



**ADVOCATES**  
for Highway & Auto Safety

**STATEMENT OF JUDITH LEE STONE  
PRESIDENT  
ADVOCATES FOR HIGHWAY AND AUTO SAFETY**

**IMPROVING AND REFORMING THE NATION'S SURFACE  
TRANSPORTATION PROGRAMS**

**BEFORE THE**

**HOUSE SUBCOMMITTEE ON HIGHWAYS AND TRANSIT**

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

**MARCH 29, 2011**

Good morning. My name is Judie Stone and I am president of Advocates for Highway and Auto Safety (Advocates) a coalition of consumer, health and safety and major insurance companies and agents organizations working together to support adoption of laws and programs to reduce deaths and injuries on our highways. Advocates is a unique organization. We focus our efforts on all areas affecting highway and auto safety – the roadway, the vehicle, and the driver. Founded in 1989, Advocates has a long history of working with the House Committee on Transportation and Infrastructure advancing public health and safety in surface transportation legislation. We appreciate the opportunity to testify at this afternoon’s hearing addressing federal legislative safety priorities for the surface transportation authorization legislation that will result in significant safety gains and reductions in deaths and injuries on our highways.

Although our nation’s highway system has created mobility opportunities that are the envy of the world, it has resulted in a morbidity and mortality toll that is not a source of pride. Motor vehicle crashes are the leading cause of death for all Americans between the ages of 3 and 33, with the exception of 6, 7, and 10 year olds.<sup>1</sup> Every day an average of 93 people are killed on America’s highways and nearly 6,075 more are injured.<sup>2</sup>

Any progress in achieving significant reductions in motor vehicle deaths and injuries will require Congress to address these realities. Currently, too many states have too few of the most successful, cost-effective traffic safety laws that have been proven to save lives, prevent serious injuries and reduce the expenditure of billions of dollars in medical, government and other economic costs. At the same time, highway deterioration and potential catastrophic bridge failures across the country threaten the safety of motorists while special interests continue to push and prod state legislatures and Congress to increase the size and weight of big trucks.

### **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.

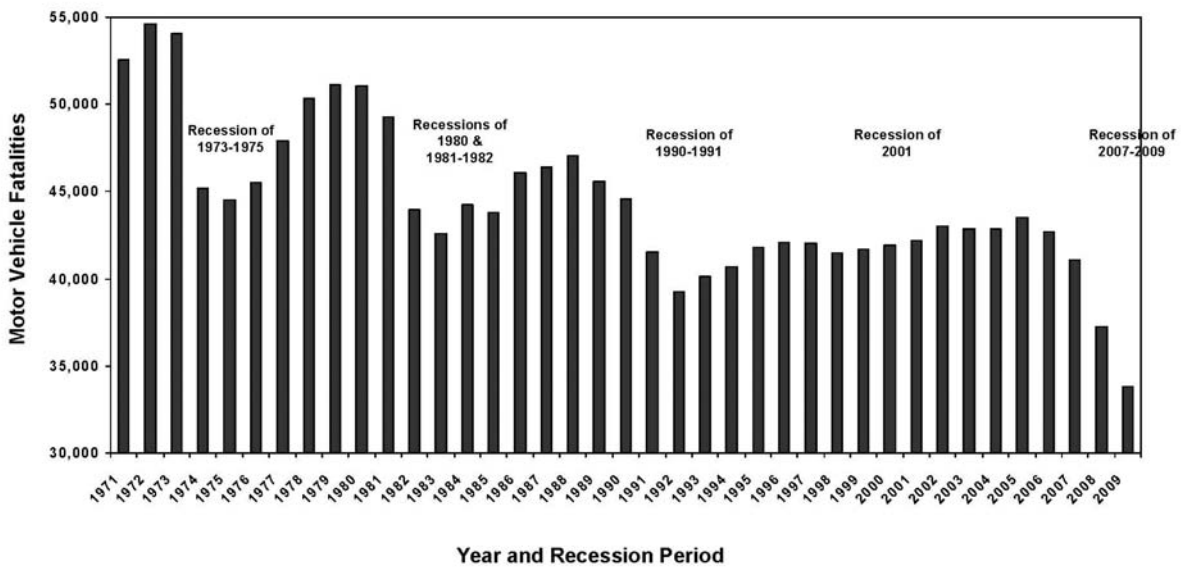
At the same time, however, there is a major unfinished safety agenda that Congress needs to address. In January, Advocates released its “2011 Roadmap to State Highway Safety Laws”. The report clearly shows that we have failed to close gaps in state traffic safety laws that would prevent many drunk drivers from getting behind the wheel, stop the huge number of occupant fatalities by requiring seat belt and motorcycle helmet use, adequately protect our children with strong teen driving laws and protect the public from the widespread safety threat of distracted driving. We must also address the issue of dangerous overweight trucks. All of these safety problems result in thousands of preventable highway fatalities each year.

Although the traffic fatality total dropped below 40,000 deaths in 2007-2009, 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 significant or lasting breakthroughs in safety policy or safe driving behavior. As the Honorable David Strickland, Administrator of the National Highway Traffic Safety Administration (NHTSA) cautioned in his Fiscal Year 2011 Budget Statement, while the downward trend is encouraging, “do not expect [it] to continue once the country rebounds from its current economic hardships. With any rebound, the expectation is that discretionary driving will increase, which in turn may reverse fatality reductions with increased exposure.”<sup>3</sup>

To place the recent fatality figures in perspective, the chart below 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.

