

## The National Traffic Safety Act of 2019

Relevant legislation:

1. [S. 1409: Small Business Regulatory Relief Act of 2019](#) Sen. Shaheen To enhance the ability of the Office of the National Ombudsman to assist small businesses in meeting regulatory requirements and develop outreach initiatives to promote awareness of the services the Office of the National Ombudsman provides, and for other purposes.
2. [Small Business Regulatory Enforcement Fairness Act of 1996](#)
3. [Rep. Schakowsky Statement on Passage of the Older Americans Act Reauthorization](#) It supports family caregivers and promotes quality services through the Long-Term Care Ombudsman Program.
4. PLEASE LOOK AT THIS POST for a glimpse at how the Ombudsman and the network of “safety advocates” could effectively carry out this opportunity. I wrote this post not to set myself up as an Ombudsman but to cast a vision for what a person in such a position could do: [What would I do if I were the National Traffic Safety Ombudsman?](#)

Despite the 40,000 people who die **annually** on the roads each year, our country does not currently have a reliable means of addressing the problem. These people cannot **cry out** in protest. And there is no one who has been granted the responsibility and authority to speak **on their behalf**.

This act establishes a **National Office of Traffic Safety Ombudsman** (or Advocate or **Ombuds**). The [Ombudsman](#) will stand in the place of vulnerable road users (each one of us) and serve to advance a National **Vision Zero** Goal—acting to oversee the process of moving us toward zero crash deaths and serious injuries.

*An indigenous **Danish, Swedish and Norwegian** term, **ombudsman** is etymologically rooted in the **Old Norse** word *umboðsmaðr*, essentially meaning “representative” (with the word *umbud/ombud* meaning proxy, attorney, that is someone who is authorized to act for someone else, a meaning it still has in the Scandinavian languages).*

<https://en.wikipedia.org/wiki/Ombudsman>

The National Traffic Safety Ombudsman will be empowered with a unique office of authority and service to accomplish the mission of advocating for vulnerable victims of vehicle violence. The Office of Ombudsman will provide new avenues for survivors and safety advocates to participate in the federal regulatory arena.

# **The National Traffic Safety Ombudsman Act of 2019**

For Safer Vehicles, Safer Trucks,  
Safer Streets, & Safer Drivers

Otherwise known as

## ***The Safer Roads Act***



Drafted October 2019  
*In memory of AnnaLeah & Mary Lydia Karth*

*Fatal collisions don't end on impact; they echo through communities for years after the moment of a crash. But there can be hope as well as mourning. . . hope for change that will prevent future tragedies. . . It will take all of us to ensure that the lessons learned will result in that change.*

*Jennifer Homendy, NTSB*

**Shown Here:**

**Referred in**

**116th CONGRESS  
1st Session**

**S. \_\_\_\_\_ & H. R. \_\_\_\_\_**

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**IN THE OF THE UNITED STATES**

**\_\_\_\_\_, 2019**

**Received; read twice and referred to the**

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## **AN ACT**

To provide a framework for a [National Traffic Safety Ombudsman](#) to oversee a National Towards Zero Traffic Safety Task Force of diverse stakeholders to collaborate for Safer Vehicles, Safer Trucks, Safer Streets, and Safer Drivers to address the national public health and traffic safety crisis in order to make a significant reduction of, on average, 40,000 traffic-related deaths annually.

*Be it enacted by the Senate and House of Representatives of the United States of America  
in Congress assembled,*

### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) Short Title.—This Act may be cited as the “National Traffic Safety Ombudsman Act of 2019” or “The Safer Roads Act.”

(b) Table Of Contents.—The table of contents for this Act is as follows:

**Section 1. Short title; table of contents.**

**Section 2. Purpose.** The purpose of this Act is to provide a comprehensive, collaborative approach to reach the national goal of a significant reduction of traffic-related deaths and injuries through safer vehicles, safer trucks, safer streets, and safer drivers.

**Section 3 [National Traffic Safety Ombudsman](#)** The [Traffic Safety Ombudsman](#) will be empowered with a unique office of authority and service to accomplish the mission of advocating for vulnerable victims of vehicle violence.

