

Petition Letter to President Obama

Dear President Obama:

After losing two daughters, AnnaLeah (17) and Mary (13) in a truck underride crash on May 4, 2013, the Karth family took over 11,000 envelopes with signed petitions from the “**AnnaLeah & Mary Stand Up For Truck Safety Care2** Petition” to Washington, DC, one year later on May 5, 2014. At that time, they met with administrators from FMCSA and NHTSA and discussed, at length, their concerns about truck safety issues.

Since that time, they have set up a non-profit, **AnnaLeah & Mary for Truck Safety**, to promote highway safety research and federal regulations to protect motorists, pedestrians, & cyclists. And, in fact, there has been some progress with the issuing of a final rule for Electronic Logging Devices and the initiation of rulemaking steps related to underride guards and minimum liability insurance for truck companies.

However, we are concerned that these safety measures, as well as others, are being unnecessarily delayed and/or weakened by the restrictions placed upon the rulemaking process by President Clinton’s Executive Order 12866. As you know, the Department of Transportation makes highway safety rules based upon how much safety measures will cost. Instead, we want to establish a U.S. **Vision Zero** goal and move toward **Zero Deaths, Zero Injuries, Zero Fear of Traffic**.

One of the biggest challenges to making change is the cost/benefit analysis. On the one side there are lives to be saved and on the other side there are companies working to make money. The trick is to try and meet everyone’s needs. The solution has to be effective in saving lives while

still being affordable for companies so that they can make the changes necessary without a lot of struggle.

The problem comes in when human life and health get the short end of the stick. The result is that many safety measures are blocked because they would cost more to implement than the “worth” of the “small” number of human lives which would be saved. That’s just not right.

Therefore we are asking you to write an Executive Order which would set a Vision Zero goal for our country. This EO will pave the way for stronger safety measures to be established in a more timely manner; saved lives will be a higher priority than saved dollars.

This Executive Order should also provide DOT with resources and authority to hold appropriate parties responsible for implementing the rules, as well as hold them accountable to meet performance outcomes which ensure human life and health. Furthermore, the Executive Order should include a requirement for annual progress reports.

On average, 33,000 people die each year in crashes on our roads. Our families cannot continue to sustain this unacceptably high number of losses and injuries. We urge you to take immediate action so that more lives will not be lost and to assure us that safety is your number one priority.

Sincerely,

The AnnaLeah & Mary for Truck Safety Vision Zero Petition on Change.org¹

¹<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars>

Letter of Support for the *AnnaLeah & Mary for Truck Safety* Vision Zero Executive Order Petition

Due to a shared interest in reducing preventable traffic fatalities and serious injuries, we are working together to raise awareness and garner widespread support for a national Vision Zero Goal and to petition President Obama to sign a Vision Zero Executive Order.

This effort is supported by the following individuals and organizations:

Jerry & Marianne Karth
AnnaLeah & Mary for Truck Safety
Rocky Mount, North Carolina
<http://annaleahmary.com/>

Andy Young
Husband, father, truck owner, Class A CDL driver, truck accident attorney, and trial attorney fighting for you and your loved ones to have a **SafeDriveHome**, Cleveland, Ohio
<http://www.nphm.com/about-us/attorneys/andrew-young/>

Neil Arason
Road Safety Researcher, Author of *No Accident*
Victoria, British Columbia
<http://neil.arason.ca/>

Lance Hamm
Road Safety Advocate
Kingsville, Texas

Stephen Hadley, Coordinator
Underride Network, Victim/Survivor
Washougal, Washington
<http://www.underridenetwork.org/>

Emily Stein, President, **Safe Roads Alliance**
Daughter against distracted driving, safety advocate who aims to increase awareness of the dangers caused by distracted driving
<https://twitter.com/emstein30?lang=en>

Louis Lombardo
Auto Safety Researcher and Advocate
Publisher of safety resources at **Care for Crash Victims**
<http://www.careforcrashvictims.com/>

