



**Statement of Vernon F. Betkey, Jr.
Chairman, Governors Highway Safety Association (GHSA)
Before the House Subcommittee on Highways and Transit
House Transportation and Infrastructure Committee
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I. Introduction

Good afternoon. My name is Vernon Betkey, and I am Chairman of the Governors Highway Safety Association (GHSA) and the Director of the Maryland Highway Safety Office. GHSA is a nonprofit association that represents state highway safety agencies. Its State Highway Safety Office (SHSO) members administer federal behavioral highway safety grant programs. Areas of focus include: impaired driving; inadequate 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 and public safety problem in this country. Although we have made some progress, there were still more than 33,000 fatalities and 2.2 million injuries in 2009 – 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, GHSA recommends that the federal government makes the reduction of highway fatalities and injuries a national priority and play a strong role in developing highway safety policies and programs. 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 sustain the necessary resources necessary to enhance roadway safety and prevent tragic injuries and fatalities.

II. Recommendations for Reauthorization

Establish a National Goal

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. 402 and 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.

As the National Surface Transportation and Revenue Policy Study Commission recommended, it is time 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.**

The Association is working cooperatively with the American Association of State Highway and Transportation (AASHTO) and five other national organizations representing state-level safety-related agencies to develop a National Strategic Highway Safety Plan. The Plan will support the long-term goal of zero deaths and has been called the "Toward Zero Deaths (TZD) plan. As the GHSA Chairman, I serve as the vice-chairman of the TZD Committee. GHSA also supports an interim goal of **halving fatalities by 2030**. To accomplish this goal, it requires annual reductions

of 1,000 fatalities per year. In 2007, 2008, and 2009, the country achieved reductions of at least 1,000 annually, demonstrating that yearly reductions of this magnitude are, indeed, possible.

GHSA recommends that the next reauthorization incorporate halving fatalities by 2030 as a national goal. States, through their Strategic Highway Safety Plans (SHSP) should be required to indicate how their Plans will contribute to the attainment of the national goal.

Performance-Based Planning

The Government Accountability Office (GAO), the U.S. Department of Transportation Inspector General (IG) and the National Surface Transportation Study Commission all recommended the federal behavioral highway safety programs become more performance-based. States already set performance goals in their annual Highway Safety Plans (HSP) (required by Section 402) and report on their progress toward these goals in their Annual Report (AR) to the National Highway Traffic Safety Administration (NHTSA).

In 2008, the National Highway Traffic Safety Administration (NHTSA) and GHSA proactively embarked on a process of identifying, by consensus, a common set of performance measures that all could use in their annual behavioral highway safety planning processes. Currently, there are ten outcome measures, three activity measures and two behavioral measures on which there is agreement. States began using 14 of these measures with their FY 2010 Highway Safety Plans. The fifteenth measure was added in the FY 2011 annual HSPs. **GHSA recommends that Congress focus on the most important performance measures – total fatalities, fatality rates and serious injuries** and request that states submit data on these measures using a five-year running average.

In addition, GHSA recommends that a portion of the Section 403 Research and Demonstration funding (23 U.S.C. 403) be earmarked to develop, by consensus, a more accurate and standardized definition of serious motor vehicle crash injuries.

Currently, law enforcement officials at the scene of a crash use an injury scale that is very imprecise and subjective. As a result, state definitions of serious injury vary somewhat from one state to another. There is unanimity in the highway safety community that there is a need for greater standardization of the definition of serious injuries.

New methods of collecting injury data should be explored that do not put the burden on law enforcement officials. Research should be undertaken to:

- 1) Develop better, more objective, descriptive and standardized definitions of injury and more efficient ways to collect injury data;
- 2) Determine the feasibility of collecting serious injury data through a census process (such as the one used for FARS);
- 3) Explore whether there are better injury measurement scales that could be used by states and determine the feasibility of implementation;
- 4) Identify methods for improving the linkage of injury data collected at the scene of a crash to emergency medical services (EMS) and emergency department (ED) databases so that a more precise understanding of injury outcomes can be obtained;
- 5) Examine the feasibility of using unique identifiers so that crash victims can be traced more easily from one data base to another.

To address the issue of under-performing states, the 2009 House Transportation and Infrastructure Committee proposed that the Department of Transportation (DOT) should be granted the authority to reprogram a state's funds. There is already a process for DOT to review a state's performance annually and recommend improvements. This process, known as the Special Management Review (SMR) process, is a collaborative one between the underperforming state and the NHTSA Regional Office. The decision to reprogram funds should be a mutual decision between the state and federal agency. The House proposal also continued, but reduced

the size of the penalties authorized under the Highway Safety Act of 1966 for states failing to submit an adequate plan. It is unclear when those penalties would ever be used against an under-performing state if its funds are reprogrammed and a revised Highway Safety Plan is submitted. **GHSA recommends that the penalties should be repealed.**

Consolidation and Streamlining

Another concern is the proliferation of incentive grant programs. Currently there are six: Section 405 Occupant Protection grants, Section 406 Safety Belt Performance grants, Section 410 Impaired Driving Countermeasure grants, Section 2010 Motorcyclist Safety grants, Section 2011 Child Safety and Booster Seat grants, and the Section 1906 Incentive Grants to Prohibit Racial Profiling. (The last grant program is authorized in Title I of SAFETEA but administered by NHTSA. The funds are allocated to eligible SHSO's.) Additional federal incentives have been proposed for teen empowerment programs, teen graduated licensing programs and ignition interlock programs. The difficulty is that the funding streams are stove-piped which causes fragmentation and impedes comprehensive, performance-based approaches to highway safety. States are not authorized to move funding from one incentive program to another, so resources are not appropriately matched to state behavioral highway safety problems and needs.

