



ADVOCATES
for Highway & Auto Safety

**STATEMENT OF JACQUELINE S. GILLAN
VICE PRESIDENT
ADVOCATES FOR HIGHWAY AND AUTO SAFETY**

ON

TRAFFIC SAFETY INITIATIVES

BEFORE THE

SENATE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

SEPTEMBER 28, 2010

Good morning Mr. Chairman, Ranking Member, and Members of the Senate Committee on Commerce, Science and Transportation. I am Jacqueline Gillan, Vice President of Advocates for Highway and Auto Safety (Advocates). Advocates is a coalition of public health, safety, and consumer organizations, insurers and insurance agents working together to prevent highway deaths and injuries through the adoption of safety policies and regulations and the enactment of state and federal safety laws. This year, Advocates celebrated 20 years as a unique coalition dedicated to improving highway and auto safety by addressing it as a public health issue.

Thank you for the opportunity to testify before the Commerce, Science and Transportation Committee which has been an important force in advancing highway and auto safety laws these past two decades. Members of this Committee, Democrats and Republicans, have been leaders on numerous safety legislative efforts addressing impaired driving, occupant protection and motor carrier safety. In fact, there are several critically important safety bills that this Committee is advancing and Advocates strongly supports that we hope will be enacted into law during the remaining days of the 111th Congress, including S.554, the Motorcoach Enhanced Safety Act of 2009, S. 3302, the Motor Vehicle Safety Act of 2010 (MVSA) and S. 1938, the Distracted Driver Prevention Act of 2009. In every prior surface transportation authorization bill enacted by Congress in the past 20 years, Advocates' safety priorities have focused on supporting enactment of programs, policies and laws that lead to safer roads, safer vehicles and safer drivers. As I discuss in this testimony, significant progress in achieving reductions in highway fatalities and injuries, and in preventing a return to higher fatality levels, will require Congress to adopt new safety countermeasures in all three areas. As the Committee considers the needs for traffic safety programs in the next surface transportation authorization bill there are a number of issues that we urge you to consider that will improve safety nationwide and ensure that the recent downward trend in traffic fatalities is not merely a short-term statistical blip. All of our proposals are effective both in terms of preventing crashes, saving lives, reducing disabling injuries, and saving billions of dollars for our nation.

Overview of Traffic Safety

Traffic safety for the past two decades reflects both our successes and failures as a nation to protect our citizens from the tragic loss of life, serious physical injuries and enormous costs imposed by motor vehicle crashes. We have been successful in driving down the annual fatality rate over the long-term by increasing seat belt use and child occupant protection, enacting tough drunk driving countermeasures, adopting truck size limits, requiring vehicles to be equipped with proven safety technologies like airbags and electronic stability control, and designing more crashworthy vehicles.

At the same time, however, there is a major unfinished safety agenda that Congress needs to address. Recent deaths and recalls involving Toyota vehicles have revealed resource and regulatory gaps in our government's oversight and enforcement of safety defects, revolving door concerns involving agency staff, overdue vehicle safety standards and the lack of transparency that has blocked consumers from access to essential information that affects their safety.

Additionally, we have failed to close gaps in state traffic safety laws that would prevent many drunk drivers from getting behind the wheel, protect novice teen drivers by enacting strong graduated driver licensing (GDL) programs in every state, stop the huge number of occupant fatalities by requiring seat belt and motorcycle helmet use, and protect the public from emerging safety threats such as distracted driving and dangerous overweight trucks. All of these safety problems result in thousands of preventable highway fatalities each year. The failure of all states to adopt the most effective safety requirements in these areas is a national tragedy that impedes the best intentioned programs from achieving national safety goals.

Recent Data Trends

For 15 years, from 1993 through 2007, the annual national traffic fatality total exceeded 40,000 deaths a year. Despite improvements in the fatality rate, the actual number of highway deaths remained relatively static, creeping up to as many as 44,000 deaths per year, with a cumulative total of more than 630,000 traffic deaths in that decade and a half.¹ Yes, the continual decline in the overall fatality rate meant that despite annual increases in registered vehicles and vehicle miles traveled (VMT), our efforts were holding the fatality total in check. However, it also signaled an inability to make sufficient and sustained progress on the core safety issues that contribute to the unacceptably large annual death toll. The fact that the annual number of fatalities remained constant meant that the core safety problem was not getting any smaller. Not only does this level of tragic, needless loss translate into over 100 persons killed each and every day – the equivalent of a daily commercial passenger airline crash – but it exacts an annual economic toll of more than \$230 billion² in economic costs – a yearly crash “tax” of about \$800 for every child, woman and man in the United States.

The most recent safety data provides welcome news – deaths are down and many lives have been saved. Traffic fatality and other indicators in the past two years have dropped below 40,000 deaths for the first time since 1992. In the past two years reductions in fatalities exceeded all predictions with traffic deaths dropping to 37,423 in 2008 and to 33,808 in 2009.³ While these improvements are gratifying because they mean fewer lives were lost on our highways, it does not necessarily mean that we have permanently broken through the 40,000 fatality barrier and can relax our efforts to improve public safety. Even with the recent decreases in annual fatalities, motor vehicle crashes remain the leading cause of death for Americans ages 3 to 34.⁴ If history is our guide, the 2008-2009 fatality decrease is likely to be only a temporary decline that will certainly reverse, as has occurred following each previous decrease in fatalities that accompanied economic downturns. Unless Congress takes additional steps to ensure effective safety programs are in place to prevent a return to fatality levels that exceed 40,000 deaths per year, history will be repeated.

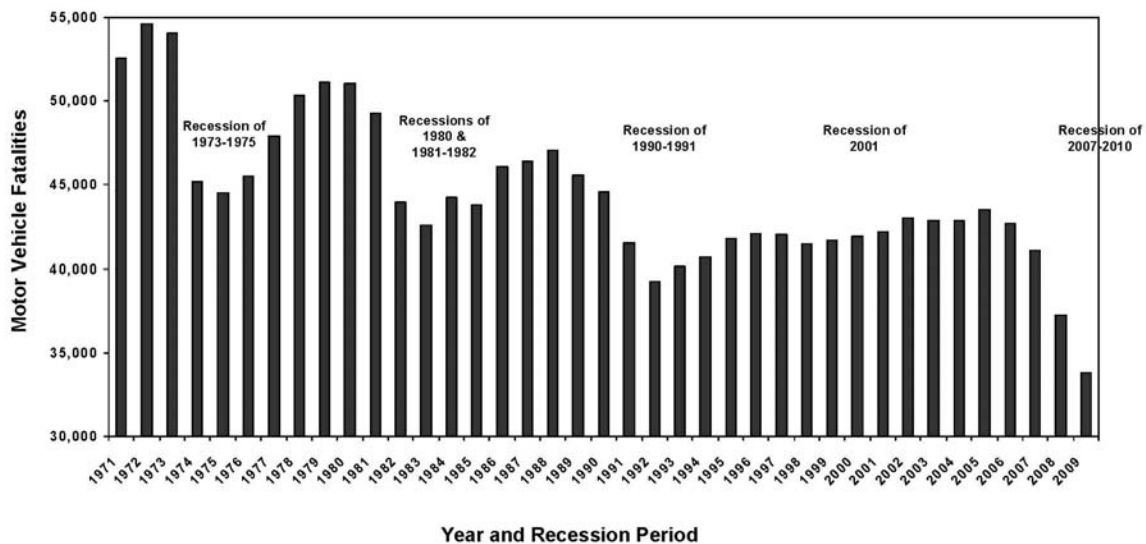
Drops in Highway Deaths Correlate with Economic Downturns

A significant portion of the current fatality reduction is due to the recessionary downturn in the national economy beginning in 2007. Historically, declines in traffic fatalities are correlated with reductions in economic activity and disruptions to the national economy. It is well documented that the economic impact of events such as high gas prices, extensive unemployment and recession are accompanied by large decreases in fatality statistics due to reduced discretionary driving and economic activity. To place the recent

fatality figures in perspective, the chart included in my testimony indicates that at least since 1971, highway traffic deaths have temporarily declined each time the national economy has experienced a recession, only to increase again as the economy recovered.

