23 percent of the population lives in rural areas 28 percent of pedestrian fatalities occur in rural areas.

The problem is rooted in how we allocate transportation dollars. Nationwide just 1.2 percent of funds authorized under the Federal transportation law, SAFETEA-LU, have been allocated to walking and bicycling projects even though pedestrians and bicyclists represent 13 percent of traffic deaths and 12 percent of total trips.

When we look at the allocation of Federal safety dollars bicyclists and pedestrians fare even worse, with only 0.6 percent of Federal safety funds going to support these modes.

Even if someone chooses to drive for all or most of their trips they eventually have to cross a street or walk down a street, and they are exposed to traffic dangers, too. A lack of pedestrian safety in America affects all of us.

Fortunately solutions exist, and there is great opportunity to increase walking and bicycling where 40 percent of trips in America are 2 miles or less in length. For example Safe Routes to School

efforts which are taking place in all 50 States have been successful at improving safety. In Miami-Dade County, Florida, all school children are taught pedestrian safety through the WalkSafe Program. Since its launch in 2001 there has been a 43 percent decrease in the total number of children aged 0 to 14 hit by cars.

Infrastructure solutions can make a big difference, too. For example the presence of sidewalks reduces in half the risk that a pedestrian will be struck by a vehicle.

The Safe Routes to School National Partnership recommends that the Committee include the following five recommendations in your transportation bill. First, please support Senate Bill 1156, the bipartisan Safe Routes to School Program Reauthorization Act. Please support increased funding for transportation enhancements and funding for active transportation networks. States should also be required to allocate a greater share of their transportation dollars to reduce disparities and inequities for all modes of transportation.

Second, we recommend that the Committee include the provisions in Senate Bill 584, the Complete Streets Act, in your transportation bill. We support a “fix it for all” policy when repairing and retrofitting infrastructure so that our roads serve motorists, bicyclists, pedestrians and people using public transit.

Third, we encourage the Committee to include mode specific and geographic specific benchmarks for transportation safety in the next bill.

Fourth, we encourage the Committee to include additional funding for pedestrian and bicycle research and to require State DOTs to collect data on bicycle and pedestrian safety.

Fifth, we encourage the Committee to require the USDOT to codify best practices for bicycle and pedestrian design innovations in the Manual on Uniform Traffic Control Devices.

In conclusion, an important indicator of a livable safe community is whether our children can safely walk or bicycle to schools. While it is currently unnecessarily dangerous for pedestrians to walk health experts are making the case that it could be just as deadly not to walk or bicycle. Active transportation is critical to increasing levels of healthy physical activity and reducing obesity and heart disease.

I look forward to working with the Senate Environment and Public Works Committee to develop a transportation agenda that will create a safe and healthy America.

Thank you.

[The prepared statement of Ms. Hubsmitth follows:]



STATEMENT OF
DEBORAH A. HUBSMITH
DIRECTOR
SAFE ROUTES TO SCHOOL NATIONAL PARTNERSHIP

BEFORE THE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

HEARING ON
“Opportunities to Improve Transportation Safety”

APRIL 14, 2010

Chairman Boxer, Ranking Member Inhofe, and Members of the Committee:

I’m honored to have the opportunity to present today before the Committee to discuss improving transportation safety.

I have worked in the field of non-motorized transportation for 13 years, and for the past five years, I have served as Director of the Safe Routes to School National Partnership, a network of nearly 500 organizations, government agencies, professional groups and schools that are seeking to make it safer and easier for children and families to walk and bicycle to schools. We work collaboratively with many health organizations including the Robert Wood Johnson Foundation, Kaiser Permanente, and the Centers for Disease Control and Prevention to increase physical activity, reduce childhood obesity, and advance traffic safety.

My testimony focuses on the risks that pedestrians and bicyclists face today and what we can do to improve safety for these important and common modes of transportation throughout America, providing benefits to rural, urban and suburban areas. Bicycling and walking already play an important role in our transportation system, and have the potential to play a bigger role in reducing congestion, decreasing air pollution and offering cost effective transportation choices if we can improve safety.

Introduction:

Currently, 12 percent of trips in the United States are already made by walking and bicycling, and the use of these modes of transportation in America is on the rise, increasing 25 percent since 2001.¹ For many Americans, walking and bicycling is a necessity, as one-third of Americans don't own cars, including children, the elderly, people with disabilities, and low-income individuals.²

These high numbers of walking and bicycling exist in America despite the fact that nearly 80 percent of federal transportation funding is spent on highways, 20 percent is spent on public transit, and only 1.2 percent is spent on walking and bicycling.³

Americans do want more transportation options. In a recent poll conducted by Transportation for America, 59 percent of Americans stated that they would choose to reduce road congestion by adding more transportation options to communities, including walking, bicycling and public transportation. The poll results also indicate that a majority of voters would like to spend less time in their cars, but 73 percent said they had no other choice but to drive.⁴

Walking and bicycling are already serious and common modes of transportation in the United States, and Americans want to walk and bicycle more often.

The Problem:

Unfortunately, a major factor limiting the number of people who walk or bicycle in America is safety. Americans have good reasons to be concerned.

According to the most recent data from the National Highway Traffic Safety Administration (NHTSA), more than 5,000 pedestrians and bicyclists were killed on U.S. roads in 2008, and more than 120,000 were injured.⁵ This is the equivalent of a jumbo jet going down roughly every month, yet it receives nothing like the kind of attention that would surely follow such a disaster. In fact, on a per-mile basis, walking in unsafe conditions is ten times as dangerous as driving.⁶

Here is just one example of the type of tragedies that are taking place all over America. In December 2009, three girls aged 12, 14 and 16 were killed trying to cross a street in their neighborhood in Terrell, Texas. The street in question, the newly constructed State Route 34, slices through a community filled with residential neighborhoods and local shopping opportunities, yet fails to include crosswalks, crossing signals, or adequate lighting. An editorial in the *Dallas Morning News* cited the extremely high speed limit, lack of safe pedestrian infrastructure, and the design of roads that cater solely to cars as key contributors to the girls' deaths.

In 2007, an estimated 14,000 children ages 14 and under were injured while walking, and nearly 11,000 children were injured while bicycling. Thirty percent of traffic deaths for children ages 0-14 happen when children are walking and bicycling and are struck by a car (approximately 650 deaths per year). This is the third leading cause of death by unintentional injury for children under the age of 15; the first two leading causes of death are also related to motor vehicle use.⁷

Bicycling and pedestrian injuries and deaths affect low income and minority populations disproportionately. The death rate (ratio of fatalities to total population) is 70 percent higher for black pedestrians and 62 percent higher for Hispanic pedestrians than it is for white pedestrians. The same is true for cyclists with the death rate for black cyclists 30 percent higher and the death rate for Hispanic cyclists 23 percent higher than for white cyclists.⁸ These populations also have lower car ownership rates: while 7 percent of white households do not own a car, 24 percent of black households and 17 percent of Hispanic households do not own a car.⁹ When we do not adequately address bicycle and pedestrian safety, we exacerbate inequality in our transportation system.

Pedestrian and bicycle safety issues are not limited to urban and suburban areas. In fact, while 20 percent of the population lives in rural America, 28 percent of pedestrian fatalities occur in rural areas. Crashes involving pedestrians in rural areas are more likely to result in fatalities or serious injuries due to the prevalence of high-speed roads without safe crossings, sidewalks, shoulders, or street lights.¹⁰

Fatalities and injuries resulting from a lack of pedestrian and bicycle safety in America affect all of us. Even if someone chooses to drive for all or most of their trips, they eventually have to cross a street or walk down a street, and are exposed to traffic dangers.

The problem of pedestrian and bicycle safety is rooted in how we allocate transportation dollars at the national level, and exacerbated because the design of streets and roads at the state and local level has largely ignored human factors, including considerations for how pedestrians and bicyclists can cross the street and safely travel to destinations like schools, shopping centers, and work places.

Nationwide, just 1.2 percent of funds authorized under the federal transportation law, SAFETEA-LU, have been allocated for projects to improve the safety of walking and bicycling,¹¹ even though pedestrians and bicyclists comprise 13 percent of all traffic deaths¹² and 12 percent of total trips.¹³

When we look at the allocation of federal safety dollars, pedestrian and bicycle safety improvements are treated even more inequitably. Examining the FY2008 data from the Federal Highway Administration's Financial Management Information System shows that just 0.1

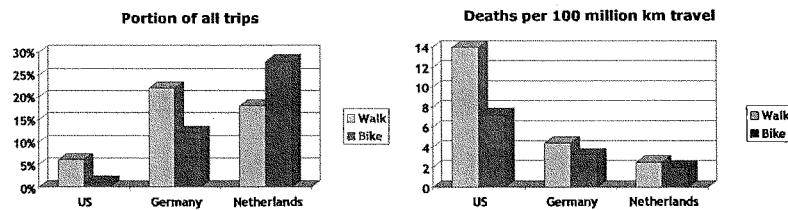
percent of Highway Safety Improvement (HSIP) funds were used for pedestrian and bicycle safety. Across both HSIP and section 402 safety funds, just 0.6 percent of federal safety funds were allocated to non-motorized transportation safety, despite the fact that these modes represent 13 percent of traffic fatalities.

I would also like to touch on the important linkages between the safety of walking and bicycling and health. When we discuss safety, we are talking about preventing injuries, loss of lives, and financial costs due to traffic collisions. But, U.S. transportation policies have other direct impacts on health. Traffic pollution causes asthma and can cause lung development problems in children. Safety concerns are also a significant barrier to increasing rates of walking and bicycling, meaning that Americans are missing an important opportunity to be more physically active. Sedentary lifestyles contribute to an estimated 255,000 preventable deaths per year,¹⁴ and obesity has accounted for one-third of health care cost increases in recent years.¹⁵ Obesity-related diseases account for nearly 10 percent of all U.S. medical spending—an estimated \$147 billion a year.¹⁶

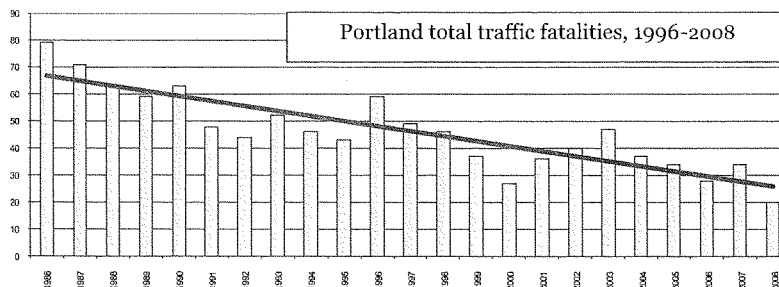
Solutions:

There is great opportunity to increase walking and bicycling in America. Forty percent of U.S. trips are two miles or less in length and the average bike trip is a little over two miles.¹⁷

Despite this fact, mode shares for walking and bicycling in the U.S. pale in comparison to other countries. A study comparing the U.S. with Germany and the Netherlands found that pedestrian and bicycle death rates are two to six times higher in the U.S. European data also shows that countries with higher levels of walking and bicycling have lower levels of traffic deaths, a phenomenon often called “safety in numbers.”¹⁸



We're seeing similar safety trends in U.S. cities that have invested in safety for pedestrians and bicyclists. For example, in Portland, Oregon, traffic fatalities per 100,000 miles traveled are declining six times faster than the rest of the U.S., and their data shows that conditions that improve multi-modal transportation also improve safety for everyone, including drivers. Key tactics include speed reduction, better compliance with traffic rules, and better organization of modes.¹⁹



In Minneapolis, Minnesota, one of the four sites implementing the Nonmotorized Transportation Pilot Program (section 1807 of SAFETEA-LU), the city has increased bikeway miles by 50 percent, which contributed to a 50 percent increase in bicycle commuters. Even though there are more bicyclists on streets, the number of bicycle crashes has declined by 20 percent. These changes are also improving traffic safety for drivers, as all traffic crashes within the city are in decline.

Safe Routes to School efforts have also been successful at improving bicycle and pedestrian safety and changing the habits of an entire generation. In Miami-Dade County, Florida, all school children are taught pedestrian safety through the WalkSafe™ program. Since its launch in 2001, there has been a 43 percent decrease in the total number of children ages 0-14 hit by cars. In Maine, more than 80,000 fourth and fifth-graders have learned critical bicycle safety skills through their Bicycle Safety Education Program since the year 2000. The number of bicycle crashes for children ages 10-14 has dropped by 51 percent since the program has been in existence.²⁰

Complete Streets policies also contribute to improving safety through implementation of comprehensive traffic safety improvements. Complete streets are designed, built, and operated for the safety of everyone using them, including people of all ages and abilities, whether walking, bicycling, taking the bus or driving.

Safe Routes to School, Complete Streets, and pedestrian and bicycle improvements rely on the wealth of studies that clearly document how low-cost investments in pedestrian and bicycle safety can have dramatic impacts on saving lives and reducing the severity and frequency of crashes:

- A safety analysis by the California Department of Transportation estimated that the safety benefit of Safe Routes to School was up to a 49 percent decrease in child pedestrian and bicycle collision rates.²¹
- Traffic calming improvements can reduce pedestrian-vehicle crashes by up to 25 percent.²²

- Pedestrians are more than twice as likely to be struck by a vehicle in locations without sidewalks.²³
- Refuge islands in crosswalks can reduce the likelihood of pedestrian-vehicle crashes by 66 percent.²⁴
- Increasing street lighting can reduce pedestrian-vehicle crashes by 59 percent.²⁵
- Teaching children bicycle and pedestrian safety can improve children’s knowledge of safety when walking and crossing roads.²⁶
- Enforcing speed limits in school zones can reduce the risk of death significantly: a pedestrian hit by a vehicle traveling 20 miles per hour (mph) has a 95 percent of surviving; at 30 mph the chance of survival is 55 percent, and at 40 mph the chance of survival decreases to only 15 percent.²⁷

Over the years, we have learned what works for improving pedestrian and bicycle safety in America. Now it is time to utilize that knowledge to save lives and reduce injuries.

Recommendations:

The Safe Routes to School National Partnership appreciates the opportunity to provide recommendations to the Senate Environment and Public Works Committee as you draft the next transportation bill. Given the challenges America faces in improving safety for pedestrians and bicyclists, we respectfully request that your Committee include the following provisions:

- 1) Increase Funding for Safe Routes to School and Pedestrian/Bicycle Transportation: We support S. 1156, the Safe Routes to School Program Reauthorization Act, and urge the Environment and Public Works Committee to incorporate the recommendations from this bipartisan bill into your Committee’s transportation legislation. We also support increased funding for Transportation Enhancements and Active Transportation Networks, and we encourage the Committee to require states to allocate a greater share of their transportation dollars to reduce disparities and inequities in injuries and fatalities across all modes of transportation.
- 2) Support Complete Streets: We recommend that the Committee include the provisions in S. 584, the Complete Streets Act, in your transportation bill. We support a “fix it for all” policy when repairing and retrofitting infrastructure.
- 3) Create Safety Benchmarks: We encourage the Committee to include mode-specific and geographic-specific benchmarks for transportation safety in the next transportation bill that will:
 - Reduce fatalities across modes, for motorists, motorcyclists, pedestrians and bicyclists;
 - Reduce crashes for all communities including urban, suburban and rural areas; and

- Reduce crashes of all severities, including the more common non-fatal crashes that also play a major role in traffic congestion, time delays, and air pollution.
- 4) Collect Additional Data: We encourage the Committee to include additional funding for pedestrian and bicycle research in the next transportation bill, and to require State Departments of Transportation to collect data on pedestrian and bicycle safety, collisions, use and facilities for all projects, including Safe Routes to School.
 - 5) Support Innovative Designs: We encourage the Committee to require the US DOT to codify pedestrian and bicycle design innovations in the Manual on Uniform Traffic Control Devices. In 2009, the Federal Highway Administration, the American Association of State Highway Transportation Officials, and the National Cooperative Highway Research Program sponsored an international tour of five countries and 11 cities to conduct a Scan of Pedestrian and Bicyclist Safety and Mobility. Recommendations from the final report for this Scan should be incorporated into U.S. design standards, as research has shown that these designs improve safety.

Conclusion:

Authorization of the surface transportation bill is an immense opportunity to forge a policy response to improve safety, and to invest in a healthy, sustainable, and equitable transportation system. The law could give all Americans clean, affordable, and safe options for transportation.

A cornerstone to developing livability and sustainability in America will be creating safe communities where people can walk and bicycle. An important indicator of a livable, safe community is whether our children can safely walk or bicycle to schools. Numerous polls and surveys point to the fact that people want to ride bicycles and walk more often, but they are afraid to do so without safer places to ride and walk.

A focus on pedestrian and bicycle safety will also boost the economy – studies show increases in property values near trails, and people shop locally when there are facilities connecting homes with stores, which supports revitalizing local communities.²⁸ In addition, while it is currently unnecessarily dangerous for pedestrians to walk, health experts are making the case that it can be just as deadly not to walk or bicycle. Active transportation is critical to increasing levels of healthy physical activity and reducing obesity and heart disease.

I look forward to working with the Senate Environment and Public Works Committee to develop a transportation agenda that will create a safe and healthy America.

- ¹ 2009 National Household Travel Survey.
- ² "Dangerous by Design," Transportation for America. October 2009. <http://4america.org/resources/dangerousbydesign/>
- ³ "Bicycling and Walking in the United States: 2010 Benchmarking Report," Alliance for Biking and Walking, February 2010. <http://www.peoplepoweredmovement.org/site/index.php/site/memberservices/C529#findings>
- ⁴ Poll on public attitudes on transportation conducted by the Democratic polling firm of Fairbank, Masiin, Maulin, Metz & Associates (FM3) and the Republican polling firm of Public Opinion Strategies (POS) for Transportation for America. 800 telephone interviews were conducted from February 27 - March 2, 2010. The margin of sampling error for the full national sample is +/- 3.8%; margins of error for subgroups within the sample will be larger.
- ⁵ National Highway Traffic Safety Administration. (2009). Traffic Safety Facts: 2008 Data. Available at <http://www.nrd.nhtsa.dot.gov/Cats/listpublications.aspx?id=A&ShowBy=Doc.Type>
- ⁶ "Dangerous by Design," Transportation for America. October 2009. <http://4america.org/resources/dangerousbydesign/>
- ⁷ N. Borse et al., *CDC Childhood Injury Report. Patterns of Unintentional Injuries among 0-19 Year Olds in the United States, 2000-2006*, December 2008. Available at <http://www.cdc.gov/SafeChild/images/CDC-ChildhoodInjury.pdf>
- ⁸ R. Knoblauch and R. Furst Seifert, "The Pedestrian and Bicyclist Highway Safety Problem as it Relates to the Hispanic Population in the United States." Federal Highway Administration's (FHWA) Pedestrian and Bicycle Safety Research Program, 2004.
- ⁹ N. McGuckin and N. Srinivasan. "Journey to Work Trends: In the United States and its Major Cities 1960-2000." Federal Highway Administration. 2003. <http://www.fhwa.dot.gov/ctpp/fitw/>. (Accessed 4/23/09)
- ¹⁰ FHWA-SA-04-008 Technical Report, *Pedestrian Safety on Rural Highways*, September 2004, http://drusilla.hsrc.unc.edu/cms/downloads/Ped_Safety_RuralHighways.pdf
- ¹¹ "Bicycling and Walking in the United States: 2010 Benchmarking Report," Alliance for Bicycling and Walking, February 2010. <http://www.peoplepoweredmovement.org/site/index.php/site/memberservices/C529#findings>
- ¹² "Bicycling and Walking in the United States: 2010 Benchmarking Report," Alliance for Bicycling and Walking, February 2010. <http://www.peoplepoweredmovement.org/site/index.php/site/memberservices/C529#findings>
- ¹³ 2009 National Household Travel Survey.
- ¹⁴ Transportation Research Board and Institute of Medicine. 2005. *Does the Built Environment Influence Physical Activity? Examining the Evidence—Special Report 282*. Washington, DC: National Academy Press.
- ¹⁵ E. Finkelstein, J. Trogdon, J. Cohen, and W. Dietz. "Annual Medical Spending Attributable To Obesity: Payer-And Service-Specific Estimates." *Health Affairs*, 28, no. 5 (2009): w822-w831.
- ¹⁶ E. Finkelstein, J. Trogdon, J. Cohen, and W. Dietz. "Annual Medical Spending Attributable To Obesity: Payer-And Service-Specific Estimates." *Health Affairs*, 28, no. 5 (2009): w822-w831.
- ¹⁷ 2009 National Household Travel Survey
- ¹⁸ J. Pucher and L. Dijkstra, "Promoting safe walking and cycling to improve public health: lessons from The Netherlands and Germany." *American Journal of Public Health*, September 2003.
- ¹⁹ Roger Geller, City of Portland, February 16, 2010
- ²⁰ Safe Routes to School National Partnership, "Putting Traffic Safety First - How Safe Routes to School Initiatives Protect Children Walking and Bicycling," http://www.saferoutespartnership.org/media/file/Safety_report_final.pdf
- ²¹ M. Orenstein, N. Gutierrez, T. Rice, J. Cooper, and D. Ragland, "Safe Routes to School Safety and Mobility Analysis" (April 1, 2007). UC Berkeley Traffic Safety Center. Paper UCB-TSC-RR-2007-1. <http://repositories.cdlib.org/its/tsc/UCB-TSC-RR-2007-1>
- ²² W. Brilon and H. Blank. "Extensive Traffic Calming: Results of the accident analyses in six model towns." In *Proceedings of the 63rd Annual Meeting of the Institute of Transportation Engineers*. Washington D.C.; Institute of Transportation Engineers. 1993:119-123.
- ²³ R. Knoblauch, B. Tustin, S. Smith, and M. Pietrucha. "Investigation of Exposure-Based Pedestrian Accident Areas: Crosswalks, Sidewalks, Local Streets, and Major Arterials." Washington DC: US Dept of Transportation; 1987.
- ²⁴ P. Carder. "Pedestrian Safety at Traffic Signals: A study carried out with the help of a traffic conflicts technique." *Accidents Annual and Prevention*. 1989:21:435-444.
- ²⁵ B. Pegrum. *The Application of Certain Traffic Management Techniques and Their Effect on Road Safety*. In: *Proceedings of the National Road Safety Symposium*. Perth, Western Australia: Dept of Shipping and Transport; 1972:277-286.
- ²⁶ O. Duperrex, I. Roberts, and F. Bunn. "Safety Education of Pedestrians for Injury Prevention." *The Cochrane Database of Systematic Reviews*; The Cochrane Library. 2 (2009).
- ²⁷ Federal Highway Administration (2002). *Pedestrian Facilities Users Guide: Providing Safety and Mobility*. Available at: http://drusilla.hsrc.unc.edu/cms/downloads/PedFacility_UserGuide2002.pdf
- ²⁸ G Barnes, "Benefits of Bicycling in Minnesota," <http://www.lrrb.org/pdf/200450.pdf>.



