



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**

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July 15, 2008

**SUMMARY OF SUBJECT MATTER**

**TO:** Members of the Subcommittee on Highways and Transit

**FROM:** Subcommittee on Highways and Transit Staff

**SUBJECT:** Hearing on "Improving Roadway Safety: Assessing the Effectiveness of NHTSA's Highway Traffic Safety Programs"

**PURPOSE OF HEARING**

The Subcommittee on Highways and Transit is scheduled to meet on Wednesday, July 16, 2008, at 10:00 a.m., in Room 2167 of the Rayburn House Office Building to receive testimony regarding the effectiveness of the National Highway and Traffic Safety Administration's (NHTSA) highway safety programs in addressing roadway safety. Witnesses will also discuss challenges in implementing existing programs, as well as recommendations for strengthening and improving Federal behavioral highway safety programs. This hearing is part of the Subcommittee's effort to prepare for the reauthorization of federal surface transportation programs under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which will expire in September 2009. The Subcommittee will hear from the NHTSA Administrator, the Government Accountability Office, a state highway safety administrator, and organizations and individuals working to improve highway safety.

**BACKGROUND**

According to the National Surface Transportation Policy and Revenue Study Commission (Commission), highway travel accounts for 94 percent of the fatalities and 99 percent of the injuries on the Nation's surface transportation system. In 2006, 42,642 people lost their lives and more than 2.6 million people were injured in motor vehicle crashes. Motor vehicle crashes are now the leading cause of death and disability for American ages 2 through 34. According to the National Highway Traffic Safety Administration (NHTSA), the 6.2 million motor vehicle crashes cost an estimated

\$230.6 billion related to deaths, injuries, property damage, productivity losses, medical bills, and other related costs.

NHTSA has established a fatality rate goal of 1.35 deaths per 100 million vehicle miles traveled (VMT) in FY 2009, reducing to 1.0 per 100 million VMT by 2011. According to the Commission, a fatality rate of 1.0 per 100 million VMT would reduce total highway fatalities to just over 30,000 annually. While the fatality rate has been reduced from 5.5 fatalities per 100 million in 1966 to 1.42 per 100 million VMT in 2006, the number of fatalities has remained relatively flat, ranging between 42,000 and 43,000 over the past 10 years.

The Commission, which was established by Congress and charged with forecasting future surface transportation system needs, has recommended cutting the total number of fatalities on the nation's roadways in half by 2025. With human errors the cause of 93 percent of all motor vehicle crashes, NHTSA's behavioral highway safety programs are critical to achieving this goal.

### Federal Highway Safety Programs

The Federal government leadership role in improving highway safety began with the enactment of the Highway Safety Act of 1966, which created the Federal, state and local partnership to carry out behavioral highway safety programs. Highway safety programs are administered primarily by NHTSA and funded through the Highway Trust Fund. NHTSA's behavioral highway safety programs are intended to reduce fatalities, injuries, and economic losses resulting from motor vehicle crashes. These programs provide grants to states to implement highway safety programs. States allocate grant funds to local government agencies and nonprofit organizations to implement behavioral highway safety programs and enforcement activities. A total of \$3.4 billion is authorized for five years under SAFETEA-LU for NHTSA's highway safety formula and incentive grant programs.

While states are charged with carrying out safety programs, NHTSA oversees state highway safety activities and the use of grant funds by requiring states to submit performance-based annual highway safety plans. In order for a state to receive highway safety grant funds, the state's plan must be approved by the Secretary. The plans must identify key state safety problems and establish goals and performance measures to address the problems identified.

To strengthen oversight of state use of federal safety grants and to address concerns over lack of consistency in performance measure, SAFETEA-LU required NHTSA to conduct triennial management reviews of each state's highway safety program. Based on these management reviews, NHTSA recommends improvements for the management and oversight of Federal grant funds. NHTSA also assists states in carrying out their highway safety mission by providing technical assistance and training programs.

#### **Section 402 State and Community Highway Safety Grant Program:**

The Highway Safety Act established the Section 402 State and Community Highway Safety Grant Program, which remains the core Federal highway safety grant program. The 402 program

provides grants to states to implement highway safety programs designed to reduce traffic crashes and resulting deaths, injuries, and property damage.

The 402 program is funded in SAFETEA-LU at \$1 billion over fiscal years 2006 through 2009. Funds are apportioned to the states through a formula based on population and public road miles. At least 40 percent of the funds provided under the 402 program must be distributed to local communities within the State to target enforcement.

