GHSA
Governors Highway Safety Association

Statement of Christopher J. Murphy
Chairman, Governors Highway Safety Association (GHSA)
Before the House Subcommittee on Highways and Transit
House Transportation and Infrastructure Committee
July 16, 2008

750 First Street, NE ✦ Suite 720 ✦ Washington, DC 20002-4241 ✦ phone: 202.789.0942 ✦ fax: 202.789.0946
headquarters@ghsa.org ✦ www.ghsa.org

I. Introduction

Good morning. My name is Christopher J. Murphy, and I am Chairman of the Governors Highway Safety Association (GHSA). GHSA is a nonprofit association that represents state highway safety agencies. Its members administer federal behavioral highway safety grant programs that are the focus of today's hearing. They are appointed by their governors to administer these grant programs and implement statewide highway safety programs. Areas of focus include: impaired driving; occupant protection; speeding and aggressive driving; distracted driving; younger and older drivers; bicycle, motorcycle and pedestrian safety; traffic records and highway safety workforce development.

As you know, traffic-related fatalities and injuries continue to be a major public health problem in this country. Although we have made some progress, there were still more than 42,000 fatalities and 2.5 million injuries in 2006 – the last year for which complete statistics are available. Traffic crashes not only cause devastation to families and individuals, but they also cost the nation an estimated $230 billion annually. Unfortunately, these crashes happen in one's and two's, so there is little public awareness about them and even less public outcry against them.

To address this problem, the federal government must make the reduction of highway fatalities and injuries a national priority and play a strong role in developing highway safety policies and programs. The federal government has played such a role since the enactment of the Highway Safety Act of 1966. This Act 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 provided funding to states on a formula basis for developing and implementing state highway safety programs. Over the years, this federal and state partnership has been strengthened with the addition of a number of federal incentive grant programs aimed at rewarding successful state programs in specific high priority areas or encouraging stronger state action in those areas. As the Congress develops the highway safety programs under the next reauthorization, it is important 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.

II. General Recommendations for Reauthorization

As noted above, the federal behavioral highway safety program has grown since the Highway Safety Act was first enacted in 1966. New programs have been added, others dropped. Under the Transportation Equity Act of the 21st Century (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 an overall plan.

It is time, as the National Surface Transportation and Revenue Policy Study Commission recommends, to develop a national highway safety strategic plan with national highway safety goals. Other countries, such as Canada and Australia, have developed national strategic highway safety plans that involved all levels of government and the private sector in the development process. Each state has its own Strategic Highway Safety Plans (SHSP), as required by Section 148 of SAFETEA-LU. The missing component is a national plan. **GHSA supports the development of a comprehensive national strategic highway safety plan involving all levels of government and the private sector.**

GHSA also supports a goal of zero fatalities. The loss of one life is one too. The philosophy of "Every One Counts" should drive future strategic plans and countermeasure selection and implementation. Over time, and with education, enforcement, safety infrastructure improvements, vehicle improvements, and technological advances, such an ambitious goal can be achieved.

Further, GHSA supports the interim goal recommended by the National Surface Transportation Commission and the American Association of State Highway and Transportation Officials (AASHTO) of **halving fatalities by 2030**. This goal would require annual reductions of 1,000 fatalities a year. In 2006, the country nearly reduced fatalities by that amount, demonstrating that yearly reductions of this magnitude are possible.

A summit could be convened to reach consensus on these national goals, identify major issues, and consider a range of countermeasures to address those issues. The national strategies should build upon the strategies identified in state Strategic Highway Safety Plans (SHSP). All relevant constituencies, including representatives of state highway safety offices, should participate in the summit.

The Government Accountability Office (GAO), the U.S. Department of Transportation Inspector General (IG) and the National Surface Transportation Commission have all recommended the federal behavioral highway safety programs become more performance-based. In fact, the behavioral 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.

GHSA concurs that the behavioral highway safety programs would benefit from becoming more performance-based and sees that as the next step in enhancing the state planning process. Beginning in 2004, GHSA took steps on its own to enhance state highway safety planning and encourage more performance- and research-based decision-making. The Association developed a template for state Highway Safety Plans and Annual Reports that strengthens the goal-setting and reporting processes. The template identified twelve performance measures for states to use in their annual plans and year-end reports. In 2006, GHSA, with funding from the National Highway Traffic Safety Administration (NHTSA), produced a report summarizing all the current research on effective highway safety countermeasures. The report, *Countermeasures That Work*, has been updated twice by NHTSA and has been used by states to select research-based, effective countermeasures for their annual Highway Safety Plans.

