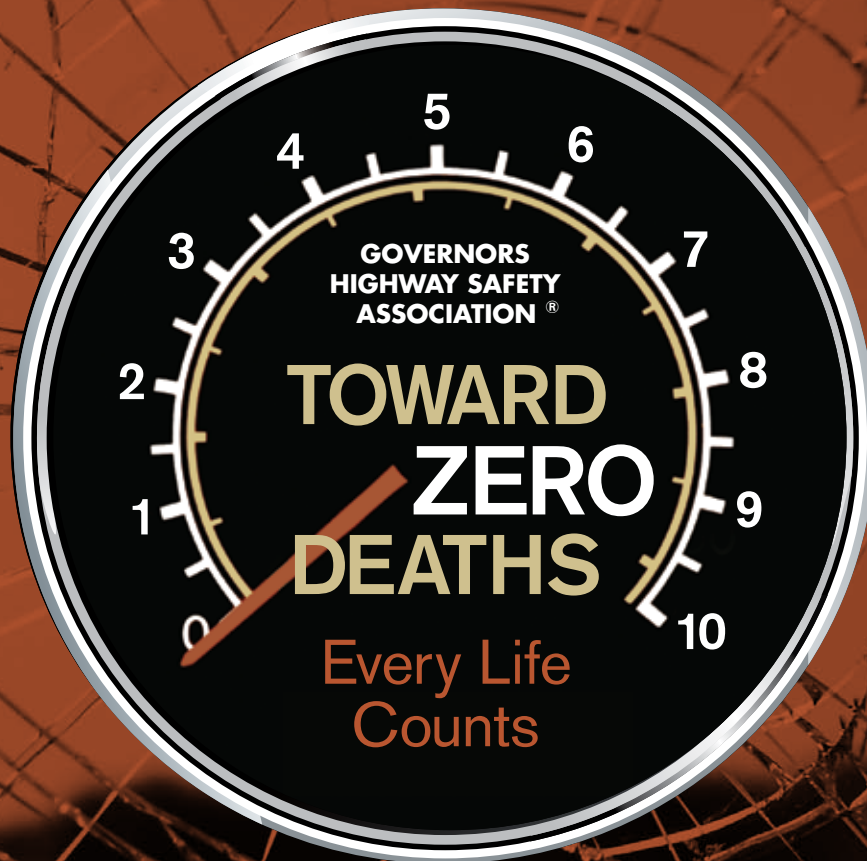




## A 10-Point Plan for Reauthorizing the Federal Highway Safety Program



**GHSA**<sup>SM</sup>  
Governors Highway Safety Association<sup>®</sup>  
The States' Voice on Highway Safety

The Governors Highway Safety Association (GHSA) is a national, nonprofit association that represents the State Highway Safety Offices (SHSOs) of all states, territories, the District of Columbia and Puerto Rico. These agencies are responsible for administering all of the highway safety grant programs authorized under federal surface transportation law that focus on the behavior of drivers and other vulnerable road users. GHSA members are appointed by their Governors, as required under the Highway Safety Act of 1966, as amended.

202-789-0942 | [www.ghsa.org](http://www.ghsa.org) | [headquarters@ghsa.org](mailto:headquarters@ghsa.org) | February 1, 2009



The Governors Highway Safety Association's (GHSA) reauthorization position was developed through a survey of the membership last January, in which 45 states and Puerto Rico responded. The details were discussed and approved by the GHSA Executive Board in June and by the entire membership in September, 2008. GHSA has developed its reauthorization position in response to the alarming number of Americans killed in motor vehicle crashes on our nation's highways every year. In 2007 – the last year for which complete statistics are available – nearly 42,000 people died in traffic crashes, and nearly 2.5 million were injured. Nearly 42,000 people lost their spouse, parent, child, grandparent, aunt or uncle. In an instant, their lives and those of their families were profoundly changed. That's the equivalent of an airplane carrying **115 people crashing every day**. This translates into **nearly one fatality every twelve minutes and nearly five injuries every minute**.

These crashes cost society an estimated \$230.6 billion a year – **\$7,300 a second, or \$820 per person**. According to the report *The Economic Impact of Crashes* by the National Highway Traffic Safety Administration (NHTSA), that figure disaggregates into the following costs:

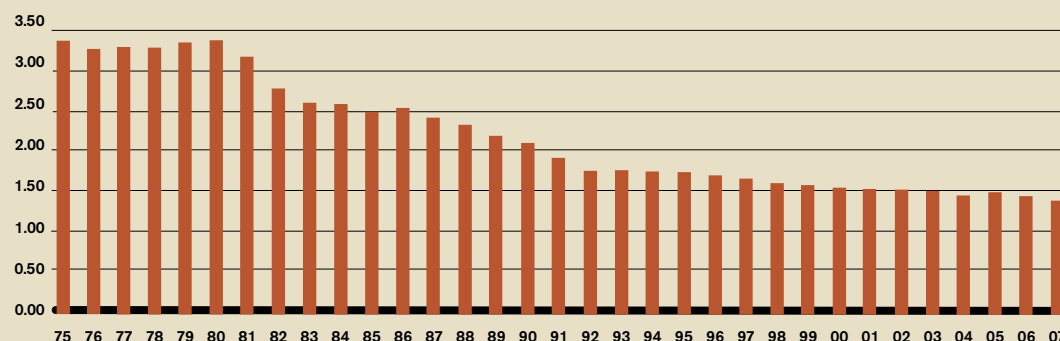
- **\$61 billion in lost workplace productivity**
- **\$20.2 billion in lost household productivity**
- **\$59 billion in property damage losses**
- **\$32.6 billion in medical costs**
- **\$25.6 billion in travel delay costs**
- **\$32.2 billion in other costs**

The report further indicates that “about 9 percent of costs from motor vehicle crashes are paid from

public revenues. Federal revenues account for 6 percent, while states and localities pay about 3 percent. Private insurers pay about 50 percent. Individual crash victims pay about 26 percent. Third parties, such as charities, health care providers and uninvolved motorists delayed in traffic, pay about 14 percent. Overall, nearly 75 percent of the costs of roadway crashes are paid by those not directly involved – primarily through insurance premiums, taxes and travel delay. **In 2000 these costs, borne by society** rather than individual crash victims, totaled \$170 billion.” (Emphasis added.)