SAFETEA-LU requires that states support national safety goals, including national law enforcement mobilizations, sustained enforcement of statutes addressing impaired driving, occupant protection, speeding, annual safety belt use surveys, and development of timely and effective statewide data systems. According to the Government Accountability Office (GAO), from 1997-2007, states directed 54 percent of the 402 grant funds toward the leading causes of highway fatalities: impaired driving and lack of seat belt use. The remaining resources are targeted at other safety programs and enforcement activities, some of which are consistent with national goals, as well as others that address state-specific safety challenges.

### **Incentive Grants and Sanctions:**

Since passage of the 1966 Act, the Federal highway safety program has been expanded to include a number of incentive grant programs targeting specific behavioral activities. These programs are designed to compliment the core 402 grant program. Incentive programs provide Federal resources to states to address a range of safety issues by encouraging enactment of state legislation designed to improve roadway safety and strengthened enforcement of highway safety laws. There are also a number of provisions included that impose sanctions by withholding Federal aid highway funds from states which fail to comply with Federal safety requirements.

#### *Seat Belt Usage:*

Significant progress has been made in increasing seat belt usage, with NHTSA reporting a 2007 seat belt usage rate of 81 percent. However, in 2006, approximately 51 percent of passenger vehicle occupants killed in traffic crashes were not wearing seat belts.

According to a Transportation Research Board ("TRB") report on the impact and effectiveness of mandatory approaches to increase safety belt usage, since initial seat belt laws were enacted in the mid-1980s, national usage increased from less than 15 percent to more than 80 percent.<sup>1</sup> The results of individual and multi-state studies reviewed in the TRB report found a 9 percent reduction in fatalities and a 13 percent reduction in serious injuries associated with initial seat belt laws (1984-1992).

In states with primary enforcement, law officers may ticket a non-belt user when they see a violation of the seat belt law. Under secondary enforcement laws, a police officer cannot stop and ticket a driver for the sole offence of not wearing a seatbelt. If current secondary law states would enact primary law upgrades, the report estimates a 10 percentage point increase in usage among

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<sup>1</sup> "The Impact of Legislation, Enforcement, and Sanctions on Seat Belt Use." Nichols, James L; Ledingham, Katherine A. [http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp\\_rpt\\_601.pdf](http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_601.pdf)

occupants killed in crashes, a 6 percent to 7 percent reduction in occupant deaths and injuries, and an annual cost savings of about \$100 million per year.

Federal grant programs providing grant resources to states and local governments to target and improve seat belt usage and occupant protection include:

- **Occupant Protection Incentive Grants**—Section 405 of title 23, created in the Transportation Equity Act for the 21 Century (TEA-21), allows the Secretary to make grants to states that use programs or laws to increase the use of occupant protection devices. A state becomes eligible by meeting four of six criteria, including primary seat belt laws, minimum fines or penalty points for seat belt violations, special traffic enforcement programs, and child passenger protection education programs and laws. SAFETEA-LU authorizes a total of \$119.8 million for fiscal years 2005 through 2009. Grant funds must be used to implement and enforce occupant protection programs.
- **Safety Belt Performance Grants**—SAFETEA-LU established a new incentive grant program to encourage State efforts to increase seat belt usage. Section 406 of title 23 provides grants to states to promote the passage and enforcement of seat belt laws. This program, funded at \$498 million for fiscal years 2006 through 2009, replaces the Safety Incentive Grants for Use of Seat Belts program (23 USC 157). SAFETEA-LU funds the prior program at \$112.0 million for fiscal year 2005. Grants may be used for projects that correct or improve a hazardous roadway condition or proactively address highway safety problems.

Twenty-six states, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico and the Virgin Islands currently have primary seat belt laws in place. Twenty-three states have secondary laws. New Hampshire has enacted neither a primary nor a secondary seat belt law for adults, although the state does have a primary child passenger safety law that covers children under 18.

- **Child Safety and Child Booster Seat Incentive Grants**— Motor vehicle crashes are a leading cause of death and injury for American children. SAFETEA-LU establishes this program to provide incentive grants for states to pass and enforce laws requiring children to be secured in proper safety restraints. This program is funded at \$25 million for fiscal years 2006 through 2009. Eligible uses of funds include enforcement of child restraint laws, training for child passenger safety officials, and public education efforts. While thirty-eight states and the District of Columbia have booster seat laws, only 17 states and the District of Columbia require booster seats for children ages 4 – 8.

#### *Drunk Driving:*

Since the implementation of federal and state initiatives to address and enforce drunk driving laws, progress has been made in reducing alcohol impaired driving. Despite this progress, NHTSA data found that 17,602 people were killed in alcohol-related crashes—41 percent of all fatal traffic crashes—in 2006.