### U.S. Recession Periods and Motor Vehicle Fatalities

Chart shows correlation between U.S. recessions and motor vehicle fatalities, 1971-2009.



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

**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 have a clear and compelling national impact. As Advocates' "2011 Roadmap Report"<sup>4</sup> evaluating state adoption of 15 basic traffic safety laws makes abundantly evident, many states have not taken the vitally important and proven safety actions that are urgently needed to save lives on our highways. This is where federal leadership is critical and has been effective in encouraging state action with the adoption of federal sanctions.

The potential withholding of federal funds, also known as "sanctions", has been an effective and successful means to encourage 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, and thousands of lives are saved. 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, with the leadership of former Committee Chairman James Howard (D-NJ), Congress enacted the Uniform Drinking Age Act,<sup>5</sup> which required states to enact a minimum age 21 law for the purchase and use of alcoholic beverages or face a potential decrease in federal highway funds.<sup>6</sup> The law was championed by then-Secretary of Transportation, Elizabeth Dole, and signed into law by President Ronald Reagan. Within 3 years, the District of Columbia and the 28 states that lacked an age 21 minimum drinking age law met the federal standard. Since the enactment of the national 21 drinking age, the overall alcohol-related traffic fatality rate has been reduced by half,<sup>7</sup> and NHTSA estimates that more than 27,000 lives have been saved as a result.<sup>8</sup>

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

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

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

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 setting national goals on specific behavioral safety issues and a national truck safety law. These opportunities will save thousands of lives and include passage of a freeze on truck size and weights as well as sanctions to accelerate uniform state adoption of 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.

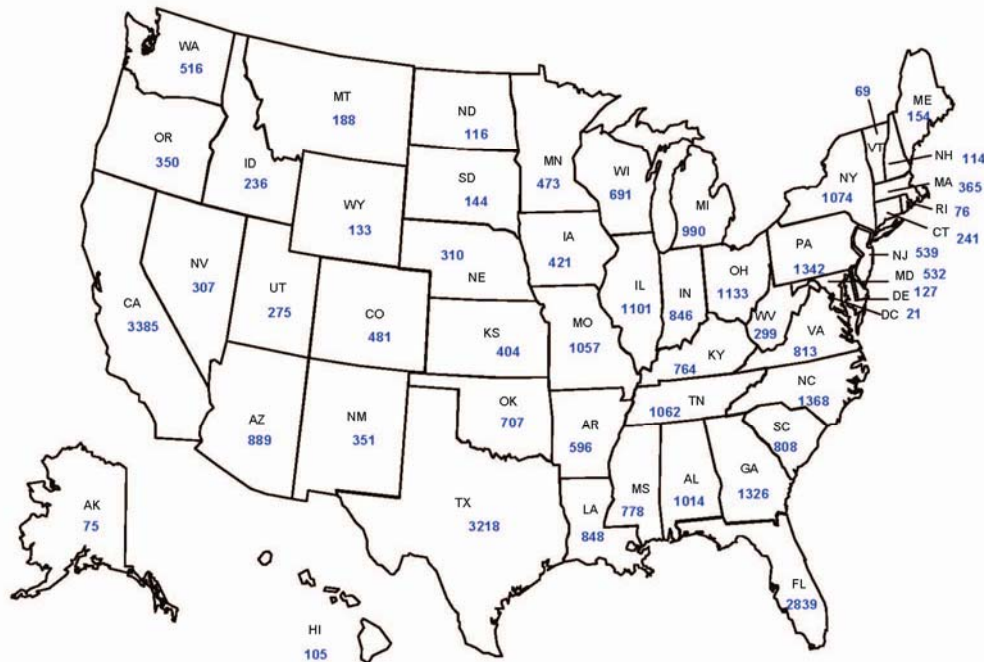
**Every Teen in Every State Should be Protected by an Effective Graduated Driver Licensing (GDL) Law**

Motor vehicle crashes remain the leading cause of death for teenagers between 15 and 20 years of age.<sup>15</sup> Motor vehicle crashes are responsible for more teen deaths than homicide, suicide, and cancer combined. 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 13.3 million (6.4 percent) in 2008.<sup>16</sup> Young drivers are over-represented in terms of motor vehicle crashes. In 2009, 5,148 drivers, ages 15 to 20 years old, were involved in fatal crashes, comprising 11 percent of all drivers who were involved in fatal crashes.<sup>17</sup> Young drivers also represented 14 percent of all drivers involved in police-reported crashes in 2009.<sup>18</sup> A total of 5,623 people were killed in the fatal crashes involving young drivers in 2009, including young drivers themselves, their passengers, pedestrians, bicyclists, and the drivers and occupants of other vehicles.<sup>19</sup>

Over the past five years, from 2005 through 2009, a staggering total of 36,071 fatalities have occurred in motor vehicle crashes involving teen drivers nationwide. See map

below. This makes a convincing and compelling case for protecting teen drivers in a uniform manner, from state-to-state, regardless of where novice drivers learn to drive.

