Testimony of Lorraine M. Martin
President & CEO, National Safety Council
to
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"Examining Equity in Transportation Safety Enforcement"
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Chair Defazio, Chair Norton, Ranking Member Graves, Ranking Member Davis and members of the Subcommittee: Thank you for inviting me to testify today on behalf of the National Safety Council (NSC) on equity in roadway safety. It is an honor to be with you today.

NSC is America's leading nonprofit safety advocate and has been for over 100 years. As a mission-based organization, we work to eliminate the leading causes of preventable death and injury, focusing our efforts on the workplace, roadway and impairment. We create a culture of safety to not only keep people safer at work, but also beyond the workplace so they can live their fullest lives. Our more than 15,000 member companies and federal agencies represent employees at nearly 50,000 U.S. worksites.

As I address you today, NSC is preparing to release the roadway fatality estimates for calendar year 2020, an annual exercise NSC has done for decades. While this early release does not contain certain details — for example, the number of pedestrian crashes or crashes involving large trucks — we see value in publishing this preview so that decision makers can understand the state of safety on U.S. roadways.

In short: 2020 was a deadly year on our roads.

While much of the nation was under stay-at-home orders during the early stages of the coronavirus pandemic and therefore not travelling in vehicles, the motor vehicle fatality rate increased by double digits in March and April of 2020 over 2019 levels. It did not improve as the year progressed. Preliminary NSC estimates show a 24.2% fatality rate increase and a 7% increase in the number of deaths in the first eleven months of 2020, as compared to the same period of 2019.[1] The data demonstrate that fatalities remained high once most states re-opened by June. Fatalities increased by 17% in June, 14% in July, 13% in August, 13% in September, 19% in October, and 9% in November compared to 2019.[2] A state-by-state breakdown of these fatalities through the end of November 2020 is attached to this statement.

[1] https://injuryfacts.nsc.org/motor-vehicle/overview/preliminary-monthly-estimates/
[2] Ibid.

Of the drivers who remained on the roads during the pandemic, some engaged in riskier behaviors, such as speeding, failing to wear seat belts and driving under the influence of alcohol and drugs[3] — three persistent causes of death on our roadways. During the first months of the public health emergency, there was an initial reduction in seat belt use among seriously and fatally injured passengers, according to the National Highway Traffic Safety Administration (NHTSA).[4] According to Federal Highway Administration (FHWA) data, speeds observed in 2020 were higher than those observed in 2019 across roadway classifications.[5] Additionally, alcohol, cannabinoid and opioid prevalence increased among seriously and fatally injured road users during the second quarter of 2020, as compared to the months before the public health emergency.[6]

Clearly, we have not conquered the persistent problems of impaired driving, speeding and lack of seat belt use. NSC believes we can and must do better; we can reach zero roadway fatalities through a multifaceted approach that includes education, strong laws, multiple approaches to safety law enforcement, incorporation of new technology and system design change.

As we work to improve safety, it is critical that we also address equity in our nation's transportation system. We must pay attention not only to our methods of improving safety, but also the manner in which we address longstanding disparities that result from historical imbalances in infrastructure investment,[7] policy implementation and decision-making.[8,9] The House of Representatives took important steps in this direction through several provisions in the Moving Forward Act (H.R. 2), which passed the House last year. We were particularly pleased to see the following provisions:

- Grant program to prohibit racial profiling and allow for data collected during traffic stops to be publicly available.[10]
- Grant program to fund institutions of higher education to research racial profiling at traffic stops and develop training programs to combat implicit bias.
- NHTSA Section 405 grant program for states to include training for not only police officers, but also drivers about their rights, responsibilities and best practices during traffic stops.
- Government Accountability Office (GAO) study regarding the impact of transportation policies on people based on race, ethnicity, nationality, age, disability status and gender identity.[11]

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[3] "Update to Special Reports on Traffic Safety During the COVID-19 Public Health Emergency: Third Quarter Data," NHTSA, January 2021, accessed on 2/10/21 at: https://handouts-live.s3.amazonaws.com/5c2eaa050d2b4e819f13a04ba27e0999?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Date=20210210T160309Z&X-Amz-SignedHeaders=host&X-Amz-Expires=86399&X-Amz-Credential=AKIAJICNIQWVMWBRIUMQ%2F20210210%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Signature=7b366adf02b90ab6eeef792694d6d50752686049a20d3c2218203daf1d15f2a1

[4] Ibid.

[5] Ibid.

[6] Thomas,et al. (2020, October). *Drug and alcohol prevalence in seriously and fatally injured road users before and during the COVID-19 public health emergency* (Report No. DOT HS 813 018). National Highway Traffic Safety Administration. https://rosap.ntl.bts.gov/view/ dot/50941

[7] https://www.cbcfinc.org/wp-content/uploads/2016/10/CBCFTransportationBriefing.pdf

[8] https://journals.sagepub.com/doi/10.1177/0739456X02238441

[9] https://www.lincolninst.edu/publications/articles/2020-03-deconstruction-ahead-urban-highway-removal-changing-cities

[10] See H.R.2 (116), Sec. 3005

[11] See H.R.2 (116), Sec. 40006

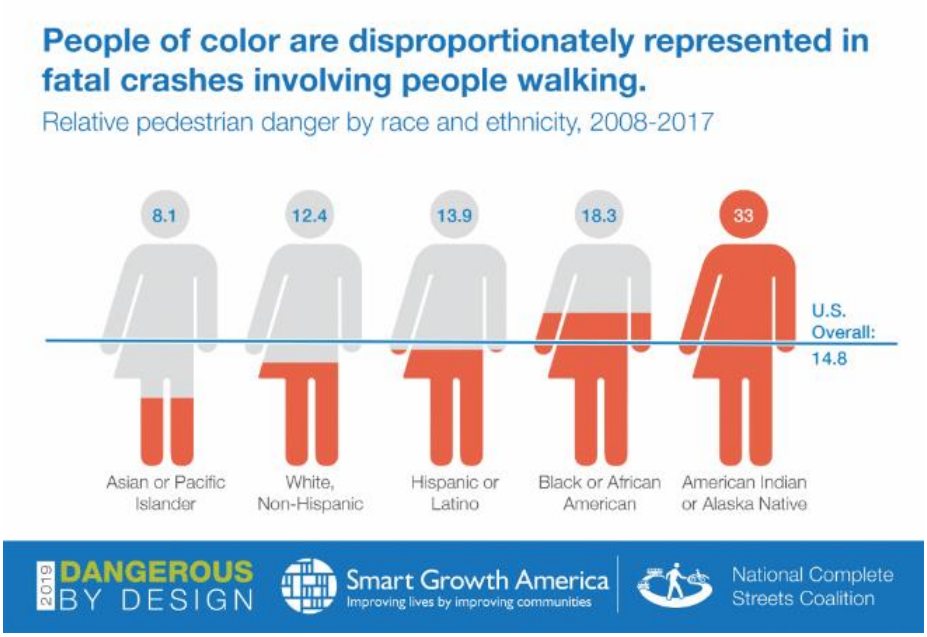
EQUITY

Enforcement of traffic laws has been a primary strategy for improving road safety for decades — and for good reason. Thousands of lives have been saved by high-visibility enforcement campaigns such as *Click It or Ticket* and *Drive Sober or Get Pulled Over*. These safety programs continue to be important. We should also look carefully at how traffic enforcement affects individuals and communities across the country and make serious steps toward sustainable alternative safety strategies as needed.