May 13, 2010

The Honorable Senator Boxer, Chairman
and
The Honorable James Inhofe, Ranking Member
Senate Committee on Environment and Public Works
c/o Heather Majors, Heather_Majors@epw.senate.gov
410 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Question from Safety Hearing

Dear Chairman Boxer and Ranking Member Inhofe:

Thank you again for inviting me to testify at the April 14, 2010 hearing on "Opportunities to Improve Transportation Safety." I very much appreciated the opportunity to discuss the importance of improving safety for bicyclists and pedestrians in the next transportation bill.

In addition, I am pleased to respond to Chairman Boxer's question for the hearing record. I have included below the question and my response for the record:

Question:

In your testimony, you mention that just 0.1% of Highway Safety Improvement funds are used for pedestrian and bicycle safety projects. Can you explain why you believe states have directed such a small amount of their safety funds toward pedestrian and bicycle safety? How can the federal government change this behavior?

Response:

Introduction: The Highway Safety Improvement Program (HSIP) is a Federal Highway Administration (FHWA) program that funds highway safety projects aimed at reducing highway fatalities and serious injuries. Although bicycle and pedestrian projects are eligible for funding, HSIP has been largely overlooked as a resource for these projects. The same is also true, but to a lesser extent, of the Section 402 safety funds.

In fact, while bicycling and walking currently represent 12 percent of all transportation trips and 13 percent of traffic fatalities, only 0.1% of HSIP funds have been spent for bicycle and pedestrian safety projects. For Section 402 funds, the percentage spent on bicycle and

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The Safe Routes to School National Partnership is hosted by the Bikes Belong Foundation, a 501(c)(3) nonprofit organization.

pedestrian safety projects is 2.7%. (See the Appendix for state-by-state spending information).

While some of the very low 0.1% number for HSIP is likely due to states not properly flagging some of their safety projects as having an impact on bicycle and pedestrian safety, it is clear that states are spending significantly less on bicycle and pedestrian safety than would be expected based on the 13% share of fatalities that bicycles and pedestrians represent. Some states are aware of this disparity and are working to correct it. For example, Virginia has a policy of dedicating at least 10 percent of its HSIP funds to bicycle and pedestrian safety (although they are not coding their expenditures in FMIS as benefiting bicycle and pedestrian safety).

In addition, states are slow to spend their HSIP funding in general. As of September 2009, there was still \$600 million available in unobligated HSIP funds across all states. In 2008, eighteen states obligated less than half of their available HSIP funds by the end of the year. Many states that have low HSIP obligation rates also have high fatality rates. Arizona, for example, spent only 6.6% of their HSIP funds in 2008 yet had 937 total traffic fatalities, including 136 bicycle and pedestrian fatalities. Florida obligated just 55.2% of their HSIP funds, yet had 2,978 total fatalities including 615 bicycle and pedestrian fatalities.

Why States are not Spending HSIP for Bicycle/Pedestrian Safety: There are several reasons why I believe that states have not used HSIP funding for pedestrian and bicycle safety:

- 1) States must first develop a Strategic Highway Safety Plan (SHSP) before spending HSIP funding that includes setting priorities by focusing on areas of greatest need. Some states do focus on bicycle and pedestrian crashes in their SHSP but there is not a clear mechanism for this focus to affect HSIP project selection. There is also no guaranteed seat at the table for bicyclist and pedestrian interests in the development of these SHSPs.
- 2) Some states narrowly define 'area of greatest need' and focus on improvements to specific high-crash locations such as intersections. Since bicycle and pedestrian crashes and crash locations are more likely to be dispersed along an arterial, corridor or neighborhood roads, they can be difficult to address through a specific, narrowly-targeted intersection or road segment project. As a result, little funding is spent on bicycle and pedestrian needs.
- 3) All public roads are eligible for HSIP funding, but in the past there has been confusion in some states about the eligibility of local roads for HSIP funding. This confusion has been detrimental to allocation of funds to bicycle and pedestrian safety since most bicycle and pedestrian activity is on local roads.
- 4) The HSIP program goals focus solely on reducing fatalities and serious injuries. This combined with the SHSP goal requirement of focusing on areas of greatest need encourage states to prioritize high speed areas and interstates. As such, the pedestrian and bicycle issues do not rise to the top—and the impact of “near misses” and the resulting fear of walking and riding on busy, high-speed roads is totally overlooked.

Recommendation for a review of SHSP impact on HSIP: EPW should formally request that FHWA review under-funded SHSP strategies like bicycle and pedestrian safety and distracted driving to identify why they are not receiving more safety funding, and assess the influence of SHSPs on safety spending. There are unanswered questions about how the process works, and how states link their safety spending to their SHSP goals. The SHSP

requirement for the use of safety funding was new with the authorization of SAFETEA-LU and deserves a review. The results of these reviews can be used to develop changes to SHSP, HSIP, and Section 402 authorizing language to ensure that states are better able to match federal spending to their safety goals. This would benefit a wide range of safety issues, including but not limited to bicycle and pedestrian safety.

Recommendations for the next transportation bill: Here's what the next bill can do to ensure that the federal government and states focus on improving safety for pedestrians, bicyclists, and everyone:

- Set a national goal for reducing pedestrian and bicycle fatalities.
- Require FHWA to collect data from states on pedestrian and bicycle use, facilities, and safety, and that they document safety improvement needs on the highway system and for local roads. This type of data is required for roads and highways, but for bicyclists and pedestrians, it is not consistently documented and reported to the federal government. Without required data, there will always be funding discrepancies.
- Ensure that states put safety as a top priority by setting a policy that obligation rates in all programs cannot exceed the obligation rate for the state's HSIP program.
- Amend HSIP's broad goals of reducing fatalities and injuries to specifically direct states to reduce fatalities and crashes for each mode of transportation (motorists, motorcyclists, bicyclists, and pedestrians). Such a change would direct states to address bicycle and pedestrian safety while giving them the flexibility to address issues specific to their states. This will be critical for achieving safety gains in all modes.
- Mandate that each state's SHSP include strategic and performance based goals for improving traffic safety for each mode of transportation and encourage states to take a broader view of 'area of greatest need' to encompass corridors, neighborhoods or regions instead of just specific intersections or road segments.
- Add an additional goal to HSIP to include reducing crashes of all levels of severity. This would encourage states to consider safety improvements on arterials and other non-interstate roads where most bicycle and pedestrian fatalities and injuries occur, and where many non-fatal but injury-related automobile crashes also take place.
- Clarify in law or report language that:
 - HSIP funds can be used on local roads;
 - Representatives of bicyclist and pedestrian groups shall be included in the development of SHSP; and
 - HSIP funds can be used to achieve system-wide or programmatic improvements in traffic safety, not just site-specific improvements.
- Require that NHTSA make bicyclist and pedestrian safety a national priority area so that states report to NHTSA the specific activities funded by the 402 program that improve traffic safety for nonmotorized users.

NHTSA issued a report in May 2002, *The Economic Impact of Motor Vehicle Crashes, 2000*. The report found that in the year 2000, traffic crashes cost a total of \$230 billion, including \$40 billion in medical and emergency services, \$26 billion in travel delay, and \$59 billion in property damage. These crashes also cost employers nearly \$60 billion in lost workdays and productivity. We need to look at reducing crashes of all severity so that we can reduce the rate of injuries and fatalities, and the related costs to our economic vitality and productivity. The current focus on reducing fatalities is critical but is only part of the story. By focusing on

reducing fatalities, we focus on mitigating crashes and do not address the root cause of reducing the number of crashes. By addressing the root causes, we will improve pedestrian and bicycle safety as well as safety for motorists.

The Safe Routes to School National Partnership would like to work with you to see states fully use their safety dollars, and to prioritize bicycle and pedestrian safety in their Strategic Highway Safety Plans.

Mandates from the federal government regarding safety for all modes in the next transportation bill, and our other recommendations stated above, would greatly help to address this important issue. Please contact me if you need additional information. Thank you for your dedication to transportation safety improvements.

Sincerely,



Deb Hubsmith, Director
Safe Routes to School National Partnership

Allocation of Transportation Safety Funds for Bicycle and Pedestrian Safety, FY2008
 Source: Federal Management Information System*

State	Bicycle Safety Improvement Program			Section 602			BIFP (see Section 602)		
	Total Funding Available	Amount allocated to bike/ped	Percentage allocated to bike/ped	Total Funding Available	Amount allocated to bike/ped	Percentage allocated to bike/ped	Total Funding Available	Amount allocated to bike/ped	Percentage allocated to bike/ped
TOTAL	\$1,227,240,923	\$1,051,176	0.08%	\$1,227,240,923	\$57,724,434	4.71%	\$1,227,240,923	\$57,724,434	4.71%
Alabama	\$27,256,374	\$0	-	\$5,874,118	\$0	-	\$5,110,497	\$0	0%
Arizona	\$5,558,374	\$0	-	\$1,275,015	\$10,993	0.8%	\$7,094,249	\$10,275	0.1%
Arkansas	\$1,026,000	\$0	-	\$6,436,987	\$340,993	5.3%	\$1,290,341	\$340,993	26.4%
California	\$123,240,923	\$1,359,779	1.1%	\$1,026,000	\$0	-	\$5,246,000	\$0	0%
Colorado	\$1,115,621	\$0	-	\$5,175,870	\$1,379,434	2.7%	\$15,252,193	\$3,785,193	2.5%
Connecticut	\$10,501,176	\$0	-	\$2,622,931	\$0	-	\$3,274,109	\$0	0%
Delaware	\$5,000,000	\$0	-	\$1,000,000	\$55,000	5.5%	\$1,000,000	\$55,000	5.5%
DC	\$1,400,000	\$0	-	\$2,305,242	\$276,649	12.0%	\$4,555,294	\$276,649	6.1%
Florida	\$2,672,301	\$16,172	0.6%	\$5,163,150	\$566,902	11.0%	\$2,401,546	\$1,000,428	41.6%
Georgia	\$7,208,117	\$0	-	\$5,521,192	\$353,180	6.4%	\$9,810,319	\$353,180	3.6%
Hawaii	\$1,000,000	\$0	-	\$2,812,805	\$23,125	0.8%	\$8,059,210	\$23,125	0.3%
Idaho	\$3,671,974	\$0	-	\$2,577,962	\$63,600	2.5%	\$8,251,816	\$63,600	0.8%
Illinois	\$11,000,000	\$0	-	\$11,137,040	\$415,650	3.7%	\$71,000,000	\$415,650	0.6%
Indiana	\$3,917,932	\$0	-	\$5,679,772	\$0	-	\$9,987,705	\$0	0%
Iowa	\$5,000,000	\$0	-	\$5,000,000	\$24,000	0.5%	\$8,000,000	\$24,000	0.3%
Kansas	\$16,300,873	\$0	-	\$3,495,352	\$25,000	0.7%	\$10,316,025	\$25,000	0.2%
Kentucky	\$1,200,000	\$0	-	\$2,000,000	\$3,000	0.1%	\$7,000,000	\$3,000	0.0%
Louisiana	\$28,219,533	\$0	-	\$3,594,932	\$0	-	\$1,914,421	\$0	0%
Maine	\$500,000	\$0	-	\$500,000	\$0	-	\$500,000	\$0	0%
Maryland	\$15,479,212	\$0	-	\$4,494,770	\$113,481	2.6%	\$20,140,991	\$113,481	0.6%
Massachusetts	\$2,618,000	\$0	-	\$2,115,600	\$520,000	24.6%	\$10,000,000	\$520,000	5.2%
Michigan	\$58,513,887	\$0	-	\$8,564,774	\$31,389	0.4%	\$77,079,721	\$31,389	0.0%
Minnesota	\$7,000,000	\$0	-	\$5,000,000	\$0	-	\$5,000,000	\$0	0%
Mississippi	\$25,300,000	\$0	-	\$3,233,355	\$0	-	\$5,233,000	\$0	0%
Missouri	\$10,000,000	\$0	-	\$5,000,000	\$0	-	\$5,000,000	\$0	0%
Montana	\$19,000,156	\$0	-	\$2,479,090	\$0	-	\$5,479,000	\$0	0%
Nebraska	\$2,000,000	\$0	-	\$1,100,000	\$0	-	\$5,000,000	\$0	0%

Allocation of Transportation Safety Funds for Bicycle and Pedestrian Safety, FY2008
 Source: Federal Management Information System*

State	Highway Safety Improvement Program (HSIP)			Section 402			HSIP plus Section 402		
	Total funding available	Amount allocated to bike/ped	Percentage allocated to bike/ped	Total funding available	Amount allocated to bike/ped	Percentage allocated to bike/ped	Total funding available	Amount allocated to bike/ped	Percentage allocated to bike/ped
Nevada	\$11,704,038	\$0	-	\$2,259,235	\$196,971	8.7%	\$13,963,273	\$196,971	1.4%
New Hampshire	\$3,306,478	\$0	-	\$2,458,454	\$44,200	1.8%	\$5,764,932	\$44,200	0.8%
New Jersey	\$42,105,933	\$0	-	\$5,590,188	\$297,388	5.3%	\$47,696,121	\$297,388	0.6%
New Mexico	\$23,230,081	\$0	-	\$2,388,293	\$198,230	8.3%	\$25,618,374	\$198,230	0.8%
New York	\$28,901,151	\$0	-	\$17,858,719	\$467,637	2.6%	\$46,759,870	\$467,637	1.0%
North Carolina	\$76,522,275	\$0	-	\$7,006,566	\$8,470	0.1%	\$83,528,841	\$8,470	0.0%
North Dakota	\$9,389,856	\$0	-	\$2,171,762	\$0	-	\$11,561,618	\$0	0.0%
Ohio	\$40,783,629	\$0	-	\$12,070,549	\$0	-	\$52,854,178	\$0	0.0%
Oklahoma	\$49,378,179	\$0	-	\$4,191,110	\$0	-	\$53,569,289	\$0	0.0%
Oregon	\$9,511,038	\$0	-	\$5,677,458	\$255,000	4.5%	\$15,188,496	\$255,000	1.7%
Pennsylvania	\$32,267,618	\$0	-	\$17,124,973	\$0	-	\$49,392,591	\$0	0.0%
Rhode Island	\$4,713,528	\$0	-	\$2,525,714	\$70,734	2.8%	\$7,239,242	\$70,734	1.0%
South Carolina	\$34,468,547	\$0	-	\$4,731,047	\$4,824	0.1%	\$39,200,595	\$4,824	0.0%
South Dakota	\$4,830,890	\$0	-	\$2,598,261	\$0	-	\$7,429,151	\$0	0.0%
Tennessee	\$36,317,082	\$0	-	\$5,726,183	\$0	-	\$42,043,265	\$0	0.0%
Texas	\$164,554,220	\$0	-	\$16,387,227	\$0	-	\$180,941,447	\$0	0.0%
Utah	\$13,979,888	\$0	-	\$2,218,777	\$80,000	3.6%	\$16,198,665	\$80,000	0.5%
Vermont	\$5,148,463	\$0	-	\$2,177,919	\$0	-	\$7,326,382	\$0	0.0%
Virginia	\$19,545,408	\$0	-	\$8,069,530	\$361,793	4.5%	\$27,615,938	\$361,793	1.3%
Washington	\$7,413,437	\$0	-	\$5,249,048	\$63,219	1.2%	\$12,662,685	\$63,219	0.5%
West Virginia	\$12,015,196	\$0	-	\$3,841,024	\$0	-	\$15,856,220	\$0	0.0%
Wisconsin	\$28,680,000	\$0	-	\$8,370,437	\$295,000	3.3%	\$37,050,437	\$295,000	0.8%
Wyoming	\$11,338,562	\$0	-	\$2,018,742	\$0	-	\$13,357,304	\$0	0.0%

* This data is generated by the Federal Highway Administration's Federal Management Information System. States must code a project as improving bicycle and pedestrian safety for it to be reflected as such in this chart.

Senator BOXER. Thank you very much.

Our next speaker is Gregory Cohen, President and CEO, American Highway Users Alliance. Welcome.

**STATEMENT OF GREGORY M. COHEN, PRESIDENT AND CEO,
AMERICAN HIGHWAY USERS ALLIANCE**

Mr. COHEN. Thank you, Madam Chairman.

Most highway deaths are preventable. For example, today's road safety devices can prevent almost any vehicle from running off the road. These road departure crashes account for the majority of fatal crashes nationwide. But when funding is not available for needed safety improvements there are real human victims. We believe that MAP-21 should include both a major increase in highway funding levels as well as a well funded improved safety core program within the highway title.

Highway deaths and injuries are a national epidemic that requires Federal leadership to address. We recommend that Congress approach highway safety by addressing the four Es, to which we add an important I. The Es are engineering, education, enforcement and EMS. The I stands for investment.

We can't forget the I because little national progress can be realized with the four Es unless there is strong Federal financial support.

Before SAFETEA-LU was enacted fatalities were slowly rising, but since then they have dropped 22 percent. We believe these results came at least in substantial part from legislation authorized by this Committee. However, there is still immense work that really needs to be done to move America toward zero deaths.

Under SAFETEA-LU, Congress created the new safety core program known as HSIP. We consider this to be the defining achievement of that bill. HSIP required States to develop strategic highway safety plans to direct investments, but it has become obvious that HSIP can be improved. Congress can help States become more proactive by clarifying that location specific crash data can be used to support systemic safety investments.

SAFETEA-LU also included dedicated funding for road safety education pilot programs. The Roadway Safety Foundation, a charitable educational organization that we chartered, is implementing this program under an agreement with Federal Highways. RSF pilot programs have focused on deploying lifesaving, low cost cable median barriers, rumble strips, and other ways to make roads safer for seniors as well.

Coming programs will include new awareness of State route mapping, techniques to improve tribal road safety and winter road safety. We strongly support reauthorizing the Road Safety Educational Program and urge an increase in dedicated funding for it.

Additional authorization recommendations from the Highway Users, including safety priorities, have been attached to our written testimony. Highlights include dedicating 10 percent of all Federal aid highway funds for road safety projects, providing FHWA safety programs with a special obligation, and creating a more robust performance based HSIP Program that helps States meet their proportional share of a national fatality reduction target.

Highway Users has also reviewed several safety related bills drafted or introduced by Members of the 111th Congress. We ask that you advance them to enactment. The first is the Surface Transportation Safety Act of 2009, S. 791, which would improve work zone safety standards, stimulate product innovation by allowing State DOTs to use the latest advanced proprietary safety products, and speed adoption of new minimum retro reflectivity levels for pavement markings, among other features.

