



**Statement of John Saunders
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**Before the Subcommittee on Transportation and Safety
U.S. Senate Committee on Commerce, Science, and
Transportation**

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I. Introduction

Good morning. My name is John Saunders and I am Director of Highway Safety for the Virginia Department of Motor Vehicles. I also serve as the Region Three Representative on the Executive Board of the Governors Highway Safety Association. GHSA is a nonprofit association that represents State and territorial highway safety agencies. Its State Highway Safety Office members create and deploy Statewide behavioral safety plans and administer federal behavioral highway safety grant programs.

The State Highway Safety Offices are focused on the behavioral aspects of highway safety, including but not limited to impaired driving; inadequate adult and child occupant protection; speeding and aggressive driving; distracted and drowsy driving; younger and older driver safety; motorcycle safety; the safety of bicyclists, pedestrians and non-motorized road users; the safety of new vehicle technologies; traffic enforcement; traffic records; emergency medical services; driver education; and highway safety workforce development.

Our members are thus involved principally in implementing programs that leverage traffic enforcement, community engagement, public education, highway crash surveillance and other countermeasures to prevent crashes, deaths and injuries on our roads.

For the past five years, during the FAST Act authorization period, the National Highway Traffic Safety Administration (NHTSA) has distributed over 500 million dollars annually to the States, which also leverages funding from State governments and partners, to implement these programs.

I am pleased to provide the subcommittee an update from the perspective of the States on the status of highway safety in the United States, a review of key challenges, and recommendations in Appendix A below for the U.S. Senate to consider as it prepares the upcoming federal transportation reauthorization.

II. COVID-19 Impacts on the Highway Safety Offices

As on the federal level, the COVID-19 outbreak created significant disruption in State and local government activities. Many State highway safety office staff continue to work remotely and are limiting activities that might put themselves or others at risk.

Some law enforcement partners had immediately cancelled grant-funded enforcement campaigns and other activities, though we are resuming programs as soon as we are able. Regarding national enforcement campaigns required by statute, NHTSA has delayed the schedule of several of these events until the fall.

GHSA greatly appreciates the administrative flexibility granted to the States under the CARES Act. Instead of having to focus on meeting administrative requirements that were impossible to meet, States have instead been able to focus on implementing safety programs and pivoting to address the safety priorities that have emerged in the wake of the pandemic.

The effects of the pandemic will be long-lasting. The inability to conduct many activities during this fiscal year may have impacts on State eligibility for next year's grants. Looking forward, we urge U.S. Congress to extend NHTSA's authority to grant waivers to the States that need them.

III. Highway Safety in the United States

As you know, traffic-related fatalities and injuries continue to be a major public health crisis in the United States. NHTSA reports that 36,560 people were killed and many more were injured in the United States in 2018.¹ This represents a decline of 2.4% from 2017, a third year of declines following significant increases. NHTSA also projects a slight decline of about 1.2% for 2019.²

This is progress but no cause for celebration. Still about 100 family members, friends and coworkers are killed every day on our roadways. This is equivalent to three fully loaded 737 airline jets crashing every week where every single passenger and crew member perished. All of these highway crashes are completely preventable and the only acceptable number of fatal crashes should be zero.

According to a 2008 NHTSA study, the critical reasons for the overwhelming majority of crashes is unsafe driver behavior.³ An aggregation and comparison of NHTSA data about various crash types suggests a national ranking of behavioral highway safety threats (see Figure 1 on pg. 4). Note that there is significant overlap and some crash types are likely underreported.

Though overall fatalities have decreased in the long run, the top three crash contributors – impaired driving, lack of restraint use and speeding – have persistently each accounted for nearly a third of all crash fatalities.

Congress should be aware that many factors outside of the control of highway safety programs have a significant and complex influence on highway safety metrics. For instance, changes in the economy and fuel prices impact how much consumers drive, and thus changes driver exposure to highway safety risks. Increases and decreases in overall fatalities notably correlate to national economic conditions.

¹ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812826>

² <https://www.nhtsa.gov/press-releases/early-estimates-traffic-fatalities-2019>

³ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812506>

Figure 1.

2018: People Killed in Fatal Crashes (Source: NHTSA Traffic Safety Factsheets)	
Total	36,560
Alcohol-Impaired Driving	10,511
Unrestrained Occupants	9,778
Speeding-Related	9,148
Pedestrians	6,185
Motorcyclists	4,928
Distraction-Affected	2841
Teen Drivers	*1830
Children	*1147
Bicyclists	834
Drowsy Driving	*795

***2017 data**

The makeup of vehicle types on the road seems to have an influence on crashes. For instance, U.S. vehicle sales have shifted away from passenger cars to light trucks and SUVs that can cause more severe impacts than cars in crashes involving non-motorized road users and other cars.

