

House Transportation and Infrastructure Committee
Member Day Hearing
Testimony for the Record
Congressman Raja Krishnamoorthi (D-IL)

Opening Statement

Chairman DeFazio, Ranking Member Graves, and all Members of the House Transportation & Infrastructure Committee, I sincerely appreciate this Members Day opportunity to submit my testimony to your committee as you consider legislative priorities for the 116th Congress. As you and your staff evaluate ways to strengthen access to public transportation, highway safety, and efficient and environmentally friendly transportation across rail, air, and roads, I ask that you please explore efforts to improve road safety and decrease distracted driving in America. Specifically, I ask that you support the passage and implementation of the bipartisan States Afforded Funding Extensions To Oppose Driving Recklessly In Vehicular Engagements, or the SAFE TO DRIVE Act (H.R. 2416). This legislation was introduced this Congress by U.S. Representatives Raja Krishnamoorthi, Mike Gallagher, and Steve Cohen.

According to the National Highway Traffic Safety Administration (NHTSA), distracted driving was directly responsible for taking at least 3,166 lives in 2017, including 229 teenagers, with nearly 400,000 people injured because of distraction-affected crashes.^{[1] [2]} In 2010, NHTSA reported that crashes in which at least one driver was identified as distracted cost \$39.7 billion,^[3] and with the rise smartphones and cheap data plans this issue has worsened. Text messaging, for example, increases the risk of a crash or near-crash by 23 times.^[4]

It is evident that this problem is not going away and that current efforts to curb distracted driving are not sufficient.

Current State

In 2015, President Obama signed into law the Fixing America's Surface Transportation Act, or the "FAST Act." It provided years-long funding for surface transportation, allowing States and local governments to move forward with critical transportation projects. Specifically, the FAST Act authorized \$2.7 billion in funding for the Section 402 Highway Safety Programs and Section 405 National Priority Safety Programs for fiscal years 2016 through 2020.^[5]

Within the Section 405 program, specific funding is allotted through Section 405(e) for comprehensive distracted driving grants. These federal grants are awarded to states to help create distracted driving awareness campaigns and to better enforce distracted driving laws. To qualify for these grants, states must meet four requirements:

- Ban texting as defined by statute ("reading from or manually entering data into a personal wireless communications device...or engaging in any other form of electronic data retrieval"), including not allowing an exemption for stopping at a traffic light.
- Prohibit drivers under 18 or in a graduated driver license (GDL) program from using a personal wireless communications device;

^[1] <https://www.nhtsa.gov/risky-driving/distracted-driving>

^[2] <https://www.nhtsa.gov/highway-safety-grants-program>

^[3] <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812013>

^[4] <https://vtnews.vt.edu/articles/2009/07/2009-571.html>

- Require primary enforcement of texting law and/or youth law (primary enforcement for both required); and,
- Impose a minimum fine of \$25 for violation of texting law or youth law (both required).

In 2018, 17 states applied for these grants, but only four (Connecticut, Maine, New Jersey, and Oregon) qualified for the grants. Unspent funds are allocated to Section 402. In review of this issue, it appears many states intended to meet the standards and hoped to receive grant funding, but were unsuccessful in securing funds. As a result, states could be following the spirit of the law but falling short on the technicalities. For example, instead of having a minimum fine for a violation of a texting law, a state could have a maximum fine, or have previously defined texting as “SMS Messaging”, which would not meet NHTSA’s requirements.

Solution

While many states will never fully qualify for the current grants, they should not be entirely denied the chance to educate and enforce distracted driving awareness and prevention. The SAFE TO DRIVE Act proposes two supplemental grants with clear language to use for distracted driving prevention. The two proposed grants will be awarded to states who:

- Add a state law with a specific definition of texting, which would encompass instant messaging, SMS texting, Facebook messaging, or using WhatsApp – essentially any other form of electronic data retrieval or electronic data communication. This would include browsing the web.
- Add a state law banning all non-navigational viewing while driving. States would still allow for use of something like Google Maps or Waze, but would not allow streaming from YouTube, watching a video, or FaceTiming.

For each of these grants, up to 25% of the money already allocated to the distracted driving grant program would be available for the new supplemental grants.

Additionally, this legislation would require NHTSA to provide states with a detailed analysis of why they failed to obtain a grant – and make that analysis publicly available.

Given the grave importance of road safety and Congress’s intent under the FAST Act to help states promote distracted driving awareness, providing additional funding opportunities through the SAFE TO DRIVE Act will save lives.

Conclusion

Implementing the SAFE TO DRIVE Act is one small but integral step to improving roadway safety. This bipartisan legislation, led by myself and Representatives Mike Gallagher (R-WI) and Steve Cohen (D-TN), has broad support in the road safety advocacy community, with endorsements from the following organizations: Advocates for Highway and Auto Safety, Allstate, Liberty Mutual, State Farm, American Property Casualty Insurance Association, and the National Safety Council. In the coming months, I look forward to engaging with the committee as you explore the reauthorization of the FAST Act and examine sustainable solutions to strengthen our nation’s infrastructure.