



Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington DC 20515

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April 4, 2019

**SUMMARY OF SUBJECT MATTER**

**TO:** Members, Subcommittee on Highways and Transit  
**FROM:** Staff, Subcommittee on Highways and Transit  
**RE:** Subcommittee Hearing on “Every Life Counts: Improving the Safety of our Nation’s Roadways”

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**PURPOSE**

The Subcommittee on Highways and Transit will meet on Tuesday, April 9, 2019, at 10:00 a.m. in HVC 210, Capitol Visitor Center, to receive testimony related to “Every Life Counts: Improving the Safety of our Nation’s Roadways.” The purpose of this hearing is to assess the safety of our Nation’s roads and learn what can be done to lower the number of traffic-related fatalities and injuries. The Subcommittee will hear from a National Transportation Safety Board (NTSB) Member, the Vice Mayor of Neptune, Florida, the City of Alexandria’s Chief of Police, the League of American Bicyclists, the National Safety Council, and the American Traffic Safety Services Association.

**BACKGROUND**

According to the National Highway Traffic Safety Administration (NHTSA), 37,133 people lost their lives in accidents on U.S. roadways in 2017<sup>1</sup>. That means an average of 101 people died each day in motor vehicle crashes, equating to roughly one fatality every 15 minutes. There were a total of 5,977 pedestrian fatalities in 2017, and preliminary reports indicate that number increased in 2018, leading to the highest rate of pedestrian fatalities since 1990<sup>2</sup>. There were 783 cyclist deaths in 2017 and 852 cyclist deaths in 2016. And, the 5,172 motorcyclist fatalities in 2017 is more than twice what it was two decades ago. According to the National Safety Council, injuries from motor vehicle incidents totaled more than 4.6 million in 2017.

According to the Centers for Disease Control (CDC), unintentional injury is now the third leading cause of death for Americans. Motor vehicle accidents are the leading cause of unintentional injury deaths, second only to opioid overdoses. Roadway injuries are the eighth leading cause of death globally, according to the World Health Organization (WHO), and are the number one cause of death for children ages 5-14 and youth ages 15-29.

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<sup>1</sup> “Fatality Analysis Reporting System (FARS) Encyclopedia.” *National Highway Traffic Safety Administration*, <https://www-fars.nhtsa.dot.gov/Main/index.aspx>.

<sup>2</sup> “New Projection: 2018 Pedestrian Fatalities Highest Since 1990.” *Governors Highway Safety Association*, 28 Feb. 2019, <https://www.ghsa.org/resources/news-releases/pedestrians19>.

The FAST Act (P.L. 114-94), enacted on December 4, 2015, reauthorized Federal surface transportation programs through September 30, 2020. This legislation built on the foundation established by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (P.L. 102-240), the Transportation Equity Act for the 21st Century (TEA-21) (P.L. 105-178) enacted in 1998, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (P.L. 109-59) enacted in 2005, and the Moving Ahead for Progress in the 21st Century Act (MAP-21) (P.L. 112-141) enacted in 2012.

As part of each of these multi-year authorization bills, Congress has directed guaranteed Federal funding toward programs to ensure safety on our Nation's roads. These include grants to improve physical roadway infrastructure; grant programs to reduce crashes, injuries, and fatalities involving large trucks and buses; grant programs to incentivize States to adopt laws and regulations to improve highway safety; and grants to assist State enforcement of vehicle and driver safety measures. Congress has also mandated that U.S. Department of Transportation (DOT) agencies undertake numerous rulemakings in each of these areas to address outstanding safety concerns, many of which are discussed below.

In 2016, FHWA, FMCSA, and NHTSA announced, in partnership with the National Safety Council, the launch of the "Road to Zero" coalition. The goal of the coalition is to end fatalities on the Nation's roads within the next 30 years. The DOT committed \$3 million in grants over three years to organizations working on lifesaving programs. The Road to Zero Coalition focuses on promoting strategies proven to save lives, such as seat belt use, traffic safety enforcement, and education campaigns. The coalition also focuses on developing new evidence-based strategies to addressing changes in driver behavior.

### **National Transportation Safety Board**

The NTSB was created by Congress on April 1, 1967, as an independent Federal agency charged with investigating all civil aviation accidents and significant accidents in other modes of transportation. The NTSB determines the probable cause of the accidents and issues safety recommendations aimed at preventing future accidents. Since its inception 50 years ago, the NTSB has investigated thousands of accidents and made more than 14,500 recommendations to improve transportation safety, including over 2,400 highway safety recommendations. Over 80 percent of NTSB safety recommendations have been acted upon favorably, saving lives. Specific information on NTSB recommendations is included below.