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

In June, the National Highway Traffic Safety Administration (NHTSA) issued a report that found “similar significant declines in fatalities were seen during the early 1980s and the early 1990s. Both of these periods coincided with significant economic recessions in the United States.”⁵ The NHTSA report goes on to document the striking association between the decline in fatalities, especially among younger drivers ages 16 to 24, and unemployment rates in major cities.⁶ “[L]arge fatality declines tended to coincide with areas that had higher increases in rates of unemployment.”⁷

There is good reason to believe that there is a cause and effect relationship because as economic conditions deteriorate, especially when accompanied by high unemployment rates, spending on gasoline and travel decline as well. Even before the agency report was issued, the NHTSA Administrator, David Strickland, cautioned that while the downward trend in fatalities 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.”⁸ The question for the safety community, government leaders and elected officials is how can we sustain and improve the windfall reduction in fatalities as the economy rebounds.

The Unfinished Safety Agenda

As the economy recovers and economic activity, employment and discretionary driving return to pre-recession levels, so too will the number of motor vehicle crashes and the traffic fatality total. NHTSA has noted, however, that following past recoveries while traffic fatalities increased to higher levels the fatality total did not return to the levels that existed prior to the recession.⁹ While true, this outcome is not guaranteed. Most likely, the reduced levels of annual fatalities experienced after the previous two recessionary periods were the result of improved safety regulations and programs adopted in the years preceding the recovery. We have cost-effective, successful safety countermeasures at hand that can address both traffic safety and technological improvements but we are waiting too long act. For this reason, it is critical that Congress adopt strong safety measures in the next surface transportation reauthorization bill if we are to ensure that the annual fatality total remains at or below the 2009 level of 34,000 traffic fatalities.

The Traffic Safety and Incentive Grant Programs

Over the past 15 years, through three separate authorization laws,¹⁰ the nation has spent billions of dollars on traffic safety programs comprised of the Highway Safety Programs (Section 402)¹¹ and various issue-specific incentive grant programs.¹² The dollar amounts are huge: more than \$3.5 billion has been authorized for highway safety and various incentive grant programs over the past 10 years. The highway safety and incentive grant programs have supported many worthwhile efforts, especially state and local enforcement campaigns that have been the bulwark of local safety initiatives. Also, several states have adopted optimal safety laws in response to the incentive grant programs. In part as a result of these efforts, NHTSA estimates that many lives have been saved through seat belt and child restraint use.¹³ Yet, no discernable progress was made in bringing down the total number of traffic deaths until 2008. While these programs are the cornerstones of federal and state traffic safety efforts, they suffer from two major flaws. First, the highway safety grant programs generally lack safety performance measures to provide accountability and ensure effectiveness. Second, the various incentive grant programs have not resulted in the adoption of the most effective traffic safety laws in all states.

Lack of Performance Measures and Effective Oversight

The Section 402 highway safety grant program has been the traditional means of providing the states with federal funding to support state and local safety initiatives, education and enforcement efforts. Over time, however, the insistence on providing greater program flexibility, both in terms of funding and performance, has complicated program accountability and oversight. By 1998, NHTSA had “adopted a performance-based approach to oversight, under which the states set their own highway safety goals and targets. . . .”¹⁴ Even with each state developing an annual safety plan, weaknesses in state plans were revised through subsequent “improvement plans” but agency regional offices made limited and inconsistent use” of the revised plans.¹⁵ In fact, Congress had to require that NHTSA review each state highway safety program at least once every three years and perform other standard oversight procedures.¹⁶

The incentive grant programs also lack adequate performance measures to determine effectiveness. According to the Government Accountability Office (GAO), “state performance is generally not tied to the receipt of the grants. . . .”¹⁷ In addition, of the current incentive programs, “three of the five grants [programs] do not include performance accountability mechanisms that would link the receipt of grant funds to states’ ability to meet those performance goals.”¹⁸ Despite the increased management reviews and oversight of state programs required by Congress, GAO found that NHTSA does not analyze, at the national level, the agency’s recommendations to states made as part of the review process or systematically track whether states have implemented the agency’s recommendations.¹⁹ Most damning, in 2008 GAO concluded that over the previous 10 years a key indicator of program effectiveness - traffic fatalities - had not improved.²⁰

Although in the two years since the GAO report there has been a downturn in total traffic fatalities, Advocates remains convinced that the traffic safety programs are in desperate need of clear and specific performance measures. The approach taken in the House Transportation and Infrastructure Committee draft reauthorization bill has merit. It requires state safety plans to include “quantifiable performance targets” and also directs the Secretary of Transportation to establish performance targets in each safety category.²¹ This will go a long way toward placing the grant programs on a sounder footing in terms of providing greater accountability and will, ultimately, improve the effectiveness of the highway safety and incentive grant programs.

Grant Programs Have Not Resulted in All States Adopting Basic Safety Laws

The traffic safety and incentive programs have not resulted in the adoption of optimal safety laws by all states. Advocates “2010 Roadmap Report”²² evaluating state adoption of 15 basic traffic safety laws makes it abundantly evident that many states have not taken the vitally important and proven safety actions that are urgently needed to save lives on our highways. Because states receive funding, irrespective of whether the state has adopted primary enforcement seat belt, strong GDL programs, alcohol ignition interlock, all-rider motorcycle helmet, and other effective traffic safety laws, the program cannot achieve maximum lifesaving benefits. New York was the first state to adopt a primary enforcement seat belt law in 1984 – over 25 years ago – yet today only 31 states and the District of Columbia have adopted this critical safety law. Despite the fact that Congress provided an incentive grant program with \$500 million to encourage states to adopt primary enforcement seat belt laws in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU),²³ only 10 states have enacted primary enforcement laws since 2005.²⁴

States that have adopted primary enforcement laws have maximized the effort to increase belt use rates and use the program grants to reinforce the message through public information, education and enforcement. It is well documented that states with primary enforcement seat belt use laws generally increase seat belt use rates by 10 percentage points or more after enactment of the law.²⁵ However, states that have not enacted primary enforcement laws are not making the maximum effort to increase belt use rates. This is of critical importance because each year thousands of people die needlessly just because they did not buckle up.²⁶

Incentive grant programs should be leveraged with requirements that all states must eventually adopt policies that have proven effective in improving safety. Experience has shown that the most efficient way to increase public awareness and compliance with safety policies is through the passage of state laws, coupled with public education and local enforcement. Time after time, in state after state, it has been shown that education without the law does not accomplish the goal of improved traffic safety. We found this out in our early efforts to reduce drunk driving. Slogans, public service announcements, and key chains were ineffective strategies but tough drunk driving laws with strong penalties were effective. While incentive programs are the appropriate means to start the process of encouraging states to adopt tried and true safety practices, Congress must eventually require compliance with proven public safety policies through the use of sanctions of federal-aid highway funding.

For this reason, Advocates believes it is already time to turn incentive grant programs into sanctions in order to advance adoption of laws that are proven to dramatically save lives. With regard to primary enforcement seat belt laws, all-rider motorcycle helmet laws, comprehensive teen driving laws and impaired driving laws, the scientific data is overwhelming and it is beyond question that these laws save lives and reduce state and federal health care costs. These laws are like a vaccine and every family in every state should be protected. The maps included in my testimony show that state adoption of optimal safety laws has resulted in a patchwork quilt of lifesaving laws across the country. Incentive grants have never been able to achieve uniform adoption of critical traffic safety laws and it is time to turn the incentives into sanctions. For this reason, Advocates supports the House Transportation and Infrastructure Committee highway reauthorization bill which includes proposed sanctions for states that fail to enact primary seat belt enforcement and alcohol ignition interlock laws.²⁷ Advocates' supports these provisions because when it comes to public safety, sanctions save lives.