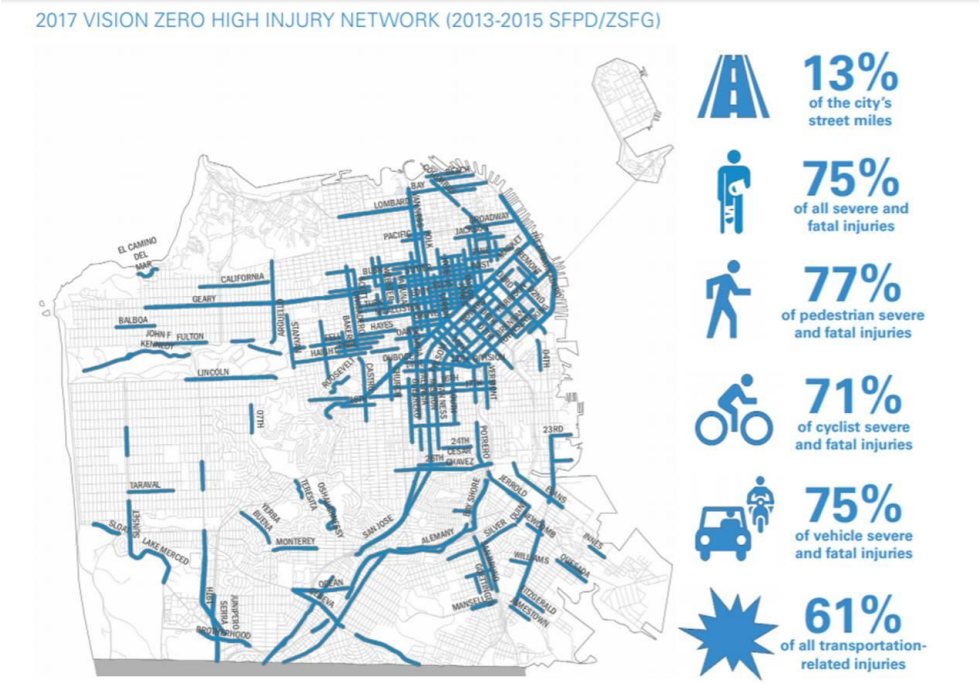
Each year, law enforcement officers stop 20 million people for traffic violations. Traffic stops are the most common reason for contact between people and the police.[12] While there are proven safety benefits from these stops, data show that some of these stops are a result of racial profiling.[13] NSC acknowledges that communities with repeated and publicized negative interactions with law enforcement can experience personal trauma, even when these interactions end without incident, creating a lack of perceived safety.[14]

Research shows that people of color suffer higher rates of pedestrian fatalities and severe injuries[15] than their white counterparts and that, frequently, programs and policies that aim to support safety – such as those around jaywalking[16] – disproportionately burden communities of color. Data show that people of color, older adults and low-income communities are over-represented in pedestrian fatalities[17] and under-represented in the investments made in transportation improvements.[18,19] The chart below shows that American Indian or Alaskan Native people run the highest risk of being killed while walking along the roadside; other data show that drivers are less likely to yield to Black people walking and biking.[20]

[12] Davis, E., Whyde, A.& Langton, L. *Contacts between Police and the Public,2015* (Bureau of Justice Statistics, 2018)
[13] Pierson, Emma, et al. A large-scale analysis of racial disparities in police stops across the United States (Nature Human Behavior, Vol 4, July 2020).
[14] https://fbaum.unc.edu/papers/OreyBaumgartnerSoroka-APSA-2017.pdf
[15] https://smartgrowthamerica.org/resources/dangerous-by-design-2014
[16] https://www.propublica.org/series/walking-while-black
[17] https://smartgrowthamerica.org/dangerous-by-design/
[18] https://www.cbcfinc.org/wp-content/uploads/2016/10/CBCFTransportationBriefing.pdf
[19] https://www.apha.org/~/media/files/pdf/topics/environment/built_environment/srtsnp_equitytransp_factsheet2015.ashx
[20] https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1009&context=psy_fac



One reason these disparities exist is that not all streets are created equally. Roads in low-income communities lack basic safety features that are common in wealthier communities and have higher crash rates as a result.[21, 22] This leads to so-called high-crash corridors or high-injury networks. For example, Vision Zero SF in San Francisco, CA found that 75% of the city's severe and fatal injuries occur on just 13% of the city's street miles (see graphic below).



[21] Morency, P., Gauvin, L., Plante, C., Fournier, M., & Morency, C. (2012). Neighborhood social inequalities in road traffic injuries: the influence of traffic volume and road design. *American journal of public health*, *102*(6), 1112–1119. https://doi.org/10.2105/AJPH.2011.300528

[22] https://www.transportation.gov/sites/dot.gov/files/docs/BeyondTraffic_tagged_508_final.pdf

Data like these are available in every community that chooses to collect it. Such information can empower policymakers, city planners and engineers to direct limited resources to the areas in greatest need of safety improvements to have the biggest impact.

Another mobility-related area that Congress should address is driver license suspension. Over the past decades, non-driving-related offenses, such as unpaid court fees and child support, littering, and other infractions, have become cause for some states to suspend driver licenses. NSC believes that driving-related offenses should be the only cause for license suspension because such an action can lead to detrimental impacts on a person, including loss of access to employment opportunities and healthcare as well as overall mobility in communities where no other transit options exist.

We supported the Driving for Opportunity Act in the 116th Congress (S.4186/H.R.8881), which would have provided grants to states that do not suspend or revoke a driver's license for failure to pay a non-traffic-related civil or criminal fines or fees. Removing sanctions for non-traffic safety violations rightly restores the focus on safety and more accurately reflects each state's challenges related to speeding, impaired driving and other high-risk driving behaviors. We also appreciated that the bill required a GAO study on alternatives to driver's license suspension for certain kinds of unsafe driving, including models that allow drivers to continue to drive legally while pursuing other driver-improvement opportunities. We understand Representatives Scanlon and Fitzpatrick will soon reintroduce this legislation in the House; NSC looks forward to working with you to support the bill.

There is much work to be done, and we applaud the subcommittee for holding this hearing today to discuss what we can do as a nation. As mentioned, it will take a multifaceted approach to change the systemic ways our transportation system has perpetuated bias. It will also take time. NSC pledges to work alongside you because safe mobility is a right for all Americans and, indeed, all people.