Carol S. “Cally” Houck, Attorney at Law
Mother and Survivor of Raechel and Jacqueline Houck **Safe Rental Car Act**
Advocate and activist for highway safety and Auto Industry accountability
Ojai, California
Support the Raechel and Jacqueline Houck Safe Rental Car Act¹

¹<https://www.change.org/p/rep-fred-upton-repfredupton-support-the-raechel-and-jacqueline-houck-safe-rental-car-act>

Laura Christian
Birth mother of Amber Marie Rose, who died in 2006 due to the ignition
switch defect that GM covered up for a decade
<https://www.facebook.com/gmrecall.survivors/?fref=ts>

John Lannen, Director
Truck Safety Coalition
<http://trucksafety.org/>

Michael Lemov, author
Car Safety Wars: 100 Years of Technology, Politics, & Death
<http://www.amazon.com/Car-Safety-Wars-Technology-Politics/dp/161147745X>
<http://www.johnemossfoundation.org/bio/lemov.htm>

Leah Shahum
Founder & Director, **Vision Zero Network**
Nonprofit campaign supporting Vision Zero efforts across the U.S.
<http://visionzeronetwork.org/>

Paul and Sue Oberhauser,
National Co-Chairs, **Traffic Safety Coalition**
<http://www.trafficsafetycoalition.com/>

Melissa Wandall
President of the **National Coalition for Safer Roads**
The Mark Wandall Traffic Safety Act of Florida
Reducing the Risk at our Intersections
<http://www.MelissaWandall.com>

Selected Comments From Current Executive Order Petition Signers

We need truck laws to improve highway safety Trucks kill too many people every year.

—*Pamela Batchelor*, Hendersonville, NC

I'm signing because as a Texan, my state has shamefully averaged 3,500 annual road deaths in the past 20 years. Based on historical data, I seriously doubt the Texas state legislature or state DOT has the skill or the desire to improve in the area of fatality reduction on Texas roads. For the safety of all road-users, the USA needs the help of a national Vision Zero strategy.

—*Lance Hamm*, Kingsville, TX¹

Vision zero in road safety is an imperative public health goal, and one that is now fully realistic to embark upon.

—*Neil Arason*, Victoria, Canada²

As President of the National Coalition for Safer Roads <http://ncsrsafety.org> we believe in working together to cut down on crashes and save lives! Please! We urge you to sign this life saving petition.

¹<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/367963670>

²<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/366095674>

—*Melissa Wandall*, Bradenton, FL³

I lost my dad due to a crash that was 100% preventable. Vision Zero works, and if we take it on as a country, we can dramatically reduce the number of fatalities and serious injuries. Motor Vehicle crashes are the #1 killer for people aged 3-34. This must change.

—*emily stein*, Brooklyn, NY⁴

I don't think that people should die as an accepted cost of our transportation infrastructure.

—*Kristin Dubrule*, Seattle, WA⁵

I'm signing because I don't want to see another family go through what the Karth family has.

—*tina ogg*, Grand Rapids, MI⁶

Road safety is everybody's business and responsibility.

—*Joan Moore*, san francisco, CA⁷

I lost my mother in a truck crash.

—*Shannon Shumaker*, Saint Petersburg, FL⁸

I am signing this petition as a widow and now single mother of three children because a tired or distracted truck driver killed my husband while he was inspecting a bridge repair in his closed-off work zone. The pain of losing a loved one to these preventable crashes is beyond words. Losing a father at such a young age will leave emotional scars for decades, and our society doesn't fully understand or offer appropriate resources for coping.

³<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/380563126>

⁴<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/374802846>

⁵<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/369845466>

⁶<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/369638010>

⁷<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/368811686>

⁸<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/368558002>

—*Amy Fletcher*, Perrysburg, OH⁹

I am signing in honor of my late wife Tamara Mills-Hadley whom lost her life because a phoney underride guard law was passed that was not meant to save any lives, instead it just legalized the guards already on the road in order to save money and garner campaign donations. We also lost a family friend to unsafe trucks. No more!

—*Stephen Hadley*, Washougal, WA¹⁰

I'm signing because no one should have to suffer a sudden, unexpected loss of a loved one due to a preventable crash.