The tragedy of traffic crashes is that most of them could have been prevented. Many programs discouraging people from drinking and driving

**Fatality Rate Per 100 Million VMT, by Year**





or speeding and those encouraging the use of occupant protection systems have been thoroughly researched and proven to decrease motor vehicle-related injuries and fatalities. Although there is more research to be done, the safety community has a good idea of what works.

In the fight to save lives from motor vehicle crashes, notable gains have been made over the last several decades. The motor vehicle crash rate per 100 million miles of travel has been cut in half since the mid-1970's, and the injury rate has declined as well.

Unfortunately, the total number of motor vehicle-related fatalities has remained fairly constant.

While current vehicle improvements, safer roadways higher gas prices and federal and state highway safety programs have dampened the increase in motor vehicle-related crashes, the growing number of drivers, vehicle (including motorcycle) registrations, and (until recently) vehicle miles of travel have been pushing the trends in the opposite direction. Without federal highway safety programs, it is unlikely that as much progress would have been made or that current fatality and injury levels can be maintained.

To reduce the number of persons killed in motor vehicle crashes, GHSA recommends the federal government undertake ten improvements in the

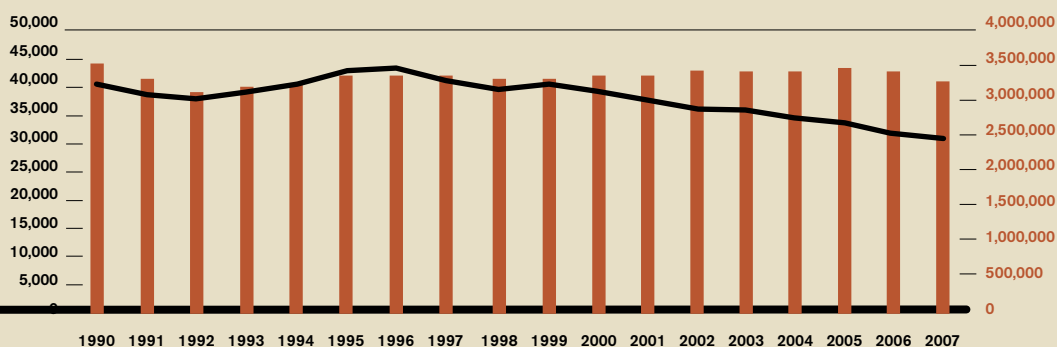
federal highway safety programs authorized under the **Safe, Accountable, Flexible, Efficient Transportation Act – A Legacy for Users (SAFETEA-LU)** in 2005.

**GHSA urges Congress to:**

1. Maintain a strong federal role in highway safety
2. Develop a national strategic highway safety plan
3. Emphasize performance-based planning
4. Enhance funding for data improvements
5. Streamline grant program administration
6. Enhance flexibility
7. Restructure incentive programs and encourage technological developments through incentives
8. Strengthen state programs through accountability, training and research
9. Strengthen the Strategic Highway Safety Plan requirements
10. Oppose new sanctions but maintain the National Minimum Drinking Age law

**This report describes in detail the changes recommended by the Governors Highway Safety Association.**

**People Killed and Injured in Traffic Crashes, by Year**



Source: FARS | September 5, 2008





## Maintain a Strong Federal Role in Highway Safety

The federal government must continue its strong leadership role in addressing the problem of traffic crashes, fatalities and injuries. Safety must be one of the major emphasis areas of the next reauthorization.

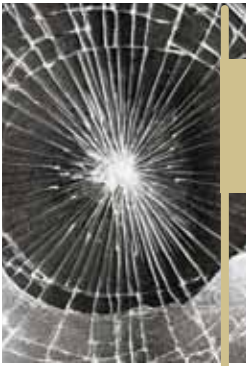
The Highway Safety Act of 1966 solidified the federal leadership position on highway safety, while also establishing a partnership with state governments. The Act created the Section 402 State and Community Highway Safety Grant Program (23 U.S.C. 402) which provides formula-based funding to states for developing and implementing behavioral highway safety programs. Over the years, this federal and state partnership has been strengthened by the addition of a number of federal incentive grant programs that reward successful state programs in specific high priority areas or encourage stronger state action in those areas.

As Congress develops the highway safety programs for the next reauthorization bill, it is critical to maintain this strong federal role. Just as the federal government deems it important to prevent tobacco and drug use, underage drinking or obesity, it must also protect the public on the roadways. Without federal assistance and leadership, especially in these difficult economic times, it is unlikely that states would be able to provide the necessary resources to enhance roadway safety and prevent tragic injuries and fatalities.

Additionally, the federal highway safety programs must continue to be funded out of the Highway Trust Fund, not the General Fund. Highway users pay fees (gasoline taxes) into the Highway Trust Fund to ensure that safe and efficient roadways are built. Safety, like mobility, accessibility and environmental protection, are values that highway users expect from their highways. It is fitting, therefore, that the Highway Trust Fund should support programs that embody those values.

Further, federal highway safety programs must continue to be protected by budgetary firewalls as they have been since the Transportation Equity Act of the 21st Century. Highway users expect that the fees they pay into the Highway Trust Fund will support the implementation of surface transportation programs and not be used for other federal purposes. Eliminating the firewalls would break the agreement with the public on the funding of surface transportation improvements. Congress must ensure that the "trust" is maintained in the Highway Trust Fund by maintaining the firewalls around all surface transportation programs, including federal highway safety programs. These firewalls ensure that federal highway safety programs are funded at the level intended by Congress when it enacted the authorizing legislation and not a different (generally lower) appropriated level.

