



**STATEMENT OF VERNON BETKEY, CHAIRMAN
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BEFORE THE
CONSUMER SUBCOMMITTEE
SENATE COMMERCE, SCIENCE AND TRANSPORTATION COMMITTEE
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Introduction

Good morning. My name is Vernon Betkey, and I am Chairman of the Governors Highway Safety Association (GHSA) and the Director of the Maryland Highway Safety Office. GHSA is a nonprofit association that represents state highway safety agencies. Its State Highway Safety Office (SHSO) members administer the federal behavioral highway safety grant programs under Title II of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU). Areas of focus include: impaired driving; inadequate occupant protection; speeding and aggressive driving; distracted driving; younger and older drivers; bicycle, motorcycle and pedestrian safety; traffic records and highway safety workforce development.

General Comments

The Governors Highway Safety Association has had the opportunity to review the draft two-year reauthorization legislation and is pleased to submit comments on Title II of the proposal. In general, the Association is supportive of the Senate Commerce Committee's draft. It attempts to consolidate some behavioral highway safety grant programs and streamline the grant application process. The proposal places a high degree of importance on performance and the use of performance measures to set targets and measure progress towards those targets. It grants states somewhat more flexibility (particularly in the Section 410 impaired driving program) if they achieve specified levels of performance.

Members of the Committee may know that GHSA has been working cooperatively with the National Highway Traffic Safety Administration (NHTSA) since 2008 to develop two sets of performance measures. The first is a set of 14 outcome and activity measures that states have been using in their Highway Safety Plans for FY 2010, 2011 and 2012. A fifteenth measure concerning changes in attitude and awareness was subsequently added, and states are using this measure with their FY 2012 plans.

In addition, GHSA and NHTSA have identified 61 performance measures that states can use with their six core state traffic records systems (Crash, Injury, Vehicle, Driver, Citation & Adjudication and Roadway). The measures address accuracy, timeliness, completeness, uniformity, integration and accessibility of the data in each of the six systems. The final report on these measures was published earlier this year, and states will begin using these measures with their FY 2013 Section 408 data improvement grant applications and plans.

GHSA is currently working with NHTSA to improve the collection of serious injury data in the short term while the Agency develops and implements long-term improvements that require new databases and data linkage. The short term recommendations for improving serious injury data will be published as part of the updated Model Minimum Uniform Crash Criteria (MMUCC) early next year.

In effect, and GHSA is proud to say, the emphasis on setting performance goals and measuring performance is one that State Highway Safety Offices have already vigorously embraced.

Section 402 Highway Safety Program

As you know, the Section 402 program is the backbone of every state's behavioral highway safety program. In our view, the program has worked well and needs few changes.

GHSA supports the requirement that states use specific performance measures to report on current safety levels and set targets. As noted above, GHSA members are already doing that in their annual Highway Safety Plans and Annual Reports.

In GHSA's reauthorization position statement published in 2009 and found on GHSA's website, www.ghsa.org, we recognized the need for additional highway safety research and training for federal, state and local safety personnel. The Association is accepting of the 402 earmarks for those purposes. In addition, we support the two new assurances proposed in the legislation. However, the Association recommends, that subjective terms such as "robust" (as in a robust data-driven enforcement program) are not good indicators of what performance will be specifically required of states and should be eliminated.

The Association supports the proposed language allowing states to use their 402 funds in conjunction with those of neighboring states. States can achieve economies of scale by working enforcement, data or educational programs on a bilateral or regional basis. GHSA also supports the language that would allow NHTSA to promote highway and vehicle safety with states legislators. The Association urges the Committee to extend the same privileges to the state recipients of 402 funds. It makes little sense to encourage states to improve their performance by enacting certain safety laws (such as primary seat belt laws), but then prohibit them from working with their state legislators on those laws.

GHSA also strenuously supports the single grant application and deadline requirement. This should help states plan their programs with more certainty and smooth out the flow of funds to the states.

The Association is disappointed that the Committee did not address the maintenance of effort (MOE) requirement in the 402 and other grant programs. The MOE requires the states to collect information from jurisdictions all over the state regardless of whether or not they were federally funded. It is a very burdensome, labor intensive requirement and an increasingly difficult one for states in these tight economic times. We urge the Committee to streamline the requirement and/or authorize a waiver process for states that can demonstrate economic hardship.