When Congress Acts, States React and Lives are Saved

Congressional leadership is critical and has been effective in encouraging state action with the adoption of federal sanctions. The potential withholding of federal highway construction funds – sanctions – has been an effective and successful means to expedite state passage of safety laws and to create a uniform, national safety policy. Over 20 years of legislative history has proven that when Congress reinforces the need for states to pass a lifesaving law by invoking sanctions, states consistently and promptly enact those lifesaving laws. *It is important to point out that no state has ever lost a single dollar of federal highway funds as a result of a federal sanction.*

In the 1980s, for example, Americans lacked a uniform law across all 50 states that set a minimum drinking age of 21 to eliminate the “blood borders” problem. The differences in drinking age laws resulted in young drivers from states with a minimum drinking age of 21 driving to adjacent states that had a lower legal drinking age, consuming alcohol, and then driving home while under the influence. This resulted in the deaths of tens of thousands of teen drivers and young passengers, earning these areas the designation, “blood borders.” In 1984, because of the leadership of Sen. Lautenberg (D-NJ), Congress enacted the Uniform Drinking Age Act,²⁸ 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.²⁹ The law was also championed by then-Secretary of

Transportation, Elizabeth Dole, and signed into law by President Ronald Reagan. Within 3 years, the District of Columbia and the 28 states that lacked an age 21 minimum drinking age law met the federal standard. Since the enactment of the Uniform Drinking Age Act the overall alcohol-related traffic fatality rate has been reduced by half,³⁰ and NHTSA estimates that 27,052 lives have been saved as a result.³¹

Similarly, in the Commercial Motor Vehicle Safety Act of 1986,³² Congress included a sanction to encourage states to pass a law requiring specific criteria for the testing and licensing of commercial drivers.³³ This provision was authored by the Senate Commerce, Science and Transportation Committee. By 1992, every state had passed a law requiring the testing and licensing standards outlined by the Secretary of Transportation.

In another example, 26 states lacked a zero tolerance law to better enforce the age 21 drinking law. Congress responded by including in the 1995 National Highway Systems Designation Act, a provision authored by the late Senator Robert Byrd (D-WV), requiring a portion of federal highway funds be withheld from states that failed to enact a zero tolerance law for young drivers.³⁴ By 1998, every state and the District of Columbia had passed a zero tolerance law.

The experience enacting a uniform drunk driving threshold is also instructive. In 1998, Congress initially tried using incentive grants to encourage states to pass .08 blood alcohol concentration (BAC) limits. After several years, only 2 states and the District of Columbia had passed .08% BAC laws. Finally, in the Department of Transportation Appropriations Act for Fiscal Year 2001, Congress required the remaining states without .08 BAC laws to enact the law lose a portion of their highway funds.³⁵ Ten states passed .08 BAC laws within the first year after the sanction was applied and, by 2005, all 33 states that lacked a .08 BAC law had adopted the law.

These facts illustrate that 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, and thousands upon thousands of lives have been saved as a result. As important, there is a heavy price to be paid for the failure of states to adopt these life-saving laws. According to NHTSA, while many lives have been saved by seat belt and motorcycle helmet use over the years, an equal or greater number of lives could have been saved (but were not) because of the failure of vehicle occupants and motorcycle riders to take basic precautions.³⁶ The failure of states to enact these safety policies as state law has been a major contributing factor in these losses.

Five Laws That Will Make American Families Safer

The opportunities to improve traffic safety are many. This testimony addresses five (5) critical safety measures that Congress should pass that will protect every family in every state. These opportunities will save thousands of lives and, in some cases, include incentive grants coupled with sanctions to accelerate state adoption of uniform traffic safety laws that require:

- optimal graduated driver license requirements for teenage drivers;
- primary enforcement seat belt use laws;
- alcohol ignition interlock technology for convicted drunk and drugged drivers;
- ban on the use of distracting electronic devices while driving; and
- all-rider motorcycle helmet use.

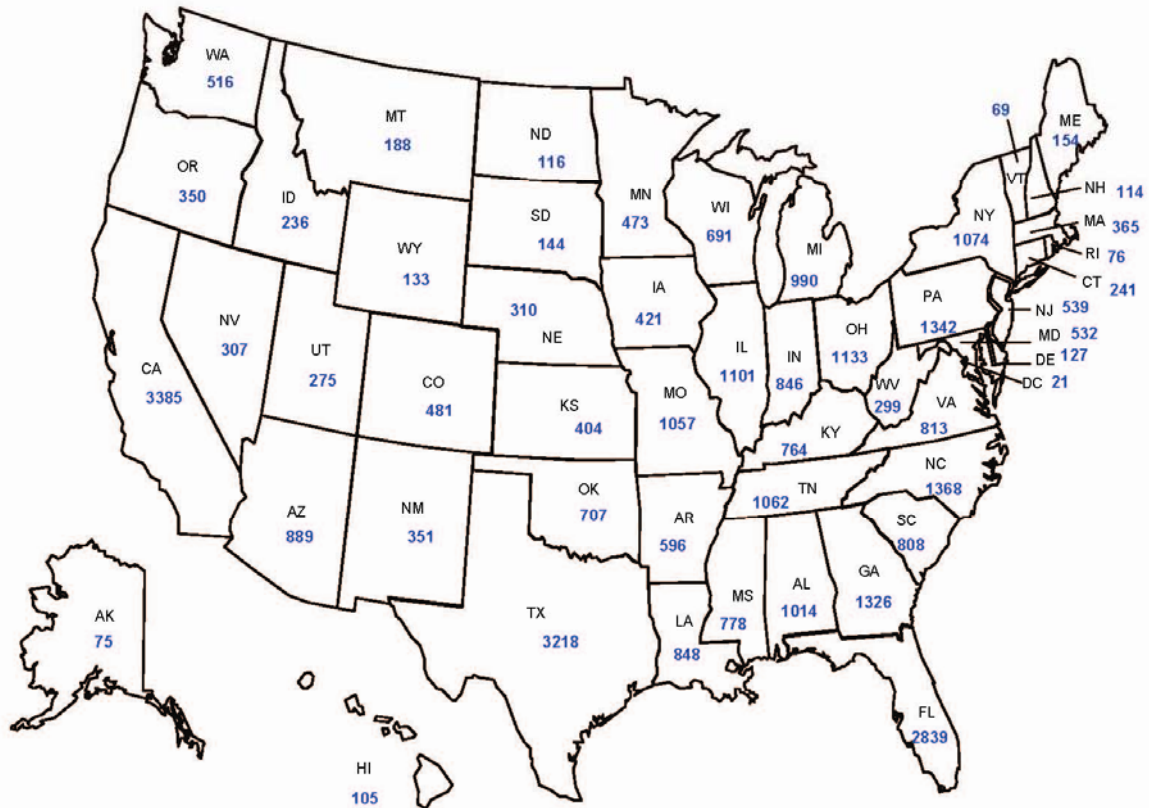
Teenage Driving Safety – Strong, Comprehensive Graduated Driver Licensing (GDL) Laws Save Lives

Motor vehicle crashes remain the leading cause of death for teenagers between 15 and 20 years of age.³⁷ The number and percentage of young licensed drivers in the U.S. population has increased from 12.6 million (4.8 percent) in 1997, to 13.2 million (6.4 percent) in 2007.³⁸ The teen driver population will continue to increase as the current cohort of 12-to-19 year olds expands to 34.9 million this year, increasing the pool of those eligible to obtain drivers licenses.³⁹ Young drivers also represented 14 percent of all drivers involved in police-reported crashes in 2008.⁴⁰

Although in 2008 there was a notable 23 percent decline in fatalities among 16 to 20 year old vehicle occupants,⁴¹ 16 to 20 year olds still comprised 13 percent of all occupant fatalities,⁴² and young drivers remain over-represented in terms of motor vehicle crashes. In 2009, 2,336 drivers, ages 15 to 20 years old, were involved in fatal crashes, involving a total of 5,623 fatalities, including their passengers, pedestrians and the drivers and occupants of other vehicles.⁴³ Young drivers comprise about 12 percent of all drivers who are involved in fatal crashes.⁴⁴

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. The map on the next page indicates the cumulative number of deaths in crashes involving teen drivers by state. More than half of those deaths, 19,826, have occurred in the 24 states represented by Members on the Commerce, Science and Transportation Committee.⁴⁵ This makes a strong case for the need to protect teen drivers in a uniform manner, from state-to-state, regardless of where novice drivers learn to drive.