Even the weather influences highway safety. Good weather brings more vulnerable users – pedestrians, motorcyclists and bicyclists – onto roadways and increases their exposure to risk. The States with the highest rates of pedestrian fatalities are concentrated in the south where better weather makes non-motorized travel more appealing.

Though we cannot yet offer data, the shutdowns, quarantines, social distancing, and the subsequent economic impact resulting from the COVID-19 outbreak have almost certainly impacted road traffic, crashes, deaths and injuries. Notably, many areas of the country are reporting that open roads are encouraging an increase in excessive speeding, which can result in more catastrophic injuries.

Our current levels of national investment are insufficient to overcome the influence of these external factors. We need to take control of the future of highway safety and make progress despite broader circumstances that encourage highway safety risks.

IV. Impaired Driving Remains the Leading Highway Safety Threat

Alcohol-impaired driving arguably remains our number one highway safety challenge. According to NHTSA, an average of one alcohol-impaired-driving fatality occurred every 50 minutes in 2018. Alcohol impairment is notably over-represented in crashes involving young adults, motorcyclists, bicyclists, pedestrians and speeding.

Last December, GHSA released a report, *High Risk Impaired Driving: Combating a Critical Threat*,⁴ in which we explored a more holistic approach to managing impaired driving offenders that focuses on the individual and the need to treat underlying problems prompting impaired driving behaviors. Screening, assessment and treatment are especially critical to classify, adjudicate, penalize and reform all impaired driving offenders according to their risk of recidivism.

GHSA is likewise concerned about the increasing prevalence of drug-impaired driving, even as alcohol-impaired driving is still a major traffic safety problem. Though we know the data is incomplete, there is reason to believe that drugged driving is increasing. Further, States are finding that impaired driving cases increasingly involve alcohol and drugs used in combination, further suggesting a need to think about impaired driving holistically.

Many States are legalizing marijuana for medical or recreational purposes. Marijuana legalization presents concerns about the potential impact that increased access will have on the users of the roads and States should be thinking about how they can prepare.

Congress should be aware that drug impaired driving does not just involve illicit drugs but rather also can involve impairing prescription and over-the-counter drugs.

Unfortunately, science does not support an illegal per se limit (similar to the .08 or .05 blood alcohol concentration for alcohol) for marijuana, or most other drugs, and no such breakthrough is likely forthcoming.

Without the policy tool of a per se limit, States are implementing programs that utilize the best strategies available, including:

- Training police officers to better recognize drug impairment;
- Leveraging new roadside screening tools like oral fluid testing and drug breathalyzers to establish probable cause;
- Leveraging training and technology to expedite drug-impaired driving cases so investigators can capture often short-lived toxicological evidence;
- Ensuring toxicology laboratories have the funding, staffing and equipment to manage growing numbers of drug-impaired driving cases;
- Training prosecutors and judges to adjudicate cases involving new kinds of investigations and evidence;
- Treating offenders' underlying substance abuse issues, no matter what the substance; and

⁴ https://www.ghsa.org/sites/default/files/2019-12/GHSA_HRIDReport_Final_Dec17Update.pdf

- Testing more offenders and fatally injured drivers for drugs to better document the scope of the threat.⁵

GHSA recommends steps in Appendix A on how the U.S. Senate can better prepare States to address impaired driving.

V. Speeding Has Become a Forgotten Highway Safety Issue

Though about a quarter of all fatal crashes involve at least one speeding driver, GHSA believes that speeding had become almost a forgotten highway safety issue. Indisputably, higher speeds are tied to an increased risk of crashes and increased crash severity. Further, speeding vehicles present a unique threat to other more vulnerable road users.

Unlike other leading highway safety issues for which we have successfully shifted cultural attitudes, speeding remains widely socially acceptable. Most drivers speed and despite ongoing speeding enforcement efforts, most drivers still have low expectations of receiving a citation or causing a crash. As mentioned, the pandemic seems to have resulted in an increase in excessive speeding around the country.

States are using various combinations of proven engineering, enforcement and education countermeasures to address speeding. Because the public is generally not behind us, even proven countermeasures face political barriers and some States are even increasing speed limits and banning scientifically-proven solutions.⁶

In an effort to rethink how we could best prevent speeding, GHSA is partnering with the Insurance Institute for Highway Safety and the National Roadway Safety Foundation to sponsor a competitive grant program for States to implement community-based speed management pilot projects. In an effort to break down siloed approaches, we will be funding pilot programs that specifically combine all of the different countermeasures—engineering, enforcement, communications, policy, and advocacy – in the same location at the same time. We will be formally evaluating the program and hope to demonstrate an integrated model that can be scaled up and replicated elsewhere.