Next is the High Risk Rural Road Safety Act, draft legislation that we, along with other members of the Rural Infrastructure Safety Coalition, support. It would authorize \$1 billion per year for the High Risk Rural Roads Program and also help local governments address their safety problems. Although 23 percent live in rural areas, they account for 55 percent—the majority—of traffic deaths.

And finally, the Older Driver and Pedestrian Safety and Roadway Enhancement Act, H.R. 3355, which we, along with other members of the Coalition for Older Roadway User Safety, CORUS, support. It would fund a roadway safety program targeted to older drivers and pedestrians. This bill will help States prepare for the coming demographic shift by improving signs, markings, intersections and crosswalks.

Last year the House draft authorization bill also included a series of sanctions. The Highway Users generally supports incentives and opposes sanctions. However, there is no doubt that increasing seat belt use and reducing DUIs are essential to saving lives. More than half of those killed in car crashes are not wearing seat belts, and alcohol is a factor in one-third of fatalities. We would like to work with the Committee to help ensure that all States enact primary seat belt enforcement and ignition interlock laws for repeat DUI offenders. But we also want to ensure that funding for highway safety projects is increased or held harmless under any incentive or sanction plan.

In conclusion, this Committee has an extraordinary opportunity to help save tens of thousands of lives by expeditiously authorizing a well funded MAP-21 with a forward thinking robust safety program. It is essential that the Nation make the same kind of progress in improving the safety environment of our roads and roadsides that we have made in improving our vehicles. This will require determined effort.

In most cases we have better drivers and better vehicles, but they are using the same old, inadequate roads, many with hairpin turns, inadequate signs and markings, aging bridge rails, narrow lanes, inadequate shoulders, and nonexistent roadside protection. More investment is needed.

The American Highway Users Alliance greatly appreciates being your partner in this effort.

[The prepared statement of Mr. Cohen follows:]

**Statement of
Gregory M. Cohen, P.E.
President and CEO
American Highway Users Alliance**

before the

**Committee on Environment and Public Works
United State Senate**

April 14, 2010



Chairman Boxer, Ranking Member Inhofe, and Members of the Committee:

I am Greg Cohen, President and CEO of the American Highway Users Alliance. I am very pleased to be invited back to the Committee to present testimony on opportunities to increase highway safety. Increasing safety on our nation's roads, highways, and bridges should be a top priority in the upcoming surface transportation bill. As advocates for the motoring public, a safe and efficient national highway system is our highest priority.

About The American Highway Users Alliance

Formed 78 years ago, the American Highway Users Alliance (The Highway Users) is a non-profit organization that promotes federal, state, and local policies that improve safety and mobility. We bring together a wide range of users that contribute to the Highway Trust Fund. Our members include AAA clubs, trucking and bus companies, motorcyclists and RVers. These members and several hundred other member businesses and associations represent millions of highway users from coast-to-coast. Safe, reliable, and efficient roads facilitate the movement of our families, employees, customers, and products. The Highway Users has worked closely with Congress on every major highway bill as a stakeholder and grassroots advocate for a strong and trustworthy Highway Trust Fund.

Increasing Highway Investment Will Improve Highway Safety

The need for high quality roads has deep roots in a universal desire that our friends, families, and loved-ones arrive home safely each day. Simply stated, the greater the degree of investment in highway infrastructure, the safer the motoring public. Yet, as we underfund our aging highway system, substandard and inadequate roads continue to contribute to at least one-third of all highway fatalities, according to USDOT. In fact, this statistic may be far greater, if one considers that we now have road safety hardware that can prevent almost any vehicle from running-of-the-road. These road departure crashes are the single largest type of fatal crash in nearly every state and account for the majority of fatal crashes nationwide.

Federal Highway Administration data suggests that infrastructure improvements, such as the construction of a new bridge or installation of barriers on roads, can reduce location-specific fatalities by up to eighty-six percent. This all boils down to a single point that we in the safety community often find ourselves repeating: Most highway deaths can be prevented.

And when funding is not available for needed safety improvements, there are real human victims. For example, in the past two years, ten people have died on a four-mile stretch of Georgia Highway 56. In this case, the cause of these deaths has been attributed to an unusually short turning lane, but Georgia DOT estimates that funding shortfalls will prevent a fix until at least 2013. Deaths like these are plainly unacceptable.

Ensuring that tragedies like these do not happen should be a top priority for all stakeholders, and investing in our highway infrastructure is an important part of this process. To that end, we believe that the next surface transportation authorization bill should include both a major increase in highway funding levels, as well as a well-funded and improved safety core program within the highway title. With such a strong relationship between the quality of our infrastructure and the safety of our roadways, few things are more important.

The 4 Es + I

Highway crashes are the largest single cause of death for children and young adults aged 3-34. Highway deaths and injuries are a national epidemic that requires federal leadership to address. We recommend that legislators approach highway safety by addressing the “4Es” – to which we add an important “I”. The E’s are: Engineering, Education, Enforcement, and EMS. “I” stands for Investment.

Engineering: Improved existing roads, roadside safety treatments, and engineering innovations -- like retroreflective signs and markings, skid-resistant pavements, safety barriers, roundabouts, and rumble strips are effective in preventing accidents, injuries, and fatalities on the roads where they are implemented.

Education: Public education campaigns are essential to ensuring that the motoring public is informed on relevant law, new technologies, and defensive driving techniques that make the road a safer place. The Roadway Safety educational program, discussed later in this testimony, is an important part of that effort.

Enforcement: Traffic laws are an important deterrent to unsafe driving habits, and effective enforcement of reasonable laws is vital in ensuring that roads are safe for the motorists that drive on them. The EPW Committee has authorized financial incentives to promote more effective traffic enforcement laws.

Investment: Finally, little national progress can be realized with the “4Es” unless there are strong federal financial investments in good highway programs.

Safety Progress & Lessons Learned Under SAFETEA-LU

Together in the past year, local, state, and federal highway authorities have had much to be proud of regarding road safety. Most notably, 2009 saw an almost ten percent reduction in road fatalities from 2008, even as vehicle-miles-traveled increased. This fatality reduction continues a five-year trend of that we believe results at least in substantial part from the SAFETEA-LU legislation authored by this committee in 2005. Moreover, the successful implementation of SAFETEA-LU's newly authorized Strategic Highway Safety Plans is a further testament to the leadership of this committee in achieving tangible safety improvements across the country.

In many ways, the program structure of the 2005 surface transportation bill is very similar to the preceding authorization bills from 1998 (TEA 21) and 1991 (ISTEA). The one major exception was the creation of a new \$1 billion safety "core" program, called the Highway Safety Improvement Program (HSIP). We consider the HSIP program to be the most important achievement in the SAFETEA-LU bill. The HSIP program served as the first performance-based "core" highway program, requiring states to develop a strategic highway safety plan (SHSP) to improve safety, address recognized deficiencies, and strategically invest in safety.

Before SAFETEA-LU was enacted, fatalities were slowly rising. But since 2005, the year that SAFETEA-LU passed, highway fatalities have dropped by 22 percent from 43,510 deaths in 2005 to 33,963. In 2009, almost 10,000 fewer people were killed on our roads than in 2005.

Despite Progress, We Cannot Rest With 34,000 Deaths and Millions Injured

However, even as we celebrate this accomplishment, we realize that there is still immense work to be done. As USDOT Secretary LaHood observed, the 34,000 highways deaths that occurred last year were preventable. We must take the steps necessary to ensure that we accelerate this promising trend of improved safety so that even fewer of our friends and loved-ones are killed on our highways in each ensuing year. The first step is crafting a reauthorization bill that places a top priority on safer highways.

There is no doubt that increased strategic investments in highway safety improvements have made a positive impact. Still, an average of 93 people died each day. As the HSIP program developed, some problems became apparent. Congress has the opportunity in the next surface transportation bill to help states become more proactive in their safety investments, by clarifying that location-specific crash data can be used to support systemic safety improvements in the SHSPs.

For the first time ever, SAFETEA-LU also included dedicated funding for roadway safety educational pilot programs (Sec. 1411). These funds have been granted by USDOT to the Roadway Safety Foundation (RSF), a charitable/educational organization chartered by The Highway Users, to improve public awareness of roadway safety. Since 2005, RSF pilot programs have focused on deployment of: lifesaving, low-cost cable

median barriers; rumble strips; and a variety of techniques to make roads safer for seniors. We strongly support reauthorizing this Road Safety section and request an increase in dedicated funding for new educational campaigns and national deployment of the most successful current pilot campaigns.

We must also improve safety research and data collection. For example, safety data related to *injuries* is spotty and inconsistent across the country. Also, we are disappointed that the motorcycle crash causation study authorized under SAFTEA-LU has not been completed, apparently due to a lack of adequate research funding.

The Highway Users Authorization Plan: Safety

Safety is the most important goal of The Highway Users. Our attached authorization proposal reflects that. We ask for your careful consideration of its contents. The Highway Users' plan envisions moving quickly towards zero deaths on American roads. To that end, we support increasing highway user fees to support a significantly more robust highway program. Within the expanded federal-aid highway program, we support dedicating 10% of all authorized federal-aid highway funds for roadway safety projects and providing this program with its own special obligation-limitation. We also support a more robust performance-based program that creates incentives and penalties that help States meet their proportional share of national fatality reduction targets.

Pending Legislation to Incorporate into the Surface Transportation Bill

The Highway Users has reviewed several safety-related bills drafted or introduced by Members of the 111th Congress. We appreciate the opportunity to bring several excellent proposals to your attention and ask that you advance them to enactment:

- 1) **The Surface Transportation Safety Act of 2009 (S. 791).** Transportation and Infrastructure Subcommittee Chairman Baucus has introduced S. 791, which will improve work zone safety standards, including positive protection and high visibility garments for workers; stimulate product innovation by allowing State DOTs to use the latest advanced proprietary safety products; set deadlines for the adoption of new minimum retroreflectivity levels for pavement markings; improve highway-rail grade crossings; and improve rural highway safety. The Highway Users has joined AGC of America, the Association of American Railroads, the International Union of Police Associations, and the Railroad Supply Institute to endorse this life-saving bill.
- 2) **High Risk Rural Road Safety Act.** The Highway Users, along with the other members of the Rural Infrastructure Safety Coalition (RISC), have endorsed this draft legislation, which would authorize \$1 billion per year for the High Risk Rural Roads (HRRR) program, authorized for the first time in SAFETEA-LU. At \$90 million/year, the current program is too small to have a serious impact on rural road safety. However, two-lane rural roads are by far the most dangerous

highways and the HRRR program should be reauthorized and funding increased to make rural roads safe. Half of all fatalities are on locally owned roads and this bill would also provide needed assistance to local governments for addressing their rural road safety problems. Our partners in RISC include AAA, American Public Works Association, American Society of Civil Engineers, American Society of Highway Engineers, American Traffic Safety Services Association (ATSSA), National Association of Counties, National Association of County Engineers, and National Association of Development Organizations.

- 3) **Older Driver and Pedestrian Safety and Roadway Enhancement Act (H.R. 3355).** The Highway Users, along with the other members of the Coalition for Older Roadway Users Safety (CORUS), support this bipartisan legislation, which would fund a roadway safety enhancement program for older drivers and pedestrians. A similar program was authorized but not funded in SAFETEA-LU. By 2025, one in four drivers will be over the age of 65. This bill will help States prepare for this demographic shift by improving signs, markings, intersection designs, crosswalks, etc. These improvements not only benefit older Americans; they make the roads safer for everyone else as well. Our partners in CORUS include AARP, ATSSA, National Association of Area Agencies on Aging, and Transportation for America.

Funding Incentives and Sanctions

Last year, the House Transportation & Infrastructure's Committee's Subcommittee on Highways and Transit reported its authorization bill, which includes a series of provisions imposing new or increased sanctions on states. These include withholding a portion of federal-aid highway dollars unless specific state laws are enacted. The Highway Users generally supports incentives and opposes sanctions to give states maximum flexibility to solve traffic safety problems in their own ways without cutting highway funding. Incentives based on results encourage innovation.

However, there is no doubt that increased seatbelt use is an essential life-saving practice and the value of primary seatbelt laws is extraordinary. The Highway Users would like to work with the Committee to help ensure that all States enact primary seat belt enforcement laws, while also ensuring that funding for highway safety projects is held harmless or increased under any safety incentive or sanction plan. The evidence is extraordinary that aggressive seatbelt laws could save tens of thousands of lives. Although nearly 85% of vehicle occupants are buckled-up on our highways, more than half of those killed in car crashes are not wearing seatbelts.

Conclusions

This Committee has an extraordinary opportunity to help save tens of thousands of lives by expeditiously authorizing a well-funded highway program with a forward-thinking, performance-based, robust safety program.

There are other safety issues facing other committees, such as those addressing the vehicles themselves. In the past, the Commerce Committee was largely successful in advancing incredible progress in vehicle safety by supporting incredible feats of structural engineering and technological advancements like electronic stability control. Educational programs have also improved our safety culture over the past 25 years, with major shifts in national attitudes toward dangerous behaviors like driving under the influence and not wearing seatbelts has increasingly made these behaviors socially unacceptable. We must continue to make progress in these areas.

But efforts in other areas must be matched with progress on the highway safety issues faced by this Committee. In particular, we think it is essential that the nation make the same kind of safety progress in improving the condition and safety environment of our roads and roadside environment that we have made in improving our vehicles. This will require a determined effort! Our roads have changed much more slowly than our vehicle technology. In most cases we have better drivers and better vehicles, but they're using the same old, inadequate roads – many with hairpin turns, inadequate signs and markings, aging bridge rails, narrow lanes, inadequate shoulders, and nonexistent roadside protection. More investment is needed. This Committee can take aggressive action to make roads safer as part of the surface transportation authorization bill. The American Highway Users Alliance greatly appreciates being your partner in this effort.

Thank you again for the opportunity to testify.

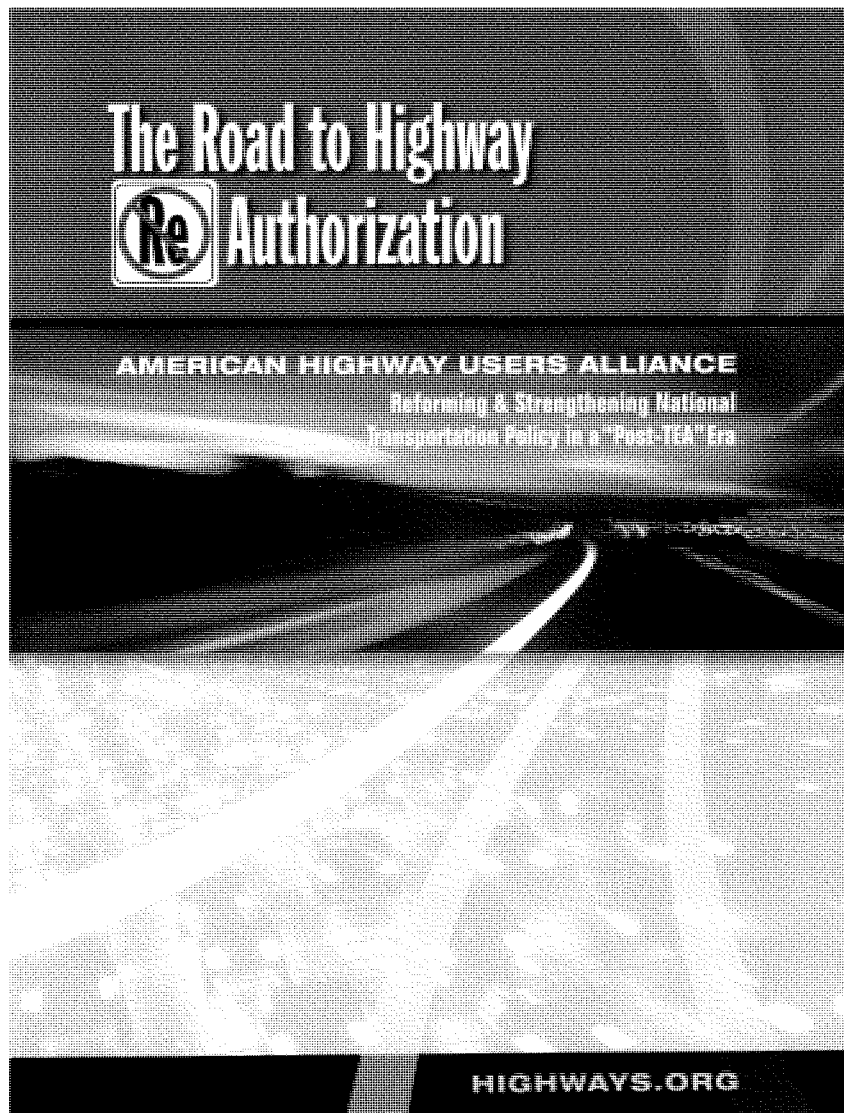
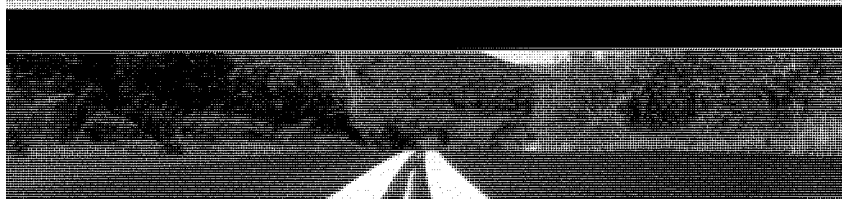


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We do not represent a particular industry or special interest view. Instead, we strive to present a united position that serves to benefit the broad interests of the motoring public.

About The Highway Users and Our Recommendations to Congress

The American Highway Users Alliance is a 501(c)(3) nonprofit advocacy organization charged by its diverse members to represent the shared interests of all who use our nation's system of roads and bridges and pay the federal user fees intended to keep the system operating safely and efficiently. Like many stakeholders, we have strong views about the direction of our national transportation programs. Unlike most groups, however, we do not represent a particular industry or special interest view. Instead, we strive to present a rational position that serves to benefit the broad interests of the traveling public.

Our recommendations to Congress lay a clear roadmap for developing legislative priorities that will demonstrably improve the performance of our highways and provide the mobility needed to strengthen the American economy and provide a better quality of life for future generations.

With thoughtful action and a substantial departure from current policies, Congress can offer new leadership to solve the transportation infrastructure challenges that await our nation's future. We have achieved and benefited from a great, but aging, national highway system—planned and built by previous generations. It is time to return to general-levying transportation that will be the parent legacy of this generation: a safe, reliable, and grandchild-free system, economic growth and the high quality of life afforded by personal mobility.

To succeed in these current and political challenges, Congress has to do more than provide additional funding for the current programs. It must reconnect with the American public and create support for a new plan of highway investment and user fees. It is not enough to promise to address vaguely defined "needs." Rather, the public must feel a new sense of trust that the federal

government has a plan to address today's national transportation needs that will be defined in the next highway bill.

Federal highway programs are being used to achieve important outcomes—stable and tangible improvements in safety and mobility that will benefit each person in every corner of the nation.

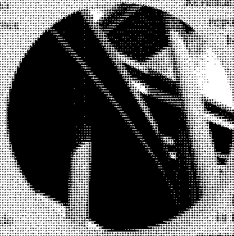
As the National Surface Transportation Policy and

Revenue Commission concluded in its recent report to Congress, the next highway bill must be "performance-based" and "outcome-driven." The Highway Users Alliance believes that these goals require that the federal government promote national transportation programs that serve the national interest cost-effectively. Core programs are lacking in today's federal programs, and those that are defined in the next highway bill to create public support for funding the needed investments.

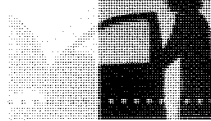
The American Highway Users Alliance recommends that Congress enact legislation that will serve the public interest and bring about increased resources that address the following core national transportation challenges:

- Growing threats to reliable freight delivery and the impact on American cost competitiveness,
- The tragically preventable national highway death and injury epidemics,
- Congestion that slows our nation's highway service and diminishes quality of life, and
- Deteriorating major bridges and pavements that are obsolete and potentially dangerous.

To address these issues, along with funding requirements, environmental considerations, and other important issues, we are pleased to present the following program conditions for the 2009 surface transportation authorization bill.