**FATALITIES IN MOTOR VEHICLE CRASHES INVOLVING TEEN DRIVERS  
2005-2009 based on NHTSA FARS Data**



Fortunately, there is a proven method for reducing teen driving deaths. Graduated driver licensing (GDL) laws phase-in driving privileges over time and in low risk circumstances. This allows teen drivers to be introduced slowly to driving and to obtain driving experience under safer conditions. Research has shown the effectiveness of state GDL programs in reducing teen driver crashes and teenage fatalities. A recent study evaluating New Jersey's unique combination of a higher licensing age and a strong GDL system applicable to all novice drivers shows that after GDL implementation, there were significant reductions in the crash rates of 17-year-olds in all reported crashes (16%), injury crashes (14%) and fatal crashes (25%).<sup>20</sup> In Illinois, there has been a dramatic drop – more than 50 percent – in teen-related fatalities since their comprehensive GDL program took effect in January, 2008.<sup>21</sup> Even factoring in fewer fatalities due to reduced exposure in an economic downturn, Illinois' strong set of GDL laws undoubtedly played a significant role in this successful outcome. There are few public health interventions that achieve such successful and significant outcomes.

Advocates recommends six 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;
- restriction on non-emergency use of cell phone and other communication devices during learners permit and intermediate stage;
- restriction on unsupervised nighttime driving in intermediate stage;
- restriction on more than one non-familial teenage passenger in intermediate stage;
- minimum age limit of 18 years to obtain an unrestricted license.

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 a confusing system in which 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.

A national release in August 2010 by the Insurance Institute for Highway Safety (IIHS) on the views of parents of 15-18 year olds revealed astoundingly high levels of support for stronger driving laws including raising the age for learner's permits and licenses for beginning teen drivers, as well as more stringent nighttime driving and passenger restrictions.<sup>22</sup> Key findings of the survey include the following:

- Two-thirds of parents surveyed want learner's permits to be issued starting at age 16, not before;
- More than half of the parents surveyed think the minimum age for the unsupervised, or intermediate driving phase of GDL should be 17 or older; the same number want the learner's permit period to last at least a year;
- Sixty percent support supervised driving requirements for new teen drivers of at least 50 hours, with 40 percent saying 100 or more hours;
- Ninety percent of parents want a nighttime driving restriction, most of whom would have it start at 10 pm or earlier;
- Eighty-nine percent want passenger restrictions, with the largest majority of those saying teens should be allowed only one non-family passenger.

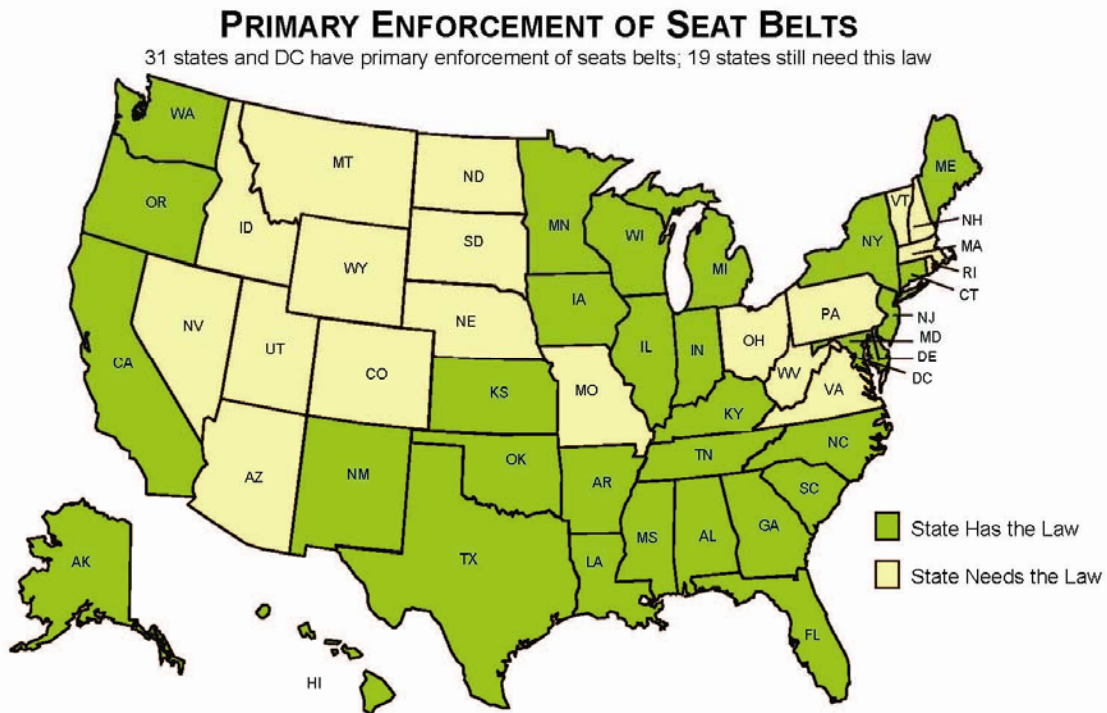
Teen driving legislation, the Safe Teen And Novice Driver Uniform Protection (STANDUP) Act, was introduced in the House during the 111<sup>th</sup> Congress sponsored by Representatives Tim Bishop (D-NY), Michael Castle (R-DE) and Chris Van Hollen (D-MD). In the 112<sup>th</sup> Congress, Senator Kirsten Gillibrand (D-NY) introduced the legislation on March 9, 2011 along with Senators Ben Cardin (D-MD), Thomas Carper (D-DE), Amy Klobuchar (D-MN), and Sheldon Whitehouse (D-RI). The STANDUP Act sets minimum standards for state GDL laws. 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 citizens – our children. This legislation is supported by the Saferoads4teens Coalition whose members includes more than 140 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

strongly urge the committee to include STANDUP in the surface transportation authorization legislation. It has high potential for significant reductions in 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. Yet, in 2009, more than half of the occupants killed in fatal crashes, 53 percent, were unrestrained in crashes where restraint use was known.<sup>23</sup>