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 license (GDL) laws phase-in driving privileges over time and in low risk circumstances. This allows teen drivers to be introduced slowly to driving and to obtain driving experience under safer conditions. Research has shown the effectiveness of state GDL programs in reducing teen driver crashes and teenage fatalities. A recent study evaluating New Jersey’s unique combination of a higher licensing age and a strong GDL system applicable to all novice drivers shows that after GDL implementation, there were significant reductions in the crash rates of 17-year-olds in all reported crashes (16%), injury crashes (14%) and fatal crashes (25%).⁴⁶ 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, 2008.⁴⁷ Even factoring in fewer fatalities due to reduced exposure in an economic downturn, Illinois’ strong set of GDL laws undoubtedly played a significant role in this successful outcome.

Advocates recommends five components for an optimal GDL law based on the National Transportation Safety Board (NTSB) recommendations, extensive research conducted on the effectiveness of strong GDL laws, and policies supported by the American Academy of Pediatrics and other public health and safety organizations:

- minimum age limit of 16 years to obtain a learners permit, and age 18 for lifting all restrictions for newly licensed drivers;
- minimum six-month holding period for a learners permit and intermediate stage;
- ban on non-emergency use of cell phone and other communication devices during learners permit and intermediate stage;
- restriction on unsupervised nighttime driving in learners and intermediate stage;
- restriction on more than one non-familial teenage passenger in intermediate stage.

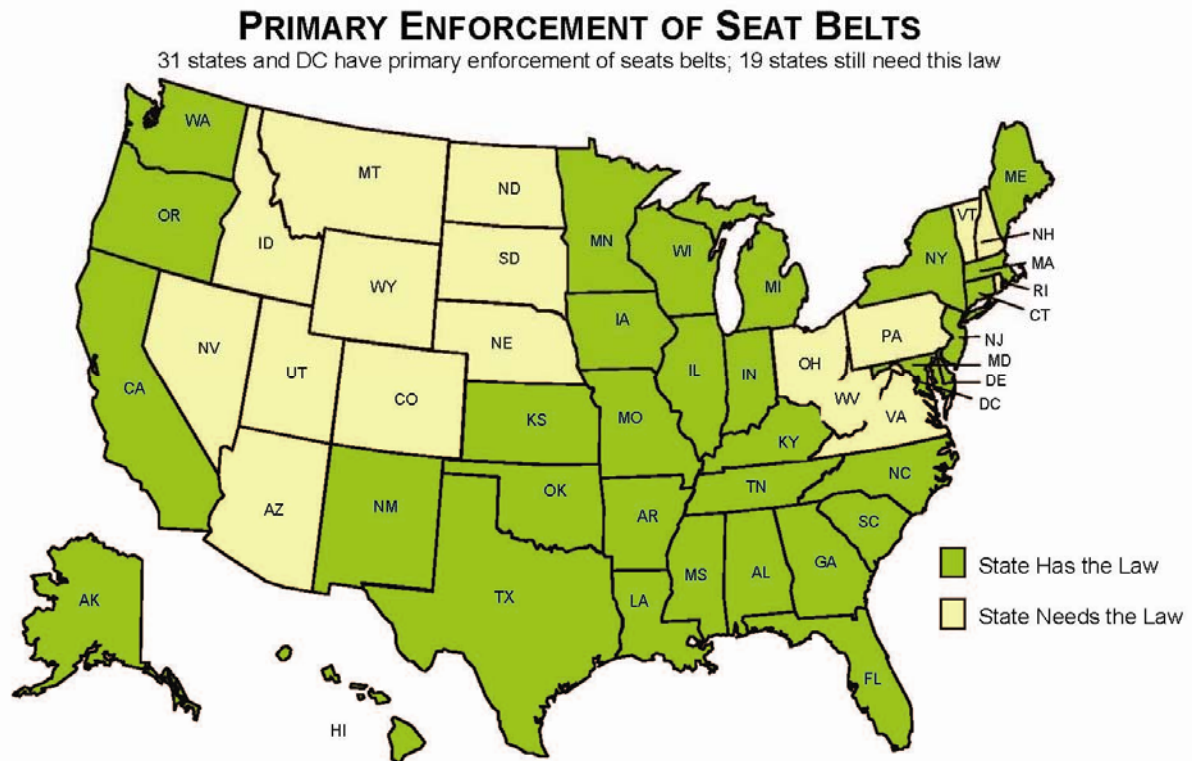
Despite the proven safety effectiveness of GDL laws that meet these optimal features, there remains a patchwork quilt of teen driving laws in states across the nation. Some states have weak laws while others have stronger laws creating another example of “blood borders”. As a result, millions of novice teen drivers lack some of the most basic protections that could prevent teen crashes and save lives. It is time for Congress to act in this public health crisis to encourage state adoption of comprehensive GDL laws.

Legislation that would accomplish this has already been introduced in Congress, S. 3269, the Safe Teen And Novice Driver Uniform Protection (STANDUP Act) sponsored by Senators Gillibrand (D-NY), Dodd (D-CT), Klobuchar (D-MN), Carper (D-DE), Cardin (D-MD), Lieberman (D-CT) and Whitehouse (D-RI). The House has introduced a companion measure, H.R. 1895, with twenty-one co-sponsors including Representatives Bishop (D-NY), Castle (R-DE) and Van Hollen (D-MD). The legislation requires states to adopt the optimal GDL features mentioned above. The bill allows the Secretary of Transportation to consider additional requirements, such as minimum hours of behind-the-wheel driving time and driver training courses, before full licensure is granted. The bill also provides for \$25 million per year for three years as incentive grants to entice states to adopt these laws. Furthermore, the bill includes a potential sanction on federal-aid highway funds to ensure that when all is said and done, uniform state GDL laws across the nation will save the lives of our most precious possession – our children. This legislation is supported by the Saferoads4teens Coalition⁴⁸ whose members include more than 150 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. This legislation, when passed, has the potential to significantly reduce teen crashes, deaths and injuries similar to the safety gains made in saving teen lives with enactment of the National Minimum Drinking Age.

Buckling Up – 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 occupants in passenger vehicles. Additionally, seat belts reduce the risk of fatal injury by 60 percent, and the risk of moderate-to-critical injuries by 65 percent, for occupants of light trucks.⁴⁹ Yet, in 2008, more than half of the occupants killed in fatal crashes, 55 percent, were unrestrained in crashes where restraint use was known.⁵⁰

Seat belts save lives by keeping occupants in the vehicle, thus preventing complete ejection in a crash. Ejection from the vehicle is one of the most serious and deadly events that can occur in a crash. In fatal crashes in 2008, 77 percent of occupants who were totally ejected from the vehicle were killed.⁵¹ Nevertheless, the national observed seat belt use rate was 84 percent in 2009,⁵² and only 31 states and the District of Columbia have enacted primary enforcement seat belt use laws, while 19 states have not.



