



The Our American States podcast—produced by the National Conference of State Legislatures—is where you hear compelling conversations that tell the story of America’s state legislatures, the people in them, and the policies, process and politics that shape them.

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Grappling With the Traffic Safety Crisis | Sept. 25, 2022 | OAS EPISODE 171

Ed: Hello and welcome to “Our American States,” a podcast from the National Conference of State Legislatures. This podcast is all about legislatures, the people in them, the policies, process, and politics that shape them. I am your host, Ed Smith.

RT: *What we know about the recent highway safety crisis, really starting at the pandemic, is that behavioral choices such as speeding, impaired driving, not wearing seatbelts are all leading to increased highway fatalities.*

Ed: That was Ron Thaniel, the director of Governmental and External Affairs for the National Highway Traffic Safety Administration or NHTSA. He is my guest on the podcast. Traffic fatalities have been on a disturbing upward trend for a couple of years largely coinciding with the pandemic. In 2021, an estimated 42,915 people died in motor vehicle traffic crashes. That was the largest number of fatalities since 2005 and the largest year over year percentage increase since NHTSA instituted its present system for recording fatalities in 1975.

Thaniel talked about what NHTSA is doing to combat this surge of traffic fatalities including working with states where legislatures are responsible for traffic laws. In 2020, legislatures saw the introduction of more than 1400 bills related to traffic safety. He also said that human behavior, impaired driving, speeding, not wearing seatbelts were the greatest factors in the increased number of fatalities in recent years. Thaniel talked about efforts to protect vulnerable road users such as pedestrians and bicyclists. Overall, he said, states will see increased spending from NHTSA with money for traffic safety included in the Infrastructure Investment and Jobs Act. Here is our discussion. Ron, welcome to the podcast.

RT: Good afternoon, Ed. I'm happy to be here.

Ed: So, Ron, I wonder if you could start with sort of the basics and fill people in on what issues NHTSA oversees and also what your role is with the agency.

RT: Sure, happy to do so. Number one, I am the director of Government to External Affairs with NHTSA, the National Highway Traffic Safety Administration. I am an appointee to the agency for the Biden/Harris administration. I'm also a former member of the Big Seven in Washington. These are the state and local government associations. I was the assistant executive director with the United States Conference of Mayors and worked closely with NCSL. I know firsthand how vital NCSL's work is for states and local communities. You know, Ed, before we jump into the conversation which I'm looking forward to today, I do want to share important news with NCSL.

Ed: Well, go ahead Ron.

RT: Great. As of this week, NHTSA has a new acting administrator, Ann Carlson. Before this appointment, Ann was NHTSA's chief counsel, so she knows the organization well. Ann's priorities will be safety, equity and climate. We look forward to working with NCSL, the states, our critical industry and safety partners on those priorities. Particularly behavior safety which contributes to the incredible loss of lives on our roadways.

Ed: So, we've seen an increase in the number of vehicle fatalities in the last couple of years coinciding with the pandemic and I wonder if the folks at your organization see this mainly because of human factors or vehicle design or something else and what is it that NHTSA can do to address these issues?

RT: Great. Well, it's a good question and we are spending it's a top priority. It really is. And so, what we are doing is number one. I always like to start with this point. Vehicle safety is core to our mission. What we know about the recent highway safety crisis, really starting at the pandemic, is that behavioral choices such as speeding, impaired driving, not wearing seatbelts are all leading to increased highway fatalities. In response, NHTSA launched its first ever speed campaign "Speeding Wrecks Lives," which aims to change general attitudes towards speeding, reminding drivers that speeding kills. We also launched its annual "Drive Sober or Get Pulled Over" Labor Day high visibility enforcement campaign, which focuses on preventing impaired driving. NHTSA's regional offices are also working closely with states to assist them in directing NHTSA informative grant finds the best way to address key safety areas in those states and communities, such as risky driver behavior, such as you know as I pointed out speeding and driving while impaired. But also targeting those grants to address vulnerable road user safety such as pedestrians and bicyclists and underserved populations.