Finally, in order to do more on speeding, the United States is in dire need of national leadership acknowledging the extent of this highway safety problem and committing to real solutions. GHSA welcomes a conversation about what more Congress can do to better address dangerous speeding on our nation’s roads.

VI. Pedestrian Fatalities Are Increasing Dramatically

⁵ <https://www.ghsa.org/index.php/resources/DUID18>

⁶ <https://www.ghsa.org/resources/Speeding19>

Another area of critical concern is the alarming surge in pedestrian injuries and fatalities. For the past three years, GHSA has aggregated preliminary pedestrian safety data from its State members and considered historic data to predict anticipated pedestrian safety trends prior to the availability of final national data for those years.

According to GHSA's last analysis released this year, the number of pedestrian fatalities increased by 53 percent (from 4,109 deaths in 2009 to 6,283 deaths in 2018) during the 10-year period from 2009 to 2018. Meanwhile, the combined number of all other traffic deaths declined by two percent. Further NHTSA recently reported that fatalities decreased from 2017 to 2018 in almost all segments of the population except fatalities in crashes involving large trucks and nonoccupant fatalities (pedestrians and bicyclists).⁷

Based on preliminary State data, GHSA estimated that the nationwide number of pedestrians killed in motor vehicle crashes in 2019 was 6,590, an increase of 5% from 2018. GHSA's predictions have been nearly spot on with NHTSA's final figures and we expect the same for 2019.

Like speeding, States are using various combinations of engineering, enforcement and education countermeasures to address pedestrian safety, including targeted enforcement in conjunction with public outreach and education. NHTSA and the Federal Highway Administration (FHWA) are partnering to bring special attention to the pedestrian safety crisis. GHSA recommends steps in Appendix A for the U.S. Senate to improve how the States can better protect non-motorized road users.

VII. Equity in Traffic Enforcement

In the past quarter, we have seen much attention brought to shocking instances of excessive force, police misconduct, and individual and systematic racism in policing. Some of these incidences have involved traffic stops and in general, much of the personal interaction between law enforcement and the public occurs in the context of traffic stops. As we know these are not new challenges, but a conversation about the intersection with traffic safety and traffic enforcement is long overdue.

This issue is a priority and has been a matter of considerable attention by GHSA's Executive Board and we hope to determine the most constructive way for GHSA and its members to eliminate injustice in traffic enforcement.

GHSA condemns racism, discrimination and misconduct in the criminal justice system in all forms and we support the right to peacefully protest. GHSA also supports the collection of data on inappropriate disparities in policing driven by race or other factors, and the use of such data to implement highway safety programs.

However, GHSA also continues to support the proven role of traffic enforcement and the wider criminal justice system to prevent crashes, deaths and injuries, stop dangerous

⁷ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812826>

drivers and hold drivers accountable for poor, often deadly, choices. High-visibility enforcement, in particular, remains an approach upheld by research and data. GHSA supports the vast majority of law enforcement officers that faithfully implement highway safety programs.

For many communities across the U.S., traffic enforcement will remain a major part of traffic safety out of choice or necessity. However, we have seen across the spectrum of highway safety that one size rarely fits all, and GHSA wants to be open to developing and implement effective, alternative approaches, as well as investment in countermeasures that prevent dangerous driving before it needs to be targeted in traffic enforcement efforts.

Finally, no traffic safety program can survive without public trust. GHSA strongly encourages law enforcement to adopt new approaches to rebuild public trust in traffic enforcement and we hope to be a part of that process.

VIII. Congress Should Increase Highway Safety Investment

The highway safety discourse in the United States has come to revolve around working toward a goal of zero highway fatalities. GHSA is a proud member of the Towards Zero Death initiative, a member of the Road to Zero Coalition and a partner with the Vision Zero Network. Many States have adopted a zero-focus for Statewide highway safety planning.

Unfortunately, the current level of national investment will not move us close to zero. In fact, some States' data projects that fatality rates will remain largely the same, or even increase when all of the various factors are taken into account.

GHSA urges Congress to increase its investment in all federal highway safety programs, including programs implemented by NHTSA, FHWA, the Federal Motor Carrier Administration (FMCSA), the National Transportation Safety Board (NTSB) and other federal agencies. No individual approach will be sufficient to solve the highway safety challenge. Rather, we need to simultaneously increase our investment in engineering and infrastructure, education, enforcement, emergency medicine and every viable countermeasure approach.

Some traffic safety stakeholders argue that we can solve all of our problems by rebuilding the roads. While improved infrastructure can address a few safety problems, it will not make drivers buckle their seat belts or put their children in the right child restraint. It will not prevent drunk drivers from getting behind the wheel, hold them accountable, or help them overcome addictions. That is to say that eliminating behavioral approaches altogether would be a major mistake. Rather, we must implement all types of countermeasure strategies simultaneously to bring down fatal crash rates.