—*Andrew Young*, North Ridgeville, OH¹¹

WE NEED A VISION ZERO GOAL AND
SIGNS...NOW TO SAVE LIVES!!!

—*DONNA LAGOMARSINO*, Wilmington, MA¹²

I'm signing because the loss of one human life in the pursuit of profit is wrong! Safety first!

—*Hershel Hartford*, Fayetteville, AR¹³

I'm signing because tragedies like this one can be avoided.

—*Aaron Kiefer*, Morrisville, NC¹⁴

⁹<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/368460858>

¹⁰<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/367847506>

¹¹<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/367268046>

¹²<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/366575618>

¹³<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/366309238>

¹⁴<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/366298758>

Because business shoots for zero defects. Because my wife is dead and two sons seriously injured, one permanently, when an overworked trucker fell asleep at the wheel.

—*Ed Slattery*, Lutherville-Timonium, MD¹⁵

I'm signing for Susan Slattery!

—*Camille Dobson*, LUTHERVILLE, MD¹⁶

¹⁵<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/366099098>

¹⁶<https://www.change.org/p/obama-adopt-a-vision-zero-goal-and-sign-an-executive-order-to-save-lives-not-dollars/c/366132414>

Part II

Executive Order

Why do we need a Vision Zero Executive Order?

Vision Zero, in the simplest language, is the embracing of a vision or hope that we could work toward reducing crash deaths (and serious injuries) to zero. That no one would ever die in a traffic crash. It is, of course, understood that—life being what it is—we will never actually reach zero.

But Vision Zero insists that certainly such a goal is desirable and, in fact, so much so that everything humanly possible should be done to accomplish it. One life at a time. To do anything less would be unthinkable.

And yet, that is exactly what we find ourselves doing—too often making decisions based on other priorities. Somehow we are unable to justify spending time or resources to make it a tangible priority to do something about crash deaths—especially because we might even think that they are inevitable. And that's another thing about Vision Zero; it understands that many, if not most, crash deaths are in fact preventable and, oh, so unnecessarily tragic.

What does this look like in real life? It is beyond the scope of this book to describe the multitude of traffic issues which could and should be addressed, but let me just point out one: truck underride guards. Despite knowledge about the horrific deaths and injuries which take place when a car rides under a truck and the research which has shown how weak the current underride guards are and what could be done to strengthen them, there continues to be too little done to correct this situation.

The result is that year after year countless more people needlessly die because the underride problem did not get adequately fixed. When it could have.

To illustrate this, let me share part of the public comment made by the husband of a woman who died in an underride crash twenty years ago. He was commenting on the recent rulemaking for the upgrade of rear impact protection on trailers,

As Luis Otto from Brazil used to say, you can change. You do not have to be “Mad Gods with power over life and death”, you do not have to champion laws that kill! We know from a recent study that the previous underride guard law from 1996 which also legalized guards already on the road saved none or few lives! This law broke the heart and spirit of victims and safety activists and your recent actions will do no less. I work in honor of my late wife Tamara Mills Hadley as most victims labor in honor of their lost loved ones. We also work to save those we have not met, those waiting to meet their fate in the future. That boy or girl a couple of years from now that will die or be maimed or become an orphan if we fail! They are waiting, what will be my fate!

We as spouses, or parents, or grandparents worry everyday about our families safety on American roads. Roads and cars are safer but those increasing numbers of big trucks can still kill you in an instant. You will probably survive crashing into a telephone pole at mid range speeds but a stopped or slow moving truck, not so much! We worry! This sickness called ‘cost benefit analysis’ you and corporations worship so much can never value our hearts, it is a validation of our worst fears. You are in the process of giving away a windfall for the car and trailer manufacturers, no improvement or cost for the next twenty years, but you are smashing the hopes and wishes of so many. Tears will be shed! We demand Vision Zero, we do not have time for anything less anymore. Our hearts have ached for too long. —Steve Hadley¹

What he expresses is the shared frustration of those who work diligently to face one unnecessary hurdle after another in the attempt to make the roads safer. And then, when they come to the end of the race, find that they have lost and that the race was hopeless to begin with because their opponent was impossible to beat. With an unfair advantage.