While data shows that the current crisis is behaviorally driven, NHTSA is always working on the vehicle safety and as a result vehicles are safer than they have ever been Ed. NHTSA has one of the largest regulatory portfolios in DOT. Under the Biden/Harris administration, NHTSA has issued 17 regulations. For anyone aware of what it takes to propagate a regulation, you know how impressive this is. A few highlights. Final rule upgrades for rear underride protection, child safety seat side impact protection rule, CAFE of corporate average fuel economy standards, adaptive height beams. NHTSA deals with thousands of consumer complaints each year which have a direct input into our recall activities as well. So, we have an all above approach to addressing vehicle safety. Our priority right now of course is the behavioral side of this. How can we change the behavior of drivers that really increase the rate of fatalities on our roadways that we have seen since the start of the pandemic.

(TM): 06:24

Ed: Congress hasn't really taken any action on autonomous vehicles though there has been an awful lot of talk about it. Given that, I wonder what the role is for NHTSA in that area.

RT: Ed thank you for the question. It is a very important question. In fact, NHTSA, our former administrator Dr. Steven Cliff and also our acting administrator Ann Carlson, we are very focused on ensuring that automated vehicles are deployed safely. And before we get to that point, we have to make sure these vehicles are tested in ways that we know are safe as well. My history here, and I do have the history here, is that this goes back to my time in 2016, 2017 working with Congress in a prior position on trying to get legislation in place. We put in place a federal framework for automated vehicles. That has not happened. That said, Congress has long provided NHTSA with appropriate authorities to regulate the safety of motor vehicles from all manual controls to fully autonomous vehicles and we will continue to be the world leader in safely overseeing the lifesaving technological transformation that we are seeing right now.

I was at the auto show just yesterday in Detroit with the secretary. And while the focus of the auto show yesterday was on electric vehicles, there was a lot of conversation as well about the future of automated vehicles. And so, what NHTSA, need to note, we have substantial authority to oversee ADS vehicles including we have the authority to enforce and require a recall of a vehicle if that vehicle poses an unreasonable risk to motor vehicle safety regardless of whether a federal motor vehicle safety standard is in place. We also have the authority to review and grant or deny petitions for exemptions from our safety standards. So that's just two examples of the authority that NHTSA has to ensure that these vehicles are tested and ultimately deployed in ways that are safe.

And the other point I do want to mention is another key activity that we have that this administration put in place in June of last year, June of 2021, is the standing general order also known as SGO. The SGO requires for the first time that manufacturers and operators of vehicles equipped with level 2 automated driving advanced driving assist systems or SAW level 3 through 5 automated driving systems report to NHTSA certain crashes when the systems are engaged. SGO, Ed, is the first step towards helping the department take a more data driven approach to ensuring that automated vehicle technology is to towards safely, it will help inform future actions. Over the next year, you will see the agency advance, we are making proposals that are key to automated driving systems or ADS again including require automatic emergency braking. We call this AEB on all newly manufactured heavy vehicles and passenger car and trucks. The light vehicle proposal will also include performance requirements for pedestrian automatic emergency braking systems. So, we are doing quite a bit in this space to ensure that this technology is ultimately deployed in ways that top priority is safety.

Ed: In that same vein, let me ask you about Tesla's so called auto pilot. Most of what we hear is a little concerning. I wonder if you could though explain the difference and maybe it's a long continuum between driver assist technologies and actual autonomous vehicles. Can you talk about that a little bit?

RT: Sure. You know it's an issue that we are looking at here at NHTSA closely. The fundamental difference lies in the capability or the technology expectations from the driver. Technologies that are types of driver assistance do not change the driver's role. It's really important in ensuring their vehicle safety at all times. You know we also know, again I told you we are spending a lot of time here at NHTSA looking at this. We also know that consumers often confuse about the new technology in their vehicles. I must admit I do this for a living, and I have a vehicle that is two years old. It's not expensive, but it is loaded with technology. I had to do my research when I bought the car and I'm quite aware of the technology, but you know if you don't have the background, it up to NHTSA, it's up to the automakers to make sure that the consumer is fully aware of the technology in the vehicles. That's why we launched a new yearlong \$1.25 million digital paid media campaign to help drivers learn about the safety benefits of advanced driver assistance technologies in newer vehicles. The agency's research shows that many drivers are unaware of the benefits of the technologies and even how they work. The campaign will help fill those knowledge gaps to help reduce traffic crashes and save lives.