Executive Summary



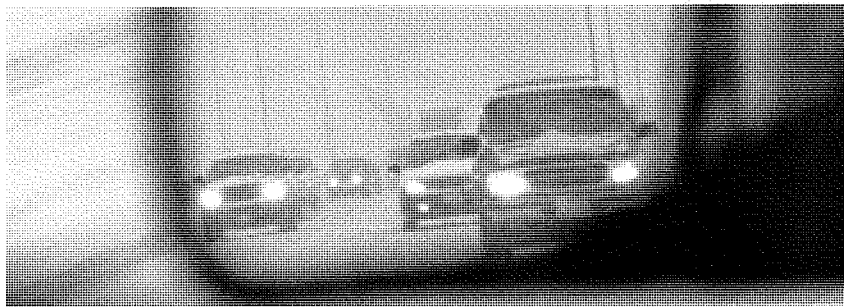
The American Highway Users Alliance proposes this plan to serve as an easy-to-read roadmap and reference for elected and appointed officials as they grapple with the major policy and funding issues that must be addressed in the upcoming surface transportation authorization bill.

This document does not attempt to provide an all-encompassing legislative proposal that satisfies every need of every individual member of the alliance. Rather, The Highway Users presents a united perspective from the pro-mobility, pro-highway community that clearly describes key priorities that define the core national values that need to be addressed in the 2009 surface transportation bill.

The Highway Users presents a united perspective from the pro-mobility, pro-highway community.

To address criticism in the press of the 2005 surface transportation bill, stakeholders and policymakers have grappled with difficult, fundamental questions to improve the federal program for the next decade and beyond. These questions include:

- What is the appropriate purpose and scope for federal surface transportation programs?



Since the authorization of SAFETEA-LU in 2005, there has been a growing concern among transportation advocates that the national program has lost its focus and that public support for increased revenue for "TEA" programs may not be assured. While our research shows strong public support for highway programs, if this support drops it could not happen at a worse time: The Highway Trust Fund is nearing insolvency and, without additional revenue, the federal government may not be able to financially support critically-needed national highway investments.

- How should the federal program priorities be different than state and local priorities?
- How can the federal transportation program be reformed to attract significant public support for increased investments?
- What specific performance measures can be used to assure the public that federal-aid funds are being properly used to advance national transportation priorities cost-effectively?



Transportation

The Highway Users Alliance
 A coalition of transportation users, including truckers, shippers, and other businesses.

We answer these difficult questions by proposing a simple list of critical national transportation priorities that our research has shown attracts broad public support. Our proposals for the federal program that we recommend focus and resources to achieve results.

The Highway Users' plan is supported by four program pillars addressing the following critical national needs:

- **Strengthening Funding**
- **Encouraging Growth**
- **Improving Safety**
- **Improving Efficiency and Movement Consistency**

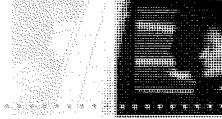
All four of these pillars stand on a stable base represented by our proposal for 1) Sustainable Funding and 2) Environmental Stewardship and Stewardship.

National polling data conducted by Fabrizio McLaughlin & Associates Research in April 2011, shows strong public support for these concepts across all demographics, ages, party affiliation, and regions of the country. For example:

- 71 percent of Americans believe that the federal government should lead the funding of major highways and bridges. For all other modes, most Americans believe some national government should have the lead funding role.
- 88 percent of Americans are concerned about competition on our nation's major highways and bridges.
- 86 percent of Americans believe that safety improvements are needed.
- Strong minorities support highway investments to address their concerns about American competing in the global economy (61 percent) and the poor condition of major bridges (77 percent).
- Although many transportation advocates worry about the level of public support for the federal highway program, our research shows that three quarters of Americans support increased investments in infrastructure, and 57 percent would support an increase in spending (over that if the funds were directed only to transportation).
- Finally, 84 out of 100 Americans believe it is important for federal elected officials to support the program that fund roads and other highway facilities dedicated only for highway and bridge improvements.

The members of the American Highway Users Alliance and its staff look forward to working with Congress and the Executive Branch to drive a ground-breaking new highway bill in 2012 that reforms and strengthens congressional investment in surface transportation. We are enthusiastic about continuing our tradition of close cooperation with the law, the courts, and the public, forward to overcoming any obstacles along the road to the 2012 highway bill. To contact The Highway Users, please call 202.337.4200 or email info@highways.org.

The Road to Congestion Relief



The Highway Users proposes that Congress enact a new, performance-based, outcome-driven Strategic Congestion Abatement Program (S-CAP). This \$3 billion dollar per year core program would reduce congestion on the National Highway System (NHS) and would incorporate the following key principles:

- The need for systemic improvements
- Support of a strong federal role
- Establishment of a national minimum performance standard
- The importance of data-driven strategic planning
- Flexibility in the strategies and eligible activities
- Dedicated funding
- Accountability.

Systemic Improvements — National Highway System

Rather than attempting to fix congestion on every road in the United States, the S-CAP proposal

This \$3 billion dollar per year core program would reduce congestion on the National Highway System.

focuses resources to reduce congestion on the nation's roadways, roughly 160,000 miles. The NHS, however, includes the Interstate Highway System and other roads "important to the nation's economy, defense, and mobility." It carries more than 40 percent of all highway traffic, 75 percent of heavy truck traffic, and 90 percent of tourist traffic. About 90 percent of America's population lives within five miles of an NHS road. All urban areas with a population of more than 50,000 and 93 percent with a population of between 5,000 and 50,000 are within five miles of an NHS road. Counties that contain NHS highways also host 99 percent of all jobs in the nation, including 99 percent of manufacturing jobs, 97 percent of mining jobs, and 93 percent of agricultural jobs.



About 90 percent of America's population lives within five miles of an NHS road.

focuses resources to reduce congestion on the National Highway System (NHS). The NHS not only represents the most strategic roads today, but roads that are likely to remain strategic throughout the 21st century. It comprises only 4 percent of our

Strong Federal Role

The National Highway System is exactly that – a national system. It comprises the nation's primary economic and national defense transportation routes. As such, it is our contention that Congress



Key Elements for Competitive Bidding

State and Federal Roles

Under the S-CAP proposal, each state's Secretary of Transportation would be directed to develop and submit to the U.S. Secretary of Transportation a strategic competition abandonment plan containing the following:

and the Federal Highway Administration should play a significant role in ensuring the NHS is capable of performing its vital economic and security roles.

Consistency and Reliability

Consistency and reliability are key components of our "just-in-time" economy. To remain competitive in the 21st century, those who utilize the NHS should have transportation that is reliable, will operate at certain minimum performance levels. We propose that Congress establish a national goal that every segment of our National Highway System achieve an 80 percent level of

Key Elements for a

Under the S-CAP proposal, each state's Secretary of Transportation would be directed to develop and submit to the U.S. Secretary of Transportation a strategic competition abandonment plan containing the following:

- Real-time traffic flow analysis, submitted annually, to determine nonperforming NHS segments.
- Descriptions of engineering, management, operations, education, enforcement and accident factors that contribute to the current competition non-complying segments.
- An analysis of state, regional, or local planning processes that negatively impact competition as it relates to particular NHS segments.
- A program that outlines projects and strategies designed to achieve minimum performance benchmarks by 2025.



service (IAPS) of "C" or better by the year 2025. Once achieved, this would ensure that no segment on the NHS would operate below a "C" level of service for more than 93 hours a day, on a typical weekday. While 80 percent at a level "C" LOS is certainly not optimum, we suggest that, at the very least, it is achievable.

- Cost estimates, certified by the state, for improvement needs needed to implement the plan.

The strategic plan, prepared after the Federal Highway Safety Improvement Program's (HSIP) Strategic Highway Safety Planning process, would be developed in coordination with:



- Regional transportation planning organizations and metropolitan planning organizations, if any.
- Representatives of freight and passenger users of the National Highway System.
- Local city and county officials, including beneficiaries outside the project area.
- State and local traffic enforcement officials,
- Other officials the state determines to be of assistance in developing the plan.
- The state's Federal Highway Division Administrator, and
- Private sector stakeholders as determined by the state.

Once the Strategic Congestion Abatement Plan has been developed by the state Secretary of Transportation and approved by the Federal Highway Administration's Division Administrator, it would then be submitted to the U.S. Secretary of Transportation for review and final approval. Upon receiving final approval, states could begin obligating funds to implement projects on the plan. States that do not receive approval for their Strategic Congestion Abatement Plan within two years would have their next fiscal year's S-CAP contract authority and an equal level of obligation authority rescinded. The U.S. Secretary of Transportation would distribute any rescinded contract and obligation authority to complying states as additional S-CAP funds.

Eligible Strategies and Projects

Under S-CAP, states would be given wide latitude in the utilization of program funds to achieve the LOS benchmark. The primary focus is not to direct states on how to achieve LOS benchmarks,

States certified as meeting performance standards would receive a yearly funding bonus.

only that they achieve it with available funds. The state Strategic Plan may call for enhancing roadway capacity, providing greater transit incentives or transit capacity in NHS corridors, installing congestion pricing on new lanes, and/or constructing High-Occupancy Vehicle (HOV) or High-Occupancy Travel (HOT) lanes. In the end, the plan will reflect local solutions designed to achieve a shared national goal. A list of eligible projects and strategies includes but is not limited to:

- Expansion of vital corridors by adding new highway links, interchange changes, turn lanes and additional corridor capacity and eliminating bottlenecks
- High-Occupancy Travel (HOT) lanes
- High-Occupancy Vehicle (HOV) lanes
- Intelligent Transportation Systems (ITS)
- Installation of enhanced intersection management technologies (Adaptive Intersections)
- Improved signalization
- Enhanced pavement markings and traffic control devices
- Improved ramp metering
- Reconfiguring of acceleration and deceleration lanes to maximize efficiency
- Reversible, contraflow, special and managed lanes
- Improved incident management
- Improved driver real-time information

The primary focus is not to direct states on how to achieve LOS benchmarks, only that they achieve it with available funds.

Key Elements for Successful 5-CAP

- Enacting regional programs to expand transportation access to new communities
- Implementing enhanced highway design practices by ensuring that new capacity is equipped with the ability to incorporate reversible lanes, widened lanes, special use lanes, contraflow lanes, and IFS capabilities
- Installing mass transit
- Implementation of measures of fast rapid transit (FRT) or bus-only lanes (including transitways)
- Implementation of economic incentive, "express" and quick clearance lanes

highway programs within the state. However, each state that fully adheres to 5-CAP funds for their intended purposes and which plan is certified by the U.S. Secretary of Transportation as meeting the 2010 NHTS measures performance standards, would receive a priority bonus for other highway programs equal to one-third of its annual 5-CAP appropriations. These bonus funds would be distributed annually beginning with the fiscal year following certification and would continue so long as the state's NHTS program remains in compliance. Bonus funds may be utilized for any project eligible under the Surface Transportation Program (STP). Once the U.S. Secretary of Transportation certifies



Eligibility

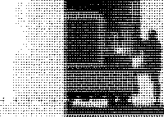
The Highway Users Programs that Congress had this new program at \$3 billion annually. Funds would be apportioned to the states by formula.

Performance

Any state that does not receive its full apportionment of 5-CAP funds to achieve the LOS benchmark on all of its NHTS routes may transfer unneeded 5-CAP contract authority to other

that all NHTS segments within a state have achieved the LOS benchmark, the state will be eligible to transfer any unneeded 5-CAP appropriations to any highway program account.

The Road to a Strong Economy



Timely freight transportation and logistics strategies enhance U.S. global competitiveness by reducing supply chain costs.

An efficient and reliable freight transportation system is essential to a strong U.S. economy. While all freight modes face capacity shortages, nearly 70 percent of freight tonnage moves exclusively on the highway system, and highways are also critical to the efficient movement of intermodal freight. Therefore, while the next highway authorization bill should consider the challenges facing all freight modes, movement of freight on the highway system must take precedence. Poor highway conditions, lack of capacity and urban traffic congestion are barriers to safe, cost-effective and timely freight

agencies, as well as other relevant public and private sector stakeholders should, as an initial step, evaluate the freight transportation system as a whole and identify the most significant barriers to the efficient and reliable movement of goods. These barriers, which will in many cases likely involve highway bottlenecks on heavy freight corridors, should be determined primarily in the context of national and regional economic impact.

New Freight Fund

In order to fund improvements at those sites identified through the USDOT-led evaluation process, Congress should create a new freight transportation fund that is firewalled from the Highway Trust Fund. Money from the freight fund

The Highway Users proposes the establishment of a new federal freight program, to be funded by a freight fund financed by new revenue from a variety of sources.

transportation and logistics strategies, which enhance U.S. global competitiveness by reducing supply chain costs and increasing freight movement efficiencies.

Establish a New Freight Program

Because of the interstate nature of freight transportation, continuation of a strong federal highway program is essential. Enhanced federal leadership is necessary to facilitate improvements to key freight transportation infrastructure and removal of federal, state and local regulatory barriers to reliable and efficient freight mobility.

The Highway Users proposes the establishment of a new federal freight program, to be administered by the U.S. Department of Transportation and funded by a freight fund financed by new revenue from a variety of sources. The goal of the program is to identify national freight needs and target investment where improvements are most cost-effective and most needed.

The U.S. Department of Transportation, in cooperation with state and local transportation

would be distributed by USDOT based on the ability of the proposed projects to effectively address the problems identified during the evaluation process. Sources of freight fund revenue should be closely tied to the beneficiaries of an improved freight transportation system and could include new, direct user fees, as well as increases in existing highway user fees. While multimodal improvements should be eligible for freight fund grants, user fees collected directly from highway freight sources should be dedicated to highway freight projects. Highway investments could include physical improvements – such as capacity expansion – and operational enhancements, such as traveler information systems. During its evaluation, the USDOT should identify federal, state and local regulatory barriers to efficient, cost-effective freight transportation, and recommend reforms to those regulations. ®

User fees collected directly from highway freight sources should be dedicated to highway freight projects.



The Road to Safety

he death toll on our highways is a national epidemic that must be aggressively combated. The Highway Users proposes a plan to save more than 200,000 lives over the next twenty years.

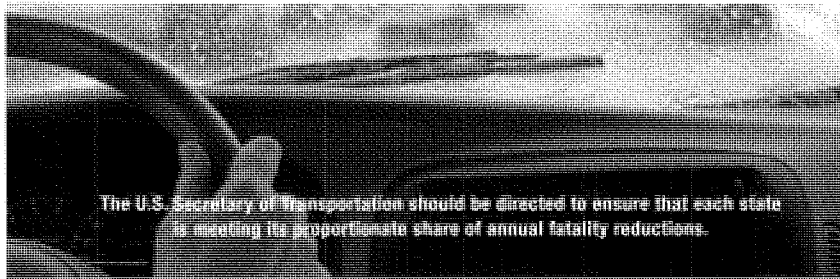
Last year, over 42,000 Americans died on our nation's roads, and more than 3 million were injured. That is just over 115 deaths every day — an enormous tragedy for family members and loved ones left behind, and a significant loss to their communities. In addition to the significant human toll, motor vehicle crashes account for an estimated \$230 billion in direct economic loss each year. Simply put, these numbers are unacceptable for a road system that should be the envy of the world.

Because crashes happen for a variety of reasons ranging from driver inattention or error to road or vehicle conditions, reducing the number and

improvement initiatives on sound science and a robust understanding of crash and injury causation and effective countermeasures. It is also critical to identify and prioritize specific opportunities for improvement, in order to maximize available public and private resources.

Accordingly, the American Highway Users Alliance urges Congress to adopt the following principles as it prepares the next authorization of our surface programs:

- The Highway Users supports establishing a performance-based program to encourage states to do their part to cut national highway deaths by 1,000 per year. With effective incentives, this program would cut the total number of lost lives in half over 20 years and cumulatively save over 200,000 lives. To ensure that the objective is met and to instill greater accountability in the



severity of crashes requires a comprehensive and system-wide approach that encompasses drivers, vehicles, and environmental factors, such as road conditions. Reducing traffic deaths and injuries is a significant public health challenge requiring an aggressive response from the government, industry and the driving public. As with any public health challenge, it is essential to base policy and

federal safety programs, the U.S. Secretary of Transportation should be directed to ensure that each state is meeting its proportionate share of annual fatality reductions. Any state that has not met its proportionate share of annual fatality reductions on average over a four-year period should be required to obligate an additional five percent of its Highway Safety Improvement



The Highway Users proposes a plan to save more than 200,000 lives over the next twenty years.

Program (HSIP) apportionment — relative to the average annual percentage of that state's HSIP apportionment obligated in the preceding four years — during each subsequent year in which the state fails to achieve its proportionate share of annual fatality reductions.

- Given that the number of deaths on the nation's highways reached a low in 1998 and has been higher in every subsequent year, it is critical for the nation to invest more in roadway safety programs including physical and operational improvements. Therefore, ten percent of federal highway funding should be reserved for the Highway Safety Improvement Program (HSIP).
- To encourage effective long-term safety investment planning, funding levels should be increased for each safety program over the course of the authorization period. Federal Highway Administration (FHWA), National Highway Traffic Safety Administration (NHTSA), and Federal Motor Carrier Safety Administration (FMCSA) safety programs must be separately funded so that predictable funding is guaranteed for each type of program in every state. Congress should protect both infrastructure and non-infrastructure safety programs from raids so that the funds dedicated for roadway, vehicle, and behavioral safety investments are not to be transferred or used for unintended purposes.
- The data-intensive, performance-driven aspects of the HSIP and the state Strategic Highway Safety Plans should be continued and enhanced. This program and the plans should be clarified, however, to ensure that systemic approaches to improving roadway safety, including design and operating performance standards — in addition

to location-specific improvements — are eligible for funding and encouraged.

- Federal safety funding and programs should be available and focused on all roadways where the data indicate that significant safety problems exist. Given that over one-half of traffic fatalities nationwide occur on two-lane roads, Congress should also take steps to ensure that standardized crash data is collected and reported on all public roads so that data gaps do not prevent federal funds from reaching the areas with the greatest safety needs.
- Approximately 5,000 of the 42,000 annual highway deaths involve a commercial vehicle. Even though numerous studies have shown that commercial drivers are not usually at fault in these crashes, safety technology in commercial vehicles can save many lives. According to FMCSA, the estimated societal cost of each fatal crash involving a heavy duty vehicle is \$3,604,518. It is cost-effective for Congress to take action to reduce these deaths by promoting federal policies that create financial incentives for the purchase of advanced safety technologies for commercial vehicles. These technologies include brake sensors, lane departure warning systems, collision avoidance systems, and vehicle stability control devices. *

Ten percent of federal highway funding should be reserved for the Highway Safety Improvement Program.

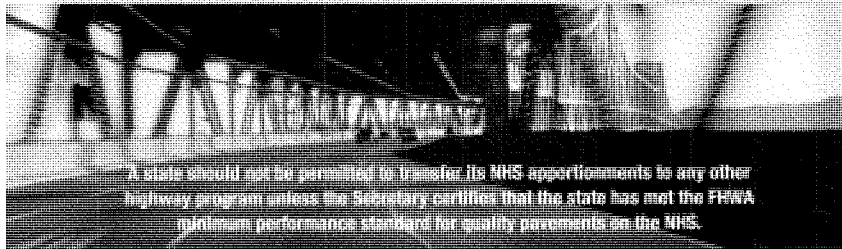
The Road to Quality Bridges and Pavements

Following the tragic collapse in 2007 of the I-35W bridge in Minneapolis, the public has demanded a national action plan to modernize our bridges and pavements. Congress has an obligation to restore confidence that our National Highway System (NHS) infrastructure is well-maintained and in good condition. The NHS, which includes the Interstate Highway System, is our nation's primary circulation system

and its condition and performance should be one of the highest priorities of the federal government. It is important to improve the quality, durability and serviceability of the nation's major highway corridors and bridges through routine maintenance activities that incorporate safety and life cycle costing as basic elements. The Highway Trust

Network Rebuild¹ by Larry Goldhouse, Director, National Center for Pavement Preservation and the Secretary, Transportation Trust Funds Office of Asset Management.

Upon completion of this RFP, each state would then be eligible to NHS commitments against the FMS and submit an annual report to FHWA. FHWA would then develop a NHS Pavement Inventory (NPI), similar to the existing National Bridge Inventory, which would provide a single source for assessing the condition of the NHS pavement assets. The NPI would set the minimum standard for the NHS pavements to continue to operate effectively and efficiently. A state should not be permitted to transfer NHS commitments to any other highway program unless the U.S. Secretary of Transportation certifies that the state has met the FHWA minimum performance standard for quality pavements on the NHS.



A state should not be permitted to transfer its NHS commitments to any other highway program unless the Secretary certifies that the state has met the FHWA minimum performance standard for quality pavements on the NHS.

proposes the following steps for addressing U.S. infrastructure:

Pavement Management System:

The Federal Highway Administration (FHWA) should define a minimum performance standard for the National Highway System through the development and implementation of a pavement management system (PMS) that is based on research analysis using the FHWA decision method "A Quick Check of Your Highway

National Bridge Evaluation System:

As with pavements, it is essential that states define minimum safety and performance standards for bridges. Maintenance and improvement projects should be selected based on balancing both asset management principles for cost-effectiveness and the need to invest in projects with the greatest reach and greatest potential benefits in terms of safety, mobility and life cycle costs. Bridge inspection programs must continue to be supported by rigorous training, certification, and



quality assurance and supplemented with testing techniques to obtain quantitative data and ensure reliable results.