Seat belts save lives by keeping occupants in the vehicle, thus preventing complete ejection in a crash. Ejection from the vehicle is one of the most serious and deadly events that can occur in a crash. In fatal crashes in 2009, 77 percent of occupants who were totally ejected from the vehicle were killed.<sup>24</sup> Our national observed seat belt use rate was 84 percent in 2009,<sup>25</sup> while only 31 states and the District of Columbia allow primary enforcement seat belt use and 19 states do not. See map below.



In states with primary enforcement laws, belt use is higher. A study conducted by the Insurance Institute for Highway Safety (IIHS) found that when states strengthen their laws from secondary enforcement to primary, driver death rates decline by an estimated seven percent.<sup>26</sup> Use levels are typically 10 to 15 percentage points higher in these states than in states without primary enforcement laws. Needless deaths and injuries that result

from a lack of seat belt use cost society an estimated \$60 billion annually in medical care, lost productivity, and other injury-related costs.<sup>27</sup>

NHTSA estimates that in 2009, seat belts saved 12,713 lives among passenger vehicle occupants over age 4.<sup>28</sup> If all passenger occupants over age 4 had worn seat belts in 2009 an estimated 16,401 lives, or an additional 3,688 lives, could have been saved.<sup>29</sup> NHTSA calculates that between 1975 and 2008 seat belts saved an estimated total of more than 255,000 lives.<sup>30</sup> Had seat belt use rates been 100 percent over the years, more than 350,000 additional lives would have been saved.<sup>31</sup>

Congress has already tried to persuade states to adopt primary seat belt enforcement laws with a generous grant program. In the 2005 SAFETEA-LU Act, Congress provided \$500 million in incentive grant funding to entice states to pass primary enforcement seat belt laws. In the six years since that incentive program took effect, only eleven (11) states enacted primary seat belt enforcement laws and, as previously mentioned, 19 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 included in last year's draft bill 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 within 3 years.<sup>32</sup>

### **Alcohol Ignition Interlock Devices Keep Drunk Drivers Off Our Neighborhood Streets and Roads**

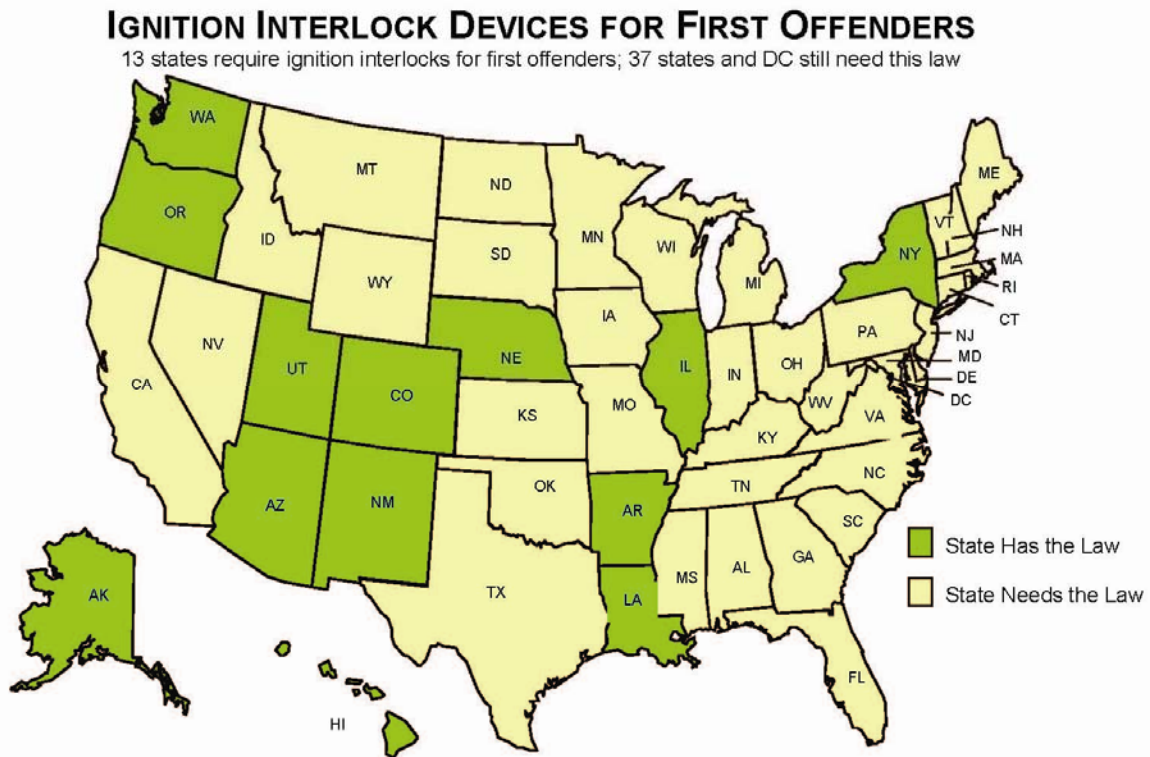
Drinking and driving continues to be a national scourge on our nation's highways. While a number of measures have successfully reduced the historically high levels of carnage caused by drunk driving back in the 1980s, in 2009, 10,839 people were still killed in alcohol-impaired-driving crashes, accounting for 32 percent of all traffic fatalities.<sup>33</sup> Previous decreases in fatalities were in large measure due to a wave of enactment of state anti-impaired driving laws, serious enforcement of those laws and educational efforts by MADD and others to raise awareness of the problem. In order to continue to reduce the number of needless alcohol related crash deaths suffered on our highways each year, more must be done to keep impaired drivers off our neighborhood streets and roads.