### **Federal-Aid Highways**

The Highway Safety Improvement Program (HSIP) is a Federal-aid program, funded out of the Highway Trust Fund, which provides funding to projects that will achieve a significant reduction in traffic fatalities and serious injuries on public roads, including local roads and roads on tribal land. In order to use HSIP funding, a State must have an approved comprehensive, data-driven strategic highway safety plan (SHSP) that defines State safety goals and describes a program of strategies to improve safety. Funding provided under HSIP is apportioned to States to implement highway safety improvement projects, which are included in a State's SHSP, to correct or improve hazardous road locations and features, or to address highway safety problems.

The FAST Act increased funding for the HSIP program, providing a total of \$11.6 billion to States and tribes over five years. The FAST Act also increased funding for the rail-highway grade crossing program, funded out of HSIP. The set-aside increases from \$225 million in FY 2016 to \$245 million in FY 2020. The FAST Act amended eligible uses of HSIP funds to include only those listed in statute, most of which are related to physical infrastructure improvements to enhance safety, and specifically added the following eligible uses: installation of vehicle-to-infrastructure communication equipment; pedestrian hybrid beacons; and roadway improvements that provide separation between pedestrians and motor vehicles.

The FAST Act also included “complete streets” language, which encourages States to adopt standards to provide for the safe and adequate accommodation of all surface transportation users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. Comparable Senate language to require States and Metropolitan Planning Organizations (MPOs) to adopt such policies was not retained in the final Conference Report. The FAST Act also promotes the use of alternate design guides in order to right-size projects and accommodate all users, which contributes to more livable communities and expands safe transportation options.

Policies such as complete streets help reduce accidents and fatalities for all road users by addressing a wide range of elements unique to each community, such as pedestrian accessibility, street crossings, and bus and bike lanes. In November 2018, the NTSB released a special investigative report to address pedestrian safety<sup>3</sup>. Their recommendations included calling on FHWA to expand its support of state and local safety projects in order to develop a broad network of safety improvements, as well as establishing a national metric of pedestrian safety activity to improve local planning.

### **National Highway Traffic Safety Administration**

NHTSA’s mission is to save lives, prevent injuries, and reduce economic costs due to traffic accidents on the Nation’s roadways through education, research, and by promulgating and enforcing safety standards. The FAST Act reauthorized NHTSA’s behavioral highway safety programs. Section 402 of title 23, United States Code, requires States to have safety plans approved by the Secretary and designed to reduce fatalities, injuries, and property damage resulting from traffic accidents. Funding is distributed to States with approved plans through a formula based on population and public road mileage. The FAST Act increased funding to carry out state highway safety plans and reduced administrative requirements for States.

The majority of motor vehicle deaths are linked to human behavior. Of the 37,133 traffic-related fatalities which occurred in 2017:

- 10,874 (29 percent) were crashes where at least one driver was alcohol-impaired;
- 9,717 (26 percent) were in crashes where at least one driver was speeding, and;
- 3,166 (9 percent) were in crashes involving distracted driving.

Traffic fatality data for each state can be found here:

<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812581>

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<sup>3</sup> “Special Investigation Report: Pedestrian Safety.” *National Transportation Safety Board*, 25 Sept. 2018, <https://www.nts.gov/safety/safety-studies/Documents/SIR1803.pdf>.

NHTSA has also analyzed the economic costs of motor vehicle crashes and found that traffic-related accidents cost the U.S. \$242 billion in 2010<sup>4</sup>. Of that, \$43 billion was attributed to alcohol-impaired crashes, and \$52 billion was attributed to speed-related crashes. Seat belt use prevented 12,500 fatalities, 308,000 serious injuries, and \$50 billion in injury related costs in 2010. However, the failure of a substantial portion of the driving population to buckle up caused 3,350 unnecessary fatalities, 54,300 serious injuries, and cost society \$10 billion in easily preventable injury related expenses. In 2017, motor vehicle injuries are estimated to have cost the U.S. economy \$433.8 billion, including medical expenses, lost wages and productivity, property damage, and other similar expenses, according to the National Safety Council.

States can use their Section 402 funding on activities to carry out their States safety plans, including activities to improve enforcement of traffic safety laws. In their campaign Save LIVES, which aims to significantly lower traffic fatalities and injuries by 2050, the WHO included investment in traffic safety enforcement as one of its top six priorities.