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.⁵³ Use levels are typically 10 to 15 percentage points higher in these states than in states without primary enforcement laws.⁵⁴ Needless deaths and injuries that result from a lack of seat belt use cost society an estimated \$26 billion annually in medical care, lost productivity, and other injury-related costs.⁵⁵

NHTSA estimates that in 2008, seat belts saved 13,250 lives among passenger vehicle occupants over age 4.⁵⁶ If all passenger occupants over age 4 had worn seat belts in 2008 an estimated 17,402 lives, or an additional 4,152 lives, could have been saved.⁵⁷ NHTSA calculates that between 1975 and 2008 seat belts saved an estimated total of more than 255,000 lives.⁵⁸ Had seat belt use rates been 100 percent over the years, more than 350,000 additional lives would have been saved.⁵⁹

Congress has already tried to persuade states to adopt primary seat belt enforcement laws with a generous grant program. As mentioned, the 2005 SAFETEA-LU Act provided \$500 million in incentive grant funding to entice states to pass primary enforcement seat

belt laws. In the five years that incentive program was in effect, only ten (10) states enacted primary seat belt enforcement laws and 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 adopted by the House Transportation and Infrastructure Committee to amend existing law to include a potential sanction for states that do not adopt a primary enforcement seat belt use law by September 30, 2012.⁶⁰

Convicted Drunk Drivers – Alcohol Ignition Interlock Devices Save Lives

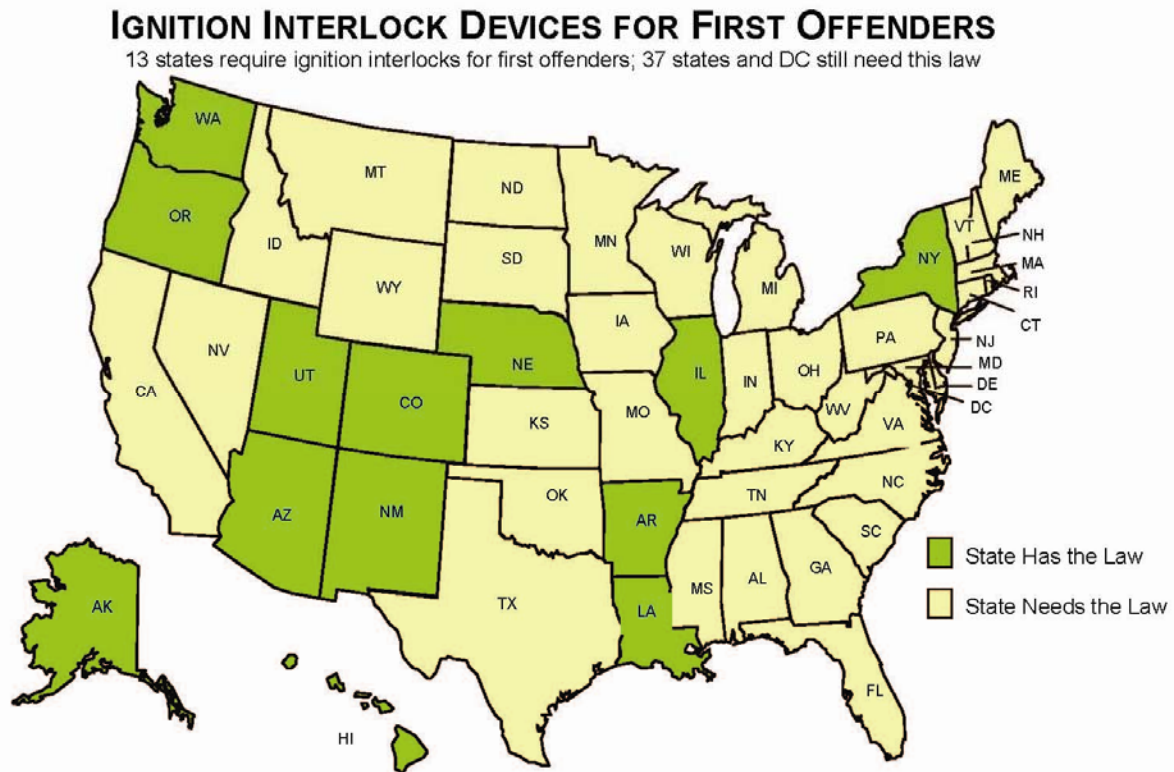
Drinking and driving continues to be a national scourge on our nation's highways. While a number of measures have successfully reduced the historically high levels of carnage caused by drunk driving back in the 1980s, nearly a third of traffic deaths occur in alcohol involved crashes. Although the total number of alcohol-related crash deaths declined in 2009 to 10,839 people, seven percent less than in 2008, alcohol involved crashes still accounted for 32 percent of all traffic fatalities.⁶¹ Except for the recent 2008-2009 dip in fatalities during the recession, the annual level of alcohol-involved crash fatalities has not declined significantly in the past 10 years.⁶² 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, and to maintain fatality reductions resulting from the recessionary downturn, more must be done to keep impaired drivers off our streets and roads.

One such measure is the required installation of technology to prevent drunk driving recidivism. An effort led by MADD and supported by Advocates is already underway to urge states to adopt a mandatory interlock system to prevent persons convicted of impaired driving, including first time offenders who have been convicted of an impaired driving offense, from starting their vehicle when they are 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 previously 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, the driver can start the vehicle and begin driving.

Today, modern technology is used not just to provide drivers with vital safety information, but also to allow internet access and entertainment and business communications that can interfere with the driving task. There is no reason that technology should not be used to prevent impaired drivers who have prior convictions for that offense from operating motor vehicles.

Most Americans support this initiative as well. In 2009, a survey conducted by the IIHS found that 84 percent of respondents said that ignition interlock devices for convicted drunk drivers is a good idea.⁶³

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.



Senator Lautenberg (D-NJ), has introduced the Drunk Driving Repeat Offender Prevention Act of 2009, S. 2920, that advances the cause of safety by requiring all states to adopt IID technology to prevent traffic crashes. The bill includes the tried and true approach of invoking potential sanctions in order to prompt states to enact laws that require the use of IIDs following a conviction for impaired driving. Advocates strongly supports S. 2920 because taking the keys out of the hands of drunk drivers is the most effective action we can take to stop convicted drunk drivers from becoming repeat offenders. And, as previously mentioned, the House Transportation and Infrastructure Committee has adopted this approach in its pending reauthorization bill.⁶⁴ Every family deserves to be protected from drunk drivers, and every state should have this law.

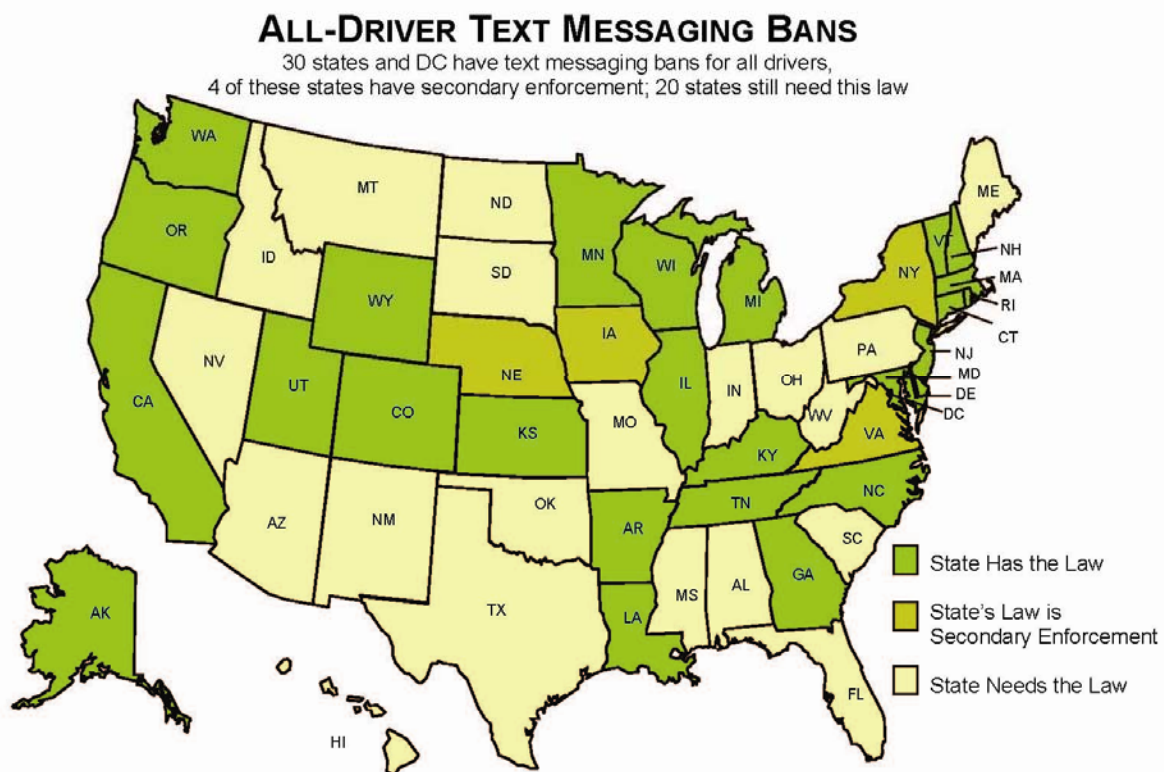
Distracted Driving – Curb the Use of Electronic Devices While Driving to Save Lives