¹<http://www.regulations.gov/#!documentDetail;D=NHTSA-2015-0118-0004>

Only it is not a mere matter of a lost contest but an apparently hopeless quest to save other lives. Read that: to save someone from a sentence of Death by Motor Vehicle. When it could have been preventable.

And why is that opponent so impossible to beat? Because the plumbline used to measure whether a safety standard or regulation is affordable is the cost/benefit analysis delineated in Executive Order 12866², which requires that a dollar value be attached to the benefit of a human life. And if the costs calculated are higher than the benefit, then that human life is not considered worthy of saving. The rule is thus rejected (or compromised) because it does not provide “significant safety consequence.”³

The Office of Information and Regulatory Affairs (OIRA) as an agency of the Office of Management and Budget has been given the responsibility to oversee this cost/benefit analysis and to make decisions accordingly about what safety standards are issued.⁴

OIRA, not the agency, makes the final determination of which rules are considered to be significant. For all significant rulemakings, the agencies must provide OIRA with the text of regulation, a statement of need, and “an assessment of costs and benefits of the regulatory action.”⁵

Economically significant regulations must meet additional analytical requirements: Anticipated benefits and costs must be quantified to the extent possible; Agencies must provide cost-benefit analysis of reasonable alternatives and “an explanation of why the planned regulatory action is preferable to the identified potential alternatives.”⁶

It is this process that we would like to see addressed by a Vision Zero Executive Order that would revise the rulemaking process to provide for the timely issuance and implementation of reasonable and appropriate safety measures which are proven to save lives. The opposite is to reject such measures because they would cost “too much” per life saved. Whose life are we planning on giving up?

We are not asking to throw out all research and analysis. After I discussed this concern with another safety advocate, he suggested the alternative ap-

²<http://www.foreffectivegov.org/node/224>

³http://www.regulations.gov/#!documentDetail;D=NHTSA_FRDOC_0001-1548

⁴<https://www.whitehouse.gov/omb/oira/about>

⁵<http://www.foreffectivegov.org/node/224>

⁶<http://www.foreffectivegov.org/node/224>

proach of cost-effectiveness analysis vs cost/benefit analysis. I have taken a quick look at a description of it online and will be thinking about it further. This is a brief description of such an approach:

“Cost-effectiveness analysis (CEA) is a form of economic analysis that compares the relative costs and outcomes (effects) of two or more courses of action. Cost-effectiveness analysis is distinct from cost-benefit analysis, which assigns a monetary value to the measure of effect.”⁷

My question is, “Would such an approach lead to a reduction in crash deaths & serious injuries?” In other words, would it further the goal of Vision Zero? Towards Zero.

A cost effectiveness model is used by the Center for Disease Control, as described here:

Cost-effectiveness analysis (CEA) is a type of economic analysis where both the cost and the outcome (impact, result, effect, benefit, health gain...) of an intervention are evaluated and then expressed in the form of a cost-effectiveness ratio. The numerator of the cost-effectiveness (CE) ratio represents the cost of the intervention associated with one unit of “outcome”. The denominator is the unit of outcome. It can be expressed using many types of measures including: years of life gained, quality-adjusted life years gained (QALYs), new diagnoses, infections averted, and deaths averted. CEA is usually conducted on interventions that are known to be effective.

The CE ratio is a fraction used to compare the relative costs and outcomes of two or more interventions. In Example 1, the outcome measure chosen is “new HIV diagnoses” and the CE ratio of the programs evaluated is expressed in terms of “cost per new HIV diagnosis”. The CE ratio of Program A is \$41,667 per new HIV diagnosis. This ratio does not reveal the cost of implementing the program nor the number of new HIV diagnoses detected by the program. However, when comparing the CE ratio of Program A to that of Program B, we can say that Program B is more cost-effective than Program A when CE is measured in terms of “cost per new HIV diagnosis.”⁸

⁷https://en.wikipedia.org/wiki/Cost-effectiveness_analysis

⁸<http://www.cdc.gov/hiv/prevention/ongoing/costeffectiveness/>

If one were to apply cost effectiveness analysis to override guards, a comparison would be made between alternative means of obtaining the desired outcome—prevention of override. The most cost effective means, i.e, the one able to prevent the most override deaths, would be selected. The performance standard would be an override guard that did what it was supposed to—save a life. That is what the regulation would require.

