



July 12, 2021

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave., S.E.
Washington, D.C. 20590

Dear Secretary Buttigieg:

As President Biden continues bipartisan deliberations on an infrastructure package and Congress advances a multi-year surface transportation reauthorization legislation, we urge you to ensure the enactment of safety policies that will significantly improve safety for all roadway users.

Deaths are Up. Action is Needed Now. According to the National Highway Traffic Safety Administration (NHTSA) estimates, last year, 38,680 people were killed in motor vehicle crashes. This marks the largest projected increase in traffic fatalities since 2007 even while the number of vehicle miles traveled dropped. Without federal action to implement proven safety solutions, it can be expected that during the five-year authorization time period more than 183,000 people will be killed and nearly 14 million more injured in motor vehicle crashes, based on the mortality and morbidity toll of these past few years. These crashes also will accrue a comprehensive cost of more than \$5 trillion.

Let Past Safety Laws be Prologue. Over the last three decades, every major surface transportation bill signed into law by Democratic and Republican presidents has featured crucial vehicle safety advances. These include airbags,ⁱ electronic stability control to prevent rollovers,ⁱⁱ improved roof strength requirements,ⁱⁱⁱ child safety protections,^{iv} and safety belts on motorcoaches, among others.^v As a result, tens of thousands of lives have been saved. It is time for the next generation of vehicle safety technology, including advanced driver assistance systems (ADAS), to be required as standard equipment in all new vehicles. The urgency is starkly apparent and the lifesaving benefits are incontrovertible.

Safety and Equity are Complementary and Compatible Goals. Federal vehicle safety standards are essential both to advance safety and to address equity issues. Effective lifesaving technologies should not be available only to those who can afford expensive vehicles or luxury add-on packages. Furthermore, crash avoidance technologies which are only required to detect other vehicles will hinder efforts to seriously reduce the growing number of pedestrian and bicyclist fatalities and make our roads safer for those who use these modes of transportation.

Overall, the House Bill Raises the Safety Bar. The “Investing in a New Vision for the Environment and Surface Transportation (INVEST) in America Act” (H.R. 3684), which was passed by the U.S. House of Representatives on July 1, 2021, includes consequential safety upgrades including requirements for ADAS technologies as standard equipment in new vehicles

by a date certain that detect and react to all road users, including vulnerable road users (VRUs). Crash avoidance technologies, including ADAS, prevent or mitigate well-known causes of crashes such as drunk, drugged, drowsy and distracted driving, and excessive speed.

The Senate Bill Fails to Meet the Moment. Unfortunately, the “Surface Transportation Investment Act” (S. 2016), passed out of the U.S. Senate Commerce, Science, and Transportation Committee on June 16, 2021, includes numerous studies which are weak and insufficient substitutes for explicit directives for agency actions on minimum safety standards. Research, real-world crash experience, and expert reports already demonstrate the proficiencies of technological solutions.^{vi} This bill is in urgent need of revisions and improvements to make our vehicles and our roadways safer for the next five years and beyond.

Automatic Emergency Braking, A Certain Lifesaver, Must Be Required for All New Cars and All New Trucks. One vital upgrade needed in both bills is requiring automatic emergency braking (AEB) as standard equipment in all new trucks similar to the mandate in S.1386/H.R. 2867, the Protecting Roadside First Responders Act. Currently, the House and Senate bills include a dangerous carve out that exempts small and medium size trucks (Class 3 – 6). These include delivery and box trucks that traverse neighborhoods as a result of the explosive growth in E-commerce. Class 3 - 6 trucks account for 27 percent of all truck crash deaths. Also, the Senate bill fails to require that the technology in cars responds to VRUs and does not set deadlines for rulemaking or compliance. Please refer to the attached fact sheet, “Automatic Emergency Braking (AEB) is Needed on All Trucks.” These lethal loopholes must be closed.