Congress has taken bold action to address other public health crises, even just earlier this year. Every transportation agency and most transportation stakeholders have established

safety as the leading priority. We urge Congress to do the same now and fully commit to the road to zero.

IX. Congress Should Significantly Reform NHTSA's Highway Traffic Safety Grant Programs

As we prepare for the upcoming federal transportation reauthorization, GHSA urges Congress to take aggressive steps to remove the constraints that limit the ability of States, cities, NHTSA and our partners to implement effective programs.

The NHTSA Highway Traffic Safety Grant program is hamstrung with extensive administrative burdens. These burdens are partially due to NHTSA's oversight of the program but also rooted in how Congress has specifically constructed the program that NHTSA is implementing.

Today, in order to participate in NHTSA's grant programs, States are required to comply with an excessive number of separate program rules and separate sets of qualifications. States face onerous, duplicative record-keeping and reporting requirements. In particular, the eligibility standards for many grants are so detailed that States are often disqualified over technicalities. The level of detail about State laws required to apply for these grants creates burdens for NHTSA to determine eligibility. NHTSA has also limited transparency about the specific reasons for grant award decisions. And when grants are awarded, the program is crisscrossed with arbitrary federal guardrails on what kinds of programs and projects that States can or cannot implement. Underpinning all of this is a dysfunctional grant program structure, as explained below.

Section 402 - State and Community Highway Safety Grant Program

Slightly less than half of NHTSA grant funding is allocated to Section 402, the State and Community Highway Safety Grant Program. Under Section 402, States are permitted to program their funding for a wide range of highway safety purposes based on their data-driven problem identification. States use data to determine their unique highway safety needs and allocate resources accordingly.

GHSA urges Congress to generally increase its investment in Section 402 year-to-year, which would expand the flexibility of States to target their highway safety problems. Notably, there is no priority safety program to address speed - one of the top three factors in fatal crashes. States rely on Section 402 to support speed management programs.

Congress should further expand the purposes for which Section 402 funds are allowed to be used to meet emerging behavioral highway safety concerns and opportunities, including public education on vehicle recall awareness, unattended child passengers and heatstroke prevention, and public education on understanding and safely using new vehicle safety technology.

Congress also should eliminate the current requirement for States to conduct biennial surveys of automated enforcement systems. This requirement is forcing States to waste funding to assess activities in which the State highway safety offices are not involved and to generate reports that are being used for no purpose on the federal or State level.

The Moving Forward Act proposed in the U.S. House would set aside \$35 million per year from Section 402 for a new, competitive Traffic Safety Enforcement Grant. GHSA generally opposes any set asides within Section 402. Section 402 spending is intended to be driven by each State's unique needs. GHSA is also concerned that the purpose of establishing this program, and the reason to impose a separate application, is not clear as currently all States are required to develop and implement a traffic safety enforcement program targeting proven countermeasures based on local needs and leveraging NHTSA's Countermeasures That Work (some States consider it to be their number one reference to select projects). If Congress is to pursue this idea, it deserves reconsideration.

Section 405 - National Priority Safety Program

The remaining half of funding is allocated under Section 405, the National Priority Safety Program, which is comprised of seven separate grant programs Congressionally designated priority issues, each with disparate eligibility standards and allowable uses:

- Section 405(b): Occupant Protection: 13%
- Section 405(c): State Traffic Safety Information System Improvements: 14.5%
- Section 405(d): Impaired Driving Countermeasures: 52.5%, including 12% for ignition interlocks incentives and 3% for 24-7 sobriety program incentives
- Section 405(e): Distracted Driving: 8.5%
- Section 405(f): Motorcyclist Safety: 1.5%
- Section 405(g): State Graduated Driver Licensing Laws: 5%
- Section 405(h): Nonmotorized Safety: 5%

While it may have once seemed helpful to dedicate funding to various specific priorities areas, this bifurcation of programs ultimately hurts more than it helps. As programs are subdivided further and further, States receive less money and face more complicated application and program rules. For each grant, States must provide separate qualification information and provide detailed accounts of State laws or programs.

Many of these programs are under-performing, with few States awarded grants, even if they have a qualifying law. GHSA believes that incentive grants and similar programs are really effective at encouraging States to make major, straightforward changes, such as adopting the national .08 BAC standard. This approach is often not as effective at encouraging States to perfectly create complex programs or adopt many small changes over time.