One such measure is the required installation of technology to prevent drunk driving recidivism. An effort led by MADD is already underway to urge states to adopt a mandatory interlock system to prevent persons convicted of impaired driving, including first time offenders, from starting their vehicle when they are, yet again, impaired. A breath alcohol ignition interlock device (IID) is similar to a breathalyzer used by police to determine if a driver has an illegally high BAC level. The IID is linked to a vehicle's ignition system and requires a driver who has been convicted of an impaired driving offense to breathe into the device. If the analyzed result exceeds the programmed BAC limit for the driver, the vehicle will not start. But if the alcohol in the driver's system registers below the prohibited limit they can start the vehicle and continue on their way.

Today, modern technology is used not just to provide drivers with vital safety information, but also to allow internet access and entertainment and business communications that can interfere with the driving task. There is every reason that technology should be used to prevent impaired drivers who have previous convictions for that offense from operating motor vehicles.

The great majority of Americans support this initiative as well. In 2009, a survey conducted by the Insurance Institute for Highway Safety (IIHS) found that 84 percent of respondents said that ignition interlock devices for convicted drunk drivers is a good idea.<sup>34</sup>

However, only 13 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-seven states and the District of Columbia have yet to adopt this life-saving law. See map below.



Advocates strongly supports legislation that requires the use of ignition interlocks for all drunk driving offenders in every state. 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**

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 with 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 2009, there were an estimated 5,474 fatalities and 448,000 injuries in crashes where driver distraction was a factor.<sup>35</sup>

Text messaging while driving poses the most extreme and evident crash risk danger. Diversion of attention from the driving task to input or read a text message clearly interferes with drivers' ability to safely operate a motor vehicle. A 2009 study found that text messaging while driving increases the risk of a safety-critical event by more than 23 times compared to drivers who are focused on the driving task.<sup>36</sup>

A mounting number of research studies and data show that the use of a mobile telephone while driving, whether hand-held or hands-free, is equivalent to driving under the influence of alcohol at the threshold of the legal limit of .08 percent blood alcohol concentration (BAC). Hand-held mobile phone use and dialing while driving require drivers to divert attention from the road and from the driving task, and both hand-held and 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.

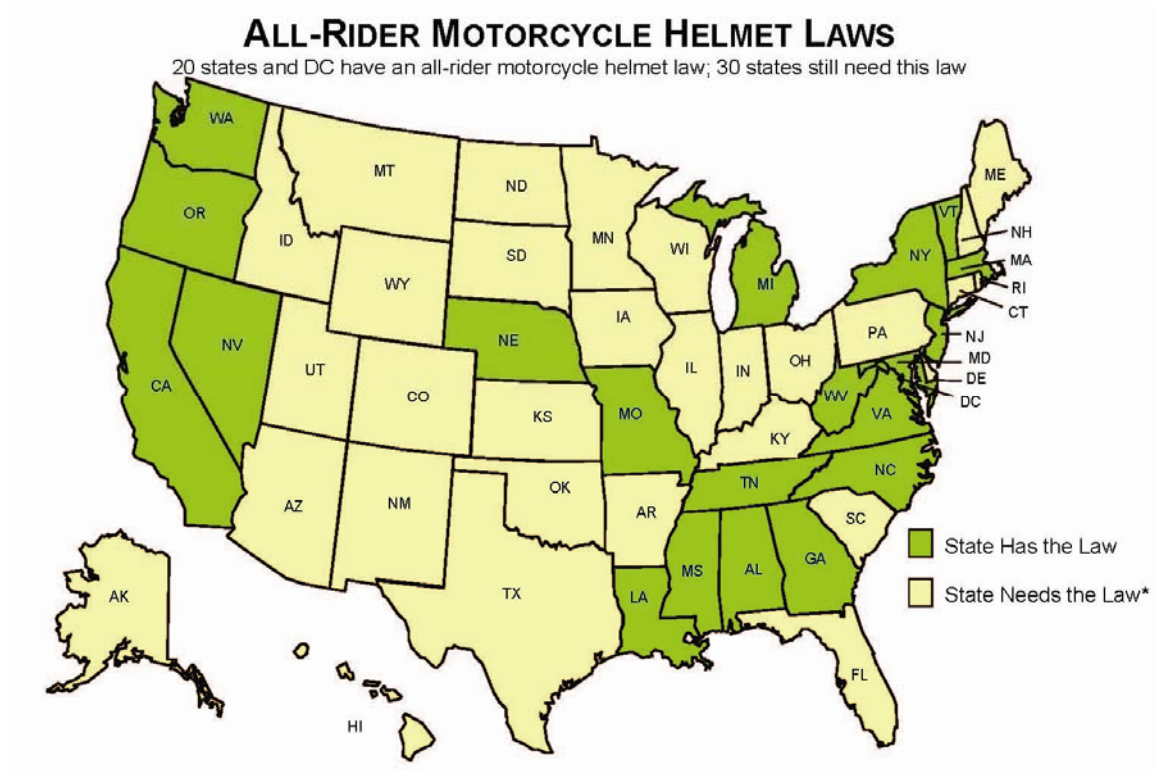
Transportation Secretary Ray LaHood hosted a national summit on distracted driving in 2009, with a follow-up meeting in 2010,<sup>37</sup> the White House issued a Presidential proclamation banning text messaging by federal employees,<sup>38</sup> and measures have been taken by the Department of Transportation (DOT) to curb distracted driving in commercial vehicles<sup>39</sup>: these are all good first steps. However, the problem of distracted driving in commercial vehicles is not limited only to text messaging. For that reason, in 2009, Advocates filed a petition for rulemaking with the Federal Motor Carrier Safety Administration (FMCSA), the DOT administration that regulates commercial vehicle operations, seeking a review of all types of electronic devices used in commercial vehicles, not just those that permit the transmission of text messages.<sup>40</sup> FMCSA issued a final rule prohibiting texting by CMV drivers in September 2010 but has not yet addressed other types of electronic devices.