For NHS bridge inspections, program managers and inspection team leaders should be licensed professional engineers qualified to practice structural engineering. Frequency of bridge inspections should be dictated by bridge parameters and risk, not routine calendar inspections, and should be determined by such factors as type of bridge, design method and specifications, materials, physical condition, years in service, usage, criticality to transportation network and environment. The classification criterion of the National Bridge Inventory (NBI) serves very well as the collective mechanism for quantifying the condition of the nation's major bridges.

The results of bridge inspections, and the identified "sufficiency rating" should be linked to the costs of repair. Under the current process a bridge sufficiency rating is used to determine eligibility for funding. However, in order for the public, and decision makers, to understand how a bridge can be returned to a satisfactory sufficiency rating, cost estimates need to be a formal part of the process. A National Bridge Evaluation System can create a more specific link between individual bridge inspections and ratings and elements of the National Bridge Inventory Analysis System (NBIAS) and the Pontis bridge management software tool. A basic framework for a National Bridge Evaluation System would include:

1. All of the results of the inspection process
2. The sufficiency rating (0.0 to 100.0)
3. Estimates of the costs of repair for bridges below 80.0 (including replacement for bridges below 50.0) necessary to return the bridge to an 80.0 or better rating

**For NHS bridges,
no more than 5
percent should be
functionally obsolete
and no more than
2 percent should
be structurally
deficient by 2020.**

Changing to a sufficiency rating scoring system would allow practitioners, politicians and the general public a better idea of what the bridge condition is. This should allow for a better advocacy position on the part of the state DOT and FHWA. In fact, within 2 years, the U.S. should have an aggregated national cost estimate for bridge repair. This process would also enable States to determine levels of funding necessary for returning our national infrastructure to a state of good condition. The data would enable flexibility for States in using their allocated federal-aid bridge funds, in a verified, data-driven manner. By affixing cost estimates to inspections, all decision-makers will know the level of funding needed to reduce the number of structurally deficient and functionally obsolete bridges. The emphasis should be placed on those bridges that are part of critical highway networks as determined by both the states and FHWA. This would allow for priority consideration for bridge maintenance and repair based on safety, serviceability, cost-effectiveness, and the impact on regional and national freight and passenger mobility. FHWA should propose a metric for the states to use that would define the minimum standard for a quality bridge system and would allow a mechanism to quantify improvements to that system. For NHS bridges, no more than 5 percent should be functionally obsolete and no more than 2 percent should be structurally deficient by 2020. Thereafter, the national goal should be to ensure that no NHS bridges are functionally obsolete or structurally deficient. A state that achieves or exceeds the FHWA proposed targets should be eligible to transfer up to 25 percent of its federal-aid bridge funds to other highway program accounts. However, states that do not meet the targets should not be permitted to transfer bridge funds. Ⓢ



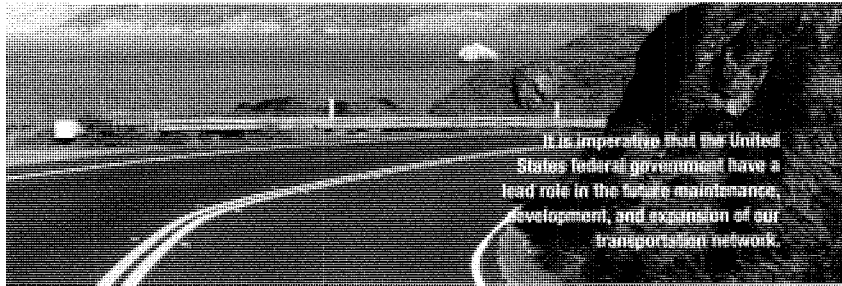
The Road to Sustainable Highway Funding

The Highway Users supports a significant increase in federal funding for the national programs proposed throughout this document. Congress must ensure that state and local governments also dramatically increase funding to match federal

In order to gain wide public support for the funding increases needed, Congress must take steps to reduce the diversion of highway user fees to non-highway and non-transportation uses.

increases on programs of national interest. States should not be permitted to use increased federal funds as a substitute for their own funds. Future U.S. competitiveness in the global marketplace and

investment to \$143 billion annually, just to maintain current physical conditions and make slight operational improvements on U.S. highways and bridges. To truly improve both conditions and performance, the commission has recommended an annual investment in our surface transportation system of at least \$225 billion annually. Yet current government funding is a paltry \$68 billion per year. It is important to note that over 95 percent of all surface miles traveled in the U.S. take place on our roads and highways via cars, SUVs, motorcycles, trucks, buses and recreational vehicles. Over 90 percent of travel to and from work takes place on roads, which includes the use of public transportation in the form of intercity and transit buses. Roadway and bridge conditions have deteriorated to such an extent that public safety and the damage to our economy has become



our quality of life depend on returning to basic principles of using the federal program to address national needs and re-establishing public trust in the Highway Trust Fund.

The National Surface Transportation Policy and Revenue Study Commission found that, in the short-term (through 2010), all levels of government would need to double their capital

more than just a concern, but a national challenge of immense proportion.

In order to gain wide public support for the funding increases needed, Congress must take steps to reduce the diversion of highway user fees to non-highway and non-transportation uses, which have made the public skeptical of the way politicians and government use the resources they





are provided. This misdirection of resources, along with a failure to adequately prioritize infrastructure as a national need, exacerbates the congestion problem, contributes to unsafe conditions, and made our country less competitive in the global marketplace.

The Solutions

1) Federal Role

First and foremost, there is, and will remain, a distinct federal role in highway funding for the foreseeable future. In the global marketplace, other countries are spending billions upon billions of dollars to upgrade and expand their infrastructure in anticipation of growth in the global economy. Similarly, it is imperative that the United States federal government have a lead role in the future maintenance, development, and expansion of our transportation network.

2) Return to Basics

We've lost our way and our focus. It is time for a "Return to Basics," to the principles whereby the federal fees paid by highway users are properly and responsibly directed to address interstate mobility, highway safety, congestion relief, and nationally-significant pavement and bridge problems. A "Return to Basics" includes:

- Ensuring federal highway user fees paid by motorists are fully utilized for their intended purposes and not diverted.
- Preventing the further expansion of non-highway uses of the Highway Trust Fund.
- Reinforcing the integrity of the budgetary firewalls that ensure highway user fees are deposited in the Highway Trust Fund and used for highway funding.

Set at the appropriate rate and collected for both traditional and alternate fuels, the user fee on fuel can serve as a viable source of revenue for decades into the future.

- Guaranteeing that any additional user fees on fuel, tolls, or other sources imposed on highway users are tied to a promise that the new funding will be used for projects that are truly needed to improve the current infrastructure, improve system performance, enhance safety, and provide added capacity.
- Balancing elected officials' prerogative to direct funds to needed projects in areas they represent with the public's strong belief that projects funded from their federal highway user fees meet a "Nationally Significant" threshold.

3) Capturing Lost Revenue

• Restoring transferred funds:

Throughout the history of the Highway Trust Fund, highway user fees have been transferred from the Highway Trust Fund to the General Fund of the U.S. Treasury. These funds should be restored (with interest), now that funding shortages threaten the solvency of the Highway Trust Fund.

• Restoring interest on the trust fund balance:

From 1956-1998, trust fund balances were invested in treasury bills and earned interest for the fund. Since then, this interest revenue was diverted to the U.S. Treasury's General Fund, resulting in a loss of several billion dollars. These interest payments should be restored and future interest should be collected for the fund.

• Cracking down on motor fuel tax evasion:

Continue to aggressively address the problem of fuel tax evasion. Although it is difficult to estimate how much revenue the Highway Trust Fund loses annually due to fuel tax evasion, that revenue loss could be significant.



The Road to Sustainable Highway Funding

- A significant percentage of government revenue is lost to tax evasion and the federal user fees for fuel. The other is lost to purchase discounts, inflation, poor maintenance, and related revenue shortfalls caused by government fleet exemptions not borne by private users. If Congress chooses to raise the corporate, personal, and the vehicle excise tax added to the General Fund, the revenue to the Highway Trust Fund would increase \$100 billion per year.

(1) Funding Options for Additional Highway Trust Fund Revenue

The fuel tax is the highway user fee that contains the bulk of highway funding. So as the economy recovers and oil prices for both traditional and alternative fuels, the user fee as fuel tax users

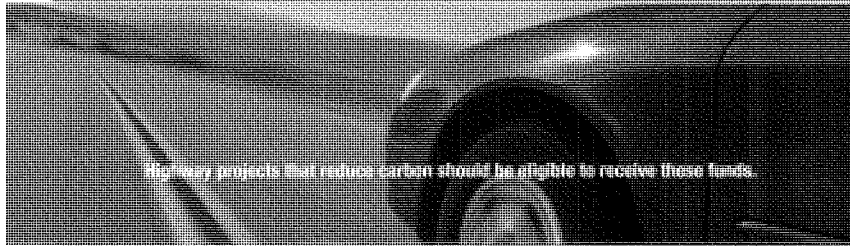
- A one-time increase in the federal fuel user fee that can cover the deficit balance of the federal user fee on motor fuels would generate approximately \$1.7 billion a year of revenue to the Highway Trust Fund.

• Reducing federal fuel user fees

The cost of building, maintaining and operating highways has increased to levels without a corresponding increase in revenues. Reducing the user fee on federal motor fuels, reducing the corporate production price index (CPI) and using fuel-incentive standards would help green revenues to meet rising infrastructure costs.

• Innovative financing

Infrastructure financing and bonding solutions for highways are a potential infrastructure capital



Highway projects that reduce carbon should be eligible to receive these funds.

in a much greater amount for decades over the future. Highway users are willing to pay a significant increase in the fuel user fee, provided that the increased revenue is first directed to benefit those paying the fee, while addressing the true national needs identified throughout the document. In addition, public support from highway users to increased user fees must include a strong Congressional commitment to reform and elimination of waste within the current program. Options for raising revenue include:

• A one-time increase in the federal fuel user fee that can cover the deficit balance of the federal user fee on motor fuels would generate approximately \$1.7 billion a year of revenue to the Highway Trust Fund and should be considered in the performance bill. Since last proposed by the 107th Congress, the fuel tax has increased by 20% to \$24.9 cents per gallon. Such a plan would provide assurance that the program has enough to replace the need for permanent user fees in the fuel tax structure. Such efforts must be reviewed and further studied.



• **General funds:**

In 1956, the Highway Trust Fund eliminated the need for highway funding from the General Fund of the Treasury. Today, for the first time since 1956, the Highway Trust Fund is facing insolvency. While the Highway Users supports raising the user fees needed to meet highway needs, if Congress is politically unable to do so, we would support the use of general funds for the surface transportation program to meet those needs. The Highway Users also supports the continued guarantee of general funds to support the mass transit program.

• **Cap-And-Trade funds:**

Highway projects that reduce congestion by fixing bottlenecks and improving operations have the potential to reduce carbon dioxide and other greenhouse gas emissions. If Congress enacts a cap-and-trade program that distributes funds for carbon-reducing programs, highway projects that reduce carbon should be eligible to receive these funds. For example, a traffic light synchronization project may provide a more cost-effective solution to reduce carbon dioxide than many alternative transportation or non-transportation projects.

5) Highway Revenue Sources for Non-Federal Programs

A variety of highway funding options have been proposed that do not provide revenue for federal programs. Although these revenue sources cannot be directed to federal programs, Congress can allow or prevent their use on roads that have received federal-aid or carry interstate commerce. Highway users have diverse views on these funding tools but agree that transparency and consumer protections

Tolling must be limited to new capacity. Any expansion through toll financing should require strict federal oversight and consumer protections.

are critical and that none of these options reduce the need for a strong federal program.

• **Converting Underutilized HOV lanes to High Occupancy Toll (HOT) Lanes:**

A variation on the standard High Occupancy Vehicle (HOV) lanes, HOT lanes charge single occupant vehicles a toll while allowing carpoolers to use the lanes for free. Converting underused HOV lanes to HOT lanes, and therefore allowing certain drivers to pay for the faster route, can help reduce congestion on the parallel,

free routes. Revenues gained from tolls must be dedicated to improving the facility.

• **Toll Financing:**

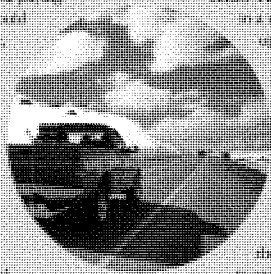
The Highway Users believes that toll financing can play a limited, but important role in funding highway capacity expansion. Tolling must be limited to new capacity. Any expansion of Interstate highways through toll financing should require strict federal oversight and consumer protections. To the maximum extent possible, toll revenue collected on Interstate highways should fund only costs associated with the tolled facility's construction, maintenance, operation, bond indebtedness and reasonable return on investment. Any excess revenue should be invested in state highway projects in the corridor. Finally, any exceptions under current law, which allow tolling of existing Interstate highway lanes, other than HOV lanes, should be eliminated.

• **Congestion Pricing:**

The Highway Users believes that congestion pricing has a very limited role to play in highway finance as long as the use of pricing is designed to improve traffic throughput rather than reduce demand. Accordingly, congestion pricing is reasonable under very limited circumstances

How to Use Toll Roads to Maximize the Benefits of Privatization

with appropriate consumer protections firmly in place. Like other toll roads, the revenues from congestion-priced roads should be directed to improvements that benefit those paying the tolls. In addition, tolls should be set to maximize traffic flow, rather than maximize revenue or create barriers to mobility. Congress should ensure that roads on the NHTF or receiving federal aid do not create pricing schemes that create barriers to commerce, unfairly target interstate traffic to favor state and local revenues, create safety problems on parallel routes, fund non-highway programs, contain non-competitive clauses, or be used as a social engineering program to regressively price economically disadvantaged drivers off the road. Congress should prevent the establishment of "congestion pricing" schemes in the United States. These plans make it unaffordable for many people to drive to their destination solely by paying high tolls for entry. These schemes create great financial burdens for low-income and middle-class consumers.



Public-Private Partnerships (PPPs):

The Highway Users Information Act is a role for PPPs to play in funding U.S. transportation needs. Harnessing private sector investment in a responsible manner could provide up to 3 percent of funds needed to maintain and improve our highways and bridges. However, these resources cannot replace the urgent need for the federal, state, and local public funds. Privately operated roads, built with private funds, may provide needed additional highway capacity, but the role of the private sector must be restricted to ensure appropriate consumer protections. From agreements that the government enters into with the private sector must be developed in a transparent manner and include significant right-of-way highway uses. The Highway Users Information Act, from the National Surface Transportation Policy and Revenue Study Commission January 2009 Report, which provided several important treatments and conditions for PPPs.

Harnessing private sector investment in

congestion-priced roads could provide up to 3 percent of funds needed to maintain and improve our highways and bridges.

The Road to Environmental Stewardship and Streamlining

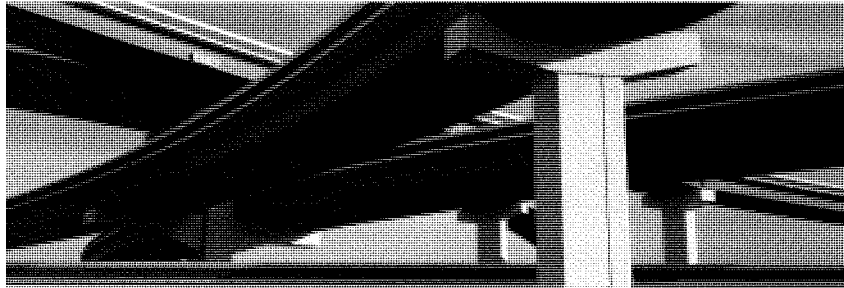
It is necessary for us to improve our infrastructure while protecting the environment.

The United States must remain competitive in the global marketplace and improve the quality of life for its citizens through sustainable mobility. Therefore, it is necessary for us to improve our highway and transportation infrastructure while protecting the environment. Efficient project delivery can foster environmental improvements by more quickly removing bottlenecks that result in pollution from idling vehicles.

The current process for developing transportation projects takes far too long from conception to completion. These delays do not serve the public interest because they weaken the effectiveness of

be given to how new requirements will affect the timeline for development of future highway projects and transportation infrastructure-related projects. Congress should ensure that new requirements do not slow project delivery or add new, time-consuming transportation and land-use planning mandates.

A continuing impediment to the timely delivery of transportation infrastructure projects is the administrative process that has been developed to implement the National Environmental Policy Act (NEPA). USDOT should take greater responsibility for ensuring this process works effectively and quickly for all concerned. Streamlining the process is not shortcutting it, and it should not result in fewer environmental protections than are established in law.



dollars that are made available for transportation improvements and often prevent improvements that reduce wasted fuel and emissions. Transportation infrastructure investments are not as cost-effective as they could be due to the current burdensome project development process and a host of regulatory inefficiencies that result in delays and increased project costs.

As new climate change laws and environmental regulations are put in place, more concern must

This process and other environmental requirements can be made more efficient by changes such as the following:

- **Firmer, shorter deadlines for project reviews** and responses to them must be established and enforced.
- Federal agency coordination needs to be regulated to shorten time in decision making.



The Road to Environmental Responsibility and Streamlining

Review of FHWA technical advisory to shorten review periods between all agencies.

Projects with significant environmental impacts require consistent review times for all agencies.

Include all disciplines within one public involvement process for the life of the project.

Project reviews and approvals should be immune from repeated agency challenges once initial challenges have been satisfied.

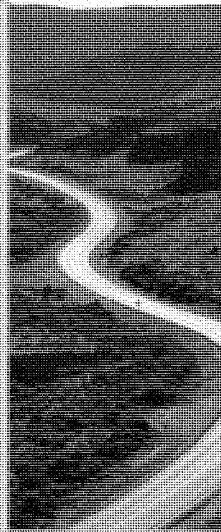
- USDOC should be held responsible for the timely advancement of the project development process with regard to coordination with other federal agencies.

Develop programmatic agreements that are used during planning through project development.

Continue to allow USDOC funds to be used to obtain expedited resource agency reviews.

Establish that, upon expiration of the review deadline, resource agency approval is assumed unless the agency has formally applied to USDOC for an extension which must be justified because of complexity or other project-related reasons rather than the convenience of the resource agency.

- **Additional Improvements to be Pursued:**
Only appropriately focused alternatives for projects should be considered in project development.



Strengthening of the link between the planning and project development process should continue, so that more work done during the planning process can be accepted, and not redone, in the NEPA process.

Remove duplicative processes. Simplify the categorical exclusion process so that projects can be documented on a simple form.

Expand pilot summarizing programs so that all States may participate, if they choose.

- Laws and regulations resulting from additional environmental protections should be pursued in such a manner that they do not further lengthen an already long transportation infrastructure project development process.

The modest regulatory changes enacted in SAFETEA-LU were generally positive and should be continued and expanded in subsequent legislation.

It is important that the consequences to project development of climate change legislation be adequately considered. Further, the proposal to provide the Environmental Protection Agency with new authority to approve the transportation plans to ensure consistency with climate change legislation could complicate the already complex planning process and delay project delivery. USDOC should have sole authority to approve required transportation planning documents.

The American Highway Users Alliance is the broad-based transportation coalition in Washington, DC focused exclusively on promoting highway system performance, roadway safety improvements and freedom of mobility.



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Replies of
 Gregory M. Cohen, P.E.
 President and CEO
 American Highway Users Alliance (the "Highway Users")

to

Questions from Honorable Barbara Boxer, Chair,
 Committee on Environment and Public Works
 United State Senate

Question 1 of 2. Could you describe in more detail how states have used funds from the Highway Safety Improvement Program and what types of highway infrastructure improvements have shown the best results in terms of reducing traffic fatalities?

Response:

Congress is to be congratulated for the creation of the Highway Safety Improvement Program (HSIP) in the SAFETEA-LU legislation. States across the country have made good use of their HSIP funds to invest in roadway infrastructure improvements that have and continue to save lives. Through the HSIP program, states are utilizing safety features such as cable median barriers, guardrail, signing, chevrons, pavement markings, rumble strips and other low cost investments – all which have shown tremendous results in reducing traffic fatalities.