Ed: Thanks Ron. We will be back with the rest of our discussion right after this.

(TM): 12:12 Advertisement/Music

I'm back with Ron Thaniel from NHTSA, the National Highway Traffic Safety Administration. So, Ron, I've done a number of podcasts on the IIA, the Infrastructure Investment and Jobs Act, and I know there was some traffic safety funding included in that. I wonder if you could talk a little bit about that funding.

RT: Sure, that's a great question and infrastructure law is a priority for the administration, and we call it the bipartisan infrastructure law. It includes \$7.7 billion over five years, so that's a more than 50% increase in NHTSA's budget. It includes 31% increase in safety grants to states, 19% increase in high visibility and enforcement activities, 24% increase in highway safety research and development. These grant programs have several ways to incentivize states to enact laws that could improve safety in their states. For example, there are law components on the occupant protection grant that encourages the passage of primary seatbelt laws, instructed driving laws. Laws to improve motorcycle safety. For example, encourage helmet use for riders under 18. Also under 1906 facial profile data, it encourages states to pass laws requiring a collection of driver race and ethnicity data for traffic stops.

(TM): 14:05

Ed: So that sounds like quite a role for state legislatures.

RT: Well, I mean the bottom line is confronting the increase of fatalities on our roadways, so it was the top priority for NHTSA. And we must work closely with the states and these grant programs will assist states to put in place efforts to do exactly that. Reverse the trend in roadway fatalities that we have seen since the start of this pandemic. So, again, work with the state DOT, work with the state highway officials, our regional offices all working together to ensure these grants are targeted in the areas that are urgently needed in that state and of course the communities in that state to reduce the increase of fatalities on our roadways. That's a critical, critical mission for NHTSA.

Ed: Ron, I wonder if you could fill us in on this new National Roadway Safety Strategy that DOT has developed. What are some of the key elements of that?

RT: The National Roadway Safety Strategy highlights new priority actions that target our most significant and urgent problems and are therefore expected to have the most substantial impact. At the core of this strategy is a departmentwide adoption of the safe system approach which focuses on five key objectives: safe for people, safe for roads, safe for vehicles, safe for speeds and post-crash care. Our department will launch new programs, coordinate and improve existing programs and adopt foundational set of principles to guide this strategy.

Ed: You know, I've done some previous podcasts over the last few years about this trend where more victims of fatal vehicle crashes are outside the vehicle rather than inside the vehicle. So, pedestrians, bicyclists, motorcyclists, wheelchair users. I'm a bicyclist myself. This concerns me. And I wonder, we look at pedestrian and bicycle deaths in particular are at a decade high in 2020, what can we do to increase the safety for those of us who are out on the roads, but not in a vehicle?

RT: It's a great question and it really is a top priority for this administration. Reducing what we call vulnerable road user's fatalities and injuries is a priority. So, the Bipartisan Infrastructure Law, again we call it BIL, provides increased funding and resources to enable NHTSA to pursue research activities in regard to new and emerging safety technologies that will have the potential to detect, prevent and reduce injuries and fatalities among all road users, but especially vulnerable road users. NHTSA has several vehicle safety initiatives underway to improve pedestrian safety through proposed upgrades to the new core assessment program. New imposed regulations on pedestrian automatic emergency braking and pedestrian crash worthiness protection. This is also researching how vehicles with four collision warning and automatic emergency braking respond to motorcycle and bicycle test devices. NHTSA continue to focus on addressing vulnerable road users' safety with focused and targeted efforts throughout the year. With outreach, education included for example, pedestrian safety month in October. School bus safety week October. Bike month May. And state program assessments are available upon request.

