Statement of Kendell Poole
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Before the House Subcommittee on Highways and Transit
House Transportation and Infrastructure Committee

Improving the Effectiveness of the Federal Surface Transportation Safety Grant Programs

January 28, 2014

I. Introduction

Good morning. My name is Kendell Poole and I am Chairman of the Governors Highway Safety Association (GHSA). GHSA is a nonprofit association that represents state highway safety agencies. Its State Highway Safety Office members administer federal behavioral highway safety grant programs. 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.

As you know, traffic-related fatalities and injuries continue to be a major public health problem in this country. Although we have made some significant progress, there were still 33,561 fatalities and 2.36 million injuries in 2012—the most recent year for which complete statistics are available. Traffic crashes not only cause devastation to families and individuals, but they also cost the nation an estimated $230 billion annually.

To address this problem, the federal government must make the reduction of highway fatalities and injuries a national priority and play a strong role in developing highway safety policies and programs.

The most recent authorization, known as MAP-21 (Moving Ahead for Progress in the 21st Century), has provided critical resources to states to help them address driver behavior. As Congress considers these programs in the course of reauthorization, GHSA supports a similar approach going forward with minor changes.

II. Recommendations for Reauthorization

Enact a Long Term Authorization

GHSA's top priority in reauthorization is that Congress enact a long term authorization, as it has historically done. MAP-21 was only authorized for a period of two years, and it is difficult for states to adequately plan and forecast future needs as well attain their performance

targets with such uncertainty in funding, especially in the case of projects that require a multi-year commitment. For example, many states desperately need to make significant data and traffic record systems improvements – and this is just one example of the multi-year projects undertaken by state highway safety offices.

Allow States to Spend More Time on Programing, Less Time on Non-critical Administration

MAP-21 consolidated the behavioral highway safety programs into two programs: the Section 402 State and Community Highway Safety grant program and the Section 405 National Priority Safety Program. In FY 2014, Section 402 was funded at $235 million and Section 405 was funded at $272 million. A single grant application was authorized, as were performance measures and targets for the grants programs.

GHSA appreciates the consolidation and urges Congress to maintain that approach. However, even with consolidation, states are continuing to spend too much time preparing the grant application and administering the program. GHSA surveyed states on the process for FY 2013 Highway Safety Plans and found that state applications averaged 127 pages, with some that were more than 200 pages. And this does not include the many pages of attachments that were also required.

This process can be improved by:
* Allowing the states to submit required attachments through electronic links;
* Clarifying that the required problem identification and data analysis information should be written completely, but in a brief format; and
* Permitting the required project list to be submitted up to 60 days after the September 1 plan approval deadline.

Administrative burden needs to be reduced in both the Section 402 and Section 405 programs. As an example, even though funding for the motorcycle safety incentive tier in Section 405 was significantly reduced in MAP-21, the amount of paperwork and background material required to qualify was significantly increased. At least a few states decided that it was not a good use of their time to expend so much effort for such a small grant program. **GHSA urges Congress to continue efforts to simplify state**

grant processes so states can spend as much time as possible on programming.

To reduce additional administrative burdens on states, GHSA recommends that Congress alter the current Maintenance of Efforts (MOE) requirements in order to provide relief to economically distressed states. For many states, the MOE requirement has become increasingly burdensome. The Association understands and fully supports the need for a federal MOE requirement. However, it is also necessary to acknowledge that many states continue to struggle economically and MOE can be very burdensome. Furthermore, it is impossible for the states to identify and track local sources of expenditures. To remedy this, one approach could be to establish a waiver period with specific criteria that states would have to meet, and eliminate the requirement to maintain local expenditure sources. Hardship provisions exist in other program MOE requirements, such as the provision inserted by MAP-21 into the MCSAP (Motor Carrier Safety Assistance Program) grant program MOE.

Congress should develop a revised MOE requirement that carefully balances the federal government's interest in protecting its investments with the administrative burden on the states and the economic needs of the states. NHTSA should also develop more specific guidance on the acceptable process for states to verify MOE expenditures. Once the MOE requirements are changed, then the impact of the change should be evaluated and reported to Congress for further action if necessary.

<u>Improve Effectiveness of Safety Outcomes by Allowing Use of More Timely Data</u>

MAP-21 requires states to use the most recent final Fatality Analysis Reporting System (FARS) data to set performance targets in highway safety plans. However, FARS data continues to be finalized very slowly.

As states develop their highway safety plans, they are forced to use federal fatality data that may be outdated by as much as two years. For instance, while states are in the process of working on their FY2015 plans, the most recent final federal fatality data is from calendar year 2012 – despite the fact that 2013 state data is now available in many states.

To improve effectiveness of safety programs, states should be given the option of using the most recent state or federal data in their highway safety plans. GHSA also urges NHTSA to continue its work in improving the timeliness of FARS.