We are perplexed by the requirement to sanction states for their inadequate 402 program and to penalize them for their inadequate 402 plan. The 402 plan is the same as the state's 402 program. It details how the state will spend 402 funds to reach performance goals. That begs the question: Under what circumstances would a state ever have an inadequate program if it has an acceptable plan? If a state has an unacceptable plan, the state has the opportunity to redo its plan. If it still has an unacceptable plan and the Secretary, in consultation with the state, reprograms 402 funding, then the plan (and hence its program) would become acceptable. By keeping both the sanctions and the reprogramming penalties, a state is penalized twice for the same thing. GHSA urges the Committee to reconsider this issue.

Section 403 Research and Development Program

In general, GHSA supports the proposed language for NHTSA's research and development program. We are especially supportive of the language authorizing an international highway safety program. According to the World Health Organization, the United States – once a world leader in highway safety – has slipped to ninth or tenth in the world. Other countries – most notably Great Britain, France, the Netherlands, Sweden, Australia and Canada – are leading the way with widespread use of automated enforcement and BAC testing, primary belt laws and other innovations. There are significant strategies and countermeasures that the United States could learn from other countries, and an international program would provide NHTSA the opportunity for the exchange of information.

GHSA also strongly supports the legislative language that protects from liability personal health information collected by NHTSA for research purposes. Without such protection, NHTSA (and the states) would have a very difficult time collecting public health data used for a number of purposes, including the determination of serious injury, BAC testing results, medical fitness to drive, etc.

GHSA also supports bestowing NHTSA with the authority to set model specifications for certain devices (such as ignition interlocks) and to establish a Conforming Products List. Currently, NHTSA does this on an ad hoc basis. Such an official list would make it easier for states to purchase equipment that meets the specifications set by the Agency.

GHSA questions why \$1.28 million is being earmarked to create a clearinghouse and technical assistance for medical fitness to drive. Is such a clearinghouse necessary? Why should federal funding be spent for this purpose and not for some other research-related purpose? The amount of federal funding that NHTSA receives under the Section 403 program is very limited. NHTSA should justify that this earmark is the highest and best use of its limited research dollars.

Section 405 Combined Occupant Protection Program

GHSA supports the combination of the Section 405, portions of the 406 and the 2011 programs into a single occupant protection program. The requirements to develop an occupant protection plan, including

a plan for child passenger safety specialists, will encourage a more strategic approach to occupant protection. The Association suggests that the list of eligible activities should be broadened to include sustained enforcement of adult and child occupant protection laws as well as educational programs to encourage the use of seat belts and warn adults about the dangers of not using seat belts.

Under the Administration's proposal, the combined occupant protection program was funded at a relatively low level, especially compared to other programs. GHSA urges that the Commerce Committee to consider making the occupant protection program a higher priority and funding it at higher levels. Strategies to encourage seat belt use are among the most effective countermeasures that states can employ. Strong laws and high visibility enforcement are the cornerstone to higher seat belt use. Without substantial funding, states will not have the ability to adequately participate in the national high visibility enforcement campaigns, encourage sustained enforcement or support child passenger safety programs.

Section 408 State Traffic Safety Information System Improvements Program

GHSA supports the proposed changes in the Section 408 program. As noted above, GHSA has worked with NHTSA to identify traffic records performance measures that states will use in their FY 2013 plans.

It is important to note, however, that upgrading traffic records information systems will have a huge price tag, and the current 408 program funding has been woefully insufficient. (Currently, states receive allocations of between \$300,000 and \$500,000 to make system improvements that can cost in the millions.) GHSA encourages the Committee ensure that funding investments reflect the need when there is a longer-term reauthorization in the future.

Section 410 Impaired Driving Countermeasure Program

GHSA supports the reconfiguration of the Section 410 program. The current program is overly complex, too stringent (e.g. the BAC testing requirement) and focuses on issues (e.g. the self-sufficiency requirement) that are not central to the reduction of impaired driving crashes, fatalities and injuries. The proposed program would allocate impaired driving funds to every state so that they can continue to make impaired driving a central part of their state highway safety effort. GHSA also supports the revised program because it would encourage a more strategic approach to impaired driving. Further, GHSA supports the dedicated funding for ignition interlocks, since widespread deployment of interlocks has the potential to dramatically reduce impaired driving.