For instance, in FFY 2020, more than 30 States have all-offender ignition interlock laws, yet only five States were awarded Section 405 (d) incentive funds for this purpose. Nearly every State has some sort of distracted driving law, yet only seven States received

Section 405 (e) grants. Notoriously, no State has ever qualified for Section 405 (g) grants, even though every State has had a graduated driver licensing system since 2006.⁸ All of these are often lengthy, complex State laws.

Finally, even when grants are awarded, each grant also comes with its own unique restrictions that needlessly complicate the highway safety planning process as States must carefully consider how they can and cannot use the funding. For instance, States have been denied the use of Section 405 (c) traffic records grant funds for important traffic records projects, and likewise for Section 405 (h) funds for valuable bicycle and pedestrian projects.

The bottom line is that the Section 405 program suffers from many flaws and it has not fulfilled its intended purpose.

The best way Congress can address this issue would be to move all of the funding from the Section 405 programs and invest it into Section 402. This way, Congress can keep this funding dedicated toward highway safety purposes. Section 402 provides States the most flexibility and the ability to closely tailor their programs to the actual needs on the ground, which does not always fit a nationwide model.

However, if Congress decides to continue to invest in Section 405, GHSA strongly encourages Congress to significantly reform these existing programs to dramatically increase State eligibility and allowable uses and eliminate administrative burdens.

Section 405-402 Transfer: As many States are ineligible for various Section 405 programs, the law currently directs NHTSA to redistribute unallocated Section 405 funds to all States by formula under Section 402. The Moving Forward Act, proposed in the U.S. House, would revert to a similar system in place before the FAST Act and grant NHTSA broad discretion to allocate these funds under either Section 402 or 405. Historically, this allowed NHTSA to allocate funds based on objectives set by the Administration's political leadership rather than data. GHSA urges NHTSA to maintain the current system. If funds are not utilized due to the inherent disfunction of Section 405, they should be redistributed to the States to allocate according to data-driven State needs.

Maintenance of Effort: GHSA urges Congress to eliminate the Section 405 Maintenance of Effort requirements. NHTSA is preventing supplanting through other mechanisms and Maintenance of Effort calculations are subjective and administratively burdensome, especially for small States with fewer resources, and also for NHTSA.

Section 405(d) Impaired Driving: GHSA urges Congress to authorize the use of funds to cover law enforcement officers replacing officers in grant-related

⁸ <https://www.nhtsa.gov/highway-safety-grants-program/fy-2020-grant-funding-table>

training. Lack of manpower is a significant barrier for small law enforcement agencies to participate in police impaired driving training programs. Further, GHSA urges Congress to take steps to reform the ignition interlock incentive grant program to better reflect the many different State approaches to this policy, as well as make other changes to bolster State eligibility.

Currently, States may broadly use Section 405(d) funding on drug-impaired driving countermeasures, which are often integrated or complementary to alcohol-impaired driving efforts. One specific policy that Congress can implement to combat drug-impaired driving is to allow the Section 154 and Section 164 Penalty Transfer Funds (requiring States to have open container laws and specific laws for repeat impaired driving offenders) to optionally be used for drug-impaired driving initiatives in addition to alcohol-impaired driving initiatives.

Section 405(e) Distracted Driving: Congress should reform this program to increase State eligibility, to better reflect the strong distracted driving laws that many States have adopted and eliminate opportunities for States to be disqualified due to technicalities.

Section 405(h) Nonmotorized Safety: Currently, these grant funds may only be used for programs that are centered around State bicycle and pedestrian safety laws. However, not every State has complete bicycle and pedestrian safety laws and many such safety practices (such as conspicuity) are not necessarily enshrined in State law. Congress should expand this program to allow these funds to be used for a more comprehensive range of proven behavioral safety countermeasures.

The remaining Section 405 programs are so problematic or underperforming that we urge Congress to either radically reform them or eliminate them entirely and redistribute the funding to Section 402:

- *Section 405(c) Traffic Safety Information Systems:* Congress should aggressively expand allowable uses of the funds and remove burdensome and outdated eligibility requirements. Specifically, Congress should eliminate the completion of a mandatory NHTSA traffic records assessment as a condition of eligibility or increase the time between assessments.
- *Section 405(f) Motorcyclist Safety:* Congress should aggressively expand allowable uses of the funds to include a wide range of safety programs aimed at both motorcyclists and motorists.
- *Section 405(g) Graduated Driver Licensing Laws:* Since this program was created under MAP-21, no State has ever been eligible. GHSA recommends that Congress tier this program with staged eligibility requirements.

Speed Management: If Congress maintains and restructures Section 405, and possibly eliminates some programs, it may find a portion of Section 405 funding freed up for other purposes. GHSA urges Congress to consider authorizing these

funds under Section 402 or consider creating a new Section 405 program on Speed Management. Many Section 405 programs focus on lesser highway safety priorities, but as described above, speeding remains a leading crash contributor and should rightly be considered a national highway safety priority.