SAFETY

Data from the National Center for Health Statistics (NCHS) show that 39,107 people were killed in motor vehicle incidents in 2019.[23] We believe these crashes — which have a tremendous human toll and cost the American economy over $463 billion a year[24] — are entirely preventable.

[23] https://www.nhtsa.gov/press-releases/roadway-fatalities-2019-fars
[24] https://injuryfacts.nsc.org/motor-vehicle/overview/introduction/

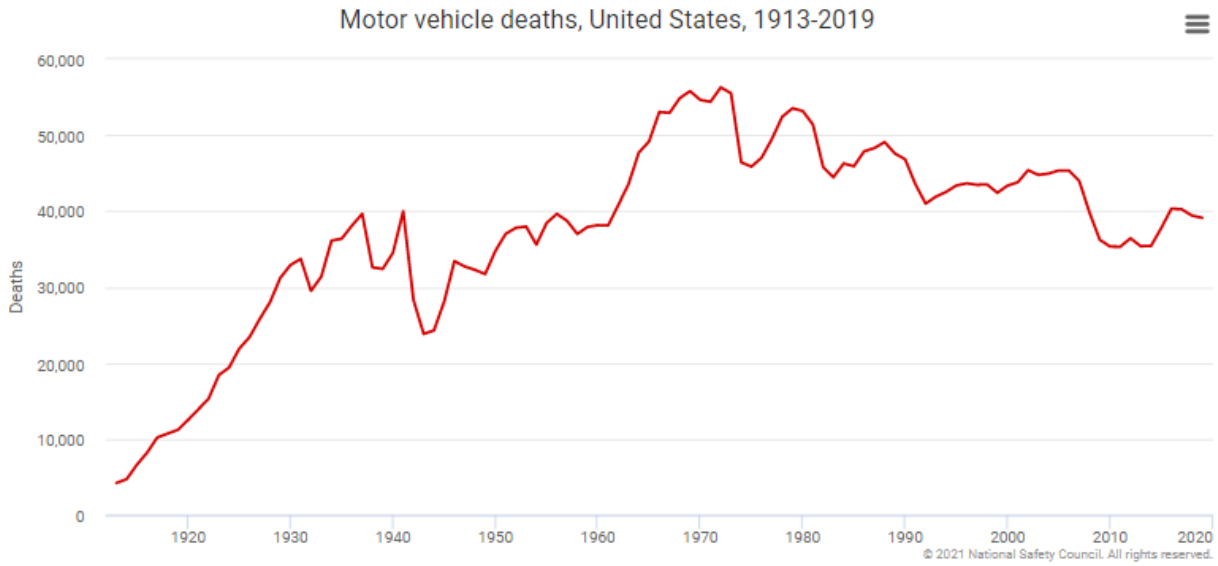


Chart shows total motor vehicle data, source NSC estimates and National Center for Health Statistics

Included below are the number of people killed in motor vehicle crashes in the Chairs' and Ranking Members' states through November 2020, as well as the year-over-year percent increase:[25]

Oregon	468 deaths (5% increase from 2019)
Washington, DC	36 deaths (44% increase from 2019)
Missouri	908 deaths (13% increase from 2019)
Illinois	1,010 deaths (10% increase from 2019)

These are the lives of your constituents. These mothers, fathers, sisters, brothers, aunts, uncles, friends and colleagues contributed to the communities in which they lived. Yet, our national outrage at these losses is conspicuously absent, particularly when compared to deaths in other forms of transportation, such as aviation.

The United States has consistently avoided the hard choices needed to save lives on the roadways. The reauthorization of the Fixing America's Surface Transportation (FAST) Act is an opportunity for us to make the right choices. The Moving Forward Act (H.R. 2) that passed the House of Representatives last Congress provides a framework for making changes to improve safety and equity.

The main behavioral causes of motor vehicle fatalities – lack of seat belt use, alcohol-impaired driving, and speeding – have remained the same for decades.

47% of Passenger vehicle occupants who die in motor vehicle crashes are unbelted
28% of People who die in crashes are involved in alcohol-impaired wrecks
26% of Motor vehicle fatalities are speed-related[26]

Education, Laws and Enforcement

[25] https://www-fars.nhtsa.dot.gov/States/StatesCrashesAndAllVictims.aspx
[26] NSC analysis of 2019 NHTSA data using the NHTSA query tool: https://cdan.dot.gov/query

NSC believes that the "three-legged stool" of roadway safety — education, strong laws and enforcement — will remain important as we work toward a Safe Systems approach and reach our ultimate goal of zero roadway deaths. Education programs must reflect the communities they serve and the laws must be written and applied fairly and enforced equitably.

Education includes programs, communications and campaigns to educate road users, community members, planners, and engineers to raise awareness and provide information with the goal of changing an attitude or behavior that will improve safety. An equitable approach to education must consider and should include, but is not limited to:

- Developing, executing and implementing programming with community voices included in the process, particularly those representing disadvantaged and/or highly impacted communities.
- Using images, language and media that is reflective of the community and audience.
- Working with the community to identify issues to be addressed, assessing what is needed and defining what implementation and, ultimately, success would look like.
- Working with trusted ambassadors, spokespeople and community leaders to help execute any campaigns or programs.

NSC supports enforcement of traffic safety laws as a mechanism to support safe transportation and believes there are ways to address bias and other equity problems found within enforcement. This includes efforts to educate and promote compliance with laws and regulations related to traffic safety. An equitable approach to enforcement must consider and should include, but is not limited to:

- Working with partners and stakeholders to create a plan to ensure engagement with representatives of the community and government in the development and drafting of any law or regulation. This includes discussing effective means of enforcement within the community.
- Understanding whether and how enforcement of traffic safety laws or regulations can exacerbate existing racial, socioeconomic or accessibility issues and subsequently working with stakeholders to identify solutions.
- Assessing whether new or alternative forms of enforcement can be deployed to effectively address the issue at hand, including but not limited to: adoption of the Safe Systems approach with self-enforcing roads, automated enforcement, community policing and other strategies.
- Advocating for data collection and assessment tools that measure whether traffic safety enforcement unjustly burdens specific communities or populations and providing appropriate solutions.
- Educating and training those working on enforcement on current best practices and techniques. To this end, NSC supports evidence-based diversity, equity and inclusion training and other appropriate training for law enforcement officers. Additionally, we support the NHTSA grant program advanced by Representative Brown in H.R. 2 that would provide resources to higher education institutions to research and develop implicit bias training programs related to racial profiling at traffic stops.[27]

[27] See H.R.2 (116), Sec. 3010

Traffic enforcement can be conducted effectively in a variety of ways and cities across the U.S. are exploring how to use new and existing techniques to improve roadway safety while reducing equity concerns, ensuring that people are safe in every sense of the word.