***In the next reauthorization, the federal government must continue its leadership role in highway safety, and federal highway safety programs should continue to be funded out of the Highway Trust Fund with budgetary firewalls and funding guarantees.***



## 2 Develop a National Strategic Highway Safety Plan

The federal highway safety program has changed and grown since it was first enacted in 1966. New programs have been added; others have been dropped. Most recently, under the TEA-21, five new incentive programs and two penalty transfer programs were added to the existing Section 402 program and the Section 410 (23 U.S.C. 410) impaired driving incentive grant program. Under the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), four of those incentive programs were dropped and five new incentive programs were added. In effect, the federal highway safety program has been developed in a piecemeal fashion, without a safety vision or plan for attaining that safety vision.

The National Surface Transportation Policy and Revenue Study Commission has recommended a national highway safety plan be created with highway safety goals for the nation:

*"It is therefore the Commission's recommendation that a national plan for safety be developed that both informs investments in all other transportation plans and leads to transportation investments and programs undertaken purely for safety purposes."*

GHSA concurs with this recommendation.

Canada, Australia and the Netherlands are international leaders in highway safety. Each has set national goals for highway safety – with considerable input from other organizations – and developed a national strategic highway safety plan for reaching those goals. These plans provide a national direction for the country on highway safety issues and energize and motivate the agencies that are tasked with implementing the plan.

The United States, once a world leader in highway safety, is now tenth in the world in terms of highway-related fatalities, according to the World Health Organization. To regain its position as a world safety leader, the federal government must exert national leadership on the issue, make highway safety a

national priority, and develop a national highway safety plan that builds upon the goals and strategies identified by the states in their state Strategic Highway Safety Plans (SHSPs).

As part of a national highway safety strategic plan, GHSA supports setting a long-term goal **of zero motor vehicle deaths**. The loss of even one life is one too many. Since most crashes are preventable and there are many proven countermeasures to reduce highway-related fatalities, there is a moral imperative for the United States to use all available resources to prevent loss of life. Utah, Washington, Idaho and Minnesota are among the states that have all adopted a long-range goal of zero deaths and have developed annual plans that put them on a path toward reaching that ambitious goal. There is no reason why the U.S. shouldn't adopt the leadership role already taken by these states.

GHSA also supports an interim goal of **halving motor vehicle-related fatalities by 2030**. This would translate into a reduction of 1,000 fatalities per year. In 2006, fatalities were reduced by 868. In 2007, fatalities fell by 1,583. A goal of 1,000 fatalities a year is rigorous but achievable. The goals set in the SHSPs would be shorter-term goals for states to reach while they are moving toward attainment of both the interim and long-term goals.

Further, GHSA calls upon the administration to convene a summit to develop the national strategic highway safety plan. State departments of transportation, SHSOs, state and local law enforcement agencies, metropolitan planning organizations, representatives of national organizations and the private sector, and others who are actively involved in the development and implementation of safety programs should all be invited to provide input into the national strategic highway safety plan. The plan results should be well-publicized, and implementation should be coordinated with state and local safety-related agencies and the private sector.

*In the next reauthorization, Congress should authorize funding to enable the development of a national highway safety strategic plan.*



# 3

## Emphasize performance-based planning

The Government Accountability Office (GAO), the U.S. Department of Transportation Inspector General (IG), and the National Surface Transportation Policy and Revenue Study Commission have all recommended federal behavioral highway safety programs become more performance-based. In fact, the SAFETEA-LU authorized behavioral highway safety programs are already more performance-based than other federal surface transportation programs. States are currently required to identify their highway safety problems using various data, set annual performance goals for reducing fatalities and injuries, and then report at the end of the year on whether they have reached those goals. Further, federal highway safety incentive programs are directly tied to the achievement of certain performance levels or the adoption of certain highway safety legislation or other safety-related processes. If states attain certain performance levels or adopt certain highway safety legislation, then they receive federal incentive funding.

Regardless of current requirements, GHSA concurs that the behavioral highway safety programs would benefit from becoming more performance-based and sees this as the next step in ensuring accountability and enhancing the state highway safety planning process. Using performance measures, states can gauge their progress toward reaching the goals set in their Strategic Highway Safety Plans (SHSPs) and their annual Highway Safety Performance Plans (HSPPs).

Currently, states use a variety of performance measures to develop their goals and mark progress. To address the concerns raised by GAO and others, NHTSA and GHSA have already identified, by consensus, a common set of performance measures that all levels of government will use in their highway safety planning processes. There are ten outcome measures, one behavioral measure and three activity measures on which there is agreement. A report on the performance

measures was published by NHTSA in September, 2008. Further work will be done to develop four additional measures. States will begin to use the first fourteen measures in their FY 2010 Highway Safety Plans. A similar consensus process is underway to identify a common set of performance measures for traffic records systems.

The next surface transportation legislation should acknowledge these efforts and require states to use a minimum, standardized set of performance measures, as defined by DOT, in their planning processes. Further, Congress should provide funding so that more research can be undertaken to develop additional performance measures.

One extremely important performance measure on which additional research is needed concerns the number of persons injured in motor vehicle crashes. Currently, police collect very imprecise injury data at the scene of a crash. Research should be conducted on the feasibility of collecting serious injury data through a census process (such as the one used for fatality data). Additionally, research should be undertaken to develop better, more objective, descriptive and standardized definitions of injury and better ways to collect injury data. Research should also be conducted on methods for improving the linkage of injury data collected at the scene of a crash to emergency medical services (EMS) and emergency department databases so that a more precise understanding of injury outcomes can be obtained. There should be an examination of the feasibility of using unique identifiers so that crash victims can be traced more easily from one database to another. There is widespread support for the improved collection of injury data and the use of such data to measure performance. Congress should provide the research funding that would enable such collection to happen.