A difficulty of the existing performance-based process is the fact that 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 embarked on a process to identify, by consensus, a common set of performance measures that all levels of government will use in their planning processes. Currently, there are ten outcome measures and one behavioral measure on which there is agreement. Further work will be done to develop five additional measures. A final report on these measures will be issued in August. States will begin to use the first eleven measures in their FY 2010 Highway Safety Plans. A similar consensus process will be undertaken next year to identify a common set of performance measures for traffic records systems.

If Congress concurs that the behavioral highway safety programs should be more performance-based, it must provide the resources to states to collect the necessary performance data. The current Section 408 data improvement program (23 U.S.C. 408), which is primarily focused on improvements to crash data systems, is only funded at $34.5 million a year. Improvements to traffic records systems are extremely expensive. Pennsylvania's enhancements to its crash data system, for example, cost the state more than $10 million. The federal government cannot be expected to pay the entire cost of improving state data systems; however, it is clear that funding for the 408 program is woefully inadequate.

Further, states are increasingly funding improvements in the other components of traffic records systems, particularly e-citation systems, DWI information tracking systems and emergency medical services (EMS) information systems. If states are expected to collect performance data such as statewide citation data or more precise injury data, then they need the funding to automate data collection and make other improvements to the data systems that would yield the requisite performance data. **GHSA urges that the funding for the 408 program be increased substantially to $100 million a year.**

Another concern is the proliferation of incentive grant programs. The problem does not relate to the substantive issues addressed by these programs. Rather, the difficulty is that the funding streams are stove-piped, which causes fragmentation and impedes comprehensive, performance-based planning.

GHSA believes that if Congress wishes to continue separate incentive grant programs, then it must streamline the administration of those programs and give states more flexibility on the use of the funding. Currently, there are different applications and application deadlines for each incentive program. One application is due in February, one in June, three in July, two in August and one in September. Some of the applications are for funding in the current fiscal year, others for funding in the upcoming fiscal year. Half of the incentive funding isn't given out 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 approach makes it extremely difficult for states to plan their annual programs effectively.

GHSA strongly recommends that there should be a single grant application deadline as well as a single application and that all of the grant funding should be allocated on October 1. We recognize there will be a transition year in which states that enact certain qualifying legislation won't receive grant funding until the following fiscal year. This is a small price to pay to make the grant process more rational.

GHSA also recommends **greater flexibility between** behavioral grant programs. States should be allowed to move a portion of incentive grant funding from one category to another based upon their demonstrated needs. There is flexibility between the core federal highway construction programs. A similar philosophy should govern the approach to behavioral highway safety programs.

GHSA further recommends states be given the authority to pool their Section 402 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 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 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.

III. Incentive Program Recommendations

The current incentive grant programs have provided needed funding to states to address a range of highway safety issues. However, refinements should be made in each of these programs. In at least two of the incentive programs, the eligible uses of incentive funds are too restrictive. Once a

state qualifies, it should be allowed to use the funding for any purpose under that incentive category.

While the Section 410 program 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 requirement) have not spurred state action. GHSA expects that a number of states will fall out of compliance in the last two years of the program. This is counterproductive. GHSA recommends the program be refocused on those countermeasures that are known to be effective (e.g., high visibility enforcement, DUI courts and judicial education) or have the potential to be extremely effective (e.g., interlocks for first time offenders). GHSA supports the Mothers Against Drunk Driving's (MADD) Campaign to Eliminate Drunk Driving. These changes in the 410 program are very much in line with the Campaign and would help to realize the Campaign's goals.

The Section 406 primary seat belt incentive grant program (23 U.S.C 406) has only been modestly successful. Since the program's enactment, only five states have adopted primary seat belt laws. GHSA recommends that the 406 program should 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 a number of criteria, such as seat belt use rates, fatality rates of unbelted drivers, primary seat belt and booster seat law enactment. Funding should be used to support a range of occupant protection activities, such as high visibility and sustained enforcement, paid media, education programs, seat belt usage surveys, child passenger technician training, child restraint usage surveys, and child passenger protection education and enforcement programs.

States that do not have primary belt laws or very high belt usage do not currently qualify for 406 funds. This has put tremendous pressure on their 402 allocations to fund the annual law enforcement mobilization and paid media. If the 406 program were restructured, it would provide a base of funding for occupant protection activities (including the annual high visibility mobilization) while allowing states to use their 402 funding for other safety purposes.

The 2010 motorcyclist incentive grant program is also too restrictive and too small to have an impact. 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 2011 program should be increased substantially, to $20 or $25 million.

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 and impairment, conspicuity, enforcement, vehicle improvements, and sharing the road. The current 2010 program does not allow states to address the problem of motorcycle safety comprehensively. Eligible states should be allowed to use the funding for additional purposes such as licensing improvements, helmet education and enforcement programs, and impaired motorcycling programs. States should also be required to designate a lead state motorcycle safety agency and prepare a motorcycle safety strategic plan.