As the Committee is aware, the problem of distracted driving is not limited to commercial vehicles alone. To date, only 26 states and the District of Columbia have enacted all-driver text messaging bans, with 24 states having no such law. See map on the following page. Two pieces of legislation were introduced in the 111<sup>th</sup> Congress to prohibit drivers from sending, receiving and accessing text messages while driving passenger vehicles: Advocates supports the use of potential sanctions to ensure that all-



promoting motorcycle training and education. These programs have been ineffective at reversing the recent doubling of motorcycle fatalities. In a 2008 report by NHTSA guiding states on highway safety actions that work, a state all-rider motorcycle helmet use law was the only countermeasure rated as “Proven” in the “Effectiveness” category.<sup>47</sup>

Today, only 20 states and the District of Columbia require helmet use by all motorcycle riders. See map below. Last year, 12 of those state laws were under attack by repeal attempts. In 2007, the NTSB recommended that all states without an all-rider helmet law should adopt one.<sup>48</sup> Research conclusively and convincingly shows that all-rider helmet laws save lives and reduce medical costs. While helmets will not prevent crashes from occurring, they have a significant and positive effect on preventing head and brain injuries during crashes. These are the most life-threatening and long-term injuries as well as the most costly.



Helmet laws are the most effective countermeasure to prevent motorcycle rider fatalities, and they save state and federal costs associated with crashes and injuries. According to NHTSA, almost 50 percent of motorcycle crash victims have no private health insurance, so their medical bills are paid by taxpayers.<sup>49</sup> In 1992, California’s all-rider helmet law took effect resulting in a 40 percent drop in its Medicaid costs and total hospital charges for medical treatment of motorcycle riders.<sup>50</sup>

In states that have all-rider helmet laws, helmet use is nearly 100 percent.

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

I would like to turn now to the serious issue of large truck safety in the U.S. In the decade from 2000 through 2009, an average of 4,676 people were killed in truck-involved crashes each year.<sup>51</sup> When large trucks collide with passenger vehicles, 98 percent of the people who die are the occupants of the cars and light trucks.<sup>52</sup> As with passenger vehicle deaths, large truck-involved fatalities have shown a recent decline, due in part to economic conditions.<sup>53</sup> Large, heavy trucks are dramatically overrepresented each year in severe, especially fatal crashes. Large trucks, although four percent of registered motor vehicles in the U.S., are nevertheless involved in 11 percent of annual traffic fatalities.<sup>54</sup> In 2008, one of every nine people killed in a traffic crash was a victim of a large truck crash.<sup>55</sup>

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 bi-partisan *Safe Highways and Infrastructure Preservation Act of 2010* (SHIPA), introduced in the 111<sup>th</sup> Congress by Sen. Frank Lautenberg (D-NJ) and Rep. James McGovern (D-MA) and 137 Republican and Democratic Members of Congress, would save lives, preserve our roads and bridges and promote a variety of important national policy interests.

First, SHIPA can stop the growth in numbers of 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 that protects states from being pressured to open their roads to excessively long trucks.<sup>56</sup>

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.

### Conclusion

The quality of life for all Americans depends on a safe, reliable, economical and environmentally sound surface transportation system.

Every year, highway crashes are costing our nation more than \$230 billion. This is money that could be better spent on addressing surface transportation needs. Many of the top priorities outlined in my testimony today can be realized by expending minimal funds from the Highway Trust Fund while achieving maximum gains in saving lives and preventing costly, disabling injuries. There are no acceptable excuses for delaying any longer the adoption of commonsense, cost-effective and successful safety measures while the death and injury toll continues to grow, year after year.

Thank you and I am pleased to answer any questions.