***In the next reauthorization, Congress should encourage states to use a minimum, standard set of performance measures in their planning processes and underwrite further efforts to identify and implement additional performance measures in the future.***



# 4 Enhance funding for data improvements

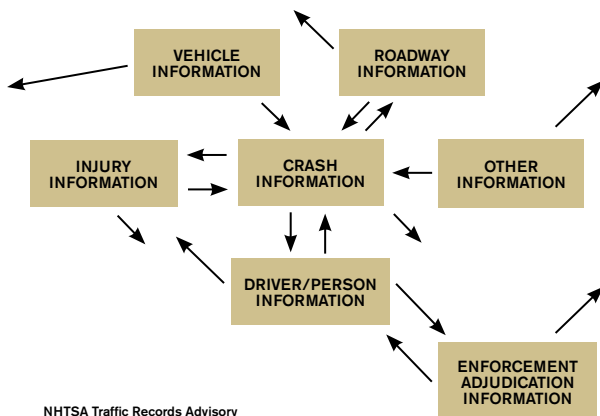
To set appropriate performance goals and measure progress, states need adequate data. Unfortunately, obtaining good data is not a simple undertaking. Currently, highway safety information comes from at least six different data systems as shown in the figure below. The data are utilized by a variety of users for many purposes, not simply those that are highway safety-related. Consequently, improving those data systems is a complex, time-consuming and very costly undertaking involving many state and local agencies.

program has been on the crash data system, states are also expected to make improvements in all the other highway safety-related databases.

The Section 408 program is funded at only \$34.5 million a year. Improvements to traffic records systems are extremely expensive. Pennsylvania's enhancements to its crash data system alone cost more than \$10 million. Further, other users of highway safety data are looking to the Section 408 program to fund improvements in systems of interest to them. For example, state departments of transportation would like Section 408 funds to support the collection of crash data on local roads, the use of GIS/GPS on all roads to locate crashes and the collection of roadway inventory information for all roads. NHTSA has also encouraged states to use their 408 funding to support a new initiative that will match crime data with crash data in order to identify high risk locations.

GHSAs do not expect the federal government to pay for the entire cost of improving state traffic records systems. However, it is clear that \$34.5 million a year is woefully inadequate. Without a substantial increase in funding, it will take years for states to automate and link their highway safety information systems. Since data is the backbone of all federal, state and local highway safety planning and implementation, and since it is needed to evaluate performance, a greater commitment to improving data systems is imperative.

## Highway Safety Information System (HSIS)



NHTSA Traffic Records Advisory

The Section 408 (23 U.S.C. 408) data improvement incentive grant program has been a catalyst to help states improve their highway safety information systems (commonly called traffic records systems), particularly their crash data systems. Under the program, states must perform an assessment of their traffic records systems, develop a strategic plan for addressing the shortcoming in those systems, and form a Traffic Records Coordinating Committee (TRCC) to approve the strategic plan and oversee plan implementation. In subsequent years, the strategic plan must be updated and the TRCC must approve the updated plan. To receive a Section 408 grant, a state must show annual measurable progress toward improving its state traffic records system. While the focus of the 408

***In the next reauthorization, Congress should substantially increase funding for the Section 408 program to \$100 million a year so that the program can become the engine for state highway safety data improvements.***



# 5 Streamline grant program administration

Highway Safety Grant Program Deadlines

Another concern is the proliferation of grant programs. Under SAFETEA-LU, there is one formula grant program, seven incentive grants (including the Section 1906 Racial Profiling grant program) and two penalty transfer programs. The funding streams for these programs are stove-piped, which causes fragmentation and impedes comprehensive, performance-based planning.

Currently, there are different applications and application deadlines for each program.

Sec. 402 state and community grant Highway Safety Plan/grant application	Sept. 1 of previous fiscal year
Sec. 405 occupant protection grant application	Feb.15
Sec. 406 safety belt performance grant certification	due whenever primary belt law is enacted and enforced
Sec. 408 data improvement grant application	June 15
Sec. 1906 racial profiling grant application	June 15
Sec. 2011 CPS seat grant application	July 1
Sec. 410 impaired driving grant application	August 1
Sec. 2010 motorcyclist safety grant application	August 1
Sec. 154 open container and Sec. 164 repeat offender letter indicating how noncompliant states will spend transferred funds	60 days after funds are available
Annual closeout of all grant programs and Annual Evaluation Report	December 31

NHTSA established (and GHSA accepted) these varied deadlines in the hopes that they would spread the workload out for both the Agency and SHSO staffs. The result, however, has been a grant process that is extremely difficult to administer at the state level. The frequent applications and application deadlines mean that SHSO staff members are constantly drafting grant applications instead of implementing highway safety programs. In preparing their annual highway safety plan, states must guess how much funding they will receive under the incentive programs. If they don't estimate in their annual plan, then they must repeatedly amend the plan throughout the year once they become eligible for each grant program.

proach makes it extremely difficult for states to rationally and effectively plan their annual programs.

A more rational approach would be a single behavioral highway safety grant program with tiers for each specific highway safety emphasis area. If Congress continues separate incentive grant programs, then it must streamline the administration of these programs. GHSA urges Congress to endorse a single grant application as well as a single application deadline and ensure that all grant funding is allocated on October 1. NHTSA should give states estimates of their behavioral safety funding in the March of the previous fiscal year so that states can adequately plan their programs.

Further, half of the incentive grant funding isn't even allocated until the end of the fiscal year. States are forced to carry over funding until the next fiscal year, yet they are criticized for having too much carryover money. Such a fragmented ap-

***In the next reauthorization, Congress must streamline the administration of federal highway safety behavioral grant programs.***





# 6 Enhance flexibility

In addition to stove-piped funding, there is little flexibility between highway safety grant programs. Currently under SAFETEA-LU, NHTSA may move unobligated 405, 408 and 410 funding, if any, between these categories to maximize grants to states under any of these programs. States do not have any authority to move grant funding between behavioral grant programs.

States should be allowed to move a portion of incentive grant funding (e.g. up to 25%) from one category to another. This will allow states to use federal behavioral grant funding where it is most needed. There is already flexibility between the core federal highway construction programs. A similar philosophy should govern the approach to behavioral highway safety programs.

GHSAs further recommend states be given the authority to pool their Section 402 and other behavioral grant funds. Currently, states are not allowed to pool any NHTSA-administered state grants. When an initiative is undertaken on a regional basis with 402 funds (such as the Smooth Operator program in New Jersey, Pennsylvania, DC, northern Virginia and the Maryland suburbs), the participating states must go through a cumbersome process of transferring funds from one jurisdiction to another.