Under such a program, GHSA recommends that States be eligible for funding by submitting a Statewide speed management plan. Congress should authorize the use of this funding for traditional speed management efforts and many of the activities already carried out under Section 402: high-visibility enforcement mobilizations, police training and equipment, public education, improving data systems, speeding trends research and State and local speed management programs.

NHTSA Transparency: Finally, Congress should require NHTSA to specifically list all, not just some, of the reasons why States are designated ineligible for grants, so that State policymakers and the highway safety community know precisely what needs to change on the State level to increase State eligibility.

Section 404 – National Enforcement Mobilizations

Currently, NHTSA is required to sponsor three national enforcement mobilizations and States are required to participate in these mobilizations as a condition of receiving Section 402 funding. The Moving Forward Act would double the number of enforcement mobilizations from three to six.

While enforcement is important, such an increase would result in an excessive draw of funding and resources for many States. Doubling the number of mobilizations would also challenge the ability of local law enforcement agencies to participate, which is already a problem under the current requirements. GHSA urges Congress to maintain the number of required mobilizations at three or clarify that States are only required to participate in at last three of the six every year.

GHSA's detailed reauthorization recommendations are included as Appendix A below.

Finally, some policymakers have proposed imposing new sanctions on the States to withhold transportation or even safety program funding to encourage them to adopt certain policies. As noted above, the use of sanctions and incentives have a mixed history with both successes and failures. Federal-aid highway funding in particular, is often used for safety purposes as well. GHSA strenuously opposes any efforts to move funding away from highway safety, which is ultimately counterproductive to our collective goal of eliminating roadway crashes, fatalities, and injuries.

X. Other Highway Safety Priorities

Behavioral Traffic Safety Cooperative Research Project

The FAST Act continued Congressional support for the Behavioral Traffic Safety Cooperative Research Project (BTSCR), the only national cooperative highway safety research program focused exclusively on behavioral highway safety. This program is administered in a tripartite partnership between GHSA, NHTSA and the Transportation Research Board. GHSA urges Congress to extend this research program and increase the investment in this program from \$2.5 million to \$3.5 million per year.

DADSS

GHSA is a strong supporter of the Driver Alcohol Detection System for Safety (DADSS) research program and both GHSA and the Virginia DMV participate on the stakeholder team of the Automotive Coalition for Traffic Safety. We urge Congress to continue to fund this program aimed at developing a passive drunk driving prevention system. In 2018, Virginia was the first state to partner with DADSS to implement the Driven to Protect (D2P)⁹ pilot program to collaborate on in-vehicle on-road tests and to educate the public about this technology.

Automated Vehicle Technology

For the past three years, GHSA has partnered with other State agency associations to speak with a unified State voice on federal legislation to create a national regulatory framework for automated vehicle technology. Our chief concern has been to ensure that this framework maintains the traditional State and federal regulatory roles governing motor vehicles and driving. Federal law should not inappropriately preempt State and local highway safety laws. Also, GHSA urges Congress to make a priority of preparing and empowering NHTSA to play its part in this framework.

Outside of the Congressional discussion on automated vehicle policy, GHSA's broader focus has been to prepare our members for what to expect and how to anticipate future trends. Automated vehicle technologies have the potential to offer significant safety benefits and GHSA agrees that we should promote their use. However, the best available evidence suggests that most of the United States will feature a mix of vehicles across the spectrum of automation for the foreseeable future, maybe forever.

Thus, new modes of automation will likely present novel behavioral safety risks and changes for law enforcement and first responders that we can begin to prepare for today. Further, if human behavior will still play a prominent, long-term role in highway safety, then we need to both continue to invest in programs to address all of today's highway safety risks while pro-actively planning for an increasingly automated future.

Last year, GHSA joined the Partners for Automated Vehicle Education (PAVE) Campaign, a coalition of industry, nonprofit and academic institutions that aim to inform and educate the public and policymakers with fact-based information regarding

⁹ <https://www.dadss.org/driventoprotect/>

automated vehicles and to dispel misinformation.¹⁰ GHSA looks forward to ongoing partnerships within the transportation community to help usher in a safer mobility age.

VIX. Zero Is the Only Acceptable Number

GHSA wants to thank Congress for its focus on these important issues. The carnage on our nation's roads remains an ongoing public health crisis. While we have made hard-won progress, a significant amount of work remains to be done to both implement effective programs and improve the administrative structures behind them. As Congress plans its approach and investments to highway safety, GHSA urges the legislature to keep a singular target in mind: zero.