Automated enforcement is an evidence-based countermeasure that changes driver behavior when used to monitor for speeding and red-light enforcement. If applied equitably, it does not discriminate, and, when used with a data-driven approach to target dangerous corridors, it saves lives. NSC has worked with other safety stakeholders to create checklists[28] for communities installing automated enforcement that encourages transparency to ensure this countermeasure is used in the best way.

Federal restrictions on automated enforcement should be eliminated. Additionally, federal funding should be allowed to support automated enforcement. H.R. 2 allowed for the use of federal funds for automated enforcement in work zones; NSC urges the inclusion of this provision, as well as expanding uses for automated enforcement, in the reauthorization this Congress.

The Centers for Disease Control and Prevention provide the Motor Vehicle Prioritizing Interventions and Cost Calculator for States (MV PICCS)[29] to help policymakers determine the lives saved and costs of implementation of 14 different evidence-based motor vehicle laws. While many of these laws require state action, Congress should support incentives to accelerate state adoption.

Speeding

Excessive speed is a problem in this country. When speeding vehicles collide with pedestrians, cyclists and other vulnerable road users (VRU), the results are deadly. In 2019, 6,205 pedestrians were killed in traffic crashes in the U.S.[30] Pedestrians are 1.5 times more likely than occupants of passenger vehicles to be killed in a car crash. From 2009 to 2018, the number of pedestrian fatalities increased by 53%.[31] As illustrated, at 20 miles per hour (mph), 9 out of 10 pedestrians would *survive* being struck by a vehicle, while 9 out of 10 pedestrians would be *killed* at double that speed (at 40 mph).

[28] Available at: https://www.iihs.org/media/1c936880-1816-44fe-ab57-df603ad15714/ZjmPNA/News/2018/072418/RLC-program-checklist.pdf
[29] https://www.cdc.gov/motorvehiclesafety/calculator/index.html
[30] https://www.cdc.gov/motorvehiclesafety/pedestrian_safety/index.html
[31] https://injuryfacts.nsc.org/motor-vehicle/road-users/pedestrians/data-details/

[32]

The data bear out the same case for vehicle crashes involving speed. The Insurance Institute for Highway Safety (IIHS) estimated that increasing speed limits over the past 25 years have led to 37,000 additional deaths and that 26% of all crash fatalities in 2018 occurred in speed-related crashes.[33] IIHS collaborated with the AAA Foundation for Traffic Safety to conduct high-speed crash tests, which demonstrated that higher speeds cancel out the safety benefits of improved vehicle design.[34] For example, during a test crash at 40 mph, the driver's space was minimally impacted. But at 50 mph, the impact to the driver's space was much more pronounced. At 56 mph, the interior of the vehicle was significantly compromised, most likely leading to significant injuries to the driver and occupants.

NSC recommends the following actions to address speeding:

- Expand the scope of factors used to determine speeds, such as crash history and roadway design and de-emphasize the 85th percentile approach.
- Expand the use of automated enforcement.
- Allow for local control over speed limits.

Seat Belts

There is no question that seat belts play an important role in keeping passengers safe. Seat belts save lives and reduce serious injuries by half.[35] In 2017, seat belts saved almost 15,000 lives.[36]

Despite being one of the most successful safety inventions, too many people still choose not to use a seat belt. Regardless of other causal factors, the lack of proper occupant restraint continues to increase the severity and lethality of motor vehicle crashes. While 90.7% of American drivers and vehicle occupants used seat belts in 2019,[37] one in 10 continued to put

[32] Image: Seattle Department of Transportation
[33] https://www.iihs.org/topics/speed
[34] https://www.iihs.org/topics/bibliography/ref/2218
[35] https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812691
[36] https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812691
[37] Occupant Restraint Use In 2019: Results From the NOPUS Controlled Intersection Study, NHTSA, October 2020, https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812992

their lives at unnecessary risk by opting out of seat belt use — with tragic consequences. Almost half (47%) of people killed in motor vehicle crashes in 2019 were unbelted.[38]

Yet, despite these compelling data, only 34 states, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico and the Virgin Islands have primary enforcement of their seat belt laws[39] – meaning law enforcement may stop vehicles solely for belt law violations. Of the other 16 states, 15 have secondary laws, which require police to have another reason for a traffic stop; New Hampshire has no belt law for adults aged 18 and up. In 2018, 90.6% of passenger vehicle occupants were belted in states with primary laws, while only 86.4% of occupants were belted in states with secondary or no seat belt laws.[40] Public education and high-visibility enforcement campaigns, such as *Click It or Ticket,* have increased public awareness of the dangers of driving unrestrained.

Additionally, our seat belt messaging remains inconsistent: young children are required to ride in 5-point restraint child seats unless they are on a school bus. Most school buses operating today only include a seat belt for the driver – not for the passengers. However, since 2002, lap and shoulder belts have been made available on school buses, and some school systems do, in fact, use passenger seat belts.[41] Congress should act to require this important protection on all school buses.

NSC believes the lack of belts on buses delivers a mixed message that is at best confusing to children and at worst leads to lack of seat belt use down the road, especially as teen drivers and passengers. To this end, NSC supports Representative Cohen's bill, H.R. 3959 (in the 116th Congress), the School Bus Safety Act, to require new buses to have three-point belts so that children are appropriately protected each and every ride.

Child Passenger Safety (CPS)

Correct use of a child-restraint system appropriate for a child's age and size saves lives. NHTSA estimates that car seats reduce the risk of fatal injury by 71% for infants and 54% for toddlers.[42] Unfortunately, there are equity challenges with CPS as well, with data showing that Black children are less likely to be restrained appropriately.[43]

NSC supports the expansion of programs that recruit and train CPS technicians from all communities and educate on the importance of CPS for caregivers. These technicians conduct critical work by providing one-on-one instruction to parents to learn how to install and use their child's car seat properly. NSC supported Representative Titus's amendment[44] to H.R. 2 that expands NHTSA funding to allow states to recruit and train CPS technicians and educate

[38] NSC analysis of 2019 NHTSA data https://cdan.dot.gov/query
[39] https://www.iihs.org/topics/seat-belts#laws
[40] https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812662
[41]http://www.nasdpts.org/Documents/NASDPTS%20POSITION%20PAPER%20PASSENGER%20LAP%20SHOULDER%20BELTS%20FINAL%20FEB%202014.pdf
[42] https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812719
[43] Lee, G., Pope, C. N., Nwosu, A., McKenzie, L. B., & Zhu, M. (2019). Child passenger fatality: Child restraint system usage and contributing factors among the youngest passengers from 2011 to 2015. *Journal of safety research*, *70*, 33–38. https://doi.org/10.1016/j.jsr.2019.04.001
[44] See: https://transportation.house.gov/imo/media/doc/Titus%20041.pdf

parents and caregivers about proper use of CPS in low-income and underserved populations, something hope will remain in any new legislation.