A mechanism should be set up to allow states to work together regionally on law enforcement activities, paid media campaigns, and other appropriate activities. States also should be able to pool funds to support specific highway safety research projects, as is currently allowed with federal-aid highway funding. Similarly, a mechanism should be established to allow states to work together on data improvements. Multiple states, for example, may want to fund specific enhancements to software programs jointly used by those states.

Or, they may want to hire a data contractor who can serve all the states in a region. There may be substantial savings by allowing states to pool their funds in this manner.

States may already pool funds under the federal-aid highway program. A similar philosophy should be adopted for the 402 and other behavioral grant funds.

***In the next reauthorization, states should be able to flex a portion of their behavioral grant funding between grant programs and should have the authority to pool behavioral funding.***



## Restructure incentive programs and encourage technological developments through incentives

Potentially large breakthroughs in highway safety are likely to come from widespread implementation of safety-related technologies. The current federal behavioral highway safety incentive grant programs should continue to be performance-based and fund a comprehensive set of activities; however, new emphasis should be placed on implementation of technology. Two technologies in particular – ignition interlocks and automated enforcement – should be encouraged. Both have been proven to be effective. Widespread deployment of both technologies could make a substantial difference on two of the most pervasive problems – impaired driving and speeding.

### **Section 410 Impaired Driving Incentive**

**Grants:** While the Section 410 program (23 U.S.C. 410) has been a valuable tool for enhancing state resources to address drunk driving, some of the 410 criteria have proven too difficult to implement (e.g. the BAC testing requirement), and others (e.g. the self-sufficiency and administrative license revocation requirements) have not spurred the states to take appropriate action. In FY 2008, NHTSA prevented a number of states from falling out of compliance only with great effort. In the current fiscal year, the Agency may not be as generous. Having a restrictive impaired driving incentive grant program is counterproductive.

GHSA recommends the program be refocused on those countermeasures that are known to be effective such as high visibility enforcement, DUI courts and judicial education. Although states have been encouraged to conduct high visibility enforcement campaigns, there has been less attention on judicial education and DUI courts. Enforcement efforts will not be effective unless there is proper adjudication of DUI laws, which requires adequately trained prosecutors and judges. DUI courts have proven to be effective and should be encouraged. They are one of the best strategies for addressing the underlying causes of repeat offenses and preventing offenders from revolving through the justice system repeatedly.

State DUI task forces should also be encouraged, since they bring all state and local alcohol abuse and impaired driving agencies to work together

and prevent offenders from slipping through the system. Enactment of BAC test refusal laws should be encouraged, as this is a growing problem in every state.

Implementation of ignition interlocks for first time convicted or administratively sanctioned offenders should be strongly encouraged. Ignition interlocks have been proven effective, especially if they are imposed on the vehicle for a long period. Such programs have the potential to have a large, positive impact on reducing recidivism.

States should also continue to be eligible for Section 410 funding if they meet impaired driving performance criteria. Eligible states should be allowed to use the funds for any purpose relating to the reduction of impaired driving.

**Occupant Protection Incentive Grants:** The Section 406 primary seat belt incentive grant program (23 U.S.C 406) has been modestly successful at best. Since the program's enactment, only five states have adopted primary seat belt laws as of February 1, 2009. GHSA recommends the 406 program be combined with the Section 405 program (23 U.S.C. 405) and the Section 2011 child passenger protection program to form a single occupant protection program. Funds should be allocated to states based on performance criteria, such as seat belt use rates and fatality rates of unbelted drivers, as well as legislative criteria, such as primary seat belt and booster seat law enactment and improvements to child restraint laws. Funding should be used to support a range of occupant protection activities, such as: high visibility and sustained enforcement; paid media and education programs to encourage safety belt usage; seat belt and child restraint usage surveys; child passenger technician training; child passenger protection education and enforcement programs; car seat clinics and fitting stations; and child restraint distribution to low income families.

### **Section 2010 Motorcyclist Safety Grants:**

Motorcycle fatalities have increased every year for the last ten years. The Section 2010 motorcyclist incentive grant program is too restrictive and

too small to have an impact on this troubling and persistent problem. As GHSA's recent *Survey of the States: Motorcycle Safety Programs* showed, many states are no longer able to support their motorcycle safety programs based on licensing and training user fees alone. More federal assistance is needed. Funding for the 2010 program should be increased from \$5 million to \$20 or \$25 million a year.

NHTSA's *National Agenda for Motorcycle Safety* (NAMS) has shown that the best way to advance motorcycle safety is to address the problem comprehensively by focusing on such areas as: licensing; education and training; protective gear; roadway safety; public information programs on speeding, impairment, and sharing the road; conspicuity; enforcement; and vehicle improvements. The current Section 2010 program does not allow states to address the problem of motorcycle safety comprehensively, nor is there satisfaction evidence that improvements in education and training alone will lead to reductions in motorcycle fatalities.

In addition to the current list of eligible activities, states should be allowed to use the Section 2010 funding for additional purposes such as licensing improvements, license enforcement, helmet education and enforcement programs, and public education campaigns to reduce speeding and impaired motorcycling. States should also be required to designate a lead state motorcycle safety agency, undertake a motorcycle assessment if they haven't had one in the last five years, and prepare a motorcycle safety strategic plan.

**Speed Management Incentive Grants:** GHSA also recommends a new speed management incentive grant program be enacted. Speeding is a factor in an estimated one-third of all crashes – a figure that has remained unchanged over the last decade. Speeding costs society an estimated \$40 billion annually. According to the NHTSA-funded 2005 Speed Forum report:

*"Speeding dilutes the effectiveness of other priority traffic safety programs, including efforts to reduce impaired driving, increase safety belt use, and improve pedestrian and motorcycle safety. Speeding and speed-related crashes occur on all*

*road types, from limited-access divided highways to local streets. Drivers speed in all types of vehicles. Speeding is a local, state, and national problem."*

Speeding is one of the three primary factors in fatalities and injuries (along with impairment and failure to wear occupant protection devices), yet there are no dedicated federal funds to address the problem.