This concludes GHSA's statement. Thank you for the opportunity to appear before the Senate Subcommittee on Transportation and Safety. GHSA looks forward to working with the Committee on the upcoming transportation reauthorization and ongoing efforts on highway safety.

¹⁰ <https://pavecampaign.org/>

Appendix A

NHTSA Highway Traffic Safety Grant Programs 2020 GHSA Recommendations As of June 26, 2020

Section 402 – NHTSA Highway Safety Programs

- [Proposed in The Moving Forward Act] Eliminate the Biennial Automated Enforcement Survey requirement, which is a not a productive use of funding to assess activities in which the State highway safety offices are not involved and generates reports that are being used for no purpose. *USC 23 Sec. 402 (c)(4)(C); Rules Cmt. Print 116–54 pg. 710*
- [Proposed in The Moving Forward Act] Traffic Safety Enforcement Program. GHSA generally opposes any set asides within Section 402, which should be driven by each State’s unique needs. GHSA is also concerned that the purpose of establishing this program, and the reason to impose a separate application, is not clear as currently all States are required to develop and implement a traffic safety enforcement program targeting proven countermeasures based on local needs and leveraging NHTSA’s Countermeasures That Work (some States consider it to be their number one reference to select projects). If Congress is to pursue this idea, it deserves reconsideration to differentiate it from Section 402 and provide more incentives for states to apply, such as eliminating a Maintenance of Effort requirement and offering 100% federal share. *Rules Cmt. Print 116–54 Sec. 3003*
- [Proposed in The Moving Forward Act] Require NHTSA to creates a public-facing website centralizing highway safety program information and with a search feature for HSP content, per the recommendation of GHSA and other safety stakeholders. *Rules Cmt. Print 116–54 pg. 711*
- Expand Section 402 allowable uses to include public education on vehicle recall awareness, unattended child passengers, and safe use of new vehicle technology. *USC 23 Sec. 402(a)(2)(A)*
- Clarify that HSP performance reporting should be based on information available to date, as States may not have complete progress information when the HSP is submitted in July. *USC 23 Sec. 402 (k)(4)(E)*

Section 1906 – Grant Program to Prohibit Racial Profiling

- Reauthorize this program. *Section 1906 of SAFETEA-LU USC 23 Sec. 402 Note*
 - Rename to “Grant Program to Ensure Equity in Traffic Enforcement, to reflect the broader goals of the program.
 - Allow funds to be used for State-certified anti-bias police training, so that States can take action beyond just collecting and reporting data on racial profiling.
 - Allow states to qualify for more than just two consecutive years.

Section 403 – Highway Safety Research and Development

- [Proposed in The Moving Forward Act] Reauthorize and increase investment in the Behavioral Traffic Safety Cooperative Research Project (BTSCRCP) from \$2.5 million to \$3.5 million. USC 23 Sec. 403(f)(1); Rules Cmt. Print 116–54 Sec. 3004

Section 404 – High-visibility enforcement program

- [Proposed in the Moving Forward Act] GHSA opposes increasing the number of national enforcement mobilizations from three to six. This increase would result in an excessive draw of funding and resources for many States and challenge the ability of local law enforcement agencies to participate. If Congress increases the number of mobilizations, it should clarify in USC 23 Sec. 402(b)(1)(F)(i) that States must only participate in at least three of the six every year. *Rules Cmt. Print 116–54 Sec. 3006*

Section 405 – National Priority Safety Programs

A. Eliminate Section 405 and shift the funding to Section 402.

B. If Section 405 cannot be eliminated, initiate reforms:

- Invest more funding in Section 402 than Section 405 and include greater year-to-year increases in Section 402, which provides flexibility to allocate funds towards each's state unique, data-driven safety needs.
- [Proposed in the Moving Forward Act] Omit any changes to the current Section 405-402 transfer. All unallocated Section 405 funds should be redistributed only under Section 402.
- Eliminate Section 405 Maintenance of Effort requirements. NHTSA is preventing supplanting through other mechanisms and MOE calculations are subjective and administratively burdensome, especially for small States with fewer funds to expend. *USC 23 Sec. 405(a)(9)*
- [Proposed in the Moving Forward Act] Require NHTSA to list of all reasons for NHTSA grant ineligibility so States can better improve policy. *Section 4010 of FAST Act (Public Law 114-94); Rules Cmt. Print 116–54 Sec. 3009*
- Section 405(b) Occupant Protection:
 - [Proposed in the Moving Forward Act] Child passenger safety in underserved communities. GHSA accepts the proposed changes to Section 405 (b) negotiated with Safe Kids Worldwide. *Rules Cmt. Print 116–54 pg. 724*

Section 405 – National Priority Safety Programs (cont'd)