Although various kinds of distractions have been a part of driving since the automobile was invented, the emergence of personal electronic communications devices that can readily be used while operating a vehicle has presented a whole new category of driver distraction and danger than ever before. The growing use of built-in and after-market or nomadic devices by drivers began with cell phone use but has proliferated through a myriad of personal electronics that allow drivers to access the internet, perform office work and to send and receive text messages while driving. As a result, in 2009, there were an estimated 5,474 fatalities and 448,000 injuries in crashes where driver distraction was a factor.⁶⁵

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.⁶⁶

A mounting number of research studies and data show that the use of a mobile telephone while driving, whether hand-held or hands-free, is equivalent to driving under the influence of alcohol at the threshold of the legal limit of .08 percent blood alcohol concentration (BAC). Hand-held mobile phone use and dialing while driving require drivers to divert attention from the road and from the driving task, yet hands-free phone use has also been shown to involve cognitive distraction that is no less dangerous in terms of diverting attention from the driving task and the potential risk of crash involvement.

To date, 30 states and the District of Columbia have enacted all-driver text messaging bans, although 4 of these states have secondary enforcement, but 20 states have no such law.



Two significant pieces of legislation have been introduced in the Senate to prohibit drivers from sending, receiving and accessing text messages while driving passenger vehicles: The Distracted Driving Prevention Act of 2009, S. 1938, introduced by Chairman Rockefeller (D-WV) and the Avoiding Life-Endangering and Reckless Texting by Drivers, or the ALERT Drivers Act, of 2009, S. 1536, introduced by Sen. Schumer

(D-NY). Each bill is a strong initiative intended to address distracted driving, and Advocates supports the goals of both bills. We applaud Chairman Rockefeller and Ranking Member Hutchison and the other Members of this Committee for moving this legislation to the Senate floor on June 9, 2010. Advocates is convinced that a combination of incentive grants and sanctions is the most effective strategy to ensure that text messaging prohibitions are expeditiously adopted in all states.

The Administration has taken some good first steps to reverse the rising tide of crashes that involve distracted driving as a factor. Last week the Secretary of Transportation convened the second national conference on distracted driving,⁶⁷ in an effort to keep the focus on this safety problem at the national level. Just after the first such conference⁶⁸ President Obama issued a proclamation banning text messaging by federal employees,⁶⁹ and the Department of Transportation (DOT) took measures to curb distracted driving in commercial vehicles.⁷⁰ However, the problem of distracted driving in commercial vehicles is not limited only to text messaging. For that reason, Advocates filed a petition for rulemaking with the Federal Motor Carrier Safety Administration (FMCSA), which regulates commercial vehicle operations, seeking a review of all types of electronic devices used in commercial vehicles, not just those that support text messaging.⁷¹

Motorcycle Deaths – Rose for 11 Straight Years and Helmet Laws are Under Attack

NHTSA estimates that 80 percent of motorcycle crashes injure or kill a rider.⁷² 2008 was the 11th straight year in which motorcycle crash fatalities increased, rising to 5,290 motorcyclists killed and 96,000 were injured.⁷³ This is more than double the motorcycle fatalities in 1998 and a level not seen since 1981.⁷⁴ While motorcycle fatalities finally decreased to 4,462 in 2009, that figure still represents fatality numbers that are more than double what the figure was in 1997, the last year in which motorcycle fatalities experienced a decline.⁷⁵ While fatality and injury rates for other types of vehicles have dropped over the years, the fatality and injury rates for motorcycles have been steadily rising.⁷⁶

At present, motorcycles make up less than three percent of all registered vehicles and only 0.4 percent of all vehicle miles traveled, but motorcyclists accounted for 13 percent of total traffic fatalities and 19 percent of all occupant fatalities.⁷⁷ NHTSA estimates that helmets saved the lives of 1,829 motorcyclists in 2008 and that if all motorcyclists had worn helmets, an additional 823 lives could have been saved.⁷⁸ NHTSA estimates that 148,000 motorcyclists have been killed in traffic crashes since 1966.⁷⁹

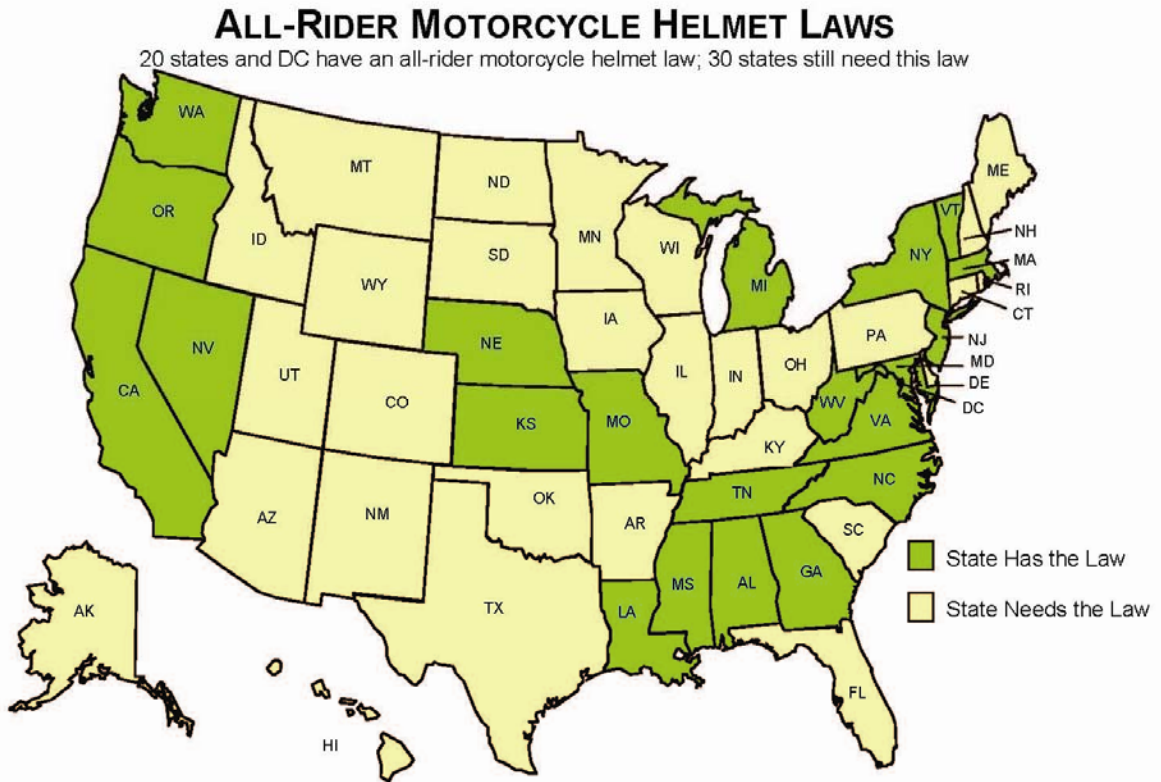
In the past, annual motorcycle rider deaths were much lower in part because most states had all-rider motorcycle helmet laws. Congress used the power of the sanction to require states to enact helmet use laws.⁸⁰ When the sanction was repealed by Congress, the states followed suit with more than half the states repealing their helmet laws.⁸¹