Federal impaired driving grant programs and tools include:

- **Alcohol-Impaired Driving Countermeasures**—Section 410 of title 23 provides grants to states for a number of measures to reduce the prevalence of alcohol-impaired driving. States can receive grants by having a low alcohol-related fatality rate, or by meeting a number of criteria: at least three of eight criteria for fiscal year 2006 grants; at least four of eight criteria for fiscal year 2007 grants; and at least five of eight criteria for grants in fiscal years 2008 and 2009. Criteria include check point or saturation patrol programs, prosecution and adjudication outreach programs, testing of blood alcohol content, high risk driver penalties, alcohol rehabilitation programs and driving while intoxicated (DWI) courts, underage drinking programs, administrative license revocation, and a self-sustaining impaired driving prevention program. Programs for alcohol rehabilitation and DWI courts are a new criteria added by SAFETEA-LU. States can also become eligible for such grants by being one of ten states with the highest alcohol-related fatality rate.

This program is funded at \$555 million for fiscal years 2005 through 2009. Grants may go to fund any of the programs listed as criteria for eligibility, and also for law enforcement or public awareness campaigns that address the problem of alcohol-impaired driving.

- **Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons**—Section 163 of title 23 codifies the penalty against states for not enacting and enforcing a drunk driving law with a legal limit of a blood alcohol concentration level of 0.08. All 50 states currently have established 0.08 as their blood alcohol concentration level.

- **Minimum Penalties for Repeat Offenders for DWI or DUI**— Under Section 164 of title 23 of the U.S. Code, states which do not enact and enforce repeat intoxicated driver laws are subject to a three percent transfer of funds out of each of three core highway programs: the National Highway System program, the Surface Transportation Program, and the Interstate Maintenance program. Funds transferred become available to states for alcohol-impaired driving countermeasures or alcohol-impaired law enforcement activities. A repeat intoxicated driver is defined as any individual convicted of a second or subsequent offense for driving under the influence.

In order for states to be in compliance, a repeat intoxicated driver must: receive a driver's license suspension for not less than one year; be subject to impoundment or immobilization of each of their motor vehicles or the installation of ignition interlock devices; receive an assessment of the individual's degree of abuse of alcohol and treatment when appropriate; and receive minimum penalties of 30 days of community service or five days of jail time for a second offense, or a minimum of 60 days of community service or ten days of jail time for a subsequent offense.

Forty-three states, along with the District of Columbia, Guam and the Northern Mariana Islands have Repeat Offender Laws that meet federal requirements. The seven states that do not have Repeat Offender Laws that meet federal requirements are Alaska, Louisiana, Minnesota, Ohio, Oregon, South Dakota and Wyoming.

- **Open Container**— Under Section 154 of title 23 of the U.S. Code, States are required to enact and enforce open container laws, prohibiting any open alcoholic beverage containers in the passenger areas of motor vehicles located on public roadways. If a State is not in compliance, it becomes subject to a three percent transfer of funds from three core highway programs: the National Highway System program, the Surface Transportation Program, and the Interstate Maintenance program. Funds transferred become available to states to use for any activity eligible under the Highway Safety Improvement Program.

*Other Priority Areas:*

- **Motorcyclist Safety**—In 2006, 4,810 motorcyclists were killed and 88,000 were injured – accounting for 11 percent of total traffic fatalities. Motorcyclists are approximately 37 times more likely than passenger car occupants to die in a motor vehicle traffic crash and eight times more likely to be injured.

To help address this situation, SAFETEA-LU created this program which provides grants to states to help reduce the number of motorcycle crashes. States become eligible for such grants by adopting or demonstrating a number of measures, including motorcycle rider training courses and awareness programs, a reduction of crashes and fatalities involving motorcyclists and impaired motorcyclists, and an impaired driving program. Eligible uses of funds include motorcyclist safety training and awareness programs. SAFETEA-LU funds this program at \$25 million over fiscal years 2006 through 2009.

- **State Traffic Safety Information System Improvements**—Section 408 of title 23 was created under SAFETEA-LU, and provides grants for states to improve the timeliness, accuracy, completeness, uniformity, integration and accessibility of state safety data, to link this data with other data systems in the state, and to improve the compatibility and interoperability of this data with national data and systems. SAFETEA-LU authorizes \$138 million over fiscal years 2006 through 2009. Funds must be used to implement data improvement programs.

### High Visibility Enforcement Program

An additional enforcement tool available to NHTSA and state and local agencies are high visibility enforcement (HVE) programs. SAFETEA-LU provided \$116 million from fiscal year 2006 through fiscal year 2009 for NHTSA to carry out campaigns in coordination with the states to conduct at least two high-visibility safety law enforcement campaigns each year. The campaigns will address two issues: alcohol-impaired or drug-impaired driving and seat belt usage. Funds are focused on combining high-visibility enforcement with heightened public awareness through advertising and publicity. Over 10,000 law enforcement agencies nationwide participate in the seat belt enforcement mobilization and national impaired-driving enforcement crackdown campaigns each year.