If we do not pursue this course of action, then who is ethically responsible for all of the deaths which will occur as a result?

What is Needed to Bring About a National Vision Zero Goal?

A proposal by Marianne Karth

As we have indicated, our experience with a truck crash and its aftermath has enlightened us as to the state of the nation regarding traffic safety. It is our conviction that in order to bring the senseless and preventable highway carnage to an end in a timely fashion, the following actions are needed:

1. Set a National Vision Zero Goal.
2. Establish a White House Vision Zero Task Force to Achieve Significant Crash Death Reduction.
3. Sign a Vision Zero Executive Order to Authorize Vision Zero Rule-making Policies.

We have prepared a draft of each of the above in order to clarify what we are petitioning the President/United States to do in this regard.

5.1 Action One: Set a National Vision Zero Goal

Develop and formally adopt a Vision Statement such as the following:

“Move Towards Zero Crash Deaths & Serious Injuries—Choosing to Save Lives Not Dollars”

5.2 Action Two: Establish a White House Vision Zero Task Force To Achieve Significant Crash Death Reduction

Memorandum for the Heads of Executive Departments and Agencies:

SUBJECT: Establishing a White House Task Force to Achieve the Vision Zero Goal of Crash Death Reduction

On average, 40,000 people die each year in crashes on our roads. According to Advocates for Highway & Auto Safety, 362,532 Americans are “missing” i.e., lost their lives due to vehicle violence over the last 10 years. Using NHTSA figures of estimated injuries, nearly 1.5 million additional people suffered serious injuries during that time. Using DOT values of \$9 million in comprehensive costs per fatality, these losses would be valued by DOT to be about \$3 trillion.

Our families cannot continue to sustain this unacceptably high number of losses and injuries. Therefore, I am directing the Office of the Vice President to lead an inter-agency effort to address traffic safety issues, including coordinating Federal enforcement efforts by executive departments and agencies (agencies) and helping institutions meet their obligations under Federal law. To these ends, it is hereby ordered as follows:

Section 1. Establishment of the White House Task Force to Protect Travelers From Traffic Crashes.

There is established a White House Task Force to Protect Travelers From Traffic Crashes. The Task Force shall be chaired by a designee of the Office of the Vice President.

- (a) Membership of the Task Force. In addition to the Chair, the Task Force shall consist of the following members:
- (b) the Attorney General;
- (ii) the Secretary of Transportation;
- (iii) the Secretary of Health and Human Services;
- (iv) the Secretary of Education;
- (v) the Secretary of Labor;
- (vi) the Secretary of Commerce;
- (vii) the Director of the Office of Science and Technology Policy;
- (viii) the Director of the Domestic Policy Council;
- (ix) the Cabinet Secretary; and

- (x) the heads of agencies or offices as the Chair may designate.
- (b) A member of the Task Force may designate, to perform the Task Force functions of the member, senior officials who are part of the member's agency or office, and who are full-time officers or employees of the Federal Government.
- (c) The Chair will also establish an Ad-Hoc Committee to advise this Task Force, and appoint to the Committee at least 12 individuals with expertise in areas related to traffic safety, including—but not limited to—driver training, truck driver training, driver fatigue, traffic safety engineering, state and local traffic law enforcement, crash reconstruction, the automotive industry, the trucking industry, injury prevention, truck drivers, and safety advocacy. At least one member will be someone who has been directly affected by a traffic fatality.

Section 2. Mission and Function of the Task Force.