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<sup>1</sup> *Overview, Traffic Safety Facts 2009*. DOT HS 811 392. NHTSA (2010), available at <http://www-nrd.nhtsa.dot.gov/Pubs/811392.pdf>

<sup>2</sup> *Id.*

<sup>3</sup> Budget Estimates, Fiscal Year 2011, Statement of the Administrator at 1-2, NHTSA (Feb. 2011).

<sup>4</sup> *State Budget Wipeout, The 2011 Roadmap To State Highway Safety Laws*, Advocates (Jan. 2011), available at <http://www.saferoads.org/2011-roadmap-state-highway-safety-laws>

<sup>5</sup> Pub. L. 98-363 (July 17, 1984), codified as National Minimum Drinking Age, 23 U.S.C. § 158.

<sup>6</sup> *Determine Why There Are Fewer Young Alcohol-Impaired Drivers, What caused the decrease?*, DOT HS 809 348. NHTSA (1998), available at [http://www.nhtsa.dot.gov/people/injury/research/FewerYoungDrivers/iv\\_what\\_caused.htm](http://www.nhtsa.dot.gov/people/injury/research/FewerYoungDrivers/iv_what_caused.htm)

<sup>7</sup> *Statistical Analysis of Alcohol-Related Driving Trends, 1982-2005*, DOT HS 810 942, at 17, NHTSA (2008), available at <http://www-nrd.nhtsa.dot.gov/Pubs/810942.PDF>

<sup>8</sup> *Young Drivers. Traffic Safety Facts 2009*, DOT HS 811 400. NHTSA (2011), available at <http://www-nrd.nhtsa.dot.gov/Pubs/811400.pdf>

<sup>9</sup> Title XII, Pub. L. 99-570 (Oct. 27, 1986), codified as 49 U.S.C. §§ 31301 *et seq.*

<sup>10</sup> The Commercial Motor Vehicle Safety Act of 1986 and Classified Driver Licensing. Transportation Research Board Publications Index, Accession Number 00475965, at 14, 1988, available at <http://pubsindex.trb.org/view.aspx?id=286034>

<sup>11</sup> Title III, § 320, Pub. L. 104-59 (Nov. 28, 1995), codified as 23 U.S.C. § 161.

<sup>12</sup> Title III, § 351, Pub. L. 106-346 (Oct. 23, 2000), codified as 23 U.S.C. § 163. See .08 BAC illegal *per se* level, Traffic Safety Facts, vol. 2 No. 1, NHTSA (March 2004), available at <http://www.nhtsa.dot.gov/People/injury/New-fact-sheet03/fact-sheets04/Laws-08BAC.pdf>

<sup>13</sup> Title I, Subtitle D, § 1406, Pub. L. 109-59 (Aug. 18, 1995), codified at 23 U.S.C. § 157.

<sup>14</sup> 2011 Roadmap Report at 16.

<sup>15</sup> *Young Drivers*, Traffic Safety Facts 2009, at 1, DOT HS 811 400 (2010).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 1-2.

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<sup>18</sup> *Id.* at 2.

<sup>19</sup> *Id.* at 6.

<sup>20</sup> Williams, et al., *Evaluation of New Jersey's Graduated Driver Licensing Program*, Traffic Injury Prevention 11:1-7 (Feb. 2010).

<sup>21</sup> Information provided by the Office of the Illinois Secretary of State, available at [www.cyberdriveillinois.com/press/2009/january/090128d1.html](http://www.cyberdriveillinois.com/press/2009/january/090128d1.html), and from the Illinois Department of Transportation, available at <http://www.dot.il.gov/press/r040709.html>

<sup>22</sup> *Parents Want Strict Limits on Teen Drivers*, Insurance Institute for Highway Safety Status Report. Aug. 2010, available at <http://www.iihs.org/externaldata/srdata/docs/sr4507.pdf>

<sup>23</sup> *Highlights of 2009 Motor Vehicle Crashes, Traffic Safety Facts August 2010*, NHTSA, DOT HS 811 363, available at <http://www-nrd.nhtsa.dot.gov/Pubs/811363.PDF>

<sup>24</sup> *Overview, Traffic Safety Facts 2009*. DOT HS 811 392. NHTSA (2010), available at <http://www-nrd.nhtsa.dot.gov/Pubs/811392.pdf>

<sup>25</sup> *Id.*

<sup>26</sup> Farmer, C. M. & Williams, A. F., *Effect on Fatality Risk of Changing from Secondary to Primary Seat Belt Enforcement*, Insurance Institute for Highway Safety (Dec. 2004), available at <http://www.gahighwaysafety.org/pdf/iihsseatbelts.pdf>

<sup>27</sup> Miller, Ted R.Ph.D. & Zaloshnja, Eduard, Ph.D., "On a Crash Course: The Dangers and Health Costs of Deficient Roadways," Pacific Institute for Research and Evaluation, commissioned by The Transportation Construction Coalition, at 7, May 2009, available at <http://www.pire.org/documents/PireStudyLowRes.pdf>

<sup>28</sup> *Lives Saved in 2009 by Restraint Use and Minimum-Drinking-Age Laws*, Traffic Safety Facts, September 2009, NHTSA, DOT HS 811 383, available at <http://www-nrd.nhtsa.dot.gov/pubs/811383.pdf>

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Traffic Safety Facts 2008*, Early Edition, Lives Saved by Restraint Use and 21-Year-Old Minimum Legal Drinking Age Laws Chart, Inside Back Cover, DOT HS 811 170, NHTSA (2009).