Some motorcycle enthusiasts who oppose motorcycle helmet use laws have asserted that training and education alone are the way to improve motorcycle safety. However, in SAFETEA-LU, Congress included a number of measures aimed at promoting motorcycle training and education. These programs have not proven effective in stemming the increasing tide of motorcycle fatalities. In 2008, motorcycle crash deaths were still on the rise to an all time high of 5,290 deaths⁸² despite the SAFETEA-LU funded

motorcycle education grant program. The 2009 reduction in motorcycle deaths may well prove to be only a temporary respite due to reduced vehicle miles of travel as a result of the economic downturn.

Today, only 20 states and the District of Columbia require helmet use by all motorcycle riders. The map below indicates the status of the law in each state. This year, 9 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.⁸³ 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.

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.⁸⁴



Conclusion

The quality of life for all Americans depends on a safe, reliable, economical and environmentally sound surface transportation system. Transportation solutions to promote mobility and the economy must involve not only financial investments, but investments in safety as well. Highway crashes cost our nation more than \$230 billion annually. This is money that could be better spent on addressing surface transportation needs. Making necessary changes to the performance and effectiveness of the highway safety and incentive grant programs, including requiring the adoption of proven, practical safety laws and policies will dramatically improve traffic safety, reduce deaths and injuries and lower societal costs that accompany motor vehicle crashes.

The significant reduction in highway fatalities that has occurred over the last two years affords an opportunity to continue the downward trend and make substantial and lasting reductions in annual fatalities. There are no acceptable excuses for delaying any longer the adoption of lifesaving laws that can help secure these lower fatality levels in the future. Over the course of the next five-year authorization bill we can save thousands of lives each year if we act wisely and act now. If the opportunity slips away without action we could suffer more than 200,000 fatalities and another 10 million injuries in that 5-year time frame.

Thank you for the opportunity to testify before you today and I am pleased to answer your questions.

Endnotes:

- ¹ *Traffic Safety Facts 2007*, Table 4, p. 18, DOT HS 811 002, National Highway Traffic Safety Administration (NHTSA).
- ² *The Economic Impact of Motor Vehicle Crashes 2000*, DOT HS 809 446, National Highway Traffic Safety Administration (NHTSA) (May 2002) available at <http://www.nhtsa.dot.gov/staticfiles/DOT/NHTSA/Communication%20&%20Consumer%20Information/Articles/Associated%20Files/EconomicImpact2000.pdf>.
- ³ *Highlights of 2009 Motor Vehicle Crashes*, Traffic Safety Facts Research Note, DOT HS 811 363, NHTSA (Aug. 2010).
- ⁴ *10 Leading Causes of Injury Death by Age Group Highlighting Unintentional Injury Deaths, United States – 2006*, National Vital Statistics System, National Center for Health Statistics, Center for Injury Prevention and Control, CDC.
- ⁵ *An Analysis of the Significant Decline in Motor Vehicle Traffic Fatalities in 2008* (Significant Decline Report), pp. 1-2, DOT HS 811 346, NHTSA (June 2010).
- ⁶ *Id.*, pp. 17-22, using Bureau of Labor Statistics unemployment rates for Metropolitan Statistical Areas.
- ⁷ *Id.* at p. 2.
- ⁸ Budget Estimates, Fiscal Year 2011, Statement of the Administrator at 1-2, NHTSA (Feb. 2011).
- ⁹ Significant Decline Report, p. 2.
- ¹⁰ The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59 (Aug. 10, 2005); the Transportation Equity Act for the 21st Century (TEA-21), Pub. L. 105-178 (June 9, 1998); and, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240 (Dec. 18, 1991).
- ¹¹ 23 U.S.C. § 402.

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- ¹² SAFETEA-LU included incentive grant programs for occupant protection, safety belt performance, traffic safety information systems, alcohol-impaired driving countermeasures, motorcyclist safety, and child safety and child booster seat safety.
- ¹³ *Lives Saved in 2008 by Restraint Use and Minimum Drinking Age Laws*, Traffic Safety Facts, DOT HS 811 153, NHTSA (June 2009).
- ¹⁴ *Highway Safety: Better Guidance Could Improve Oversight of State Highway Safety Programs*, p. 1, GAO-03-474, Government Accountability Office (GAO) (Apr. 2003).
- ¹⁵ *Id.*, p. 4.
- ¹⁶ 23 U.S.C. § 412; enacted as Title II, § 2008(a), SAFETEA-LU, Pub. L. 109-59 (Aug. 10, 2005).
- ¹⁷ *Traffic Safety: Grants Generally Address Key Safety Issues, Despite State Eligibility and Management Difficulties*, p. 4, GAO-08-398, GAO (Mar. 2008).
- ¹⁸ *Id.*
- ¹⁹ *Traffic Safety Programs: Progress, States' Challenges, and Issues for Reauthorization*, Statement of Katherine Siggerud, Managing Director Physical infrastructure, p. 3, Testimony Before the Subcommittee on Highways and Transit, Committee on Transportation and Infrastructure House of Representatives, p. 3, GAO (July 16, 2008).
- ²⁰ *Id.*
- ²¹ Surface Transportation Authorization Act of 2009, § 2003, Transportation and Infrastructure Committee, markup draft [Committee Print] (June, 2009).
- ²² *Teens, Texting, Tragedy*, The 2010 Roadmap To State Highway Safety Laws, Advocates (Jan. 2010) (2010 Roadmap Report) available at <http://www.saferoads.org/2010-roadmap-state-highway-safety-laws>.
- ²³ Grants for primary safety belt use laws, Title II, § 2005, SAFETEA-LU, *codified at* 23 U.S.C. § 406.
- ²⁴ *Grants Generally Address Key Safety Issues, Despite State Eligibility and Management Issues*, Government Accountability Office (Mar. 2008), available at <http://www.gao.gov/new.items/d08398.pdf>.
- ²⁵ Adoption of primary enforcement seat belt laws increased seat belt use rates by 11 percent in New Jersey, 13 percent in Alabama and 14 percent in Michigan. *Strengthening Safety Belt Use Laws – Increase Belt Use, Decrease Crash Fatalities and Injuries*, Traffic Safety Facts, Laws, NHTSA (Apr. 2004) available at <http://www.nhtsa.gov/people/injury/new-fact-sheet03/SeatBeltLaws.pdf>.
- ²⁶ In 2008, NHTSA estimated that an additional 4,152 lives could have been saved with 100 percent belt use. *Lives Saved in 2008 by Restraint Use and Minimum Drinking Age Laws*, p. 1, Traffic Safety Facts, DOT HS 811 153, NHTSA (June 2009).
- ²⁷ Surface Transportation Authorization Act of 2009, § 1516, Enforcement of Primary Seat Belt Laws, and § 1517, Use of Ignition Interlock Devices to Prevent Repeat Intoxicated Driving, Transportation and Infrastructure Committee, markup draft, House of Representatives [Committee Print] (June, 2009).
- ²⁸ Pub. L. 98-363 (July 17, 1984), *codified as* National Minimum Drinking Age, 23 U.S.C. § 158.
- ²⁹ *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.
- ³⁰ *Statistical Analysis of Alcohol-Related Driving Trends, 1982-2005*, DOT HS 810 942. NHTSA (2008), available at <http://www.nhtsa.gov/staticfiles/DOT/NHTSA/NCSA/Content/Reports/2008/810942.pdf>.
- ³¹ *Young Drivers. Traffic Safety Facts 2008*, DOT HS 811 169, NHTSA (2009), available at <http://www-nrd.nhtsa.dot.gov/Pubs/811169.PDF>
- ³² Title XII, Pub. L. 99-570 (Oct. 27, 1986), *codified as* 49 U.S.C. §§ 31301 *et seq.*
- ³³ The Commercial Motor Vehicle Safety Act of 1986 and Classified Driver Licensing. Transportation Research Board Publications Index, Accession Number 00475965, 1988, p. 14, available at <http://pubsindex.trb.org/view.aspx?id=286034>