A 2005 study published by the Transportation Research Board (TRB) found that a 1% decrease in travel speed reduces injury crashes by about 2%, serious injury crashes by about 3%, and fatal crashes by about 4%. On a street with an average travel speed of 40 mph, a reduction to 38 mph is a 5% decrease. Crashes would be reduced by about 10%, serious injury crashes by about 14%, and fatal crashes by about 19%. Clearly, a small reduction in speeds can have a big impact.

Reducing speed also saves energy. According to the Department of Energy, aggressive driving (speeding, rapid acceleration and braking) can lower gas mileage by 33% at highway speeds and 5% around town. The agency also estimates that, as a rule of thumb, drivers can assume that each 5 mph they drive above 60 mph is like paying an additional \$0.20 per gallon for gas. GHSA recommends Congress authorize a \$25-35 million new speed management program to provide incentives to states that either reduce the number of speed-related fatalities per year or undertake targeted speed enforcement campaigns, conduct speed management workshops in their states, implement automated speed enforcement programs, or conduct public information campaigns about speeding and speed enforcement. States should be able to use these funds to implement automated enforcement programs, purchase speed monitoring and enforcement equipment, pay law enforcement personnel for speed enforcement efforts, and implement educational campaigns for high risk areas such as school zones, work zones or neighborhoods. If this program is successful, Congress should increase funding in the subsequent reauthorization.

In addition, GHSA recommends Congress fund a national campaign to re-educate the public about the dangerous consequences of speeding, a biennial national speed monitoring data collection study to determine how fast the traveling public is



## Restructure incentive programs and encourage technological developments through incentives

actually going, and research into emerging technological applications for measuring and controlling speed.

**Teen Driving Incentive Grants:** GHSA recognizes the importance of focusing on novice driving, not just to ensure the safety of teens, but everyone on the road. Motor vehicle crashes are the leading cause of teen death in the United States. The fatality rate for 16 to 20 year olds, based on miles driven, is four times that of drivers 25-69 years of age. Since the mid-1990s, states have adopted Graduated Driver License (GDL) laws, designed to introduce teens to driving in stages, over an extended period of time, in an environment that minimizes risk. GHSA supports enactment of GDL laws that include a permit and provisional phase coupled with restrictions that address nighttime driving, passengers, seat belt use and cell phones. States, however, should not be penalized for failing to enact a GDL law or to enhance an existing teen driving statute, but instead should be offered an incentive, through a grant program, to make teen driver safety a priority initiative.

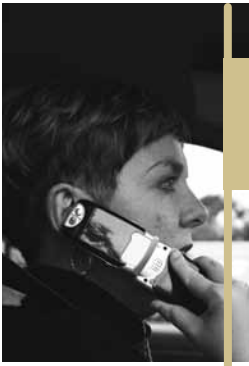
**Federal Lobbying Restrictions:** To be able to satisfy many of the eligibility criteria in these incentive programs, states must enact specific safety-related legislation. However, under SAFETEA-LU, once a bill (e.g. a primary safety belt bill) is introduced at the state level, state highway safety officials are strictly prohibited from direct lobbying if they are partially or wholly funded with federal funds. Federal funds also cannot be used to fund state or local coalitions that support specific legislation once that legislation has been introduced.

In effect, Congress has provided states with incentive funding to enact a number

of different safety-related laws but at the same time has prohibited state officials funded with federal funds from lobbying to support those lifesaving laws. This makes little sense. More states might enact the requisite highway safety laws if their SHSOs had an opportunity to express their views to state legislators or city/county elected officials. GHSA strongly urges that the prohibition against direct lobbying at the state and local level be repealed.

*In the next reauthorization, Congress should encourage technology through incentives, combine certain incentive programs, change the eligibility criteria in most of the current programs, broaden the eligible uses of funds, authorize two new incentive programs, and repeal lobbying restrictions.*





# 8

## Strengthen state programs through accountability, training, and research

To strengthen state programs and improve program accountability, SAFETEA-LU authorized NHTSA to conduct management reviews (MRs) of states every three years and programmatic management reviews (called Special Management Reviews [SMRs]) of underperforming states. NHTSA initiated these processes in 2005 and has been reviewing state programs since then. GHSA finds that the MRs and SMRs have been helpful to states and have identified issues on which the SHSOs need improvement. The Association supports continuation of the requirement for these reviews in the next authorization.

NHTSA and GHSA have worked together to ensure there is greater consistency in the implementation of MRs and SMRs across NHTSA regions. In addition, both NHTSA and GHSA have established their own quality control task forces to review the MRs and SMRs and ensure the agreements on standardization are being followed. Congress should require monitoring of the MR/SMR processes by the Government Accountability Office to ensure there is consistency in their implementation.

Another way to improve state highway safety programs is through research. Without sufficient research to indicate what works and what doesn't, states are forced to implement best practices rather than appropriate evidence-based programs.

SAFETEA-LU authorized funding for research under 23 U.S.C. 403. However, the amount of funding devoted solely to behavioral research is small – only about \$7 million a year – and partially earmarked for specific research projects. NHTSA's behavioral research budget has remained unchanged for many years. This means that research on the effectiveness of specific highway safety countermeasures can be undertaken only if and when such research makes it to the top of NHTSA's priority research list. In fact, in National Cooperative Highway Research Program (NCHRP) Report 622: *Effectiveness of Behavioral Countermeasures*, the authors found that only 34 of 104 behavioral highway safety countermeasures were proven effective. GHSA recommends

NHTSA's research budget be increased to \$20 million a year and NHTSA develop a specific, annual process for soliciting input from SHSOs and others into the Agency's research agenda.

Enhanced accountability and additional research won't have a large impact if state highway personnel are not properly trained to administer strong programs. There is tremendous turnover among the Governor's Representatives and Highway Safety Coordinators who run the state highway safety agencies, particularly as baby boomers retire. It is critical that incoming leaders of state highway safety offices and their staffs receive appropriate training so that they can understand the complexities of highway safety and run effective programs.