Impairment

Another leading cause of roadway deaths is impairment. Every day, almost 30 people die in alcohol-impaired crashes in the United States – one every 50 minutes.[45] In 2018, nearly 140 million Americans aged 12 or older consumed alcohol in the past month, with 16.6 million being heavy users and 2.2 million between the ages of 12-17.[46] Despite these data, our culture does not prioritize safety on the roads: more than 1 in 10 drivers admit to driving when they thought they were close to or over the legal blood alcohol content (BAC) limit in the prior year.[47] NHTSA estimates 10,142 lives were lost in 2019 from alcohol-impaired driving motor-vehicle crashes.[48]

The science on alcohol impairment is clear: drivers are four times more likely to crash at .05 than if they had nothing to drink.[49] Most other industrialized countries have implemented a BAC of .05 or lower, a change that has been followed by a decrease in the number of fatalities from alcohol-impaired crashes. Lowering the BAC limit from .08 to .05 is a proven method to save lives on the roadways that could save as many as 1,500 American lives each year if implemented nationally.[50] Utah is the first state to pass a law lowering the BAC to .05. NSC supports other states' efforts to implement such legislation and hopes to see federal legislation introduced to support this goal as well.

Drug-impaired driving is also a problem. Too many of our fellow Americans suffer from substance use disorders involving both legal and illegal drugs. Drug overdoses, led by opioids, are the leading cause of preventable death in the U.S.[51] In 2018, 1 in 5 people aged 12 or older used an illicit drug in the past year. Marijuana is the most commonly used impairing drug, followed by prescription pain relievers.[52] The Centers for Disease Control and Prevention report that 12 million people aged 16 and older reported driving under the influence of marijuana in the past year, and 2.3 million people aged 16 and older reported driving under the influence of illicit drugs other than marijuana.[53]

Substance abuse is a complex problem, and good data are needed to develop effective solutions. During the last national roadside survey conducted by NHTSA in 2013-2014, the percentages of weekend nighttime drivers who tested positive for alcohol, marijuana and illicit

[45] https://www.nhtsa.gov/risky-driving/drunk-driving
[46] https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHNationalFindingsReport2018/NSDUHNationalFindingsReport2018.pdf
[47] http://tirf.us/wp-content/uploads/2018/12/RSM-TIRF-USA-2018-Alcohol-Impaired-Driving-in-the-United-States-3.pdf
[48] https://www.iii.org/fact-statistic/facts-statistics-alcohol-impaired-driving
[49] Blomberg RD, Peck RC, Moskowitz H, Burns M, Fiorentino D: The Long Beach/Fort Lauderdale relative risk study; J Safety Res 40:285; 2009.
[50] Fell, J. C., and M. Scherer. 2017. Estimation of the potential effectiveness of lowering the blood alcohol concentration (BAC) limit for driving from 0.08 to 0.05 grams per deciliter in the United States. *Alcoholism, Clinical and Experimental Research.* doi: 10.1111/acer.13501.
[51] https://injuryfacts.nsc.org/home-and-community/safety-topics/drugoverdoses/data-details/
[52] https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHNationalFindingsReport2018/NSDUHNationalFindingsReport2018.pdf
[53] https://www.cdc.gov/mmwr/volumes/68/wr/mm6850a1.htm

drugs were 8.3%, 12.6% and 15.1%, respectively.[54] These results are the most comprehensive, national data available on impaired driving. The national roadside survey has been a key tool to understanding impaired driving on U.S. roads. NSC implores Congress to remove barriers to conducting this survey because it is hard to stop deadly driving when policymakers do not fully understand where and how it is happening.

Another key factor to establishing impaired driving data is the creation of standards for driver drug testing. Beginning in 2007, the Alcohol Drugs and Impairment Division (ADID) of the National Safety Council has created and maintained a series of recommendations for the appropriate scope and level of sensitivity of testing for drugs in suspected drug-impaired-driving and motor-vehicle fatality investigations. The process involves surveying of 70-100 laboratories throughout the United States performing this work to determine the most frequently encountered drugs, documenting trends in positive test results and identifying the emergence of new impairing drugs in driving populations. The survey also captures information about laboratory capacity and capability as well as the available technology for routine drug testing.[55]

This data has been used to generate a consensus document[56] based on diverse input from large and small, academic, public and private laboratories, and from multiple states, containing two tiers of drugs with identified involvement in impaired driving arrests and traffic deaths. The first tier includes the most common, readily detectable drugs that account for the greatest number of impaired driving cases within the analytical capabilities of most laboratories. The second tier are emerging drugs, which are less frequently detected or require special testing equipment or technology, that should be considered in cases where testing for tier 1 drugs is negative.

These recommendations have been voluntarily adopted by more than 50 of the most active laboratories in the country and the toxicology community is working towards fuller adoption as a way to provide more uniform and comprehensive testing and more reliable epidemiological data on the severity of the drug-impaired driving problem. The fourth iteration of these recommendations is being prepared and will be published in early 2021. ADID work is being further developed into an American National Standard by the American Academy of Forensic Sciences (AAFS) Standards Board (ASB), an accredited standards-development organization serving the forensic community. This is expected to be published in 2021.[57]

Given the widespread use, adoption and support of these recommendations among the toxicology community, NSC recommends that compliance with these standards be incorporated into federal legislation, with the goal of improving drug testing and impaired-driving data collection. Additionally, NSC recommends that NHTSA use these recommended standards to provide national guidance for driver testing to all toxicology labs in the U.S.

Additionally, drug recognition experts (DREs) are a key enforcement tool for many localities, especially as data show an increase in drug-impaired driving. DREs are specially trained law enforcement officers who can evaluate the signs of impairment from drugs and assist in identifying and convicting drug-impaired drivers. This is especially important because some

[54] https://www.nhtsa.gov/behavioral-research/2013-14-national-roadside-study-alcohol-and-drug-use-drivers
[55] See https://www.forensicscienceeducation.org/forensic-research/toxicology/duid/duid-survey/
[56] See https://pubmed.ncbi.nlm.nih.gov/29186455/
[57] For more information see https://www.asbstandardsboard.org/

drug tests only detect presence of the drug and not impairment. Advanced Roadside Impaired Driving Enforcement (ARIDE) training is the first step in becoming a DRE.

According to data from the International Association of Chiefs of Police, more DREs are needed to effectively address the drug-impaired driving problem. In the Chair's state of Oregon, there are 207 DREs, and 3.1 million licensed drivers. Illinois has 109 DREs and 8.5 million licensed drivers and a new marijuana decriminalization law.[58] NSC supports the use of NHTSA and other federal funding to pay for DRE and ARIDE training to stop drug-impaired driving.