- Section 405(c) Traffic Safety Information Systems:
 - Significantly reform this program to expand allowable uses and remove administrative burdens, or, eliminate this program and redistribute the funds in Section 402 or Section 405.
 - Eliminate the burdensome, repetitive mandatory traffic records assessment now that the States have conducted multiple such assessments or change the length of time between assessments to at least ten years. *USC 23 Sec. 405(c)(3)*
 - [Proposed in the Moving Forward Act] Expand allowable use to include improving traffic safety data collection processes, acquiring traffic records and data collection equipment, data linkage and compatibility, traffic records training, and traffic records research. *USC 23 Sec. 405(c)(4); Rules Cmt. Print 116–54 pg. 725*
 - As every State now has a Traffic Records Coordinating Committee (TRCC) to steer State traffic records programs, change the eligibility requirements to instruct States to only “certify” the existence of a State TRCC and TRCC coordinator. *USC 23 Sec. 405(c)(3)*
- Section 405(d) Impaired Driving:
 - GHSA supports proposed language with Responsibility.org, National Sheriff’s Association and AAA to clarify allowable use to address drug impaired driving and authorize the use of funds to cover law enforcement officers replacing another officer in grant-related training. *USC 23 Sec. 405(d)(4)(B)(iii)*
 - Reform the Ignition Interlock (IID) grant program exceptions to allow more States to qualify.
 - [Proposed in the inmoving Forward Act] GHSA accepts proposed language from the Coalition of Ignition Interlock Manufacturers to alter eligibility requirements. *Rules Cmt. Print 116–54 pg. 727*
 - Allow States to qualify for 24/7 sobriety programs if they have local but not Statewide 24/7 programs. *USC 23 Sec. 405(d)(7)(A)*
- Section 405(e) Distracted Driving:
 - Reform this program to increase State eligibility and get more resources out to the States for distracted driving prevention programs.
 - [Proposed in the Moving Forward Act] GHSA supports language proposed with the National Safety Council to increase eligibility. *Rules Cmt. Print 116–54 pg. 729*
- Section 405(f) Motorcyclist Safety:
 - Significantly reform this program to aggressively expand allowable uses of funds (including law enforcement programs and training, public education campaigns on sharing the road, safe motorcycle operation, helmet use programs, and traffic signage), or, eliminate this program and redistribute the funds in Section 402 or Section 405. *USC 23 Sec. 405(f)*

Section 405 – National Priority Safety Programs (cont'd)

- Section 405(g) Graduated Driver Licensing Laws:
 - Significantly reform this program to allow at least some States to be eligible for funding, or, eliminate this program and redistribute the funds in Section 402 or Section 405.
 - [Proposed in the Moving Forward Act] GHSA supports the changes proposed in the Moving Forward Act but recommends that the Tier One intermediate nighttime restriction be set at 10 p.m. *Rules Cmt. Print 116–54 pg. 734*
- Section 405(h) Nonmotorized Safety:
 - Expand the program to allow use of funds for a wider range of public education on safe mobility practices. *USC 23 Sec. 405(h)(1) and (4)*
- Consider creating a new Section 405 program on Speed Management: Speeding remains a leading crash contributor. If new funding is available overall or as a result of eliminating other Section 405 programs, consider creating a new program to distribute funds by formula to States which develop Statewide speed management plans. Funds should be allowed for high-visibility enforcement mobilizations, police training and equipment, public education, improving data systems, speeding trends research, and State and local speed management programs. *USC 23 Sec. 405*

Section 154/164 – Open Container Requirements/Repeat Offenders

- [Proposed in the Moving Forward Act] Allow Section 164 transfer funds to also be used for drug impaired driving initiatives: *USC Sec. 23 Sec. 164(b)(1); Rules Cmt. Print 116–54 Sec. 3008*

Section 148 - Highway Safety Improvement Program (HSIP)

- [Proposed in the Moving Forward Act] Restore the ability for States to “flex” up to 10% of HSIP funds for non-infrastructure purposes, so that State DOTs and highway safety offices with limited resources can allocate funds where they are most needed. *USC 23 Sec. 148; Rules Cmt. Print 116–54 Sec. 1209*

Stop Motorcycle Checkpoint Funding

- Clarify that this law applies to law enforcement checkpoints and that it does not apply to observational motorcycle helmet research surveys, which have been interpreted administratively by NHTSA as included in a ban on use of federal funding to support them. *Section 4007 of FAST Act (Public Law 114-94)*

Chapter 4 – Highway Safety

- [Proposed in the Moving Forward Act] Replace the term “accident” with “crash”, reflecting that all crashes have culpability and are preventable. *Rules Cmt. Print 116–54 pg. 744*