

**Hearing on Improving Highway and Vehicle Safety:
Reauthorization of the National Highway Traffic Safety Administration**

**Statement of the Honorable David L. Strickland
Administrator, National Highway Traffic Safety Administration**

**Senate Committee on Commerce, Science, and Transportation
Subcommittee on Consumer Protection, Product Safety, and Insurance**

July 27, 2011

Mr. Chairman, members of the Committee, thank you for the opportunity to return to the Commerce Committee to testify on surface transportation reauthorization. As a staffer on the Commerce Committee, I had the opportunity to work on the last surface transportation reauthorization, SAFETEA-LU. Now I have the distinct honor of representing the Obama Administration in working with this Committee and the Congress to shape NHTSA's future. While my vantage point may be different, rest assured that I am as deeply committed to this reauthorization now as I was during SAFETEA-LU.

According to NHTSA data, the nation maintained a steady downward trend in traffic related fatalities last year. While the projected number of 32,788 deaths in 2010 is still too many, it is the lowest number of fatalities since 1949. Even more heartening, the nation's fatality rate is 1.09 deaths per 100 million vehicle miles traveled and has been on a downward trend for 25 years.

At the same time, we continue to face many challenges in ensuring ongoing improvement. Alcohol-impaired driving continues to account for 32 percent of the nation's traffic-related fatalities. Approximately half of occupant fatalities in traffic crashes are unbelted. Along with these more mature challenges, distracted driving is an increasing concern, and many areas around the country are facing increased risks to pedestrians.

Improving NHTSA's statutory authority would better enable the agency to address these and other highway safety issues. The Committee's reauthorization discussion draft includes certain helpful enhancements. While the Administration has not formally commented on the discussion draft, which will limit my remarks, I will be happy to discuss the issues generally and with more specificity where technical assistance was provided to the Committee.

Streamlining the grants process

First, I want to compliment the Committee on its proposal for streamlining the grant process for States and promoting performance-based approaches and accountability. I believe that the Committee's provision to establish a single grant application deadline, along with efforts to consolidate reporting and applications, will allow States to spend less time on administrative details, and more time developing and implementing effective safety countermeasures.

Motorcycles

Between 2004 and 2009, the number of motorcycle crash fatalities increased from just over 4,000 to 4,462; an 11 percent increase. The number of motorcycle

fatalities fell 16 percent between 2008 and 2009, the first time there has been a decrease in more than a decade. I firmly believe that we can build on that progress. The most important step we can take to reduce the deaths of motorcyclists on our roads and highways is to assure that all riders wear a DOT-compliant helmet.

A grant program emphasizing the use of motorcycle helmets would be effective in reducing fatalities. NHTSA's data show that, between 2005 and 2009, motorcycle helmets saved more than 8,000 lives. NHTSA estimates that the use of motorcycle helmets by motorcyclists reduces the likelihood of a motorcycle crash fatality by 37 percent for operators and 41 percent for passengers. To address these crash fatality numbers, the addition of eligibility criteria to emphasize the use of motorcycle helmets would be an effective and positive step in protecting public health and safety, while recognizing the rights of States to make choices for their citizens. I appreciate the Committee's inclusion of a provision that would clarify the agency's authority to take action with regard to all-noncompliant or defective motorcycle helmets.

Distracted Driving Provisions

As you know, Secretary LaHood and I have been outspoken about the dangers of distracted driving. We support a robust program to reduce distracted driving as presented in the Committee draft.

Today less than 15 States have a primary enforcement law that bans drivers under the age of 18 from driving while using a cell phone. Given the complexity surrounding the eligibility criteria to receive a grant, I suggest that the Committee consider providing NHTSA with the authority to make this determination through notice and comment rulemaking.

Improved Authority

I want to thank the Committee for including several helpful provisions that expand the agency's capabilities. These include:

- Authority to ensure that notification of non-compliant or defective conditions in used passenger vehicles and in rental vehicles is provided to consumers;
- Increased authority to address safety hazards caused by some imported motor vehicle equipment;
- Increases in the total amount of civil penalties NHTSA can seek for a related series of violations; and

- Support for collaborative research in developing and deploying in-vehicle alcohol detection systems.