GHSA endorses the proposal to fund an AASHTO-GHSA Highway Safety Center of Excellence. The purpose of the Center would be to implement the recommendations of TRB Special Report 289, *Building the Road Safety Profession in the Public Sector*. In addition, GHSA supports dedicated funding for NHTSA training so that the agency can enhance all of its training, develop distance-based learning, and re-locate its training facility to a location, where the Federal Highway Administration and the Federal Motor Carrier Safety Administration already provide their safety training.

***In the next reauthorization, Congress should continue the existing accountability requirements and enhance funding for behavioral highway safety research and training.***



# 9

## Strengthen the Strategic Highway Safety Plan requirements

Section 148 of SAFETEA-LU requires states to develop Strategic Highway Safety Plans (SHSPs). State departments of transportation are required to take the lead on plan development but involve a number of constituencies, including the state highway safety office. Every state has completed an SHSP, and state highway safety offices have been actively involved in the development of nearly all of them. GHSA supports continuation of and improvements to the Strategic Highway Safety Plan requirements. GHSA members report that the requirements have helped strengthen relationships with other state and local agencies involved in highway safety and focused limited resources where they are most needed. Since no single agency has ownership of highway safety, the SHSP requirements have encouraged all the relevant agencies to work together more productively.

The Association recommends states be required to update their SHSP at least once in between reauthorizations. GHSA wants to ensure that the SHSP is a “living” document that reflects the latest issues, data, and accomplishments – and not a report that sits on a shelf.

GHSA also recommends the Safe Routes to School (SRTS) program be more closely aligned with the SHSP planning process. SRTS coordinators should be required to be part of the SHSP update process, and the SRTS plans should be coordinated with the SHSP. Conversely, where pedestrian safety is an issue for a state, the SRTS plans should influence the pedestrian policies reflected in the SHSP. State SRTS coordinators should also be encouraged to collaborate with state highway safety offices in the development and implementation of non-infrastructure school-based programs.

GHSA strongly recommends that the flexibility provision in the Section 148 Highway Safety Improvement Program (HSIP) be altered. Under the provision, states may flex up to 10% of their Section 148 funding to carry out safety projects

in any other program, provided the state certifies there are no unmet rail-grade crossing needs or safety infrastructure needs. This certification has proven to be an insurmountable barrier for most states and a source of frustration for those involved in the state SHSPs. To date, only eight states have flexed a portion of their HSIP for programs other than safety infrastructure improvements. States should be allowed to flex up to 25% of their HSIP funding to other highway safety-related programs if they have a demonstrated need to use the funding in those programs. Since the majority of crashes are caused by driver behavior, and since such programs typically have a big and immediate payoff, GHSA would expect to see more funding being flexed into behavioral programs if the changes were made.

GHSA also recommends that all SHSPs be transparent – posted on the Federal Highway Administration website just as all state behavioral Highway Safety Plans are posted on NHTSA’s website. It is difficult to determine how well states have developed their SHSPs or identify common highway safety issues unless the plans are made public.

*In the next reauthorization, Congress should continue and strengthen the requirement for state Strategic Highway Safety Plans.*



# 10

## Oppose new sanctions but maintain the National Minimum Drinking Age law

In general, GHSA does not support sanctions. The Association believes they are untargeted and counterproductive. Furthermore, states are already subject to seven safety-related sanctions (National Minimum Drinking Age, drug offenders, use of seat belts, zero tolerance for minors, open container, repeat offender, and .08 BAC). Evidence on the effectiveness of past sanctions is mixed. Sanctions involving impaired driving have been successful, while those involving motorcycles and the National Maximum Speed Limit have not. The sanctions that have public support appear to be successful; those that do not have such support are markedly less so. GHSA believes that incentives are a more effective way to encourage a change in state policies and programs.

Increasingly, the Congress has turned to sanctions to force state to act in a particular, uniform manner. However, the federal highway safety program is not a national program in which the federal government dictates the parameters of the programs, and the state role is restricted to one of implementation of the federal dictates. If the federal behavioral safety program were a national one, it would look very different than it does under SAFETEA-LU. Rather, the highway safety program is a federal one that is built upon a federal-state partnership; recognizes differences in state needs, abilities, and resources; and gives the states funding to approach a safety problem in a variety of ways. An over-reliance on sanctions moves the federal behavioral safety program away from this philosophy and generates increased state animosity toward the very safety issues that Congress wishes states to address.

While GHSA does not generally support new sanctions, it would vigorously oppose any effort to overturn an existing sanction – the National Minimum Drinking Age (NMDA). According to NHTSA, nearly 25,000 teen traffic deaths – an average of almost 1,000 per year – have been prevented since the enactment of the NMDA. Since enactment, the number of teen drivers killed in alcohol-related traffic crashes has been cut in half.

The Centers for Disease Control (CDC) reviewed more than 100 studies of the impact of the NMDA and found 49 which were considered high quality.

In its meta-analysis, CDC found that increasing the drinking age decreases fatalities and crashes by 16% and lowering it increases fatalities and crashes by 10%. The evidence is clear: the NMDA has worked exceedingly well and is one of the strongest drunk driving policy tools in the state arsenal.

While the NMDA law is an effective drunk driving law, it is less effective in curbing underage drinking, particularly on college campuses. Rather than “throwing the baby out with the bathwater” by weakening or repealing the NMDA as the *Choose Responsibility* organization has recommended, Congress should take steps to more effectively address the problem of underage drinking. It could do so by fully implementing P.L. 109-422, the S.T.O.P. Act, and implementing the other recommendations made by the Institute of Medicine in its seminal 2003 report on underage drinking and the 2007 Surgeon General’s Call to Action on Underage Drinking. Further, college and university presidents could more proactively address the problem of underage drinking on their campuses by implementing a range of effective countermeasures, including: screening, brief interventions, referral and treatment (SBIRT); parental programs; social norming programs; university-community coalitions to address underage drinking and enforce underage laws; and alcohol-free dorms, social activities and sporting events.