Below are just a few specific examples from the states themselves of how roadway infrastructure improvements funded through the HSIP have reduced crashes and saved lives:

California:

- Intersection Improvements
 - Channelization, turning lanes, crosswalks, among others
 - Total: 24 projects; \$13.6 million
- Roadway/Structure Improvements
 - Shoulder or median rumble strips, signing, pavement marking, striping, among others
 - Total: 29 projects; \$41.3 million
- Roadside Improvements
 - Concrete guardrail end treatments and crash cushions, installation/replacement of metal beam guardrail, among others
 - Total: 11 projects; \$15.1 million
- Two- and Three- Lane Monitoring Program

- Centerline rumble strips and rumble strips with thermoplastic traffic stripes
- Total: 4 projects; 52.7 miles; \$1.9 million
- Median Barrier Monitoring Program
 - Installation of three beam, cable, or concrete median barrier
 - Total: 6 projects; 20.2 miles; \$9 million
- Upgrade Median Barrier
 - Upgrading existing double metal beam barriers to either concrete or three beam barrier
 - Total: 2 projects; 14.5 miles; \$36.4 million
- CALTRANS analyzed their progress and made the following statement in an AASHTO Subcommittee participant manual in 2007. "The results of the analysis of the before and after collision data for the 95 highway locations shows statistically significant reductions in the number of fatal collisions by 19.6 percent, fatalities by 19.6 percent, and number of persons injured by 18.8 percent.. The effectiveness of the program was established by using benefit cost ratios. The total cost of implementing improvements at these locations during the three-year evaluation period was \$82.8 million. The minimum savings, in terms of reductions in collision frequency and severity during the same time period was estimated at \$482.8 million. This translates to a savings of \$2.5 billion, or a benefit cost ratio of 30.5 assuming a project lifecycle of 15 years."

Illinois:

- Systematic improvements have helped them reach the lowest fatality numbers since 1921.
- Focusing on roadway segments-to address roadway departure has been a priority. This has accounted for the most significant reduction of Illinois fatalities.
- Some examples of the types of projects the state has focused on include
 - Interstate Shoulder Milled Rumble Strips.
 - Interstate bridge pier and sign foundation protection.
 - Upgrade Guardrail to a higher much better crash performing system.
 - Upgrade non-crashworthy guardrail end sections with approved crash tested end sections.
 - Cable median barrier has been installed. The before and after crash data for the total 210 miles were evaluated. There were from 6 to 16 cross-median crashes per year at these locations before barrier was installed (an average of 11 cross-median crashes per year). As the length of barrier increased, the crashes went down to four in 2006 and 2007, and no cross-median crashes over the 210 miles were reported in 2008.

- **Based on this preliminary safety analysis, there was a reduction of about 60%** on the average annual number of cross-median crashes in 2006 and 2007.
- Curve improvements including chevrons and rumblestrips.
- Rural highway shoulder paving with rumblestrips at strategic locations.
- Illinois has formed an innovative partnership with the State Highway Patrol whereby the IL State Highway Patrol's accident reconstruction teams have been trained to do Roadway Safety Assessments. This has resulted in low-cost countermeasures such as brighter delineation (pavement markings), signage, and a short section of guardrail installation.

Iowa:

- New centerline rumble strip policy
- Increased focus on curve crashes
 - Systemic sign improvements
 - Low cost improvements only

Kentucky:

- Systemic installation of centerline rumble strips (about 2,000 miles)
- Pilot program: 170 miles of edge line rumble stripes

Minnesota:

- One median cable project resulted in **fatalities going from 13 to 0.**

Mississippi:

- Lane Departure Countermeasures
 - Shoulder rumble strips on 99% of Interstate System
 - Edge line rumble strips/stripes to be installed on all new construction and rehabilitation projects
 - Installed 25 miles of cable median barrier (beginning in 2008)
 - Installed 400 miles of centerline rumble strips in 2009
 - Installing 6-inch stripes
 - Installed concrete median barrier on 20-mile corridor

Missouri:

- System-wide safety solutions
 - Nearly 600 miles of median cable barrier
 - Median barrier was found to be **98% effective in preventing crossover fatalities.**
 - Rumble strips for all major roads (edge line and centerline)
 - 6-inch stripes
 - Install edge line stripes

- Curve speed plaques for every curve/turn sign, chevrons and fluorescent yellow sheeting

Nevada:

- Installed 1,400 miles of rumble strips on two-lane roadways

Texas:

- Combined Highway Safety Improvement Program and High Risk Rural Roads Program
 - Nearly 500 projects totaling more than \$420 million
 - Projects include:
 - Installation of centerline rumble strips
 - Installation of cable/concrete median barrier
 - Intersection improvements
 - Emphasis on cable barrier to stop cross-median head-on collisions
 - About 925 miles of installed median barrier
 - Another 95 miles in pending contracts
 - One-year before-and-after study of median cable barrier installations showed that this one project **saved 18 lives.**

Utah:

- In Utah cable barrier in one area showed **fatalities going from 22 to 0.**
- The state experienced a **56% reduction in crossover crashes** on two-lane roads by installing center line rumble stripes.

A useful tool for states to identify low-cost infrastructure safety countermeasures for high-crash locations are Roadway Safety Assessments (RSAs). Roadway Safety Assessments (RSA) are the formal safety performance examination of an existing or future road or intersection by an independent, multidisciplinary team. They qualitatively estimate and report on potential road safety issues and identify opportunities for improvements in safety for all road users. The FHWA works with State and local jurisdictions and Tribal Governments to integrate RSAs into the project development process for new roads and intersections, and also encourages RSAs on existing roads and intersections.

Question 2 of 2. Is it necessary to require states to spend some portion of their safety program money on high risk rural roads? Would states spend money on those roads if there wasn't such a requirement?

Response:

The Highway Users supports continuing and strengthening the High Risk Rural Roads (HRRR) program, authorized for the first time in SAFETEA-LU. Death rates on our rural roads are about 2.5 times that of urban freeways on a Vehicle Miles Traveled (VMT) basis. That indisputable fact alone should cause us to place a special emphasis on these roadways, including targeted funding. Rural roads link farms to markets, towns to cities and freight from business to ports. According to the Bureau of Transportation Statistics from 2006, "...some 25 percent of the nation's highways were owned by state and federal government, but 75 percent, or 2.9 million miles of America's roads was owned by counties, cities and townships." There needs to be a designated program like the High Risk Rural Roads Program to ensure that federal dollars get down to these locally owned roads to ensure that roadway fatalities continue to decrease over time.

One of the biggest challenges to improving safety on rural roads is the lack of funding. The HRRR Program created a dedicated source of funds to be utilized on these roadways with a higher than normal amount of severe crashes. Without such a dedicated source of funds, we fear there will be a lack of focus and prioritization of funding for these very dangerous rural roads. There needs to be a program or process in place to get these dollars down to high risk rural roads (regardless of ownership of the road), improve data collection and implement these low cost safety solutions.

While the High Risk Rural Roads Program (HRRRP) may have been slow to get started, according to a FHWA report released in March of 2010, "Rural traffic fatalities are a significant issue that must be addressed at the Federal, State, and local level. Thousands of lives are lost each year, and many potential deaths can be prevented with traffic safety solutions." The report goes into detail on progress that states have made utilizing their HRRRP dollars. It outlines how over time states have started to obligate their funds and have started to address the challenges they faced when beginning to implement the program, for example, data collection challenges and identifying suitable programs for the funding.

As noted in my prepared statement for the Committee's April 14, 2010 hearing, the Highway Users have joined with other members of the Rural Infrastructure Safety Coalition (RISC) in support of legislation that would authorize \$1 billion per year for the HRRR program. At \$90 million annually, the current program is too small to have a serious impact on rural road safety. The Highway Users is confident that the other RISC members would be enthusiastic to work with committee staff to further explore a reasonable approach to ensuring that important attention is paid to rural road safety.

Senator BOXER. Thank you. I found your testimony very, very compelling.

I also want to say everyone thus far, I just really want to say thank you for it.

And yes, we are looking forward to hearing from Mr. Miller as well, Principal Research Scientist, Pacific Institute for Research and Evaluation.

STATEMENT OF TED MILLER, PRINCIPAL RESEARCH SCIENTIST, PACIFIC INSTITUTE FOR RESEARCH AND EVALUATION

Mr. MILLER. Thank you.

I am a Ph.D. economist with more than 25 years of experience analyzing road crash costs. I work for the Pacific Institute for Research and Evaluation, a nonpartisan, nonprofit organization focused on preventive health. Since 1977 our work primarily has been funded by Federal contracts and grants.

Dr. William Haddon was the first Administrator of NHTSA. One of his legacies was the concept that three factors—the driver, the vehicle, the road—play critical roles in causing crashes and determining crash outcomes. Each is important, and most experts agree that safety programs should focus on a combination of driver behavior, law enforcement, vehicle design and roadway design and condition.

I recently studied crashes, injuries and deaths that deficient road conditions cause. For example a sharp curve might cause a crash, or an unforgiving pole at the side of the road might turn that crash into a killer. Deficient road conditions contribute to more than half of all roadway deaths. They cause 10 crashes a minute or make them worse.

Crashes associated with road deficiencies cost \$217 billion annually. That is more than \$1,000 per licensed driver. They cost American businesses \$22 billion; governments, \$12 billion; the health care systems, \$20 billion.

The driving environment is very forgiving. Drivers often make minor errors. They also speed. They get distracted. They drive drowsy. They take one drink too many. When the roadway is deficient those errors are more likely to cause a crash, and crashes that occur are more likely to result in serious injury or death.

Although behavioral factors are involved in most crashes avoiding those crashes through driver improvement and enforcement alone requires reaching millions of individuals and getting them to sustain best safety practices. Drivers will never be perfect, so driver interventions work best when we also make the roadway environment more forgiving and protective. It is a partnership.

Moreover, the costs of crashes involving deficient roadway conditions dwarf the cost of crashes involving alcohol, speeding or failure to wear a safety belt. Focusing as much on improving road safety conditions as on reducing impaired driving would save thousands of lives and billions of dollars each year.

So the next surface transportation bill needs to marry a sanction based stress on driver improvement with a powerful push to improve the safety built into the road system. Safer drivers and safer cars remain vitally important, but also it is critical to make roads,

bridges and shoulders safer. It has been too long since we paid strong attention to that aspect of driving safety.

The immediate solution for problem spots include using brighter, more durable pavement markings, adding rumble strips to shoulders, mounting more guard rails and safety barriers, and installing traffic signals, enforcement cameras and better signs with easier to read legends.

More significant road improvements include replacing non-forgiving poles with breakaway poles, adding or widening shoulders, improving roadway alignment, replacing or widening narrow bridges, reducing pavement edges and abrupt drop offs, and clearing more space on the roadside.

Our report *On a Crash Course* estimates crash costs per vehicle mile traveled by State. The highest costs are in Hawaii and the southeastern and south central United States followed by the northwest interior. The lowest costs are in the upper Midwest and along the Eastern Seaboard from Maryland north.

One reason for regional variations is the time period when the roads were built. Southern roads that originated in horse and buggy days were lined with trees for shade. Now those trees are killers. Similarly buggies were slow and narrow, so bridges built a century ago tend to be problematic. In contrast much of the Midwest was paved in the motor era.

Before closing let me add a message to the drivers in this room. The next time you drive to an event, if you get off the interstate on an unfamiliar road, look around. You know how to recognize a deficient road. Are the lanes narrow? Are there bad curves and cluttered shoulders? If so, you need to become a better driver. The road can't forgive or protect you.

Our roadways and bridges could be a lot safer. Focusing as much on improving road safety conditions as we focus on reducing impaired driving or belt non-use could save thousands of additional lives and billions of dollars each year.

I have a few seconds left. I am going to add one other comment, which is that the last I looked, the entire Federal Highway Administration research budget for road safety was earmarked. There was nothing for the Federal professionals to decide what to research. We need to change that.

Thank you.

[The prepared statement of Mr. Miller follows:]

TESTIMONY OF TED R. MILLER, PH.D. BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS:
HEARING ON OPPORTUNITIES TO IMPROVE TRANSPORTATION SAFETY, APRIL 14, 2010

Dr. William Haddon was the first administrator of the National Highway Safety Administration. One of his legacies was the concept that three factors – the driver, vehicle and road – play critical roles in causing crashes and determining crash outcomes. Each is important, and most experts agree that safety programs should focus on a combination of driver behavior, law enforcement, vehicle design, and roadway design and condition.

I recently studied crashes, injuries, and deaths that deficient road conditions cause. For example, a sharp curve might cause a crash or an unforgiving pole at the side of the road might turn that crash into a killer.

Deficient road conditions cause 10 crashes a minute or make them worse. They contribute to more than half of all roadway deaths.

Crashes associated with road deficiencies cost \$217 billion annually. That's more than \$1,000 per licensed driver. They cost American businesses \$22 billion and governments \$12 billion. They result in \$20 billion annually in medical spending.

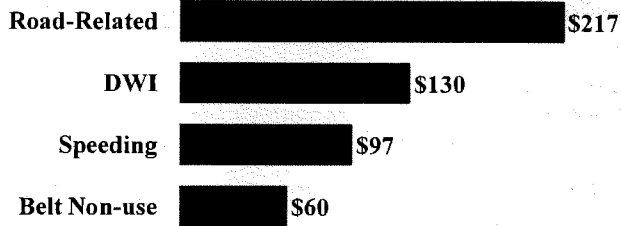
The driving environment is very forgiving. Drivers often make minor errors. They also speed, they get distracted, they drive drowsy or they take one drink too many. When the roadway is deficient, those errors are more likely to cause a crash and crashes that occur are more likely to result in serious injury or in death. Although behavioral factors are involved in most crashes, avoiding those crashes through driver improvement and enforcement alone requires reaching millions of individuals and getting them to sustain best safety practices. Drivers will never be perfect. So driver interventions work best if we also make the roadway environment more forgiving and protective.

Moreover, the costs of crashes involving deficient roadway conditions dwarf the costs of crashes involving alcohol, speeding, or failure to wear a safety belt. (See the figure.) Focusing as much on improving road safety conditions as on reducing impaired driving would save thousands of lives and billions of dollars each year.

Safer drivers and safer cars remain vitally important, but it also is critical to make the roads, bridges, and shoulders safer. It has been too long since we paid strong attention to that aspect of driving safety. Immediate solutions for problem spots include: using brighter and more durable pavement markings, adding rumble strips to shoulders, mounting more guardrails or safety barriers, and installing traffic signals and better signs with easier-to-read legends. More significant road improvements include replacing non-forgiving poles with breakaway poles, adding or widening shoulders, improving roadway alignment, replacing or widening narrow bridges, reducing pavement edges and abrupt drop offs, and clearing more space on the roadside.

Our report, *On a Crash Course: The Dangers and Health Costs of Deficient Roadways*, estimates crash costs per vehicle mile of travel by state. The highest costs are in Hawaii and the Southeastern and South Central United States, followed by the Northwest interior-- Idaho, Montana, Nevada, South Dakota, and Wyoming. The lowest costs are in the Upper mid-West and along the Eastern Seaboard from Maryland north.

Crash Costs Involving Selected Problems (B of \$)



One reason for regional variations is the time period when the roads were built. Southern roads that originated in horse and buggy days were lined with trees for shade. Now those trees are killers. Similarly, buggies were slow and narrow, so bridges built a century ago tend to be problematic. In contrast, much of the MidWest was paved in the motor era.

The American Recovery and Reinvestment Act provided much needed funding for road maintenance. But its emphasis was not on increasing roadway safety. The next surface transportation bill needs to marry its sanction-based stress on driver improvement with a powerful push to improve the safety built into the roads and bridges.

In closing, let me add a message for you as road users. The next time you drive to an event, if you get off the interstate on unfamiliar roads, look around. You know how to recognize a deficient road. Are the lanes narrow? Are there bad curves and cluttered shoulders? If so, you need to become a better driver. The road can't forgive or protect you.

Our roadways and bridges could be a lot safer. Focusing as much on improving road safety conditions as we focus on reducing impaired driving or belt non-use could save thousands of additional lives and billions of dollars each year.

MY BACKGROUND: I am a safety economist with 27 years of experience assisting the US Department of Transportation in developing its highway crash costs. I also developed the injury and violence costs used by several other Federal agencies.

ABOUT PIRE: PIRE is a non-profit organization with more than 30 years experience in preventive health. It has become a leading independent transportation safety research organization. Its current and past clients include NHTSA, Insurance Institute for Highway Safety, Advocates for Highway and Auto Safety, MADD, and several auto manufacturers.

Senator BOXER. The testimony was excellent.

There are so many questions I have, so I may ask you to write back to me, if you would all be willing to do that.

But I want to start with you, Mr. Cohen, because you said—I mean, you have an organization that we all respect, the American Highway Users Alliance. And by the way a lot of you helped us get that highway bill done through the end of the year. You helped Senator Inhofe and myself, and I just want to say thank you for that.

You said that your organization in general doesn't like sanctions, that you prefer incentives to sanctions. And it is something that I think several people in this Committee take different sides on. But you mentioned two areas where you sounded like you were willing to work with us to move forward on sanctions as long as it didn't take away funds from other things. And one of those was seat belts, mandatory seat belt enforcement of those laws in the States. And the other one I think you said was repeat drunk drivers, that you felt that those were areas that stood out. And could you tell us why? What is the connection? If you could put on the record so the repeat drunk driver fatalities, what is that number? And also the failure to enforce seat belt laws.

Mr. COHEN. Sure. Well, drunk drivers represent one-third of fatal crashes. I have been unable to find how many repeat drunk driver fatalities there were in 2009. However according to NHTSA, about one-third of all DWI arrests are repeat offenders.

Senator BOXER. OK. Well, maybe Laura Dean-Mooney might know that, so we will get to you in a minute.

Mr. COHEN. And seat belts are not being worn by 55 percent of the people who are killed. Eighty-five percent of people wear seat belts now, but 55 percent of those killed don't.

Senator BOXER. Is that right?

Mr. COHEN. What I would like to offer, we have a long tradition of opposing sanctions.

Senator BOXER. Yes.

Mr. COHEN. You are right. I would like to work with the Committee. We would like to offer perhaps a bridging proposal, to make sure that under any kind of incentive plan or sanction plan, whichever way the Committee chooses to go, that the State safety money, particularly the safety core programs, receive incentive funding or are just held harmless. And that was a compromise that was reached on TEA-21 as well.

So we are wary of telling States which laws to pass, but there is a way to get to a compromise.

Senator BOXER. On these two areas, you are willing to work with us?

Mr. COHEN. Absolutely.

Senator BOXER. OK.

It just seems to me—Ms. Mooney lost her husband when he was 32 years old. And what year was that?

Ms. DEAN-MOONEY. 1991.

Senator BOXER. She lost her life partner, and the child lost a dad. So it seems to me, and the reason I feel we need to move in all the States is, why should a person in one State have a greater chance of losing her husband, I use that as an example, than a per-

son in another State, when we are one Nation under God? So I am glad you are open to working with us.

Let me ask Ms. Mooney is she knows that figure; how many of these are repeat drunk drivers?

Ms. DEAN-MOONEY. Well, the Insurance Institute for Highway Safety says only one-third are repeat offenders. We know from the data that people generally drive up to 87 times before they were ever caught and convicted the first time. In my particular case the man that killed Mike had no prior convictions, but you don't learn to drive at a .34 blood alcohol concentration the first time out. He had done so hundreds of times before and had simply never been caught.

Senator BOXER. So you don't have the number of how many of these—one-third of the fatalities are related to drunk driving, but we don't have the numbers, none of us do, on how many of those were repeat offenders, in other words had been caught before. You don't have that information.

Ms. DEAN-MOONEY. That is about one-third of the crashes.

Senator BOXER. A third of a third.

Ms. DEAN-MOONEY. Yes, one-third of 11,000 are caused by repeat offenders. Two-thirds are caused by first time offenders.

Senator BOXER. OK. I got you now. Thank you. Thank you.

I want to pursue with you, Ms. Mooney, the idea that you came up with that you have talked about, your organization. And I remember when your organization was born because it was born in my State.

Ms. DEAN-MOONEY. Yes, it was.

Senator BOXER. And I well remember because it was a long time ago. What year was it?

Ms. DEAN-MOONEY. It was 30 years ago this September.

Senator BOXER. As I remember, what was her name, the founder?

Ms. DEAN-MOONEY. Candace Lightner.

Senator BOXER. I can never forget her because she was extraordinary and came to me early on.

So if we are looking at technologies, we already have this technology that would lock up the engine if the breathalyzer test fails. Is that right?

Ms. DEAN-MOONEY. For convicted offenders, yes.

Senator BOXER. For convicted offenders. And could you repeat again how many States have that law?

Ms. DEAN-MOONEY. Ten States mandate it. Two States highly incentivize it. That is, they encourage you to get it if you are caught driving after you are convicted, and you do not have an ignition interlock, it is then a felony. And California, as I said, has a pilot program, four counties covering 14 million people. Hopefully, California will then turn that into an all-offender law for the State.

Senator BOXER. Yes, yes. All right.