- (a) The Task Force shall work with agencies to develop a coordinated Federal response to traffic safety issues. The functions of the Task Force are advisory only and shall include making recommendations to meet the following objectives:
 - (b) providing all stakeholders with evidence-based best and promising practices for preventing and responding to traffic crashes;
 - (ii) building on the Federal Government's existing regulations and enforcement efforts to ensure that institutions comply fully with their legal and ethical obligations to prevent and respond to traffic crashes;
 - (iii) increasing the transparency of the Federal Government's enforcement activities concerning traffic safety issues;
 - (iv) broadening the public's awareness of traffic safety issues and, in particular, driver fatigue as it affects all drivers; and
 - (v) facilitating coordination among agencies engaged in addressing traffic safety issues and those charged with helping bring institutions into compliance with the law.
- (b) In accordance with applicable law and in addition to regular meetings, the Task Force shall consult with external stakeholders, including the Governors Highway Safety Association, MADD, other safety groups, ATA, TTMA, paramedics, coroners, ER professionals, law enforcement agencies, DMVs, DAs, American Association

for Justice, research and crash test organizations, educational organizations, truck drivers, and others as deemed wise and appropriate.

- (c) Because traffic crashes affect all ages, the Task Force shall evaluate how its educational proposals and recommendations may apply to, and may be implemented by, schools, school districts, and other elementary and secondary educational entities receiving Federal financial assistance.

Section 3. Action Plan.

- (a) Within 90 days of the date of this memorandum, the Task Force shall develop and submit proposals and recommendations to the President for a National Vision Zero Goal. This will include specific strategies for moving toward the reduction of crash deaths and serious injuries. It will also outline specific strategies for establishing national traffic safety standards which are proven to reduce crash deaths and which could then be adopted, as is, by every state. These strategies will ensure that the following will occur:
 - (b) address the problem of traffic safety in a coordinated manner, including the following concerns: road design and conditions; all kinds of enforcement issues to be pro-active in preventing crashes; handling of traffic safety when crashes occur; driver fatigue—acknowledging the scope, extent, and gravity of Driving While Fatigued (DWF) as a reckless behavior both for truck drivers and drivers of light vehicles, and adjusting the legal system to reflect this reality; all kinds of distracted and impaired driving; automotive safety defect issues and their resolution as a high priority issue in a timely manner; and other problems as deemed appropriate, including the need for manufacturers to be held liable for deaths due to their criminal negligence and for DOT to act with the necessary authority to issue and enforce Vision Zero safety regulations which impact not only vehicle occupants but also Vulnerable Road Users.
 - (ii) address truck safety as a high priority due to the multitude of issues which need addressing, including: truck driver scheduling policies; truck driver compensation policies; safety technology; under-ride guards; truck driver training; CDL granting policies and procedures; hours of service monitoring; and truck maintenance.
 - (iii) maximizing the Federal Government's effectiveness in addressing traffic safety issues by, among other measures, enhancing communication among vital stakeholders—fostering an attitude of cooperation and shared goals rather than opposition and competition—as

well as making its enforcement activities transparent and accessible; and

- (iv) promoting greater coordination, communication, and consistency among the agencies and offices that enforce the Federal laws addressing traffic safety issues and support improved system-wide responses to traffic crashes and newly-identified factors, research information, and recommended solutions; and measuring the success of prevention and response efforts and providing the public with this information;
- (b) Within 1 year of the date of this memorandum, and then on an annual basis, the Task Force shall provide a report to the President on implementation efforts with respect to this memorandum.

Section 4. General Provisions.

- (a) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
- (b) Nothing in this memorandum shall be construed to impair or otherwise affect:
- (c) the authority granted by law to an agency or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (iii) The heads of agencies and offices shall assist and provide information to the Task Force, consistent with applicable law, as may be necessary to carry out the functions of the Task Force. Each agency and office shall bear its own expenses of participating in the Task Force.
- (iv) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations, which will be specifically sought after to support the effective and timely implementation of the goals of this Task Force.
- (e) The Secretary of Transportation is authorized and directed to publish this memorandum in the Federal Register.