Ed: You talked a little bit earlier about impaired driving and as I understand it there was an increase in alcohol impaired driving and fatalities from 2019 to 2020. Can you talk about the technology that exists now to combat this kind of impaired driving at least and what NHTSA is involved in this and the adoption of such technology?

RT: NHTSA has been working on a driver alcohol detection system for safety, DADs program for seven years now Ed. And in fact, as a rulemaking associated field, this rulemaking would prescribe a federal motor vehicle safety standard to require passenger motor vehicles manufactured after the effective date of that standard to be equipped with advance drunk and impaired driving prevention technology. NHTSA is also working to develop an advanced notice proposed rulemaking that seeks public comment on how NHTSA could propose to set a minimum performance requirement and specify test procedures under which compliance with any such requirements could be measured.

Ed: NHTSA officials have indicated they are committed to promoting equity in traffic safety. What does this look like and how do you reduce disproportionate rates of traffic injuries and deaths for African Americans, Native Americans and others?

RT: The Department of Transportation under the Biden/Harris administration is committed to building equity into everything we do. As I mentioned earlier NHTSA is a data driven agency. Data informs everything we do. It is true for equity as well. We published a couple of reports recently which you can find on our website. The first one is focused on female crash fatality risk relative to males similar physical impacts. Its live. It's on our website. Take a look at it. It updates our 2013 study, and it shows that the difference in crash outcomes between women and men has significantly reduced in newer vehicles. That's great news but we know more needs to be done. For example, developing new crash test dummies, more sophisticated computer modeling that considers a greater range of human body types, particularly female, will help develop better safety standards that eliminate those disparities. Ed, we also published just last week a report on evaluating disparities and traffic fatalities by race. This explores disparities among different racial and ethnic groups in the United States. We used data from several federal agencies in conjunction with our fatality analysis reporting systems and as far as in doing so. Analysis contributes to a growing body of evidence of racial, ethnic and economic disparities in crash outcomes. For example, we know from the new report that roadway travel is less risky for white people than people of most other race and ethnic groups, how this disparity persists regardless of the amount and mode of travel. Particularly we found a pronounced disparity for pedestrians. And finally, you know we work closely with the Bureau of Indian Affairs and tribal leaders to help them address their unique roadway safety issues. We know the data. Data shows that Native Americans are two to three times more likely to die in car crashes than other ethnic groups and have the highest per capita rate of total traffic deaths.

Ed: And finally, Ron, I wonder what traffic challenges you think the public and policymakers including state legislators aren't talking enough about.

RT: As a society, Ed, we need to understand that our risky driving behaviors have dire consequences for ourselves and others. Taking your eye off the road to check on a quick text can mean you've traveled the length of a football field without seeing what is in front of you putting pedestrians, bicyclists and other road users in danger. Speeding. Moving a few miles over the limit diminishes your ability to respond to changes on the road and greatly increases the magnitude of any resulting crash. It's simply physics. Add impaired driving to this. More than 30% of all fatalities are due to impaired driving. No amount of talking about that problem is enough. There is no excuse ever to drive impaired. That includes drug impairment. Lastly, buckle up every time, every trip is the single most effective measure to improve your chances of surviving a crash.

Ed: Well, Ron, I want to thank you so much for taking the time to go over all of this material with us. A lot of it is quite complicated and I know our listeners appreciate your insight and experience. Thanks very much.

RT: Ed thank you so much for inviting you. NCSL is a critical partner working with NHTSA to reverse the trend that we've seen on our roadways since the pandemic. We must use every tool in the toolbox to reverse the trend of fatalities and injuries on our roadways. And again, I appreciate the opportunity to be here and NCSL is a critical partner to do just that.

(TM): 22:30

Ed: And that concludes this episode of our podcast. We encourage you to review and rate NCSL podcasts on Apple podcasts, Google Play, Pocket Casts, Stitcher or Spotify. We also encourage you to check out our other podcasts: *Legislatures: The Inside Story* and the special series *Building Democracy*. Thanks for listening.