NHTSA has found periodic high-visibility enforcement efforts, supported by a coordinated media plan, are proven effective countermeasures for reducing impaired-driving fatalities. Through

its *Click It or Ticket* seat belt mobilization and the *You Drink and Drive. You Lose* national impaired-driving crackdown campaigns, NHTSA and its state and local partners hope to affect behavior through general deterrence, increase the public's perception and understanding of the consequences of violating the law, and induce people into adhering to the law.

### National Driver Register

The National Driver Register (NDR) is a computerized database of information about drivers who have had their licenses revoked or suspended, or who have been convicted of serious traffic violations, including driving under the influence, a traffic violation that resulted in a fatality, or reckless driving. State motor vehicle agencies provide NDR with the names of individuals who have lost their privilege or who have been convicted of a serious traffic violation. When a person applies for a driver's license, the state checks to see if the name is on the NDR file. If a person has been reported to the NDR as a problem driver, the license may be denied. Forty-two million problem drivers are recorded in NDR. In 2006, state officials made more than 70 million inquiries for driver license applicants, 9 million of which were found in NDR. SAFETEA-LU authorizes \$20 million for this program for fiscal years 2005 through 2009.

### Emerging Highway Safety Issues

There are a range of other roadway safety issues emerging as serious safety concerns. While there are not specific Federal programs in place to address these concerns, NHTSA and individual states have conducted research and begun enforcement activities to address these areas.

- **Distracted driving**—The introduction of greater technology, both in vehicle systems (GPS, traffic information, MP3 players) and communication devices (cell phones and text messaging), has led to increased concerns about vehicle operators' attention being diverted away from driving. NHTSA research has found that 25 percent of police-reported collisions—4,300 daily or 1.5 million annually—are the result of distracted drivers, and 70 percent of crashes involving a distracted driver are either single vehicle accidents or rear-end collisions. Six states and the District of Columbia have enacted bans on drivers using hand-held cell phones. Seventeen states and the District of Columbia have enacted laws prohibiting teens from using cell phones or messaging while driving.
- **Younger Drivers**—Drivers 16-20 years of age make up roughly 8.5 percent of the population, yet represent 13 percent of total motor vehicle-related fatalities and 13 percent of injuries. These drivers have a fatality rate 4 times higher than drivers ages 25-70. In response to these statistics, some states have instituted graduated driver licenses, which phase in young drivers to full driving privileges. While the experience is very limited to date, studies have found crash reductions of about 10 to 30 percent in states with some form of graduated licensing requirements.
- **Older Drivers**—As with younger drivers, older drivers also present a highway safety challenge. Currently, people above 70 years of age represent approximately 12 percent of the driving age population, and 10 percent of all drivers. While the fatality rates for drivers

above 70 years of age have been declining, these drivers make up 15 percent of motor vehicle fatalities and 20 percent of pedestrian fatalities. The number of individuals 70 and over is expected to double by 2030, to 25 percent of the driving age population. Over this same period, these drivers are anticipated to represent 25 percent of all motor vehicle fatalities and 16 percent of all motor vehicle crashes.

### **Past Committee Action on Highway Safety**

The Committee on Transportation and Infrastructure held a hearing on the National Surface Transportation Policy and Revenue Study Commission's report, "Transportation for Tomorrow," on January 17, 2008.

The Subcommittee on Highway and Transit held a hearing on the minority views to the Commission's report on February 13, 2008.

On January 24, 2007 the Subcommittee on Highway and Transit held a hearing to assess the overall needs of the federal highway system.



WITNESSES

PANEL I

**Mr. Jim Ports**  
Deputy Administrator  
National Highway Traffic Safety Administration  
Washington, DC

**Ms. Katherine A. Siggerud**  
Director, Physical Infrastructure Issues  
U.S. Government Accountability Office  
Washington, DC

**Mr. Christopher J. Murphy**  
Director  
California Office of Traffic Safety and Chairman  
Governors Highway Safety Association  
Washington, DC

PANEL II

**Mr. Patrick James**  
American Center for Van and Tire Safety  
Knoxville, TN

**Ms. Laura Dean Mooney**  
President  
Mothers Against Drunk Driving  
Washington, DC

**Ms. Jill Ingrassia**  
Managing Director, Government Relations & Traffic Safety  
AAA  
Washington, DC

**Ms. Jacqueline S. Gillan**  
Vice President  
Advocates for Highway & Auto Safety  
Washington, DC

**The Honorable Bob Letourneau**  
New Hampshire State Senator  
Motorcycle Riders Foundation  
Concord, NH