Data

Good data are foundational to making sound decisions about safety interventions and are especially important to address equity concerns. Congress authorizes funding for "Section 1906" grants to states to encourage the collection of data to ensure racial profiling does not occur in traffic law enforcement. Fair and equitable application of roadway safety laws is the only way to keep all users safe. Mr. Barone from Connecticut will testify today about his state's successful program using these funds.

Despite the program being available to all 50 states, only six have received funding in most recent rounds. Many states have not even applied for the funding, even though some jurisdictions within them may wish to gather this data. If states will not apply for funding, Congress should explore allowing jurisdictions to apply for Section 1906 funding to support these programs. NSC believes public access to traffic enforcement data is important and supports providing funding to facilitate this data collection.

Additionally, other data tools at NHTSA should be fully evaluated for effectiveness and updated. The fatality analysis reporting system (FARS) is the national data collection tool for fatal roadway crashes, and it needs updating. Currently, race and ethnicity are only reported for fatalities. NSC recommends that race and ethnicity be reported for all drivers involved in crashes so that we can gain a better picture of the equity challenges we face on our roadways. Additionally, for a more complete picture of fatal crashes, FARS should include events on non-public roadways, such as driveways and parking lots. On a monthly basis, NHTSA should use the state data it receives to release preliminary fatality estimates. This data can provide important insights to identify trends in a more timely manner; currently, a full evaluation of FARS data usually occurs in October or November of the following year.

Traffic data improvements across states are imperative too. The longstanding reliance on local law enforcement officers is and continues to be the foundation for understanding conditions that contribute to crashes, such as roadway design, driver impairment and weather, to name a few. In addition, emergency medical services (EMS) data adds critical understanding of deaths and serious injuries from motor vehicle-related crashes. EMS includes ambulance services and other 911 medical response organizations that provide assessment and medical care on scene, as well as during transportation to the hospital.

The EMS data is a missing link to provide a more complete picture of the health outcomes of crashes. Medical evaluation of the condition of the victim and documented clinical measurements, such as vital signs and other indicators, like the Glasgow Coma Scale, can be

[58] https://www.theiacp.org/states-and-countries-with-dres

used to calculate and approximate injury severity. EMS personnel contribute this data to the National EMS Information System (NEMSIS), which is a uniform standard for data collection and electronic record submission about patient care on-scene and during transport to the hospital. States with fully developed NEMSIS databases can upload records in near real-time, linking crash and EMS records and, ultimately, trauma registry data that is also available to most state EMS offices. This data provides a clearer picture of the health impacts and outcomes of crashes.

States regulate ambulance services, and, for nearly 50 years, state licensure has required all ambulance services that respond to 911 calls to submit EMS response and patient care data to the state. As of last week, over 42 million patient care reports from over 11,000 local EMS agencies had been voluntarily submitted to NHTSA's NEMSIS database by state EMS offices for calendar year 2020. The rapid submission of records to the national repository has allowed for weekly evaluation of conditions of interest during the COVID pandemic to include not only influenza-like illness, but also opioid overdoses and naloxone use, motor vehicle crashes and behavioral emergencies. NHTSA's Office of EMS has supported the creation and management of this national repository for NEMSIS-compliant records since the late 1990s, but state EMS offices do not receive federal funds to aid in this data collection. NSC supports allowing full integration of EMS offices in the highway safety program development and use of NHTSA grant funds to bring all states' NEMSIS databases up to date.

NHTSA also operates the Crash Reporting Sampling System (CRSS), which is a national sample of fatal and non-fatal crashes. Since the sample design does not allow for state-level estimates, users are unable to evaluate non-fatal crash trends on a state-by-state basis. Having more granularity by requiring more reporting of non-fatal crash reports would allow for greater insight into roadway safety and help identify dangerous roadways and other problems. As more states use electronic reporting to share crash report data, NSC believes a more robust CRSS is possible and more easily achievable.

Supporting states' purchasing of technology to allow near real-time crash reporting improves safety and allows for a faster response by planners, engineers and law enforcement. The House of Representatives should support the ability to use both NHTSA 405 and 402 grant funding to purchase technology and upgrade systems for faster reporting. Congress should also support and explore efforts in collecting near-miss data. This data can be used to proactively determine where to use resources to address potential safety issues.

Information from show that the Regional Transportation Planning Organization in Knoxville, TN used a combination of hospital data and survey responses to identify near misses that were then shared with planners and engineers. While these data have not been traditionally collected and will require that we think creatively, it has the potential to save lives without waiting for devastating crashes to occur.

NHTSA Safety Grants

The NHTSA mission is roadway safety, and one of the most effective tools to that end are the national grant programs that NHTSA operates, providing funding to states for safety programs. States outline how they will use these funds through their annual Highway Safety Plans (HSP), which are developed by the transportation leaders in the states including the Departments of Transportation, state highway safety offices, law enforcement, EMS and others. It is key that

each of these offices fully participates in development of the HSP as each has a unique and shared commitment to saving lives on the roadways, whether it is to prevent the crash from occurring or to ensure an appropriate response.

Section 402 grants — named for the section of statute in which the program is located— are apportioned to states by a population and road miles-based formula, and states have flexibility on how these funds are used for behavior programs. The 405 grants — also named for the section of statute in which the program is located — are dedicated to priority programs listed below and have requirements that states must meet to qualify for funding and incentives attached for meeting these requirements.

Priority grant programs include:

405(b) Occupant protection grants (13% of funding).
405(c) Traffic Safety information systems (14.5% of funding).
405(d) Impaired driving, including 24-7 and ignition interlock programs (52.5% of funding).
405(e) Distracted driving (8.5% of funding).
405(f) Motorcycle safety (1.5% of funding).
405(g) Graduated driver licensing (GDL) (5% of funding).
405(h) Nonmotorized safety (5% of funding).

The Section 405 provisions may require state laws be passed to qualify for funding, and, in these cases, NHTSA must make a determination whether these laws meet the goals as outlined. When NHTSA has determined states do not qualify for funding, the decision process and reasoning has not been clear. Without clear direction from NHTSA, state legislators may not try to strengthen their laws again. NSC supports the Committee requiring greater transparency by NHTSA on its decisions when grant applications are rejected and increased engagement of NHTSA with states to provide technical assistance to correct eligibility gaps in laws. NSC supports authorizing additional resources to support this assistance.

H.R. 2 appropriately continued and increased the Section 405 funding. Of particular note, NSC and the Governors Highway Safety Association (GHSA) worked together to amend the FAST Act section 405 GDL provisions into a tiered system. We hope you will retain this proposal in any new legislation, as drivers 21 and younger have the highest fatal crash rates of any age group.[59]

NSC also supported a new Section 405 grant program in H.R. 2[60] that would have encouraged states to include training for drivers (in addition to police officers) about their rights, responsibilities and best practices during traffic stops. This training would be completed through State department of motor vehicles (DMVs). Ensuring that all drivers understand their rights and responsibilities during traffic stops would help address some concerns about equitable enforcement.