GHSA also recommends that a new incentive grant program be enacted that focuses on speed management. 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 a new speed management program be authorized to provide incentives to states that undertake speed enforcement, conduct speed management workshops in their states, implement automated speed enforcement programs, or conduct public information campaigns about speeding. 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 actually going, and research into emerging technological applications for measuring and controlling speed.

IV. Program Management, Research and Training

SAFETEA-LU authorized NHTSA to conduct management reviews (MR) of states every three years and programmatic management reviews of underperforming states. NHTSA initiated these processes in 2005 and has been reviewing state programs since then. The Management Reviews and Special Management Reviews (SMR) (the programmatic review) have been helpful to states and have identified issues that need to be addressed by the state highway safety offices.

In 2007, however, GHSA grew concerned about the consistency of the reviews from state-to-state. The Association hired a contractor to review the MR's and identify areas of inconsistency. In June of 2007, representatives from NHTSA and GHSA met to develop a more standardized approach to the MR's. This year, the contractor undertook a similar review of state SMR's. A meeting was held in May to develop a more standardized approach to the SMR's. Both NHTSA and GHSA have established their own quality control task forces to review the MR's and SMR's and ensure that the 2007 and 2008 agreements are being followed.

GHSA has also undertaken its own efforts to enhance the management of state highway safety programs. It has developed a monitoring advisory to help states enhance the monitoring of sub-grantees. It has also developed a model Policies and Procedures Manual covering all of the relevant federal regulations and guidance for federal behavioral highway safety programs. GHSA's consultant will also begin working on a self-assessment protocol so that state highway safety offices can improve their management practices between Management Reviews.

SAFETEA-LU also 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 reaches the top of NHTSA's priority research list. In fact, in a forthcoming National Cooperative Highway Research Program (NCHRP) study on the cost-effectiveness of 104 behavioral highway safety countermeasures, the researchers found that only 23 were proven effective and had sufficient research with which to be able to determine cost-effectiveness. Without sufficient research to indicate what works and what doesn't, states are forced to implement best practices rather than

appropriate research-based programs. GHSA recommends that NHTSA's research budget be substantially increased.

Training is another area of concern for GHSA. 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 put forth by AASHTO to fund a 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 Arlington, where the Federal Highway Administration and the Federal Motor Carrier Safety Administration provide their safety training.

V. Strategic Highway Safety Plans

Section 148 of SAFETEA-LU requires states to develop Strategic Highway Safety Plans (SHSP). 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 improvement in 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 supports AASHTO's recommendation that states should 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 that the Safe Routes to School (SRTS) program should be more closely tied to the SHSP planning process. SRTS coordinators should be part of the SHSP update process,and the SRTS plans should be coordinated with the SHSP. Conversely, where pedestrian safety is an issue in a state, the SRTS plans should influence the pedestrian policies reflected in the SHSP.

GHSA also strongly recommends that the flexibility provision in the Section 148 Highway Safety Improvement Program (HSIP) must 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 that the state certifies that there are no unmet rail-grade crossing needs or safety infrastructure needs. The certification has proven to be an insurmountable barrier for most states and a source of frustration for those involved in the state SHSP's. To date, only seven states have flexed a portion of their HSIP for programs other than safety infrastructure improvements. States should be allowed to flex their HSIP money to other 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.

VI. Sanctions

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. GHSA believes that incentives are a more effective way to encourage a change in state policies and programs.

While GHSA does not generally support new sanctions, it would vigorously oppose any effort to overturn an existing sanction – the one relating to 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, self-reported alcohol use by high school seniors has dropped by an estimated 20% and self-reported binge drinking has declined by an estimated 40%.

The Centers for Disease Control (CDC) reviewed more than 100 studies of the impact of the NMDA and found more than 50 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 policy tools in the state arsenal. 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.

Finally, GHSA notes that an administrative problem with the current penalty transfer provisions also needs correction. Currently, states in non-compliance with the Section 154 open container and 164 repeat offender requirements (23 U.S.C. 154 and 164) have 3% of their Interstate Maintenance, Surface Transportation Program and National Highway System funding transferred into the state's 402 program. The state then determines if it would like to spend the transferred funds for impaired driving or Hazard Elimination program (now part of the Section 148 program) purposes. 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 state highway safety office must subcontract with its state department of transportation to expend the funds.

Since the Section 154 and 164 penalty funds are not actually transferred to the state DOT, the state highway safety office bears the administrative responsibility for the transfer funds. The state highway safety office must track the expenditures in the federal grant tracking system and ensure that funds are being spent for the purposes authorized. Further, because of the slow spend out rate for hazard elimination funding, 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.

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