Where is Kirk? OK. SAFETEA-LU funded the Highway Safety Improvement Program at \$1 billion a year. How do you compare the need today? Do you think that is about enough? Or do you think we need to do better? What is your feeling?

Mr. STEUDLE. Well, first of all as a safety advocate I would say that the best use of our funds is toward safety improvements. So if there is more money in the overall pot and more can go to safety, we certainly support that.

I think that the bigger context is the size of the whole program. If it is smaller and smaller then as you start slicing it all up it becomes more difficult because everything is all pegged in little spots. If it is a larger program we think it should expand with the size of all the rest of the core programs as well.

Senator BOXER. OK.

Senator Inhofe.

Senator INHOFE. Thank you, Madam Chairman.

While you have the floor, let me ask you a question. I think from your testimony you agree pretty much with AASHTO's position, and I do, too, in terms of the States, giving the States the leeway to set the exact performance standards. There are some, Chairman Oberstar and others, who disagree with us in this case. Could you describe why you think that approach is better than the other approach?

Mr. STEUDLE. I think there are a couple of things. You talk about performance management in general, and this really holds true for whatever type of management measure you are trying to put in place. You need to start with a high level goal. What are you trying to accomplish? And then allow the States the flexibility under that to develop those programs, to get to the national goal. And this last piece about incentivize, I think it is the old carrot and the stick issue. We feel that you can get a lot further with carrots as opposed to sticks.

Now, one of the I think primary examples of how has worked has been in the safety plans. It was mandated that everybody have a highway safety plan. All 50 States went about developing those in collaboration with all of the rest of their partners in the States. And from a high level what we have seen is the traffic fatalities are dropping.

Now, each State is different because the characteristics of that State are different. If there are more rural accidents, then that safety plan is geared toward rural. If there are more pedestrian accidents, then the highway safety plan is geared more toward pedestrian accident reduction. If there are more motorcycles, then it is geared toward that.

So it is really State specific, but it is data driven. I think that is the key piece is it has got to be based on the data that you have.

Senator INHOFE. And you think that the data is probably more accurate if you are taking the position of the States having that influence.

Dr. Miller, I listened to the testimony, and certainly, Ms. Moon-ey, yours is very persuasive. All of them are. Traffic deaths are traffic deaths regardless of how they occur.

Dr. Miller, I wonder sometimes if the, I was just looking at this chart here, which is yours. It was in your written testimony. And it talks about the road related deaths as opposed to DWI, speeding, seat belt use and all of that. Do you think that the safety benefits of road improvements are sometimes overlooked in development of these programs?

Mr. MILLER. I think that we have not paid attention to them in a long time. There is a lot of overlap here. I mean there are crashes in here where belt non-use, speeding, alcohol and road related conditions were all a factor in a single crash, so they are in all the bars.

Senator INHOFE. Yes, yes.

Mr. MILLER. But I think that we haven't paid enough attention. And there are three real killers out there, which are medium and large non-breakaway poles, large trees, and bridges. Those three items are involved in 40 percent of the deaths and serious injuries in road crashes in this country. And non-breakaway polls are inexcusable at this point. We just need to focus more attention on fixing them.

Senator INHOFE. OK.

And Mr. Steudle, there won't be time to give an in-depth answer to this, but as we pursue, as move into hopefully sooner rather than later, the development of the next highway bill, I would like to have you right now give what specific improvements you think you would recommend for the HSIP Program. And then if you run out of time, do this for the record, because I would like to have some specific recommendations from you.

Mr. STEUDLE. Certainly. I think in recognition of your time constraints as well, I think we outline a lot of that in the written testimony that I didn't talk about in the oral one, so I think I can provide all of that for you in a lot greater detail, specifically which pieces you ought to do.

Senator INHOFE. All right. I think that is fair enough.

Thank you, Madam Chairman.

Senator BOXER. Thank you.

Before you start my time, I wanted to say something before Senator Inhofe leaves. He said traffic deaths are traffic deaths no matter how they occur. It is true at the end of the day, but I think if you look at, for example, a runaway Toyota vehicle, just to use an example, where a driver did everything right and look what happened? We had a highway patrolman and his family wiped out because of this, as opposed to a drunk driver, where if you have the technology, you possibly could have prevented it.

So I would just urge you to think about it because some of them are more preventable than others. You are never going to stop everything.

Senator INHOFE. No, I don't disagree with that, Madam Chairman.

Senator BOXER. Yes, so I wanted to make that point.

Senator INHOFE. Good.

Senator BOXER. OK.

Before I call on Senator Udall, I am going to take my last round of questions, and then, Senator, I will give you time for your opening statement, plus questions, so you will get 10 minutes. You don't have to rush.

I want to talk to Deb Hubsmith a minute, and I just want to thank you so much. I think you are making an excellent point, which a lot of us haven't thought about, which is transportation is how you get from one place to another. And a lot more people are walking, for reasons you discuss. Maybe is it on the advice of their

physician to do it, or they feel better about it, or they can't afford an automobile, or they get on a bike for the same reason. It is a good news story, but also does create these challenges for us in terms of how to make sure that they are safe.

And now I have four grandkids; when I was a young mom and I was always so nervous about my kids walking to school. They did have terrible accidents in our community, and they built an overpass because we lost a couple of kids. So clearly, there are ways that we can make improvements.

What role do you think the Federal Government can or should play to encourage safer streets? Because a lot of colleagues will say, well, that is just beyond our jurisdiction. I assume you feel the Federal Government should be more involved. What is your rationale for that?

Ms. HUBSMITH. Thank you very much. That is an excellent question. As I mention in my testimony 13 percent of fatalities in America are pedestrians and bicyclists. So the Federal Government absolutely should have a role, and these modes of transportation now represent 12 percent of trips, which increased 25 percent over the last 7 years.

We believe that the Federal Government should increase funding for programs. In your Committee Senate Bill 1156 would increase funding for Safe Routes to School by threefold over the fiscal year 2009 levels. Currently four times the amount of money is requested in States than money that is available. And so we are turning folks down from being able to improve opportunities for safety to build bicycle and pedestrian bridges and sidewalks and pathways and bike lanes.

We also recommend that the Committee include the provisions from the Complete Streets bill, Senate Bill 584, in the transportation bill, because it is actually more cost effective to design our roads for the safety of all transportation users. When new roads are being built or when roads are being retrofitted, if we can add in the bike lanes, the sidewalks and the crosswalks at the same time we are going to improve safety for everyone. In fact, traffic crashes, 40 percent of them when pedestrians were crossing the street happen when there was not a designated crosswalk. So the more that we can create those types of provisions from the start, that would be important.

Finally, in addition to those provisions and increased money for transportation enhancements and active transportation networks we feel that there should be mode specific and geographic specific goals for the Highway Safety Program. Right now there is a strategic highway safety plan, but we think that they should say that in rural areas, you should have this goal; in urban areas and suburban areas and for these specific modes there should be specific goals. Right now that doesn't exist. And so that is why bicyclists and pedestrians only get 0.6 percent of the funding.

Senator BOXER. Well, thank you very much for that very convincing statement.

Mr. Miller, I don't think you mentioned the word speed, did you, when you spoke. Because as I look at things generally the speed of the driver is a factor in a lot of these fatalities. So I wanted to ask you, there is no question if you have a big tree, and it is a haz-

ard, and it is overgrown, and it is a danger, and you can't see the road, that ought to be trimmed. And clearly you are right that is obvious. But how much of a role does speeding play in this?

Mr. MILLER. Speeding is about 20 to 25 percent of all crash costs. It is \$97 billion a year. And frankly I think that the thing that we need to remember also is to say, what is the balance? How much safety goes in the overall bill? Is it better to be stuck in traffic than dead?

Senator BOXER. Are you asking me?

Mr. MILLER. No, I am telling you. I think it is better to be stuck in traffic than dead, and I think that has to influence the balance.

Senator BOXER. That is an obvious point, but—so you did answer me: 25 percent of all crashes involve speeding.

Mr. MILLER. Yes, of all crash costs, about 25 percent.

Senator BOXER. Of all crash costs. And in fatalities, do you happen to know? You have all these things at the tip of your tongue. You are just a terrific witness. Do you know off the tip of your tongue how much speeding is involved in the fatal crashes?

Mr. MILLER. I could work that up, but I don't have it in my head.

Senator BOXER. Would you do that for me and get that to me? Well, OK.

Ms. GILLAN. Senator Boxer.

Senator BOXER. Yes.

Ms. GILLAN. I just wanted to add that according to NHTSA about 30 percent of all fatalities are the result of speeding.

Senator BOXER. Thirty percent, so you disagree with Mr.—oh, 30 percent of all fatalities. You have the answer for me.

Ms. GILLAN. That is right. And I can submit the NHTSA document to the record for you.

Senator BOXER. Well, that would be very, very helpful because we really didn't talk about it today, but it seems to me that even if the road is in a horrible condition, which too many of our roads are, and even if there are obstructions, the faster you go, obviously, the more dangerous. And put drunk driving in that; I don't even know what the overlap is with speeding and drunk driving. You know, it is hard to separate. Is that separated out from the drunk driving? Do you know?

Ms. GILLAN. Well, sometimes speeding and drinking combined are a factor.

Senator BOXER. I would think so. OK.

Ms. GILLAN. So it is hard, but according to NHTSA, it is about one-third of the fatalities.

Senator BOXER. Very good.

Ms. GILLAN. And I also just wanted to point out one thing.

Senator BOXER. Yes, go ahead.

Ms. GILLAN. To the pedestrian issue, is that we are testifying today in support of putting a freeze, a time out on truck size and weights.

Senator BOXER. Yes.

Ms. GILLAN. And we have over 80 groups that support that bill that Senator Lautenberg has introduced and that you are a cosponsor. We really appreciate that. But bigger trucks are also a threat to pedestrians and bicyclists, and there have been some horrific deaths and injuries because of the fact that bigger trucks are more

difficult to maneuver on roads, and they don't see pedestrians. They don't see bicyclists.

And this is a real problem when we are putting together a multi-modal transportation system that everybody can use. We can't let large trucks dominate our transportation system.

Senator BOXER. Well, the larger the truck, obviously, it is a threat to every car on the road as well, if there is an impact.

Ms. GILLAN. Right. Exactly. Thank you.

Senator BOXER. Thank you so much for that.

Senator Udall.

By the way, I just have to ask unanimous consent to insert in the record testimony from the American Road and Transportation Builders and the Associated General Contractors.

And without objection, we will do that.

The floor is yours, Senator Udall.

[The referenced testimonies follow:]



Opportunities to Improve Transportation Safety

**Statement of the
American Road and Transportation Builders
Association**

**Submitted to the
United States Senate
Committee on Environment and Public Works**

April 14, 2010

On behalf of its 5,000 member firms and public agencies nationwide, the American Road and Transportation Builders Association (ARTBA) would like to thank Chairman Boxer and Ranking Member Inhofe for examining opportunities to improve highway safety through transportation policy.

Public Health Crisis

According to the National Highway Traffic Safety Administration, well over 40,000 people have died annually since 1994 on America's roadways. While these fatalities dropped significantly in 2008 and 2009, it is too early to claim this is a long-term trend. More importantly, any single activity that results in tens of thousands of preventable deaths each year must be considered a national health crisis that demands action by all levels of government.

One key factor jeopardizing travelers is the inadequate capacity in our basic roadway infrastructure. According to the U.S. Census Bureau, since 1982, the U.S. population has grown 31 percent. During that same period, vehicle miles of travel rose by 88 percent; yet, total U.S. road capacity (as measured by lane miles) has increased by only six percent. More cars crowded together on roadways frustrate drivers into shortening following distances and adopting more aggressive driving styles.

The U.S. Department of Transportation indicates that poor road conditions and obsolete road designs are a factor in about one-third of these highway deaths each year. Americans tolerate this

carnage under the misimpression that it is unavoidable. That is untrue. Prioritizing investments in improved roadway design, construction and operation can save thousands of lives every year.

Demographic factors suggest that roadway safety challenges will mount dramatically in coming years unless officials at all levels of government are able to take dramatic action to reverse current trends. The U.S. Administration on Aging estimates that the number of older drivers in the U.S. will double between the years 2000 and 2030—one in five Americans will be age 65 or older. While elderly people safely use the nation's roadways every day, studies indicate clearly that physiological changes related to aging (e.g., declining vision and physical fitness) make these highway users much more vulnerable to injury in a crash. To allow this growing segment of the population to travel safer and longer, the Federal Highway Administration has published a list of guidelines and recommendations for roadway safety improvements that would better accommodate the needs of older drivers.

Providing a safer roadway for all Americans must be a top public policy priority. ARTBA members are committed to a goal of developing a "zero-fatality" roadway infrastructure environment.

"Vision Zero" Policy Premise

To paraphrase, "to err is human, to forgive is our best chance to achieve significant reductions in highway traffic injuries and deaths," ARTBA operates from the premise that users will always make errors. Design, construction and operation of the transportation network should emanate from this premise, allowing for the development of a more "forgiving" roadway system. This requires a new paradigm. America's basic road safety strategy today is aimed at reducing human error. Most federal efforts focus on reducing the number of crashes by improving motorists' behavior. ARTBA turns that premise around by recognizing the fact that some motorists will inevitably make mistakes. Too often, they pay for their mistakes with their lives - or the lives of innocent victims in other vehicles.

On all major routes—and others to the extent practicable—our roadway system must anticipate user error and be designed, constructed, equipped and operated to forgive the errant user.

Severity vs. Frequency

In conjunction with reducing fatalities, our transportation system must be improved to reduce the severity of incidents. In some situations (such as the use of roundabouts), a possible increased rate in the frequency of accidents is a viable trade-off for a decrease in the severity of injuries. We need to prioritize the quality of human life and health above the rate of traffic incidents. All transportation users have an obligation to follow laws, standards and customs that promote safe and efficient use of the system. At the same time, funds must be provided in order to give system owners greater opportunity and the ability to properly operate their systems.

To date, U.S. policy accepts the fact that we have an imperfect system and we try to reduce the unsafe consequences of that system. Our policy should seek to develop a transportation system

that contains zero predictable crashes with severe consequences, beginning with the major networks and following with all other roadways to the extent practicable.

Paradigm Shift

This vision requires a paradigm shift on two parallel tracks:

- The focus of reducing incidents on America's transportation system must be viewed as reducing severity of injuries as opposed to reducing the number of crashes.
- The policy anticipates user errors and emphasizes design, construction and maintenance of a system that will be "forgiving" of errant behavior.

This change in philosophy is warranted because system users do not have all the relevant information necessary to make critical decisions related to their safety and the safety of other users. For example, drivers are repeatedly reminded: "speed kills," but that problem is not just speed but kinetic energy. Kinetic energy causes the damage in a collision or a crash, yet users are blind to it. Users tend to feel safe when they shouldn't. If the transportation system looked dangerous-and hazards were visible in a manner which users could appreciate-reliance on improved user behavior would be warranted. The design and operation of America's transportation system must compensate for this information gap and systematically seek to eliminate such invisible hazards.

Specific Safety Policy Goals

While the zero-fatality approach may take years to achieve, there are several immediate steps that can be taken in the next multi-year reauthorization of the federal surface transportation program.

- **Dedicated Funding/Performance Standards.** Increased funding for safety infrastructure activities, such as provided by the Highway Safety Improvement, Rail-Highway Grade Crossing, and High Risk Rural Roads programs ensure that investments are dedicated for purposes that will produce a more forgiving roadway environment. These same goals can be achieved through the establishment of tangible safety performance standards that require states and other federal highway funding recipients to empirically demonstrate improved safety.
- **Work Zone Safety.** With 700 to 1,000 fatalities occurring each year in roadway construction work zones, improving the safety of these temporary facilities is essential. Policies to ensure unit bid pricing for work zone devices and safety systems is an important step to maintaining the safest possible environment for roadway construction workers and motorists. Federal support for work zone safety training and education/information dissemination through the National Work Zone Safety Information Clearinghouse—the world's largest online information resource—is also essential to ensuring the latest information on work zone safety is available to project owners, the traveling public and the construction firms. The Clearinghouse accomplishes its mission through a web site (usage is up 20 percent in the last year), distributing materials at a numerous industry conferences, and hosting a listserv and other forums to share work zone safety best practices.

- Passenger/Commercial Motor Vehicle Separation. Where feasible, federal policy should allow the development of truck-only lanes that will serve the dual purpose of improving goods movement and enhancing roadway safety by physically separating commercial motor vehicles from private passenger travel. The ARTBA-proposed Critical Commerce Corridors federal goods movement program would allow this type of development and provide a separate revenue source from new freight-related user fees to support these activities.
- Older Drivers. Designing and operating roadways to meet the needs of older drivers, particularly by considering the current recommendations and guidelines in the Federal Highway Administration's "Highway Design Handbook for Older Drivers and Pedestrians."
- Proprietary Products. States should be free to utilize innovative methods, or equipment that could improve safety, reduce congestion or increase the quality and durability of highways. To that end, the U.S. Secretary of Transportation should be directed to approve the use of federal funds for the purchase of patented or proprietary items to achieve these goals.
- Research. Increasing funding levels of safety research programs and promoting development and implementation of new technologies that will significantly reduce the number and severity of crashes in a cost-effective manner. These funds should also support improve procedures and processes for collecting, organizing, tabulating, analyzing and disseminating data regarding the safe and efficient operation of the transportation network.

As the Committee continues to work to produce a multi-year reauthorization of the federal highway and public transportation programs, the broad-based safety benefits derived from long-term, stable federal investments should not be overlooked. Increased investment leads to improvement in the design, construction, maintenance and safety-conscious operations of new and existing transportation infrastructure. In general, a more efficient and better conditioned infrastructure network is a safer one. To that end, the American Road & Transportation Builders Association pledges to continue to work with you to enact a reauthorization bill as soon as possible.

Thank you again for convening today's hearing.

AGC of America
THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA
Quality People. Quality Projects.



**Statement of
The Associated General Contractors of America**

Presented to the

**Committee on
Environment and Public Works
United States Senate**

on the topic of

Opportunities to Improve Transportation Safety

April 14, 2010

The Associated General Contractors of America (AGC) is the leading association for the construction industry. AGC represents more than 33,000 firms, including 7,500 of America's leading general contractors, and over 12,500 specialty-contracting firms. More than 13,000 service providers and suppliers are associated with AGC through a nationwide network of chapters. Visit the AGC Web site at www.agc.org.

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA
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The Associated General Contractors of America (AGC) is the leading association for the construction industry. Founded in 1918 at the express request of President Woodrow Wilson, AGC now represents more than 33,000 firms in 97 chapters throughout the United States. Among the association's members are approximately 7,500 of the nation's leading general contractors, more than 12,500 specialty contractors, and more than 13,000 material suppliers and service providers to the construction industry. These firms build all forms of infrastructure, including: highways, bridges, transit systems, railways, airport terminals and runways, water and wastewater treatment facilities, underground utilities, public buildings, multi-family housing, office buildings, military facilities, water resource projects, energy production and conservation, and the many other structures that are the backbone of the US economy which provide and ensure US citizens' quality of life. Most are small and closely-held businesses. Unlike many associations in the industry, AGC proudly represents both union and open-shop construction contractors.

Now is the time to pass a multiyear reauthorization bill to address the nation's overwhelming neglect of transportation priorities, especially safety. AGC is pleased the Senate Environment and Public Works Committee is focused on the reauthorization of the SAFETEA-LU surface transportation legislation. AGC commends the Committee for holding this hearing to examine the variety of safety issues that should be addressed as part of the reauthorization effort. The safety of the motoring public and that of the thousands of construction employees who are working to improve the nation's transportation infrastructure should be a top priority in the legislation. AGC's comments will focus on the need to allow for greater use of positive protection devices to shield workers from the dangers associated with undertaking construction activities while maintaining traffic flow, the need to make structural improvements in the Federal-aid highway system to reduce injuries and fatalities, and an ill-advised attempt to impose Owner Controlled Insurance Programs on contractors. AGC also supports S.791, "Surface Transportation Safety Act of 2009" introduced by Senator Baucus to address work zone safety and additional safety concerns, and urges that all of its provisions be adopted in the reauthorization legislation, including provisions to improve safety in highway work zones, improve visibility (particularly for older drivers), continue the success of the rail highway grade crossing program and the improvement of roadway safety in rural areas.

AGC believes improving work zone safety should be a national priority. The number of deaths and injuries annually in the work zone is unacceptably high and, while the numbers have improved, there are still too many fatalities. In 2008, 720 workers and motorists were killed in highway work zones and more than 40,000 were injured. Eighty-five percent of those killed in work zones are drivers or their passengers. Too many AGC members can tell heartbreaking stories about employees who have been lost to work zone traffic crashes. This should not be tolerated. Next week, April 18-24, 2010, is Work Zone Awareness Week. AGC annually participates as a member of the organizing committee to plan a national event during this week to highlight the dangers to workers and motorists when our roads are being improved. AGC chapters nationwide also participate with their state DOTs in state and local Work Zone Awareness Week events.