Restructure Section 405 National Priority Safety Program

MAP-21 created a new consolidated incentive program that covers six different areas: occupant protection, traffic records, impaired driving, motorcyclist safety, distracted driving and state GDL laws. It created tiers by designating a portion of the consolidated program for each area. States receive funding for each tier by satisfying rigorous eligibility criteria which require a significant investment of time to provide the necessary information. GHSA supports continuing the occupant protection and traffic records tiers. **However, Congress should make significant changes to tiers addressing impaired driving, motorcyclist safety, distracted driving and teen driving. And the states should be given adequate time to react to any changes made and work with their legislatures.**

Impaired Driving

Fifteen percent of the impaired driving incentive tier is earmarked for states that adopt and enforce an ignition interlock law for all persons convicted of driving under the influence of alcohol. While eighteen states have these laws for all offenders, only a handful of states (four in FY 2014) qualified for these funds, as NHTSA has disqualified states that grant rare exemptions for medical and work issues. **To address this, Congress should allow for state laws that grant rare exemptions and successfully require interlocks for nearly all offenders.**

Distracted Driving Grants

Eight-and-a-half percent of Section 405 funds are earmarked to reward states with strong distracted driving laws. However, to qualify, states must meet rigorous definitions and criteria, including laws with minimum fines for first offense, increased fines for subsequent offenses as well as a state statute requiring distracted driving issues to be tested as part of the drivers license exam.

The criteria are so strict that even though 37 states are enforcing primary texting bans, only one state qualified for this funding in FY 2014. **To remedy this, Congress should modify the definitions, simplify this program and reward states that are enforcing primary texting bans for all drivers and complete cell phone bans for novice drivers.**

Motorcyclist Safety

One-and-a-half percent of the tier is earmarked for states that adopt and implement effective programs to reduce the number of motorcycle crashes. While the large majority of states qualify for this funding, the funds can only be spent on motorcycle training and awareness programs.

Congress should change this tier to allow for a more comprehensive approach to motorcycle safety. NHTSA's National Agenda for Motorcycle Safety and a recent General Accountability Office review of this issue both called for a broader approach to motorcycle safety. This approach includes licensing, education and training, protective gear, roadway safety, public information programs on speeding and impairment, vehicle improvements and share the road programs.

Teen Driving

The Teen Driving tier should be reexamined, as no state has qualified in either FY 2013 or FY 2014. Every state has some form of a three-stage Graduated Licensing System. These laws have been widely credited for the dramatic reduction in teen driving deaths over the last 15 years. States should be rewarded for enacting and enforcing strong, research-based laws. That's not the case with the current incentive.

Flexibility for Unobligated Incentive Money

Because Section 405 was treated as a new program, NHTSA was not permitted to transfer any portion of the unobligated funds from this program into Section 402. Rather, those funds had to stay in Section 405. NHTSA reapportioned those funds to traffic records and occupant protection.

States are in need of additional Section 402 money to address issues such as excessive speeding, drugged driving, distracted driving and other emerging

safety challenges. Additional funding in Section 402 allows states to analyze their data and apply funding to where it is most critically needed. **To increase support of the Section 402 program, Congress should allow NHTSA to transfer at least a portion of unobligated Section 405 money into Section 402.**

Support Highway Safety Research

MAP-21 authorizes the Secretary of Transportation to conduct research and development activities, including demonstration projects and the collection and analysis of highway and motor vehicle safety and related data.

The legislation also authorizes a cooperative research and evaluation program of $2.5 million annually utilizing Section 402 funds. The program is administered by NHTSA, but managed jointly between NHTSA and GHSA.

Despite previous efforts, only a small portion of behavioral highway safety countermeasures have been adequately researched. Without sufficient research to indicate what works and what does not, states may be forced to implement programs without an appropriate research basis or the ability to quantify expected outcomes. **To address this, GHSA recommends that funding for behavioral research be supported and the cooperative NHTSA/GHSA program continue.**

No New Sanctions

In general, GHSA does not support sanctions. They are untargeted and counterproductive. Furthermore, states are already subject to seven safety-related sanctions (National Minimum Drinking Age, drug offenders, use of seat belts, zero tolerance for minors, open container, repeat offender and .08 BAC). Evidence on the effectiveness of past sanctions is mixed—at best. Sanctions involving motorcycle helmets, as well as the National Maximum Speed Limit, were failures. Additionally, during still-fragile economic times, now is not the time to threaten to take money away from states. **Reasonable and obtainable incentives, and not sanctions, are a more effective way to encourage changes in state policies and programs.**

This concludes GHSA's statement. Thank you for the opportunity to appear before the House Subcommittee on Highways and Transit as it begins drafting the next surface transportation reauthorization. GHSA looks forward to working with the Committee on the legislation.