Protecting the health of young people – our country’s future – should be of paramount importance, more so than the fact that there are in disparities in public policy affecting young people. Lowering the drinking age by eliminating the sanction would be a gigantic and harmful step backward.

GHSA also recommends that an administrative problem with the current penalty transfer provisions be corrected. Currently, a state not in compliance with the Section 154 open container and 164 repeat offender requirements (23 U.S.C. 154 and 164) has 3% of their Interstate Maintenance, Surface Transportation Program and National Highway System funding transferred to the state’s 402 program. The state then determines if it would like to spend the transferred funds for impaired driving or hazard elimination purposes.



# 10

## Oppose new sanctions but maintain the National Minimum Drinking Age law

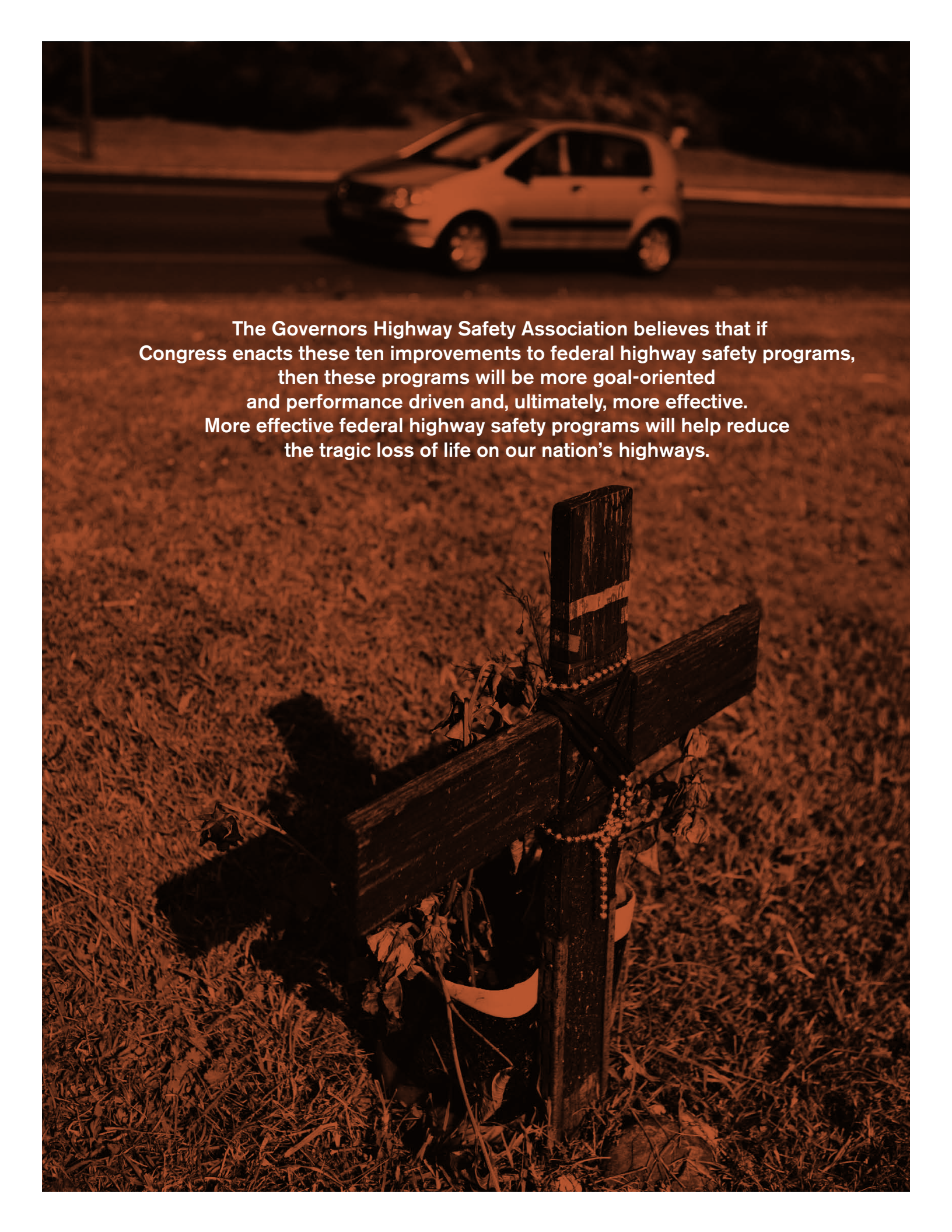
There is no actual transfer of funding to the state department of transportation (DOT) if a state chooses to spend the money for hazard elimination purposes. Instead, the SHSO must subcontract with its state DOT to expend the funds for hazard elimination activities that are eligible under the Sec. 148 program.

Since there is no actual transfer of 154 and 164 penalty funds to the state DOT, the state highway safety office must bear the administrative responsibility for those funds. The SHSO must track the expenditures in the federal grant tracking system and ensure that funds are being spent for hazard elimination purposes. Further, because of the slow spend out rate for hazard elimination projects, most of the state highway safety offices have substantial amounts of Section 154 and 164 carryover money. It is impossible for the state highway safety offices to reduce their hazard elimination 154 and 164 carryover funds since they have no control over that funding. In effect, the SHSO has all the administrative burdens of the Section 154 and 164 funds that are spent for hazard elimination purposes but none of the benefits of that funding.

A simple statutory fix is needed. If a state chooses to use its Section 154 or 164 funding for hazard elimination purposes, then the funding should be transferred to the state DOT and that agency should be administratively responsible for the funds.

***In the next reauthorization, Congress should resist the temptation to place new sanctions on states, rebuff efforts to repeal the National Minimum Drinking Age, and make administrative changes to the current penalty transfer programs.***





The Governors Highway Safety Association believes that if Congress enacts these ten improvements to federal highway safety programs, then these programs will be more goal-oriented and performance driven and, ultimately, more effective. More effective federal highway safety programs will help reduce the tragic loss of life on our nation's highways.