The CDC also recommends greater enforcement of seat belt laws to help lower the number of traffic-related fatalities caused by not using a restraint<sup>5</sup>. The majority of Americans recognize the importance of wearing a seat belt, with the national use rate at almost 90 percent. However, of the passengers killed in motor vehicle accidents in 2017, 47 percent were not using a restraint. Despite a continued steady rate of fatalities due to alcohol impairment in recent years, traffic safety enforcement is steadily declining. According to data from the FBI, the number of drunk driving arrests decreased 24 percent from 2005 to 2017<sup>6</sup>.

### **State Safety Grants**

In order to assist and incentivize States to improve safety in areas known to contribute to fatalities, Congress authorized the National Priority Safety Program (Section 405 of title 23, U.S.C.). Through this program, NHTSA makes grant funding available to States that adopt or implement programs or laws to: increase the use of occupant protection devices; reduce the number of alcohol-impaired driving fatalities; encourage the adoption of laws which prohibit distracted driving; improve motorcyclist safety; improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of state safety data; and encourage the adoption of state graduated driver licensing laws. The FAST Act also added two new grants under Section 405, the 24-7 Sobriety Program and the Non-Motorized Safety program, which makes States with combined pedestrian and bicycle fatalities that exceed 15 percent of total crash fatalities in that State eligible to receive funding to reduce such fatalities. Each State must meet specific criteria in each national priority program to qualify for funding. The FAST Act provided grant funding (\$1.4 billion over five years) for this program. In 2019, the Non-Motorized Safety Grants program was fully utilized with each of the 25 states eligible for the grant receiving it.

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<sup>4</sup> “The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised).” *National Highway Traffic Safety Administration*, May 2015, <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812013>.

<sup>5</sup> “What Works: Strategies to Increase Restraint Use.” *Centers for Disease Control and Prevention*, 21 Jan. 2015, <https://www.cdc.gov/motorvehiclesafety/seatbelts/strategies.html>.

<sup>6</sup> “2017 Crime in the United States.” *Federal Bureau of Investigation*, <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/table-69/table-69.xls>.

The FAST Act also made limited changes to the Alcohol-Ignition Interlock Law, Distracted Driving, and Graduated Driver Licensing Incentive grants in order to increase the number of States eligible for those grants. To learn which States met the criteria for each grant program see: [https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/fy19\\_grantdeterminations\\_and\\_deficiencies\\_in\\_stateapplications.pdf](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/fy19_grantdeterminations_and_deficiencies_in_stateapplications.pdf)

Despite the changes made to these safety grants under the FAST Act, states have not adapted their programs to qualify, leaving the program underutilized. The table below shows the number of states who were unsuccessful in meeting the programs’ criteria in 2019. Additionally, in each program, fewer States applied for grants in 2019 than in 2018. For example, seventeen states applied for Graduated Driver Licensing Law grants last year, compared to only four states applying in 2019.

<b>Program:</b>	<b>Ignition Interlocks (405d)</b>	<b>Comprehensive Distracted Driving (405e)</b>	<b>Graduated Driver Licensing Law (405g)</b>
<b>Applied</b>	13	17	4
<b>Awarded</b>	5	4	0
<b>Not Awarded</b>	8	13	4
<b>Did Not Apply</b>	43	39	52
<b>Not Eligible</b>	0	0	0

The NTSB’s FY 2019-2020 Most Wanted List includes recommendations to eliminate distractions, including a nationwide ban on the use of personal electronic devices by all drivers, and increased high-visibility enforcement for speeding and drug and alcohol impaired driving. The full list of recommendations can be found here: <https://www.nts.gov/safety/mwl/Documents/2019-20/2019-20-MWL-SafetyRecs.pdf>

### **Drugged Driving**

An emerging area of safety concern is drugged driving. NHTSA’s most recent Roadside Survey of Alcohol and Drug Use by Drivers found that 20 percent of drivers tested positive for at least one drug that could affect safety<sup>7</sup>. However, this figure does not represent or confirm how many drivers were impaired since a positive marijuana test can detect marijuana use in the past week. A 2016 AAA Foundation for Traffic Safety report found that an estimated 4.9 percent of drivers drove within an hour of using marijuana<sup>8</sup>.

<sup>7</sup> “2013–2014 National Roadside Study of Alcohol and Drug Use by Drivers.” *National Highway Traffic Safety Administration*, May 2017, [https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13013-nrs\\_drug\\_092917\\_v6\\_tag.pdf](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13013-nrs_drug_092917_v6_tag.pdf).