We all realize that with an aging highway infrastructure and expanding population, road construction will continue to be necessary to meet growing needs. Highway work zones,

therefore, will remain a fact of life in our country and work zones can be dangerous places for construction workers, motorists, law enforcement officers and others to work. Motorists must be made aware that there are increased dangers in the work zone, to both themselves and workers, and must be convinced to respect work zone speed and travel restrictions.

Statistics show that 23 percent of all worker fatalities in highway work zones are due to workers on foot being struck during a work zone space intrusion. Crash statistics from the New York DOT indicate that the use of positive protection strategies led to a 20 percent reduction in fatal work zone crashes. Therefore, AGC supports requiring the use of positive protection measures to separate workers on highway construction projects from motorized traffic in certain dangerous situations. These conditions are spelled out in S. 791 as follows: areas that offer workers no means of escape and for projects lasting 2 weeks or more where traffic speed is 45 miles per hour or greater and workers are within one lane width from the traffic. Including positive barrier as part of the safety features of a construction project may minimally increase the cost of the construction. However, AGC believes that cost should not be a consideration when determining the safest methods for protecting workers and the motorists during construction. AGC urges that FHWA be directed to adopt these minimum standards.

Similarly, AGC believes that safety costs should not be a factor in determining the selection of contractors to undertake highway construction as part of the bidding process. Therefore, AGC calls for Federal-aid highway contracts to include a separate unit bid basis for safety programs. The idea is that safety items should be a priority and the money for the safety items should be taken off the top of the project cost. This would take the safety items out of the competitive bid process. Moreover, it would ensure that all contractors use the best available safety precautions, and that there is no penalty for using additional safety measures if the contractor can provide these measures.

In a related safety issue, AGC believes that the best construction companies are the companies with the best safety records. A good safety record shows that concern for employees' welfare is a top priority. A good safety record also gives a contractor a competitive advantage through lower insurance costs. A competitive advantage based on a superior safety record should be encouraged rather than undermined. The use of Owner Controlled Insurance Programs (OCIP) on transportation projects could have the effect of rewarding the less safe contractor. AGC believes this is an area where safety can be undermined because of cost considerations.

Proponents of OCIPs generally make the following claims:

- Owner purchases insurance coverage (all or some specific elements) to cover all contractors and subcontractors on a project which can lower costs through lower bulk insurance rates.
- There is an integrated owner-contractor managed safety program on the project which can enhance employee safety.

AGC believes the contrary for the following reasons:

- FHWA regulations already allow states the discretion to use an OCIP if they choose to do so. Potential cost saving is already incentive enough for states to decide if they want to

consider an OCIP. There is no need for Congress to require a detailed feasibility study on every large project.

- States do not generally have the in-house expertise to do a feasibility study and therefore will have to hire an outside expert to conduct the study, adding to the cost of the planning process. States also do not have the expertise or manpower to administer the OCIP. There is a concern that the third-party expert hired to do the feasibility study will, therefore, have a vested interest in assuring that use of an OCIP is recommended. There is also a concern that the reauthorization legislation is expected to contain initiatives intended to speed up the planning process, and a new OCIP requirement goes against the trend.
- A contractor's safety record is a determining factor in the cost of their workers' compensation insurance. A contractor with a better safety record pays less for workers' comp coverage and, therefore, is in a competitive bidding situation, and is able to provide a more competitive price. If the OCIP includes workers compensation coverage (they almost always do), contractors' safety records become irrelevant.
- There is no guaranteed cost to the owner. The final cost is a moving target based on changing insurance market conditions.
- OCIPs typically carry very short-tail coverage for claims that occur long after the project is completed. FHWA guidance on OCIPs prohibits the payment of future claims. A contractor's exposure remains in place unless there is a statute of repose to limit the time of exposure. Even where there is a statute of repose, OCIPs do not typically remain in effect until that limit is reached.
- OCIPs do not cover automobile liability or off-site activities, which are both often factors on highway construction projects. Contractors' normal insurance coverage carries exclusions that the OCIP will also not cover.

In addition to work zone safety, improving highway infrastructure should also remain a national priority and be given new emphasis in the reauthorization legislation. According to analysis of US Department of Transportation reports, roadway conditions are a significant factor in approximately one-third of traffic fatalities. The national traffic fatality rate is 1.25 fatalities per 100 million miles of travel. Highway improvements such as removing or shielding obstacles, adding or improving medians, widening lanes and shoulders, upgrading roads from two lanes to four lanes, and improving road markings and traffic signals can reduce traffic fatalities and accidents.

In 2009, the Pacific Institute for Research & Evaluation undertook the first national study in many years to examine the role and consequences of the physical condition of U.S. roadways. The study found that the cost and severity of crashes increased significantly where roadway conditions are a factor.

Among the study's key findings are:

- Roadway condition is a contributing factor in more than half—52.7 percent—of the nearly 42,000 American deaths resulting from motor vehicle crashes each year and 38 percent of the non-fatal injuries. In terms of crash outcome severity, it is the single most lethal contributing factor, greater than speeding, alcohol, or non-use of seat belts.
- Motor vehicle crashes in which roadway condition is a contributing factor costs the U.S. economy more than \$217 billion each year. That is more than three-and-one-half times the amount of money government at all levels is investing annually in roadway capital improvements—\$59 billion, according to the Federal Highway Administration. This societal cost includes \$20 billion in medical costs; \$46 billion in productivity costs; \$52 billion in property damage and other resource costs; and \$99 billion in monetized quality of life costs.
- American businesses are paying an estimated \$22 billion of the annual economic cost of motor vehicle crashes involving their employees in which roadway condition is a contributing factor. This includes almost \$10 billion a year in health-related fringe benefit expenses for insurance (\$6.0 billion), workers' compensation claims (\$1.2 billion), sick leave (\$1.7 billion) and Social Security (\$920 million). These crashes cost government (taxpayers) at all levels \$12.3 billion.

The study authors concluded that: "The large share of crash costs related to road conditions underlines the importance of these factors in highway safety. Road conditions are largely controllable. Road maintenance and upgrading can prevent crashes and reduce injury severity." They add: "Although driver factors are involved in most crashes, avoiding those crashes through driver improvement requires reaching millions of individuals and getting them to sustain best safety practices. That is not fail-safe. It is far more practical to make the environment more forgiving and protective."

AGC believes that the Highway Safety Improvement Program should continue as a core highway program and that infrastructure improvement should continue as one of its top priorities. Increased investment is necessary to reduce the number of tragedies on America's roadways.

Improving the safety should be a priority of the reauthorization of SAFETEA-LU. Congress must take this opportunity to implement policies that improve the working conditions for highway workers, make roads safer and reduce injuries.

Senator UDALL. Thank you, Madam Chair, and thank you for all your hard work on this issue.

Just to follow up on the question, I would ask that my statement be put in the record. I will spend my time doing questions.

Senator BOXER. Yes, please.

Senator UDALL. On the large trucks, what is your recommendation we do about the trucks in order to make it more friendly for everybody else out there on the road?

Ms. GILLAN. Well, one of the most successful truck safety bills that was passed was in 1991. Senator Lautenberg was behind that as sponsor as well as Senator Moynihan and Chairman John Chafee. This was the issue of dealing with large double and triple trailer trucks that were allowed in some States but not in others, but they wanted to spread the use of those trucks.

Congress in that legislation passed what we called the "freeze" where States that had allowed the triples could keep them, but States that didn't have them could not have them. That law worked tremendously, and this is what we are proposing on truck size and weights now because we see States ratcheting up the weights, and then the trucking industry is coming to Congress saying, we can't have this patchwork quilt, and we really need to increase truck weights to 97,000 and 100,000 pounds. The problem is trucks that large are incredibly dangerous and destructive.

And so the legislation that Senator Lautenberg has sponsored is what I call a time out. States can keep what they have, but we are not going to ratchet it up any further, and we are going to keep interstate truck weights at 80,000 pounds. That not only will help safety but it also is going to help preserve our infrastructure. The biggest cause of damage to bridges are large overweight trucks.

And as we are looking at scarce resources and trying to create a balanced freight network that relies on rail and other modes we really need to look at whether, in fact, it is in our best interests both from safety and investment to allow trucks to get bigger.

That is why safety groups and truck drivers themselves, the independent operators and the Teamsters, environmental groups and bicycling groups are all supporting this legislation.

Senator UDALL. Great. Well, thank you for that description. I am a cosponsor of that legislation. I think it is needed, and I hope that we can move on that at some point.

I wanted to focus a couple of my questions here on drunk driving and requiring ignition interlocks. And probably other panelist members, but I wanted to focus on Laura Dean-Mooney, but others may have comments.

In 2004 New Mexico adopted the first ignition interlock for all convicted drunk drivers. At the time of the adoption New Mexico led the Nation in alcohol related fatalities, so we were No. 1 in what is a horrible category to be No. 1 in. Ignition interlocks were a key component of a broad strategy that also included increased enforcement and an awareness campaign that resulted in a 35 percent decrease in alcohol impaired traffic fatalities.

And one of the things I wanted to show you is the dramatic drop that occurred. You can see here on this chart how we have gone down, and New Mexico is making progress in terms of drunk drivers. But the dramatic drop from 2004 to 2008, where you have the

219 here and the 143, a lot that, I think, can be attributed to ignition interlocks. Currently, over 8,000 New Mexicans have ignition interlocks, and New Mexico leads the Nation in ignition interlocks per capita.

Based on the raw data, ignition interlocks prevented over 63,000 alcohol related automobile trips in the State. And although the evidence is clear that ignition interlocks work, not all States have adopted them for all convicted first time offenders.

What do you think will be required for more broad adoption by States of ignition interlocks as a tool to combat drunk driving? And other panelists may want to weigh on that, too, but let's start with you.

Ms. DEAN-MOONEY. Well, thank you, Senator Udall, certainly for your support.

You hit the nail on the head, and the chart clearly illustrates that interlocks do work. But what is needed is a sanction because we have hit the wall in a number of States in opposition, including, I mentioned in my testimony, the State of Maryland where the Chairman of the Judiciary is a DUI defense attorney. He would not even allow the bill to be heard. He was asked by a MADD volunteer if he was taking that stance based on being a DUI defense attorney or as Chairman. He indicated that he was taking that stance as a DUI defense attorney. Maryland is not the only State. We have run into this in other States across the country.

So the sanction is needed to ultimately get the States to adopt the all-offender ignition interlock legislation so that other States can have similar successes as New Mexico clearly has shown.

Senator UDALL. Thank you.

Deb Hubsmith, focusing on bicycle and pedestrian safety, I met with the New Mexico Bike Coalition during Bike Week. And during their visit they expressed their interest in improving the conditions for New Mexico bicyclists.

Unfortunately DOTs are constantly struggling to meet the capacity and maintenance needs of the roadways and as you mentioned in your testimony often don't provide adequate attention to the needs of the users other than vehicles. Do you have recommendations for low cost improvements that would be easily implemented and improve the conditions for pedestrians and bicyclists?

Ms. HUBSMITH. Thank you very much for that question. I would say that if the Federal Government adopts a Complete Streets policy, which would be Senate Bill 584, that that would go a long way toward improving conditions for bicyclists and pedestrians because then every road as it is being maintained would need to consider the needs of bicyclists, pedestrians, transit users and motorists. And this has shown to be very cost effective.

In addition to increasing the size of the different funding sources that I mentioned with regards to Senator Boxer's question I would also remark that things like lighting on roadways, crosswalks, bike lanes, those are all very low cost solutions that basically involve signage, lights or paint. And very low cost solutions can lead to a high benefit in terms of reducing injuries and fatalities.

Also speed limits are extremely important. A car traveling at 40 miles per hour, if you are hit as a bicyclist or pedestrian, you only have a 15 percent chance of surviving. If it is only going 30 miles

per hour, you have a 50 percent chance of surviving. So if we can reduce speed limits that is also going to improve safety.

Senator UDALL. Focusing now a little bit on the bicycle driver culture, in an effort to reduce our Senate office's carbon footprint several of my staff bike to work. And they often comment about the need for a culture change where drivers are aware of bicyclists on the road and accept them as full users. I have heard that this sort of culture change has occurred in metro areas that have a larger proportion of bicyclists and that their roads are safer for all users as a result.

Do you have recommendations for infrastructure improvements or awareness campaigns that would improve driver awareness of bicycles on the road?

Ms. HUBSMITH. Thank you, that is a very important question. I would say that starting with school children is one way to really create more of a cultural shift in the acceptance of people walking and bicycling. Many people remember walking or bicycling to school when they were young and feel that their children or grandchildren should have the opportunity to do that today. So expanding the Safe Routes to School Program, like Senate bill 1156, which is bipartisan and has 22 cosponsors, will be a great way to try to begin to make it more of a part of our culture.

The kinds of facilities that will really help to improve safety of our roadways includes sidewalks, crosswalks, bike lanes, pathways, and improvements to intersections because many intersections are where things are most dangerous.

In rural areas, being able to have wider shoulders, being able to have crosswalks, and also improving things like routes to bus stops would make for better improvements.

And then finally when elected officials like you walk or bike to school with kids or take place in events that show that this is a legitimate form of transportation that is on the increase, that improves public health and helps to improve safety, that also helps to raise the priority.

And if we could work with the National Highway Traffic Safety Administration, if we could work with the movie industry and all kinds of groups in order to elevate the status of walking and bicycling and show how it is a healthy alternative for America, that would make for big improvements.

Senator UDALL. Thank you.

Back to Laura, do you have any comments about the ROADS SAFE, the DWI bill that I am the author of? Just briefly here. We only have a few seconds.

Ms. DEAN-MOONEY. Yes, I do.

Senator UDALL. OK, go ahead please.

Ms. DEAN-MOONEY. First, thank you again for your sponsorship of that bill. We believe that ROADS SAFE is the answer to ultimately eliminating drunk driving. The development of technology is progressing rapidly, and we know that already cars can park themselves. They can do a number of things, including lane departure warnings.

So the idea that advanced technology in a car that would set at .08. It wouldn't hassle a sober driver. It would be unobtrusive to

those of us who choose to drive sober, would be the ultimate solution to eliminating drunk driving.

Senator UDALL. Thank you.

And thank you for your courtesies, Madam Chair, appreciate it. Thank you to the panel, very good panel today.

[The prepared statement of Senator Udall follows:]

STATEMENT OF HON. TOM UDALL,
U.S. SENATOR FROM THE STATE OF NEW MEXICO

Madam Chairman, thank you for holding this hearing on transportation safety. It is a critical issue for us to address as we work through the reauthorization process.

I would like to welcome MADD President Laura Dean-Mooney and Jackie Gillan from the Advocates for Highway and Auto Safety. Jackie and I previously worked together to improve transportation safety and prevent drunk driving when I was the New Mexico Attorney General. I want to thank you, Jackie, for your dedication to these important public safety issues.

Each day we use the transportation system to get to work, school, shopping and play. Many of us drive. Others take the bus. Some of us bike or walk to our destination. Whichever method of transport you use, the unfortunate reality is that our transportation system is often far from safe. While fatalities have been declining each year, nearly 34,000 people lost their lives on America's roads last year—victims of drunk driving crashes or inattentive drivers or being hit by a vehicle while on foot or riding a bike.

While these crashes might not all have been preventable, many could have been less severe.

Since I was first elected Attorney General of New Mexico almost 20 years ago and during my subsequent years in the House and now the Senate I have made improving road safety a top priority. One way I've done that is by focusing on the scourge of drunk driving in New Mexico and across the country.

As is often the case a tragic drunk driving crash prompted New Mexico to take action back in 1992. That was when a drunk driver killed a mother and her three girls on Christmas Eve. The drunk driver was speeding at 90 miles an hour, going the wrong way down the highway. This crash helped changed attitudes in my State—but it should not take a tragedy for us to do more to prevent drunk driving.

In 2008 drunk driving killed nearly 12,000 Americans, including 143 people in my home State of New Mexico. That is an average of 32 people killed every day by drunk driving. This unacceptable death toll is all the more shocking when you consider that each one of those deaths was preventable.

The United States has already made significant progress in combating drunk driving. Compared to 20 years ago our roads are much safer today. Yet even as the overall number of people killed on our roadways has declined, drunk driving still accounts for one-third of all traffic fatalities.

It is even more worrisome that a drunk driver has just a 2 percent chance of being caught. In fact one study found that a first time drunk driving offender has on average driven drunk 87 times before being arrested. That is why I introduced last month, along with Senator Corker of Tennessee, the bipartisan ROADS SAFE Act. This legislation is cosponsored by Senators Klobuchar and Begich and would authorize increased funding to explore new in-vehicle technologies to prevent drunk driving. These new technologies would go beyond ignition interlocks, which are only installed in a vehicle after a driver is convicted of drunk driving, by preventing any vehicle from being operated by a driver with a blood alcohol content in excess of 0.08.

We can't develop this technology fast enough. Every day dozens of people die needlessly on America's roads because of drunk driving. If this technology were available today, it would have prevented the recent deaths of five people in New Mexico who died as the result of drunk drivers who avoided detection by an interlock.

In addition to combating drunk driving it is critically important that our communities provide individuals with safe means of travel that do not include a vehicle. The average U.S. trip is less than 2 miles. And yet only 12 percent of trips are made by bike or foot. Unfortunately this may be due to the increased risk of fatality when not in a vehicle. Studies have shown that on a per mile basis walking is 10 times more dangerous than driving. Just last month a bicyclist was killed in Albuquerque when a driver lost control of her vehicle and left the road, ultimately stopping on a separated multi-use trail. This needs to change.

Madam Chairwoman, we've got a lot of work ahead of us. Whether it's fighting drunk driving or improving the safety of bikers and pedestrians or any of the other safety concerns highlighted today, I'm confident that working together we will develop solutions that improve the safety and account for the needs of all who travel America's roads.

Senator BOXER. Well, Senator, I just want to thank you for your leadership on these safety questions. We will have a bill that has about 10 titles, one of which will be safety, and we are going to work with you, Senator, on putting in a lot of these legislative efforts of our colleagues into the MAP-21.

I just want to say this is really the last of our series of hearings, right? And now what we are going to do is start meeting with colleagues one on one, Senator Udall, to get this bill together and to begin marking it up. So it has been terrific.

And you were a wonderful panel, all of you. I mean, I really, really thank you. You are knowledgeable, and you have firm convictions on the subject and just have a lot of credibility with me and I know with everyone who was here. And we will be calling upon you as we put together the bill to see whether or not, for example, Mr. Cohen, if you can support us in our efforts by maybe moving past your usual stance on this, and we got a signal that you might be willing to. So we take that seriously.

So thank you to everybody, and we stand adjourned, and the next time we take up the subject, it will be to actually take a look at the bill.

Thank you.

[Whereupon, at 11:35 a.m. the Committee was adjourned.]

[An additional statement submitted for the record follows:]

STATEMENT OF HON. THOMAS R. CARPER,
U.S. SENATOR FROM THE STATE OF DELAWARE

Chairman Boxer, thank you for holding this hearing.

To begin, let me say that I strongly believe in the importance of having clear, firm goals that will guide our Nation's transportation policy. Improving safety ought to be one of those goals.

We need increased motorist safety, and we also need improved pedestrian and bike safety. In fact, for several years now Senator Harkin and I have been working hard to pass Complete Streets legislation to address this very issue.

Senator Harkin and I believe that roads and highways that receive Federal funding should take into account the needs of all road users—not just motorists.

We want to allow people to get out of their cars, trucks and vans by providing them with increased mobility. We want them to be able to ride their bikes to work or walk to school. The way to do that is to build complete streets and make roads safer for cyclists and pedestrians.

Unfortunately, in 2008, while bicycle trips made up less than 1 percent of all trips American took, they accounted for a little less than 2 percent of all traffic deaths. Pedestrians, meanwhile, accounted for 9 percent of U.S. trips but 12 percent of traffic fatalities.

This is not acceptable. And I'm glad we're here today to talk about how to make our streets safe not just for motorists but for bicyclists and pedestrians as well.

All told, Americans spend nearly 3 trillion hours on the road per day. Clearly it is worth the investment to design smart, multi-faceted transportation systems that will keep Americans safe and keep them healthy at the same time.

Transportation safety is undeniably one of the most critical issues this Committee will consider as we put together a transportation bill. I look forward to working with Chairman Boxer on this and many other issues as we move forward with this task.

I'd like to conclude my remarks by thanking our witnesses for joining us today.

I yield back the balance of my time and thank the Chair.