Additionally, NSC supports the States Afforded Funding Extensions to Oppose Driving Recklessly in Vehicular Engagements (SAFE TO DRIVE) Act, H.R. 762, bipartisan legislation introduced by Representatives Krishnamoorthi, Cohen and Gallagher, as well as Senators

[59] https://injuryfacts.nsc.org/motor-vehicle/overview/age-of-driver/
[60] See H.R.2 (116), Sec. 3007

Klobuchar and Blumenthal, to curb distracted driving. H.R. 762 would allow part of distracted driving grant funding to be used if a state enacts primary-enforced laws prohibiting texting and non-navigational use of cell phones.

Workplace-Focused Safety

NHTSA grants are important tools to help improve roadway safety through a variety of mechanisms. One successful, federally funded opportunity focuses on the employer as an influencer. The *Our Driving Concern* (ODC) Program is offered by NSC with funding from the Texas Department of Transportation (TxDOT) through Section 405 NHTSA grant funds.

Transportation incidents are the leading cause of occupational fatalities in Texas and across the country.[61] ODC was created to provide states with a resource targeted at employers to reduce motor vehicle related incidents on and off the job. ODC provides free training, education and resources to employers on the biggest risk areas in occupational transportation, including distracted driving, aggressive driving, speeding, passenger restraint, impaired driving and other transportation and driver safety topics. Many of these resources are also provided in Spanish.

In addition to the traditional ODC program, in 2018 the Drug Impairment Training for Texas Employers (DITTE) program launched. This course trains safety leaders to identify impairment in the workplace, explores the effects of alcohol and other drugs on driving and workplace performance and highlights costs and lifestyle impacts of driving impaired with the goal of reducing impairment on the roads both on and off the job.

The ODC program provides continuous engagement in order to improve the safety of Texas roads. This includes providing new resources and new opportunities to engage safety managers regularly with the understanding that improving roadway safety is not achieved with a "one and done" approach.

With funding from NHTSA through TxDOT, all of these trainings and resources are provided free to Texas employers. Texas employers can request a training for its employees, which can be done in person or virtually. There are many opportunities to engage online, through both live and on-demand webinars. Employers who have taken advantage of this program have seen sustained reductions in traffic incidents. For example, as part of its comprehensive employee traffic safety program, Texas Mutual committed to a stricter phone-free driving policy, shifting the culture from one of constant connectivity to one that allows employees to safely disconnect if they are behind the wheel. Since implementing ODC, Texas Mutual has seen a 61% decrease in preventable crashes.[62]

Safe Systems

While roadway design is not a focus of this hearing, I would like to raise the role of prioritizing safety and improving infrastructure design as essential components to improve safety for all roadway users. By prioritizing safety, we commit to changing our nation's safety culture. This means we have to accept that any life lost is one too many. Once we accept that one death is too many, we will begin thinking about how to take a "Safe Systems" approach to our

[61] https://injuryfacts.nsc.org/state-data/at-work/work-deaths-by-state/
[62] https://txdrivingconcern.org/wp-content/uploads/2019/04/Our-Driving-Concern-White-Paper.pdf

roadways.[63] Fully adopted by other modes of transportation, this means building fail-safe features that anticipate human error and developing infrastructure with safety margins.

The Safe Systems approach, a central emphasis of the Road to Zero coalition, offers an alternative to dependence on law enforcement for safety and, implemented equitably, could address historic problems in safety investment. The Safe Systems approach reduces the need for law enforcement by making roads and vehicles self-enforcing. It also protects against human error, lessening the dependency on individual behavior.

H.R.2 takes important new steps in defining the Safe Systems approach and encouraging its widespread adoption. Building a Safe System will take time; we must get started. We will need active traffic law enforcement until we build that system, so we need to take a hard look at how enforcement is conducted to address equity concerns. In the longer term, police could serve an essential role in facilitating the Safe Systems approach, using their familiarity with traffic to diagnose system problems and help designers find solutions.

With the understanding that people inevitably will make mistakes, the built environment or infrastructure can be more forgiving to eliminate fatalities. Some of these changes may include engineering greater safety into a design. For example, in the pictures below, a multi-lane intersection with a red light in Scottsdale, AZ was replaced with a roundabout. With the intersection, there are 32 potential points of failure but, with a roundabout, that is engineered down to only 8.[64] Speeds are decreased, and if crashes do occur, they occur at angles that are not as violent. Crosswalk length is also reduced, reducing the amount of time pedestrians are exposed to cross-traffic.

Successful infrastructure redesign can also look like the picture below from New York City. The picture on the left shows two roads merging without an area for pedestrians and the lane lines are non-existent. However, the reworked merge incorporates clearly marked lanes of travel, large sidewalks and areas for pedestrians with less exposure to vehicles.

[63] Safe systems approach is a holistic roadway strategy that focuses on five action areas: safe roads, safe speeds, safe road use, safe vehicles and effective post-crash care. The approach requires the participation of all participants in the roadway transportation system in safety efforts, and seeks to strengthen safety in all aspects of the roadway transportation system so that if one part fails, the others will still protect people from death or serious injury. https://www.nsc.org/getattachment/cbffc278-6c2b-4c16-ad11-959201b2755e/t-safe-systems-149

[64] https://safety.fhwa.dot.gov/intersection/innovative/roundabouts/presentations/safety_aspects/long.cfm

These infrastructure changes are just as important in rural areas. Rumble strips on the center line or edge of roadways can prevent the roadway departure crashes that account for 51% of roadway fatalities in the U.S.[65] Cable median barriers can also provide a margin of safety to redirect people to their lane of travel and high-friction surface treatments can decrease vehicle stopping distance on roadways. These are all tools we have available today.

Engineering is another lens through which to consider equity in transportation. NSC believes that an equitable approach to engineering must consider:

- Addressing existing or historic bias, disenfranchisement or overburdening of a specific group or population in any planning or proposal considerations.
- Creating contextually sensitive plans and solutions and avoiding one-size-fits-all solutions. Changes or improvements must be context-sensitive and meet the needs and desires of the individual communities they purport to serve.
- Identifying and assessing unintended consequences that might result from well-intentioned efforts.
- Engaging from the outset community members, stakeholders and users to ensure the solution is having the intended effect.
- Involving a diversity of people in testing and design to increase safety.
- Supporting the design of vehicle technology to improve safety outcomes for all roadway users.
- Supporting efforts to improve transportation and, ultimately, enhance access and mobility independence.

Infrastructure changes can be expensive, but they do not have to be. Through the Road to Zero Coalition, NSC has awarded millions in grants to groups across the country working in communities of all sizes. In the first year of grants, the National Complete Streets Coalition, worked with three communities: Lexington, KY, Orlando, FL, and South Bend, IN. Each city was

[65] https://safety.fhwa.dot.gov/roadway_dept/

provided only $8,000 dollars from the grant for temporary infrastructure changes and each city had measurable improvements to safety, even with a small-dollar investment.