Respectfully submitted, Marianne Karth, February 3, 2016

5.3 Action Three: Sign a Vision Zero Executive Order To Authorize Vision Zero Rulemaking Policies

Federal Register Presidential Documents

For Immediate Release

Title 3—The President Executive Order _____ of _____, 2016

Application of Vision Zero Principles to Highway Safety Regulatory Review

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to improve regulation and regulatory review which impacts highway safety and thereby the preservation of human life and health, it is hereby ordered as follows:

Section 1. Statement of Vision Zero Regulatory Philosophy and Principles.

- (a) Our regulatory system must protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation. It must be based on the best available science. It must allow for public participation and an open exchange of ideas. It must promote predictability and reduce uncertainty. It must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends. It must take into account benefits and costs, both quantitative and qualitative. It must ensure that regulations are accessible, consistent, written in plain language, and easy to understand. It must measure, and seek to improve, the actual results of regulatory requirements.
- (b) However, in the review of highway safety regulations having an impact upon human life and health, agencies must apply a Vision Zero Policy which expresses the imperative that,

“It can never be ethically acceptable that people are killed or seriously injured when moving within the road transport system.” Such a policy must apply these core principles: “Life and health can never be exchanged for other benefits within the society.” and “Whenever someone is killed or seriously injured, necessary steps must be taken to avoid a similar event.” <http://www.monash.edu.au/miri/research/reports/papers/visionzero.html>

- (c) This Vision Zero Policy should replace the more conventional approach which compares costs and benefits, where a monetary value

is placed on life and health, and where that value is then used to determine whether those benefits (human life and health) justify (outweigh) the costs.

- (d) This order is supplemental to and reaffirms the principles, structures, and definitions governing contemporary regulatory review that were established in Executive Order 12866 of September 30, 1993¹, as well as Executive Order 13563 of January 18, 2011², with the difference that, in the process of selecting among alternative regulatory approaches those which maximize net benefits, the agency will not make decisions at the expense of human life and health. Toward that end: (1) Human life and health, as benefits of a regulation, will be assigned a higher priority over any costs of that regulation; (2) to the extent feasible, performance objectives or standards will be specified which have as their outcome the preservation of human life and health; and (3) when a regulation has been disregarded or not properly adhered to, so that the performance objectives have not been met, there will be a civil fine imposed and criminal charges filed where appropriate.

Sec. 2. Public Participation

- (a) Regulations shall be adopted through a process that involves public participation. To that end, regulations shall be based, to the extent feasible and consistent with law, on the open exchange of information and perspectives among State, local, and tribal officials, experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole.
- (b) To promote that open exchange, each agency which impacts highway safety, consistent with Executive Order 12866 and other applicable legal requirements, shall endeavor to provide the public with an opportunity to participate in the regulatory process. To the extent feasible and permitted by law, each agency shall afford the public a meaningful opportunity to comment through the Internet on any proposed regulation, with a comment period that should generally be at least 60 days. To the extent feasible and permitted by law, each agency shall also provide, for both proposed and final rules, timely online access to the rulemaking docket on regulations.gov, including relevant scientific and technical findings, in an open format that can

¹<http://www.archives.gov/federal-register/executive-orders/pdf/12866.pdf>

²<https://www.whitehouse.gov/the-press-office/2011/01/18/executive-order-13563-improving-regulation-and-regulatory-review>

be easily searched and downloaded. For proposed rules, such access shall include, to the extent feasible and permitted by law, an opportunity for public comment on all pertinent parts of the rulemaking docket, including relevant scientific and technical findings.

- (c) Before issuing a notice of proposed rulemaking, each agency, where feasible and appropriate, shall seek the views of those who are likely to be affected, including those who are likely to benefit from and those who are potentially subject to such rulemaking.

Sec. 3. Integration and Innovation.