More than 9,000 Drunk Driving Deaths and “Hot Car” Deaths of Children Can be Prevented. Passive impaired driving prevention systems can reduce traffic fatalities by about one-third. While the bills include a requirement for the technology, some important changes to the S. 2016 are essential to ensure implementation is not delayed. We support including the stronger legislative language in Sec. 10105 in H.R. 3684, the INVEST in America Act. Furthermore, detection systems should not be programmed exclusively to a .08 percent blood alcohol concentration (BAC) level but should recognize lower BAC limits adopted by states. Additionally, inexpensive safety systems to end “hot cars” incidents are currently available and should be required in all new passenger vehicles. These systems must be required to detect the presence of an occupant in the passenger compartment to ensure that children who access a vehicle on their own, as well as children who are unknowingly left in a vehicle, are saved.

“Teen Truckers” and Special Interest Exemptions from Truck Safety Standards Will Exacerbate the Death and Injury Toll. During the last 12 years, truck crash deaths have increased nearly 45 percent since the low in 2009. Yet, efforts in Congress to attack and rollback critical truck safety rules continue unabated. The Senate provision allowing 3,000 teen truckers to operate in interstate commerce and must be stricken. CMV drivers under the age of 19 are four times more likely to be involved in fatal crashes, and CMV drivers between the ages of 19-20 are six times more likely to be involved in fatal crashes than all truck drivers. Numerous public opinion polls show strong opposition to this reckless and dangerous proposal. Additionally, an exemption to hours of service (HOS) for livestock haulers, which will worsen the well-known and well-documented issue of truck driver fatigue, must be removed.

A comprehensive list of these and other issues and essential improvements are described in the attached document, “Changes Needed to Improve Safety in the Surface Transportation Investment Act, S. 2016.”

The mounting and numbing toll of highway deaths and injuries in our country is staggering and the economic losses unacceptable. However, we have available and affordable solutions to safeguard our families, achieve safety equity, and create jobs in the U.S. We urge you to ensure that problems we have identified are corrected, and necessary changes are made in the bill that is sent to President Biden for his signature. As someone who has personally experienced the tragic consequences of a fatal car and truck crash, President Biden deserves to sign a bill into law that will spare others loss and suffering and achieve significant safety advances.

Thank you.

Sincerely,

Catherine Chase, President, Advocates for Highway and Auto Safety

Jason Levine, Executive Director, Center for Auto Safety

Joan Claybrook, Chair, Citizens for Reliable and Safe Highways

Jack Gillis, Executive Director, Consumer Federation of America

Rosemary Shahan, President, Consumers for Auto Reliability and Safety

Amy Cohen, Co-Founder, Families for Safe Streets

Natalie Draisin, North American Office & United Nations Representative, FIA Foundation

Janette Fennell, Founder and President, Kids and Car Safety

Bill Nesper, Executive Director, League of American Bicyclists

Melissa Wandall, President, National Coalition for Safer Roads

Sally Greenberg, Executive Director, National Consumers League

Daphne Izer, Co-Chair, Parents Against Tired Truckers (P.A.T.T.)

Russell Swift, Co-Chair, Parents Against Tired Truckers (P.A.T.T.)

Robert Weissman, President, Public Citizen

Stephen Hargarten MD, Founding President, Society for the Advancement of Violence and Injury Research

Andrew McGuire, Founder and Executive Director, Trauma Foundation

Dawn King, President, Truck Safety Coalition

Pamela Biddle, Board Member, CRASH & Truck Safety Coalition (Georgia)

In 2017, Pamela's 23-year-old son, Aaron Lee, his father, Brian Lee, and Brian's partner, Stephanie Swaim, were killed when they were stopped in interstate highway traffic caused by a semi with a wheel fire and hit from behind by another semi which failed to slow. The semi driver also perished.

Roy Crawford (Kentucky)

Roy's son, Guy Champ Crawford, was killed in 1994 by an overloaded coal truck that had poor conspicuity and no underride guards. Roy is a retired forensic engineer who has reconstructed many fatal truck crashes.