<sup>32</sup> Surface Transportation Authorization Act of 2009, § 1516, Transportation and Infrastructure Committee, markup draft, [Committee Print] (June, 2009).

<sup>33</sup> *Alcohol-Impaired Driving*, Traffic Safety Facts 2009, DOT HS 811 385 NHTSA (2010).

<sup>34</sup> 2011 Roadmap Report at 30.

<sup>35</sup> *Distracted Driving 2009*, Traffic Safety Facts, DOT HS 811 379, NHTSA (Sept. 2010).

<sup>36</sup> Olson, et al., *Driver Distraction in Commercial Motor Vehicle Operations*, Virginia Tech Transportation Institute (2009).

<sup>37</sup> Distracted Driving Summit, September 30 – October 1, 2009 (Washington, D.C.)

<sup>38</sup> *Federal Leadership on Reducing Text Messaging While Driving*, Executive Order No. 13513 (Oct. 1, 2009), 74 FR 51225 (Oct. 6, 2009).

<sup>39</sup> See *Limiting the Use of Wireless Communications Devices*, Notice of Proposed Rulemaking request for comments, 75 FR 16391 (Apr. 1, 2010); *Regulatory Guidance Concerning the Applicability of the Federal Motor Carrier Safety Regulations to Texting by Commercial Motor Vehicle Drivers*, Notice of Regulatory Guidance, 75 FR 4305 (Jan. 27, 2010).

<sup>40</sup> *Distracted Driving Petition for Rulemaking: Requesting Issuance of a Rule to Consider Prohibiting or Restricting the Use of Electronic Devices During the Operation of Commercial Motor Vehicles*, filed by

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Advocates for Highway and Auto Safety with the Acting Administrator, Federal Motor Carrier Safety Administration, dated September 24, 2009.

<sup>41</sup> Motorcycle Safety, National Highway and Traffic Safety Administration, DOT HS 807 709 (Oct. 1999), available at <http://www.nhtsa.dot.gov/people/injury/pedbimot/motorcycle/motosafety.html>

<sup>42</sup> *Overview, Traffic Safety Facts 2009*. DOT HS 811 392. NHTSA (2010), available at <http://www-nrd.nhtsa.dot.gov/Pubs/811392.pdf>

<sup>43</sup> *Id.*

<sup>44</sup> *Motorcycles*, Traffic Safety Facts 2008, DOT HS 811 159, at 1, NHTSA (2009).

<sup>45</sup> The National Motor Vehicle and Traffic Safety Act of 1966, Pub. L. 89-563 (Sept. 9, 1966).

<sup>46</sup> See e.g., *Evaluation of the Reinstatement of the Helmet Law in Louisiana*, DOT HS 810 956, NHTSA (May 2008), available at [http://www.nhtsa.gov/portal/nhtsa\\_static\\_file\\_downloader.jsp?file=/staticfiles/DOT/NHTSA/Traffic%20Injury%20Control/Articles/Associated%20Files/810956.pdf](http://www.nhtsa.gov/portal/nhtsa_static_file_downloader.jsp?file=/staticfiles/DOT/NHTSA/Traffic%20Injury%20Control/Articles/Associated%20Files/810956.pdf)

<sup>47</sup> NHTSA Safety Countermeasures Guide, p. 5-4.

<sup>48</sup> NTSB Recommendations H-07-38, available at [http://www.nts.gov/Recs/letters/2007/H07\\_38.pdf](http://www.nts.gov/Recs/letters/2007/H07_38.pdf), and H-07-39, available at [http://www.nts.gov/Recs/letters/2007/H07\\_39.pdf](http://www.nts.gov/Recs/letters/2007/H07_39.pdf)

<sup>49</sup> 2011 Roadmap Report at 17.

<sup>50</sup> *Id.*

<sup>51</sup> *Insurance Institute for Highway Safety Fatality Facts 2009: Large Trucks*.

<sup>52</sup> *Id.*

<sup>53</sup> Although truck crash fatalities have declined in 2007 and 2008, this reduced death toll is strongly linked with a major decrease in truck freight demand, including substantially reduced truck tonnage in the latter part of 2007, with continuing reductions through 2008 and into 2009. See, e.g., <http://www.glgrou.com/News/Leading-Indicator---2008-North-America-Freight-Market--Truck-Build-Numbers-Down---2009-Predicted-To-Be-Worse-With-2010-30689.html>, demonstrating 7 consecutive quarterly declines in truck freight tonnage through the third quarter of 2009. Also see, <http://www.ttnews.com/articles/basetemplate.aspx?storyid=22609>, "ATA's Costello Hopeful Freight Levels Have Bottomed Out," *Transport Topics*, Aug. 27, 2009, and a similar, earlier report in *Transport Topics*, March 2, 2009.

<sup>54</sup> *Insurance Institute for Highway Safety Fatality Facts 2009: Large Trucks*.

<sup>55</sup> *Traffic Safety Facts 2008*, DOT HS 811 158, NHTSA (2009).

<sup>56</sup> Intermodal Surface Transportation Efficiency Act of 1991, Title I, § 1023(b), Pub. L. 102-240 (Dec. 18, 1991) *codified at* 23 U.S.C. § 127(d).