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- ³⁴ Title III, § 320, Pub. L. 104-59 (Nov. 28, 1995), *codified as* 23 U.S.C. § 161.
- ³⁵ 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>.
- ³⁶ According to the NHTSA, in the 35 year period from 1975 to 2008 child restraints saved 8,959 children, frontal air bags (in use general use since the late 1980s but not universally mandated until the mid-1990s) saved 27,840 occupants, and the 21-Year-Old Drinking Age law saved 27,052 people. NHTSA estimates that while seat belt use saved 255,115 occupants, they could have saved an additional 359,845 people if all occupants had used seat belts. Likewise, while motorcycle helmet use saved 30,495 lives over the 35 year period, another 27,433 lives could have been saved if all riders had worn protective helmets. *Traffic Safety Facts 2008*, DOT HS 811 170, Final Edition, Back Cover, NHTSA (2009).
- ³⁷ *Young Drivers*, Traffic Safety Facts 2008, at 1, DOT HS 811 169 (2009).
- ³⁸ *Id.*
- ³⁹ U.S. Bureau of the Census (1999).
- ⁴⁰ *Young Drivers* at 2.
- ⁴¹ Significant Decline Report, p. 8.
- ⁴² *Id.*
- ⁴³ Fatalities in Crashes Involving a Young Driver (Ages 15 - 20), by State and Fatality Type, FARS 2009, NHTSA. Data provided in response to NHTSA search request.
- ⁴⁴ *Young Drivers*, Traffic Safety Facts 2008 at 1.
- ⁴⁵ The state-by-state breakdown of deaths in teen driver fatal crash from 2005 to 2009 for states represented on the Senate Commerce, Science and Transportation Committee is: AK (75); AR (596); CA (3,385); FL (2,839); GA (1,326); HI (105); KS (404); LA (848); MA (365); ME (154); MN (473); MO (1,057); MS (778); ND (116); NE (310); NJ (539); NM (351); NV (307); SC (808); SD (144); TX (3,218); VA (813); WA (516); and, WV (299).
- ⁴⁶ Williams, *et al.*, *Evaluation of New Jersey's Graduated Driver Licensing Program*, Traffic Injury Prevention 11:1-7 (Feb. 2010).
- ⁴⁷ Information provided by the Office of the Illinois Secretary of State, *available at* www.cyberdriveillinois.com/press/2009/january/090128d1.html, and from the Illinois Department of Transportation, *available at* <http://www.dot.il.gov/press/r040709.html>.
- ⁴⁸ www.saferoads4teens.org.
- ⁴⁹ *Occupant Protection*, Traffic Safety Facts 2008, at 3, DOT HS 811 160, NHTSA (2009).
- ⁵⁰ *Id. at* 2
- ⁵¹ *Id. at* 3.
- ⁵² *Seat Belt Use in 2009 – Use Rates in the States and Territories*, Traffic Safety Facts, Crash Stats, DOT HS 811 324, NHTSA (May 2010).
- ⁵³ 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/ihsseatbelts.pdf>
- ⁵⁴ *Strengthening Safety Belt Use Laws – Increase Belt Use, Decrease Crash Fatalities and Injuries*, Traffic Safety Facts, Laws, NHTSA (Apr. 2004).
- ⁵⁵ *The Economic Impact of Motor Vehicle Crashes*, 2000, at 55.
- ⁵⁶ *Occupant Protection*, Traffic Safety Facts 2008, at 3.
- ⁵⁷ *Id.*
- ⁵⁸ *Id. at* 4.

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- ⁵⁹ *Traffic Safety Facts 2008*, Lives Saved by Restraint Use and 21-Year-Old Minimum Legal Drinking Age Laws Chart, Inside Back Cover, DOT HS 811 170, NHTSA (2009).
- ⁶⁰ Surface Transportation Authorization Act of 2009, § 1516, Transportation and Infrastructure Committee, markup draft [Committee Print] (June, 2009).
- ⁶¹ *Highlights of 2009 Motor Vehicle Crashes*, Traffic Safety Facts Research Note, Table 3, p. 2, DOT HS 811 363, NHTSA (Aug. 2010).
- ⁶² *Alcohol-Impaired Driving*, Traffic Safety Facts 2008, at 1, DOT HS 811 155, NHTSA (2009).
- ⁶³ 2010 Roadmap Report at 26.
- ⁶⁴ Surface Transportation Authorization Act of 2009, § 1517, *see* note 25 *supra*.
- ⁶⁵ *An Examination of Driver Distraction as Recorded in NHTSA Databases*, Traffic Safety Facts Research Note, at 1, DOT HS 811 216, NHTSA (Sept. 2009).
- ⁶⁶ Olson, et al., *Driver Distraction in Commercial Motor Vehicle Operations*, Virginia Tech Transportation Institute (2009).
- ⁶⁷ Distracted Driving Summit, September 21, 2010 (Washington, D.C.), information last accessed on Sept. 20, 2010 and available at <http://www.distracted.gov/2010summit/>.
- ⁶⁸ Distracted Driving Summit, September 30 – October 1, 2009 (Washington, D.C.)
- ⁶⁹ *Federal Leadership on Reducing Text Messaging While Driving*, Executive Order No. 13513 (Oct. 1, 2009), 74 FR 51225 (Oct. 6, 2009).
- ⁷⁰ *See Limiting the Use of Wireless Communications Devices*, Final Rule, 75 FR 59118 (Sept. 27, 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).
- ⁷¹ *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*, dated September 24, 2009, filed by Advocates for Highway and Auto Safety with the FMCSA Administrator.
- ⁷² 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>.
- ⁷³ *Motorcycles*, Traffic Safety Facts 2008, DOT HS 811 159, at 1, NHTSA (2009).
- ⁷⁴ *A Highway Safety Countermeasures Guide for State Highway Safety Offices*, DOT HS 810 891, p. 5-4, NHTSA (3d ed., Jan. 2008) (NHTSA Safety Countermeasures Guide).
- ⁷⁵ *Traffic Safety Facts 2008*, Table 10, p. 28.
- ⁷⁶ *Motorcycles*, Traffic Safety Facts 2008, at 1.
- ⁷⁷ *Highlights of 2009 Motor Vehicle Crashes*, pp. 1 & 3.
- ⁷⁸ *Motorcycles*, Traffic Safety Facts 2008, at 6.
- ⁷⁹ *Id.* at 3.
- ⁸⁰ The National Motor Vehicle and Traffic Safety Act of 1966, Pub. L. 89-563 (Sept. 9, 1966).
- ⁸¹ *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.
- ⁸² *Traffic Safety Facts 2008*, Table 10, p. 28.
- ⁸³ NTSB Recommendations H-07-38, available at http://www.nts.gov/Recs/letters/2007/H07_38.pdf, and H-07-39, available at http://www.nts.gov/Recs/letters/2007/H07_39.pdf.
- ⁸⁴ *Id.*