Catherine DeSalvo (New Jersey)

Catherine's husband, Jim, was killed while riding his bike in 2019, when the tire flew off of an overweight, unmaintained dump truck and hit him.

Gage Evans (Colorado)

In 2019, Gage's husband, Bill Bailey, was killed when a truck driver hauling a load of lumber was descending from the mountains on an interstate at a very high speed and crashed into the rear of slowing traffic in Lakewood, Colorado, killing 4 people and injuring many others. The motor carrier's limits of liability coverage (of either \$750k or \$1 million) was paid out to other claimants (including payments to other motor carriers for their property damage) before Gage even had time to hire a lawyer.

Laura and Richard Fredricks (New Jersey)

Laura and Richard's daughter, Emily, was killed while riding her bicycle to work in 2017 when a sanitation truck turned in front of her.

Tami Friedrich Trakh, Board Member, CRASH & Truck Safety Coalition. (California)

Tami's sister, Kris, brother-in-law, Alan, and two of their children, Brandie and Anthony, were killed in 1989 when a tanker truck overturned in front of them and exploded.

Kristi, Floyd, and Brandi Garrigues (Washington)

Kelsie and Savannah, from the 2015 Watts crash below, were Kristi and Floyd Garrigues' granddaughters and Brandy's nieces. They lost both of them that terrible day.

Anna Guardipee (Virginia)

Anna and her dear friend, Jennifer Burton, were slowed in construction traffic in 2019 when a semi failed to stop and rear ended their vehicle, pushing them into another semi. Anna was paralyzed and Jennifer was killed.

Nikki Hensley Weingartner, Board Member, P.A.T.T. & Truck Safety Coalition. (Hawaii)

Nikki's husband, Virgil Hensley, was killed in 1997 when a truck driver ran a stop sign at an intersection, killing him instantly.

Eileen Kosc (Delaware)

Eileen was driving home from the beach in slow traffic in 2013 with her sons, Brandon and Bryan, when she was struck from behind by an inattentive box truck driver who failed to slow

down. The truck continued on to hit four other vehicles before coming to a stop. Eileen and Brandon were taken to the hospital with injuries. Bryan, who was seven years old, did not survive.

Larry and Patty Liberatore (Maryland)

Larry and Patty Liberatore's son, Nick, was killed in 1997 by a fatigued truck driver who drove his semi over their son's vehicle.

Jane Mathis, Vice President, Truck Safety Coalition & Board Member, P.A.T.T. (Florida)

Jane's 23-year-old son, David, and his bride, Mary Kathryn, were killed while on their way home from their honeymoon in 2004 when they were stopped in traffic and hit from behind by a semi whose driver fell asleep at the wheel. The car became wedged under the truck, then exploded.

Nancy Meuleners (Minnesota)

Nancy was severely injured in 1989 when her vehicle slid under the back of a semi stopped in traffic without emergency flashers illuminated. She has had over 40 surgeries to reconstruct her face and mouth and expects there will be more.

Catriona and Brad Moe (Kansas)

Brad was walking with his 3-year-old daughter, Isla, when they accepted a package from a delivery truck driver who was backed into the end of the driveway. They continued up their driveway when the driver backed up, killing Isla.

Dorine E. and Thomas S. Norko, Kaiya Manlapit-Norko (Connecticut)

In 2018, in Idaho, Dorine's son, Kaiya's brother, Senior Airman Lawrence P. Manlapit III, was killed along with two of his fellow airmen, Carlos Johnson and Karlie Westall, when the Jeep they were riding in was stopped in traffic in a construction zone and rear-ended by a tractor-trailer. The Jeep and truck were engulfed in flames. The semi driver, who had a poor record, was going 62 mph before impact, and was also killed.

Marija and Tiana Ozolins, Mary Bakken (Virginia)

On October 2, 2019, Mary's husband, Marija and Tiana's father, Peter Ozolins, was slowing in traffic when a tractor trailer failed to respond and hit the line of traffic. Peter and one other person were killed.