<sup>8</sup> “2016 Traffic Safety Culture Index.” *AAA Foundation*, Feb. 2017, <https://aaafoundation.org/2016-traffic-safety-culture-index/>.

In 2016, NHTSA conducted a study in Virginia called the Drug and Alcohol Crash Risk: A Case-Controlled Study, the largest of its kind ever conducted, which assessed whether marijuana use by drivers is associated with greater risk of crashes<sup>9</sup>. The survey found that marijuana users are more likely to be involved in accidents, but that the increased risk may be due in part because marijuana users are more likely to be in groups at higher risk of crashes, particularly young men.

Unlike the current 0.08 percent Blood Alcohol Content impairment standard, there is currently no impairment standard for marijuana. Marijuana has a larger variation in how it affects people than alcohol, making it more difficult to establish a uniform impairment standard. The FAST Act required NHTSA to report to Congress on several outstanding challenges of marijuana-impaired driving, including methods to detect marijuana-impaired driving, impairment standard feasibility, methods to differentiate the cause of a driving impairment between alcohol and marijuana, and the role and extent of marijuana impairment in motor vehicle accidents. That report was issued in July 2017 and provided three recommendations to address marijuana-impaired driving:

Increase training and resources for law enforcement officers using the most efficient and effective techniques to detect and recognize impairment in drivers;

Continue research to enable development of an impairment standard for driving under the influence of marijuana, and;

Encourage States to collect data regarding the prevalence of marijuana use by drivers and among those arrested for impaired driving<sup>10</sup>.

NTSB recommendations for drugged driving include more research to get better data to understand the scope of the problem and the effectiveness of countermeasures<sup>11</sup>. NTSB also recommends States should increase the collection, documentation, and reporting of driver breath and blood test results for alcohol and drugs following crashes. This is most readily done through NHTSA's National Roadside Survey (NRS).

In recent years, Congress has blocked NHTSA's ability to continue this survey through an appropriations rider. In March 2018, the U.S. Government Accountability Office issued a report to Senate and House Appropriations Committees which found that NHTSA had improved NRS methodology to address previous concerns leading to its prohibition<sup>12</sup>. Their audit found there are key differences in how the NRS is conducted as compared to a traditional law enforcement checkpoint. As a result, participation in the NRS is entirely voluntary and has never resulted in an arrest, unlike law enforcement checkpoints. In response to these findings, the FY 2019

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<sup>9</sup> "Drug and Alcohol Crash Risk: A Case-Control Study." *National Highway Traffic Safety Administration*, Dec. 2016, [https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812355\\_drugalcoholcrashrisk.pdf](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812355_drugalcoholcrashrisk.pdf).

<sup>10</sup> "Marijuana-Impaired Driving a Report to Congress." *National Highway Traffic Safety Administration*, July 2017, <https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812440-marijuana-impaired-driving-report-to-congress.pdf>.

<sup>11</sup> "End Alcohol and Other Drug Impairment – Highway." *National Transportation Safety Board*, <https://www.nts.gov/safety/mwl/Pages/mwlfs-19-20/mwl5-fsh.aspx>.

<sup>12</sup> "National Roadside Survey: NHTSA Changed Methodology to Address Driver Concerns." *U.S. Government Accountability Office*, 12 March 2018, <https://www.gao.gov/assets/700/690593.pdf>.



Transportation, Housing, and Urban Development Appropriations Act did not include the prohibition.

### *Autonomous Vehicles*

Autonomous vehicles offer many safety improvements over human drivers, but they too have limitations. Within the jurisdiction of the Committee on Transportation and Infrastructure safety issues such as safely navigating road construction zones, pulling aside for emergency vehicles, understanding police controlled intersections are all unique challenges for autonomous vehicles. Roadway infrastructure needs to compliment autonomous vehicles include road striping and smart traffic lights. Finally, educating human drivers to anticipate and react accordingly to the driving style of autonomous vehicles will also need to be part of the process.

**WITNESSES**

**The Honorable Jennifer Homendy**  
Member  
National Transportation Safety Board

**The Honorable Fred Jones**  
Vice Mayor  
City of Neptune Beach, Florida  
*on behalf of Transportation for America*

**Mr. Michael L. Brown**  
Chief of Police  
City of Alexandria

**Mr. Jay Bruemmer**  
Vice President  
K & G Striping, Inc.  
*on behalf of the American Traffic Safety Services Association*

**Mr. Mike Sewell**  
Active Transportation Service Line Leader  
Gresham Smith  
*on behalf of The League of American Bicyclists*

**Mr. Nicholas Smith**  
Interim President and Chief Executive Officer  
The National Safety Council