GHSA recommends that the list of eligible activities should be expanded to include sustained enforcement and impaired motorcycling programs.

We also suggest that the Committee reconsider its requirement that states must have a full-time impaired driving coordinator. Such a requirement is not problematic for large or medium-sized states, but it is for small states. In Maine, for example, the highway safety office has seven employees including the director, a secretary, a contract Law Enforcement Liaison, a grant specialist who handles contracting and procurement and three program staff. The three program staff split responsibilities and oversee grants for impaired driving, occupant protection, law enforcement challenges, speeding, motorcycle safety, traffic records and other state safety issues. Requiring a full-time (rather than a part-time) coordinator would mean that the remaining two program staff would have to cover all other issues and would make it even more difficult for the small staff to fulfill all of their responsibilities. Maine's experiences are not atypical for small states.

Section 411 Distracted Driving Grants

GHSA supports the proposed distracted driving incentive program since this is an emerging issue that appears to be growing exponentially. We support the focus on texting and on young drivers since that is supported by some current research. We also appreciate the fact that eligible states would have some flexibility in the use of the incentive funds.

However, we are puzzled by the language that requires "increased civil and criminal penalties than would otherwise apply" if the crash is caused by a driver texting or novice driver. Is this intended for all crash

involving distraction even if there is only property damage? It would make more sense to require additional penalties only in the most severe cases such as those involving a fatality or serious injury.

Further, GHSA is concerned that the requirements may be too stringent and that few, if any, states will qualify. The Association recommends that the Committee request NHTSA to analyze state distraction laws and determine which states would currently qualify and which would not. If our concern is merited, then the Committee may wish to consider minor modifications that would ease program eligibility.

Section 2009 High Visibility Enforcement Program

GHSA supports the requirement that NHTSA conduct three high visibility media efforts. This means that states will also be required to conduct three high visibility enforcement campaigns, as they currently do. Most states would find it extremely difficult to conduct additional campaigns. Some states are having difficulty attracting law enforcement personnel to the current enforcement efforts. Others have reduced state staffs and are having difficulty managing the mobilizations in their states. Still others have used up their allotment of Section 406 funds and are facing sharp cutbacks in the amount of funding available to conduct high visibility enforcement mobilizations and other safety activities.

The only minor change that GHSA recommends is to explicitly allow the impaired driving crackdown to address drug as well as alcohol-impaired driving.

Section 2010 Motorcyclist Safety Program

GHSA is disappointed that the Committee did not consider major changes to the Section 2010 Motorcyclist Safety Program.

Under the current program, states cannot use Section 2010 funds for: impaired motorcycling programs; educational campaigns to alert motorcyclists about the dangers of speeding and reckless riding; campaigns to encourage greater conspicuity of the motorcycle or ride; efforts to reduce the number of improperly licensed riders; analysis of state motorcycle data or linkage of such data to other databases; or even support of motorcycle task forces and development of strategic motorcycle safety plans. States cannot use the funding to encourage the voluntary use of motorcycle helmets even though the use of helmets are one of the most effective countermeasures a state can deploy. The current program does not encourage a more comprehensive approach to motorcycle safety but focuses very narrowly on improvements to motorcycle training.

GHSA urges the Committee to reconsider this program and make it a research-based, effective and comprehensive program to address motorcyclist safety.

Section 111 Driver Alcohol Detection System for Safety Research

GHSA wants to lend our strong support for the in-vehicle research provisions. They will allow government and the private sector to continue the development of non-invasive advanced technology to detect alcohol-impaired driving. GHSA believes that such technologies could have the potential to significantly reduce the incidences of impaired driving and would be well worth the modest investment called for in the legislation.

Section 412 Agency Accountability

GHSA supports the proposed amendments to the Agency Accountability provisions.

This concludes the testimony of the Governors Highway Safety Association on the proposed two-year reauthorization provisions for federal behavioral highway safety grant programs. Thank you for the opportunity to testify before the Committee on this significant piece of highway safety legislation. I would be glad to answer any questions and look forward to working with the Committee as the proposal moves through the legislative process.