Purushottam & Mina K P Panthee (New York)

In 2020, Purushottam and Mina's 10-year-old son, Shree, was killed, and Mina has serious, life-threatening injuries, from a collision in a school cross walk with a Queens, NY, sanitation truck. In Purushottam's words: "It is not just the physical wounds but she (Mina), along with our whole family, is suffering from mental pain. We are a victim's family and want to request the U.S. government to impose more regulations for truck safety and pedestrian rights to save lives."

Ed Slattery (Maryland)

Ed's wife, Susan, was killed, and his sons, Peter and Matthew, were severely injured in 2010 when they were rear-ended by a truck driver who fell asleep. Lifetime costs for Matthew's care

alone are estimated to be \$35 – \$45 million. Ed’s journey since the crash has been documented in the book, *The Long Blink*, the true story of trauma, forgiveness, and one man’s fight for safer roads, by award-winning Baltimore reporter and author, Brian Kuebler.

Brenda Stotts-Young (Kentucky)

Brenda and Chuck are parents of Detective Deidre Mengedoht, who was killed as a first responder in December 2018 when a semi-truck hit her cruiser which was stopped on the side of I-64, sending her into the pickup truck she had pulled over due to traffic violations. Her cruiser burst into flames and Detective Mengedoht was killed.

Jennifer M. Tierney, Board Member, CRASH & Truck Safety Coalition. (North Carolina)
Jennifer’s father, James Mooney, was killed on a dark, rural road in 1983 when he crashed into a truck with no visible lights blocking the roadway.

Paula Tolliver (Ohio)

On December 7, 2018, Paula’s granddaughter, Teresa Howell, was working on U.S. 33 replacing a guardrail when a semi driver veered off the road. Teresa was hit and killed. The driver did not stop, and when he was found, he stated he did not realize he had hit anything. The driver of this semi had killed another person in a similar crash less than six months prior. Teresa left behind two sons, ages five and six.

Rick Watts (Virginia)

In 2015, Rick’s wife, Tiffany, his stepdaughters, Kelsie and Savannah, and Sandra Anderson, Tiffany’s mother, were stopped near Chattanooga, TN, in traffic due to construction, when a tractor trailer collided with eight vehicles. Six people, including Rick’s entire family, were killed, and another six people were injured. The NTSB investigated this horrific crash.

Linda Wilburn, Board Member, P.A.T.T. & Truck Safety Coalition. (Oklahoma)

Linda and Gary Wilburn’s son, Orbie, was killed in 2002 when a tired truck driver slammed into his car.

Franklin Wood (Virginia)

Franklin’s daughter, Dana, and her friend were killed in 2002 when a truck driver, driving on a suspended license, struck Dana’s car, pushing it 1,500 feet down the highway.

Encl: *Automatic Emergency Braking (AEB) is Needed on All Trucks*
Changes Needed to Improve Safety in the Surface Transportation Investment Act, S. 2016

ⁱ The *Intermodal Surface Transportation Efficiency Act of 1991*, Pub. L. 102-240 (Dec. 18, 1991).

ⁱⁱ The *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users*, Pub. L. 109-59 (Aug. 10, 2005).

ⁱⁱⁱ *Id.*

^{iv} *Anton’s Law*, Pub. L. 107-318 (Dec. 4, 2002); The *Moving Ahead for Progress in the 21st Century Act*, Pub. L. 112-141 (July 6, 2012).

^v The *Moving Ahead for Progress in the 21st Century Act*, Pub. L. 112-141 (July 6, 2012).

^{vi} Lives Saved by Vehicle Safety Technologies and Associated Federal Motor Vehicle Safety Standards, 1960 to 2012, DOT HS 812 069 (NHTSA, 2015); NTSB, 2021-2022 IIHS, Real-world benefits of crash avoidance technologies (May 2018); Teoh, E, Effectiveness of front crash prevention systems in reducing large truck crash rates, IIHS (Sep. 2020). Most Wanted List of Transportation Safety Improvements.