

Dear Senator:

We are writing to you because of our concerns and objections to the disregard for public safety reflected in the Senate Commerce, Science and Transportation safety title in the DRIVE Act. There is no doubt that if 33,000 people were dying in airplane crashes every year – the equivalent of a major catastrophic plane crash every other day -- Congress would not for a moment consider passing legislation that upgraded airport facilities and advanced the agenda of the airline industry but did nothing to improve safety. The Senate would never let that happen, nor should it do so in the face of motor vehicle and truck safety needs that cry out for reasoned and reasonable safety countermeasures.

The safety title of the DRIVE Act does more to advance auto and trucking interests than to advance public safety. It includes provisions that puts burdensome and unnecessary roadblocks to safety rulemakings; proposes untested and dangerous programs like interstate teen truck and bus driving when this young age group already is overrepresented in fatal crashes when behind the wheel of a car or an intrastate truck; and, it completely ignores that automakers are selling defective cars to families that are killing and injuring hundreds, covering up their shameful actions and face only paltry fines that have become the cost of doing business. For example, without enactment of provisions in S. 1743, the safety title proposed by Senators Nelson (D-FL), Blumenthal (D-CT) and Markey (D-MA), a member of your family can walk into a used car dealership today and drive away with a car that has a deadly defect that has not been repaired but could maim or kill.

The Senate can do better, as it has in past reauthorization bills. For 25 years the Senate has been a bi-partisan beacon in advancing sound, sensible and cost-saving proposals resulting in safer cars, safer drivers and safer roads in the surface transportation reauthorization bills that have been enacted into law. These laws have literally saved hundreds of thousands of lives, prevented millions of serious, lifelong injuries and saved our economy billions of dollars.

- In 1991, the Senate included provisions in the ISTEA law resulting in airbags as standard equipment in the front seat of all passenger vehicles and a freeze on the spread of double and triple-trailer trucks in every state.
- In 1995, the Senate adopted a national zero tolerance BAC law for underage drinking and driving requiring every state to pass this lifesaving law to protect our children.
- Again, in 1998, the Senate led the way with safety provisions in the TEA-21 bill requiring advanced airbags, incentive grants for occupant protection and stronger drunk driving laws.
- In 2005, the passage of the SAFETEA-LU bill brought about major improvements in vehicle safety because it included the bi-partisan Senate safety title that sought to address the 10,000 annual deaths occurring every year due to vehicle rollover. This bi-partisan safety title under the leadership of Sen. Ted Stevens (R-AK), Sen. Trent Lott (R-MS) and Sen. Daniel Inouye (D-HI) required vehicle safety standards resulting in electronic stability control technology on every vehicle, improved roof strength, ejection mitigation as well as mandatory truck safety improvements.

- In 2012, the MAP-21 bill took a major step forward in public safety by advancing motorcoach safety improvements under the leadership of Sen. Jay Rockefeller (D-WV) and Sen. Kay Bailey Hutchison (R-TX). The Senate enacted into law critical National Transportation Safety Board (NTSB) recommendations for motorcoach safety that had languished for decades and turned them into law. The result will affect the safety of millions of travelers using intercity buses, children on school field trips, college athletes traveling to sporting events and others. The bill requires that motorcoaches will finally be equipped with basic occupant safety protections such as seatbelts, roof crush prevention, occupant ejection protections and other critical safety features.

Safety groups will continue to oppose the current safety title of the DRIVE Act until the serious problems are corrected – both by dropping the anti-safety provisions and by including pro-safety measures in the Nelson/Blumenthal/Markey/Booker bills (S. 1743 and S. 1739). These include but are not limited to -- criminal penalty authority, removing the cap on civil penalties, requiring the repair of safety defects in used cars, improvements to Early Warning Reporting (EWR) requirements to identify safety defects earlier, extending the statutory limitation on repairing defects to at least 15 years, addressing children dying in hot cars, pedestrian safety, advancing crash avoidance technology in large trucks and dropping *all* of the anti-truck safety provisions such as – teen truckers, hiding safety scores of trucking and bus companies, permanent hours of service (HOS) exemptions, unnecessary rulemaking roadblocks, giving FMCSA authority to determine “fault” in truck crashes without a complete and thorough investigation, thawing the LCV freeze and others.

We urge you to think about the consequences of taking a pass on enacting a strong and needed safety title in the 6-year authorization bill. During the 6-year span of this bill it is expected that every state will suffer significant loss of life and injury, with 200,000 people killed and 12 million injured in motor vehicle crashes if nothing is done to reduce those losses. Please do not turn your back on these victims because we didn’t do enough.

Sincerely,

Jacqueline Gillan, President
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Andrew McGuire, Executive Director
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Mother of Jeff Izer, Killed in a truck crash 10/10/93

Jennifer Tierney
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Member, Motor Carrier Safety Advisory Committee
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