Some sectors and industries face a significant number of regulatory requirements, some of which may be redundant, inconsistent, or overlapping. Greater coordination across agencies could reduce these requirements, thus reducing costs and simplifying and harmonizing rules. In developing regulatory actions and identifying appropriate approaches, each agency shall attempt to promote such coordination, simplification, and harmonization. Each agency shall also seek to identify, as appropriate, means to achieve regulatory goals that are designed to promote innovation.

Sec. 4. Flexible Approaches.

Where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, each agency shall identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. These approaches include warnings, appropriate default rules, and disclosure requirements as well as provision of information to the public in a form that is clear and intelligible.

Sec. 5. Science.

Consistent with the President's Memorandum for the Heads of Executive Departments and Agencies, "Scientific Integrity" (March 9, 2009), and its implementing guidance, each agency shall ensure the objectivity of any scientific and technological information and processes used to support the agency's regulatory actions.

Sec. 6. Administrative Procedures for Adhering to a Vision Zero Policy.

- (a) As required by Executive Order 12866, for each matter identified as, or determined by the Administrator of OIRA to be, a significant regulatory action, the issuing agency shall provide to OIRA:
- (b) The text of the draft regulatory action, together with a reasonably detailed description of the need for the regulatory action and an explanation of how the regulatory action will meet that need; and

- (ii) An assessment of the potential costs and benefits of the regulatory action, including an explanation of the manner in which the regulatory action is consistent with a statutory mandate and, to the extent permitted by law, promotes the President's priorities and avoids undue interference with State, local, and tribal governments in the exercise of their governmental functions.
- (b) For those matters identified as, or determined by the Administrator of OIRA to be, a significant regulatory action within the scope of section 3(f)(1), the agency shall also provide to OIRA the following additional information developed as part of the agency's decision-making process (unless prohibited by law):
 - (c) An assessment, including the underlying analysis, of benefits anticipated from the regulatory action (such as, but not limited to, the promotion of the efficient functioning of the economy and private markets, the enhancement of health and safety, the protection of the natural environment, and the elimination or reduction of discrimination or bias) together with, to the extent feasible, a quantification of those benefits;
 - (ii) An assessment, including the underlying analysis, of costs anticipated from the regulatory action (such as, but not limited to, the direct cost both to the government in administering the regulation and to businesses and others in complying with the regulation, and any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and competitiveness), health, safety, and the natural environment), together with, to the extent feasible, a quantification of those costs; and
 - (iii) An assessment, including the underlying analysis, of costs and benefits of potentially effective and reasonably feasible alternatives to the planned regulation, identified by the agencies or the public (including improving the current regulation and reasonably viable non-regulatory actions), and an explanation why the planned regulatory action is preferable to the identified potential alternatives.
 - (iv) An assessment of the impact of the proposed regulatory action on Human Life and Health and a explanation of how the regulatory action will ensure that Vision Zero outcomes will be adequately achieved.
 - (v) Within 120 days of the date of this order, each agency shall develop and submit to the Office of Information and Regulatory Affairs (OIRA) a preliminary plan, consistent with law and its resources

and regulatory priorities, under which the agency will submit its administrative plan for achieving the regulatory objectives outlined by this Vision Zero mandate for human life and health as the priority outcome measures.

Sec. 7. Retrospective Analyses of Existing Rules.

- (a) To facilitate the review of existing significant regulations, agencies shall consider how best to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with this Vision Zero mandate. Such retrospective analyses, including supporting data, should be released online whenever possible.
- (b) Within 120 days of the date of this order, each agency shall develop and submit to the Office of Information and Regulatory Affairs (OIRA) a preliminary plan, consistent with law and its resources and regulatory priorities, under which the agency will review its existing significant regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective in achieving the regulatory objectives with this Vision Zero mandate for human life and health as the priority outcome measures.

Sec. 8. General Provisions.

- (a) For purposes of this order, "agency" shall have the meaning set forth in section 3(b) of Executive Order 12866, although this order is intended specifically for regulations which impact highway safety.
- (b) Nothing in this order shall be construed to impair or otherwise affect:
- (c) authority granted by law to a department or agency, or the head thereof; or
- (ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (iii) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- (iv) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Drafted by Marianne Karth, October 2015