In addition, 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 – sometimes three or four days before 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 in a rational, effective manner. **GHSA recommends that Congress consolidate programs to the extent practicable, streamline the administration of those programs and give states more flexibility on the use of the funding.**

GHSA further recommends states should be given the authority to pool their 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 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, safety research projects and data improvement projects. There may be substantial savings by allowing states to pool their funds in this way.

Additionally, GHSA recommends that Congress consider altering the current Maintenance of Effort (MOE) requirements in order to provide relief to economically distressed states.

For many states, the MOE requirement has become increasingly burdensome. The Association understands and fully supports the need for a federal MOE requirement; however, it is also necessary to acknowledge that most states are in terrible financial health because of the recession, and they may not recover for several years. One approach is to base the compliance period at a past point when states were receiving fewer federal behavioral grant funds. Another approach may be to establish a waiver procedure with specific criteria that states would have to meet.

GHSA requests that Congress consider developing a new MOE requirement that carefully balances the federal government's interest in protecting its investments with the economic needs of the states. Once the MOE requirements are changed, then the impact of the change should be evaluated and reported to Congress for further action if necessary.

III. Funding Allocation Criteria and Eligible Uses

In the last Congress, the House Transportation and Infrastructure Committee proposal consolidated behavioral grant programs (except the Section 408 program) into a single program with three separate earmarks for impaired driving, occupant protection and motorcycle safety. If this Congress continues that approach, then refinements should be made in the way funds are allocated in each of the earmarked programs and in their eligible uses.

While the Section 410 program has been a valuable tool for enhancing state resources to address impaired 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 successfully motivated the states to action. GHSA recommends that federal impaired driving funding should be refocused on those countermeasures that are known to be effective (e.g., high visibility enforcement, DUI courts and judicial education) or those that have the potential to be extremely effective (e.g., interlocks for all convicted offenders). States should be allowed to use these funds for any impaired driving purpose, including implementation of statewide ignition interlock programs. GHSA would oppose, however, the use of impaired driving funding for treatment and rehabilitation since there are other, significant federal funding sources for that purpose.

Occupant protection funds should be allocated to states based on a number of criteria such as seat belt and child restraint use rates, fatality rates of unbelted drivers, and primary seat belt and booster seat law enactment. Funding should be used to support a range of occupant protection activities, such as: seat belt high visibility and sustained enforcement, paid media, education programs, seat belt and child restraint usage surveys, child passenger technician training and fitting stations.

With respect to motorcycle safety funding, a more comprehensive approach should be taken. NHTSA's National Agenda for Motorcycle Safety (NAMS) has shown that the best way to advance motorcycle safety is to address the problem 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. States should be allowed to use federal motorcycle 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.

IV. Program Accountability, Research and Training

SAFETEA-LU authorized NHTSA to conduct management reviews (MR) of states every three years and annual 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. The next year, a meeting was held 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 recommends that the Section 412 NHTSA accountability requirements should be continued. A joint NHTSA-GHSA annual review of MR's and SMR's should be authorized to ensure that they are being implemented consistently and effectively.

SAFETEA-LU also authorized funding for research in 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, a National Cooperative Highway Research Program (NCHRP) study on the cost-effectiveness of 104 behavioral highway safety countermeasures 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 funding for federal behavioral research should be increased.**

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 recommends that states should be required to set performance targets in their SHSPs, update their SHSPs at least once during the reauthorization period, and report on progress in reaching their targets. 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 (or its successor) should be more closely aligned with 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 current provision, states may flex up to 10% of their Section 148 funding to carry out safety projects in any other safety 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 SHSPs. In the most recent fiscal year, about a dozen 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 safety programs if they have a demonstrated need to use the funding in those areas. 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.

Further, **GHSA recommends that states should be prohibited from flexing Section 148 funding into other core highway programs.** About another dozen states have done so in the last fiscal year. If reduction of fatalities and injuries is indeed a priority, then states should be required to spend Section 148 funding solely for safety purposes.

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. Additionally, with states in such dire shape economically, now is not the time to consider financial penalties that would reduce infrastructure funding and eliminate opportunities for job creation in those states. **GHSA believes that incentives are a more effective way to encourage changes in state policies and programs.**

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 states' SHSO and DOT jointly determine if they would like to spend the transferred funds for impaired driving or Hazard Elimination program purposes (now part of the Section 148 program). There is no actual transfer of funding to the state 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 SHSO bears the administrative responsibility for the transfer funds. The SHSO 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 SHSO's 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 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 the GHSA statement. Thank you for the opportunity to appear before the House Subcommittee on Highways and Transit as it begins drafting the next surface transportation reauthorization. GHSA looks forward to working with the Committee on the upcoming surface transportation legislation.