October 25, 2012

Docket Management Facility
M-30
U.S. Department of Transportation
West Building, Ground Floor
1200 New Jersey Ave. SE
Washington, DC 20590

RE: Docket No. NHTSA-2012-0137
State Graduated Licensing Incentive Grant

To Whom It May Concern:

The Governors Highway Safety Association (GHSA) is pleased to submit comments on additional requirements the National Highway Traffic Safety Administration (NHTSA) is considering for the State Graduated Licensing Incentive Grant program. We will address each criterion individually.

Under the learner's permit criterion, states would be mandated to require at least "40 hours of behind-the-wheel training" as part of their graduated driver licensing (GDL) law. Is the proposal for 40 hours of driver training provided by public or private providers? Or is this a proposal for supervised behind-the-wheel driving?

Assuming that the proposal means behind-the-wheel experience, GHSA notes that there is no consensus on how much supervised driving is enough. Currently, many states mandate forty hours of supervised driving while others require fifty hours. NHTSA's Novice Teen Driving Standard recommends forty hours of practice driving. The Insurance Institute for Highway Safety (IIHS) recently recommended fifty hours of supervised driving. Some Australian countries are even experimenting with requirements of one hundred hours or more. To our knowledge, there is no definitive research that indicates whether forty hours, fifty hours or longer supervised driving requirements are effective. GHSA believes that such a requirement, therefore, is premature and, lacking adequate research justification, would be unacceptable to state legislatures.

Under the second criterion for the learner's permit, states would be mandated to require a driver training course. In this case, the research is quite mixed. According to research conducted by IIHS and the Traffic Injury Research Foundation (TIRF), driver training has had little or no impact on novice teen driver safety. On the other hand, findings from Oregon and Nebraska research indicate a clear and positive relationship between driver training and safety. Consequently, it makes little sense to mandate driver training when there is, at best, mixed evidence that such training is effective.

In addition to this problem, driver training has a large budgetary impact on states. Not only can states ill afford expenditures for new programs such as driver training, but it would be politically very difficult to convince state legislatures to comply. Many states eliminated their driving training years ago because they no longer afford to provide it. If anything, the situation in states has worsened.

Under the third criterion for the learner's permit, states would be mandated to require that novice teen drivers be accompanied by those at least 21 years of age or older at all times. GHSA concurs with this requirement but recommends that the supervising adult also have a valid driver's license.

Under the learner's and intermediate permit criterion, states would be mandated to require the "clock" to be reset if a novice teen driver is convicted of a driver-related offense. Typically, the courts notify the department of motor vehicles (DMV) when there is a driver conviction. When a novice teen driver applies for an intermediate or full license, the DMV reviews the teen's driving record during a look back period. If there is a conviction, then the licensee is prohibited from advancing to the next stage.

This is particularly important with respect to moving violations such as distracted driving, impaired driving and speeding since these are all factors that have been shown to contribute to teen driver crashes. Teens have among the lowest seat belt use rate of any group, and failure to wear a seat belt contributes to the severity of the crash. Violating passenger restrictions contributes to driver distraction which, in turn, contributes to teen crashes. Violating nighttime restrictions places inexperienced novice teen drivers at higher risk because they are exposed to other risky drivers on the road. These are the driver-related offenses that GHSA believes should trigger the reset clock. The Association would oppose restrictions unrelated to the task of driving such as having a conviction for a fraudulent identification, underage purchase of alcoholic beverages, etc.

It should be noted that one or two states, at best, are likely to be in compliance with the rigorous GDL incentive grant eligibility criteria authorized under MAP-21. The additional restrictions, should NHTSA choose to adopt them, would make it unlikely that **any** state would comply. The Agency has to consider whether the additional restrictions, while perhaps justified from a safety perspective, may be counter-productive because they set the bar too high for most states to achieve in a two-year time period. If that occurs, governors and state legislators will become discouraged and not even attempt to enact the requisite legislation to satisfy the requirements. The Agency should carefully consider this when making final decisions about the added eligibility requirements.

Thank you for the opportunity to submit comments on behalf of the Association.

Sincerely,

Kendell Poole
Chairman, GHSA and
Director, Tennessee Governor's Highway Safety Office