Allowing for flexibility to implement local safety measures is key to reflect local priorities. NSC encourages this Committee to explore options for cities, counties and metropolitan planning organizations to prioritize safety for their residents. This may allow for lowering speed limits, instituting automated enforcement, collecting data, accessing safety funds and other items. Local decision-makers often have better data and information from community members about areas in severe need of transportation improvements and should be encouraged to address disparities they see within their crash data.

The toughest change is the shift to truly prioritize safety by changing safety culture on the roads. We are complacent when it comes to losing so many people each and every day on our roads; we must remember that these are not accidents, but crashes. We need strong and passionate leaders committed to doing so. I can think of none better than the members of this Committee and Subcommittee using the reauthorization as the vehicle to accomplish it. We have successfully changed safety culture in workplaces, around child passenger safety and in other areas. We can do it here, too, but only with your help. NSC looks forward to working with this Committee to develop these provisions fully.

Road to Zero

More states and localities have adopted "zero" language into the goals on our roadways. This language has been commonplace in other settings, like workplaces, where NSC has focused since our founding, with meaningful results. NSC also leads the Road to Zero Coalition, a diverse group of over 1,600 organizational members committed to eliminating roadway fatalities by 2050. The coalition represents transportation organizations, businesses, academia, safety advocates and others – the first time so many organizations and individuals have collaborated to put forth a plan to address fatalities on our roads. To these members and to NSC, "zero" is not just a catchphrase but an attainable and necessary goal.

The Road to Zero Coalition, in its efforts to begin addressing equity in transportation safety, hosted a series of well-received discussions in fall of 2020. These sessions aimed to provide information on the topic, engage partners on specific issues related to the intersection of equity and roadway safety and begin the Coalition's engagement on the topic. As a convener and voice for roadway safety, the Coalition feels that it is important to use its platform to begin these conversations with its partners and their networks. There were four sessions held in total: Enforcement and Equity in Transportation Safety, The Safety Premium: Designing for Equity in Vehicles and Beyond, Connecting Prioritizing Safety with Transportation Equity, and Road to Zero and Transportation Equity: An Opportunity to Learn, Engage, and Act.

Last month, the Road to Zero coalition collaborated with Toward Zero Deaths, Vision Zero and Families for Safe Streets to call on President Biden and Secretary Buttigieg to set a goal of zero fatalities by 2050. Over 1,500 organizations and individuals have joined this call.[66] We urge the House of Representatives, and especially this Subcommittee, to echo these sentiments. We can no longer stand by while 100 people die every day on our roadways.

[66] https://www.nsc.org/getmedia/95d17f6b-14e6-4737-b648-3d5992158826/rtz-biden-coalition-letter-formatted.pdf

Conclusion

Earlier this month, NSC approved an equity in transportation policy position and a Diversity, Equity and Inclusion statement.[67,68] In these documents, NSC recognizes and celebrates differences that may be due to ancestry, color, national origin, race, gender identity, sex, sexual orientation, age, religion, physical or mental disability, or veteran status.

The transportation policy position states: "When achieved, transportation equity can have a profound impact on communities, enabling safe access to school, work, healthy food, parks, and more, as well as empowering community members to become stakeholders in roadway safety. Mobility independence for all road users becomes a reality." These goals should be priorities for this discussion today and our actions going forward, and we must take time to listen, learn and reflect on how we can all be part of the solution to address disparities in transportation safety.

[67] https://www.nsc.org/getattachment/757d2d64-8b77-4997-8fb4-97d004188acf/t%20equity%20in%20transportation%20165
[68] https://www.nsc.org/our-impact

State motor-vehicle deaths and percent changes						
		Deaths Identical Periods			Percent Changes	
State	Number of Months Reported	2020	2019	2018	2019 to 2020	2018 to 2020
TOTAL U.S.	*11*	*38,370*	*35,879*	*36,223*	*7%*	*6%*
Alabama	11	839	834	838	1%	0%
Alaska	11	61	61	76	0%	-20%
Arizona	11	939	911	928	3%	1%
Arkansas	11	598	463	451	29%	33%
California	11	3,348	3,161	3,199	6%	5%
Colorado	11	558	555	560	1%	0%
Connecticut	11	286	242	276	18%	4%
Delaware	11	109	123	99	-11%	10%
Dist. of Columbia	11	36	25	27	44%	33%
Florida	11	3,202	3,052	2,987	5%	7%
Georgia	10	1,298	1,223	1,228	6%	6%
Hawaii	11	75	101	107	-26%	-30%
Idaho	11	180	208	216	-13%	-17%
Illinois	11	1,010	918	978	10%	3%
Indiana	11	814	737	773	10%	5%
Iowa	11	300	306	293	-2%	2%
Kansas	11	382	385	376	-1%	2%
Kentucky	11	721	680	663	6%	9%
Louisiana	11	750	660	699	14%	7%
Maine	11	158	160	116	-1%	36%
Maryland	11	536	465	451	15%	19%
Massachusetts	11	321	318	327	1%	-2%
Michigan	11	964	896	901	8%	7%
Minnesota	11	365	340	346	7%	5%
Mississippi	11	680	567	606	20%	12%
Missouri	11	908	805	843	13%	8%
Montana	11	190	173	165	10%	15%
Nebraska	11	215	229	216	-6%	0%
Nevada	11	280	248	309	13%	-9%
New Hampshire	11	115	98	132	17%	-13%
New Jersey	11	538	509	514	6%	5%
New Mexico	11	350	373	360	-6%	-3%

New York	11	865	778	809	11%	7%
North Carolina	11	1,514	1,353	1,366	12%	11%
North Dakota	11	94	91	96	3%	-2%
Ohio	11	1,134	1,057	984	7%	15%
Oklahoma	11	577	553	584	4%	-1%
Oregon	11	468	446	425	5%	10%
Pennsylvania	11	1,070	1,025	1,152	4%	-7%
Rhode Island	11	70	55	54	27%	30%
South Carolina	11	954	904	920	6%	4%
South Dakota	11	128	96	117	33%	9%
Tennessee	11	1,115	1,029	960	8%	16%
Texas	11	3,496	3,253	3,322	7%	5%
Utah	11	259	217	249	19%	4%
Vermont	11	61	41	57	49%	7%
Virginia	11	762	756	754	1%	1%
Washington	11	499	456	499	9%	0%
West Virginia	11	232	242	272	-4%	-15%
Wisconsin	11	555	511	537	9%	3%
Wyoming	11	110	141	106	-22%	4%

NOTE: Deaths are reported by state traffic authorities. ALL FIGURES ARE PRELIMINARY. To ensure proper comparisons, 2018 and 2019 figures are preliminary figures covering the same reporting period as those for 2020. The total for 2018 is from the National Center for Health Statistics.

States in bold: States with a decrease in deaths from 2019 to 2020.