I would like to call particular attention to section 411 on used passenger motor vehicle consumer protection and section 412 on safety of recalled rental motor vehicles. These two provisions would protect consumers in a significant segment of the motor vehicle population that we currently cannot reach effectively. Our statutory authority does not permit NHTSA to require action by used car dealers or rental companies with regard to recalled vehicles. We do not have any authority to protect consumers at the rental counter or those looking to purchase a used vehicle. These two simple provisions are critical to ensure that consumers are notified of recall issues before they purchase a used vehicle or rent a car.

Together these enhanced authorities would permit NHTSA to ensure motor vehicle and equipment safety on a broader basis than we can today.

However, the technical drafting assistance we provided to the Committee in May included agency policy proposals on several measures that are not in the Committee draft, including:

- Authority over portable electronic devices in vehicles to address the clear and serious distraction hazard they pose;
- Authority over devices external to vehicles that will be essential to ensure the safety, security, and effectiveness of vehicle-to-vehicle communications in order to realize the enormous safety benefits these systems may bring; and
- Direct appellate review of recall orders to ensure that manufacturers have the opportunity to challenge orders while avoiding lengthy district court trials during which no recall is in effect to protect consumers.

Without the additional authority such provisions would provide, NHTSA would be hard pressed to adequately address some very serious safety issues. For example, vehicle-to-vehicle communications hold the promise of significant safety advances by enabling inter-vehicle communications to reduce the likelihood of many types of crashes. Such communications systems are likely to depend on electronic devices external to the vehicles working in concert with in-vehicle devices. NHTSA's issuance of standards concerning those external devices would be very helpful to ensure the reliability and security of those communications. A clarification of the agency's authority to do so is an important element in furthering the development of those systems.

Rulemaking

The draft bill contains a large number of rulemaking provisions, some with relatively short times allowed for completion. However, I appreciate the inclusion of a provision that would permit the agency, when necessary, to lengthen those timeframes and explain to the committees of jurisdiction why it must do so. This will permit the agency to continue to prioritize its regulatory work based on its judgment of the likely safety benefits and its available resources.

While the agency is currently working on some of the safety challenges identified in the Committee draft, some provisions include subjects not currently on our agenda. We develop our research and rulemaking priorities by focusing on the most significant safety risks, particularly vulnerable populations and high occupancy vehicle issues. The agency looks forward to working with this Committee and the Congress to share our thinking on rulemaking priorities, and developing a consensus rulemaking agenda that will address risks to the driving public.

Post-Employment Restrictions

One provision of the draft would impose stricter post-employment restrictions on NHTSA employees. We believe that a provision singling out NHTSA employees for stricter treatment is not the most effective means to achieve the intended goals of the provision, and could cause other unintended consequences that may affect the agency in accomplishing its mission. At the request of this Committee, the DOT Office of Inspector General conducted a full review of NHTSA's ethics procedures and their adequacy to prevent undue influence being exerted on NHTSA's safety defect investigations.

I would like to call attention to a letter to the Committee dated April 4, 2011 from the Inspector General, which found that NHTSA had adequate controls in place to ensure employees' compliance with ethics requirements and found no evidence of undue influence during investigations. The Inspector General made no recommendations for changes in NHTSA's ethics policies, procedures, and practices.

The Obama Administration has set forth some of the most comprehensive ethics rules of any administration. The Secretary holds the staff of the entire Department to the highest ethical standard. The agency looks forward to the opportunity to discuss effective and federally consistent ethics process improvements.

I thank the Committee and its staff for paying such close attention to the important highway safety issues NHTSA confronts and for the hard work that went into preparing the Committee's thoughtful draft. I look forward to continue working with the Committee to address some of the issues discussed here today. Thank you for the opportunity to offer these comments. I am happy to answer any questions you may have.