**Section 4 [Toward Zero National Traffic Safety Task Force](#)** to achieve a significant reduction in traffic-related deaths and injuries.

**Section 5 Advisory Councils** will be established for each component of the Act: Safer Vehicles, Safer Trucks, Safer Streets, and Safer Drivers.

### SECTION 3. National Traffic Safety Ombudsman.

- (a) The [Vision of Zero Traffic Deaths and Serious Injuries](#) has been increasingly discussed and sought after by those concerned about the tragedies of highway carnage. How and whether such a lofty goal might be attained, however, has been uncertain. In many cases, traffic deaths have been viewed as more of a transportation problem rather than a public health crisis. In addition, the strategies to solve the problem have been fragmented and, therefore, less effective.
- (b) [Vision Zero asks us to see those traffic deaths like polio or cholera: epidemics that, with an urgent health framing and public response, can be eradicated. . . .](#)
- (c) Leilani Schwarcz says, “[we should place the same moral standard on safety improvements and counter measures that are proven to save lives.](#)”  
(<http://tinyurl.com/zwgwfu8> , Carolyn Szczepanski, Vision Zero Network)
- (d) Despite the fact that some have acknowledged the problem as a public health crisis, we have yet to acknowledge it as a united nation. It has *not* been declared a national issue. And the citizens of our country have not been mobilized to become a part of the solution.
- (e) Furthermore, when federal traffic safety regulations are being considered, saved lives are too often weighed and found wanting in comparison to societal economic costs. A prime example is override rulemaking, in which questionable cost/benefit analysis conclusions have hindered the advancement of proven safety measures (some of which the industry has since found ways to offer at no additional cost).
- (f) A [Traffic Safety Ombudsman](#) remedies this by establishing an independent advocate who will serve as a vigilant voice for vulnerable victims of vehicle violence and who will mobilize safety professionals, citizens, and crash [survivors](#), in tactical traffic safety projects with nationwide impact.
- (g) There needs to be awareness, action and collaborative efforts at many levels. A National Ombudsman without [input from multiple voices across the country](#) would be less-informed, without the whole picture and the vital support of the very [people](#) the Ombudsman is working to protect. even if there are vast numbers of frustrated, cognizant victims, if their outcries are not coalesced into a combined voice, they are much less likely to be heard and heeded. Though, if you bring them all together, each one may be competing to get their cause supported and, in the fray of

[political positioning](#), the foundational issues and long-term goals might be compromised. An effective spokesperson is needed to champion their cause.

- (h) Therefore, the [Traffic Safety Ombudsman](#) will be empowered with a unique office of authority and service to accomplish the mission of advocating for vulnerable victims of vehicle violence.

The Motor Vehicle Safety Act or the FAST Act is amended--  
by inserting after section the following new  
section:

``SEC.. OVERSIGHT OF TRAFFIC SAFETY REGULATIONS.

``(a) Definitions.--For purposes of this section, the term--

``(1) ``Board" means a Traffic Safety Advocacy Board established in each State under subsection ;  
and

``(2) ``Ombudsman" means the National Traffic Safety Ombudsman designated under by  
subsection (b).

``(b) National Traffic Safety Ombudsman.--

``(1) Not later than 60 days after the date of enactment  
of this section, Congress shall appoint a National Traffic Safety Ombudsman, who meets the  
following requirements: this person will not have worked for an industry company, manufacturer, or  
association. The Ombudsman will never have been a registered lobbyist. He/she will have a background  
related to traffic safety. The Ombudsman will be appointed for a term of \_\_\_\_\_ years.

The National Traffic Safety Ombudsman will chair the National Vision Zero Traffic Safety Task Force  
and Highway Safety Advisory Councils.

The Ombudsman will work in collaboration with federal traffic safety agencies, including the National  
Transportation Safety Board, the National Highway Traffic Safety Agency, and the Federal Motor Carrier  
Safety Agency. These agencies shall assist the Ombudsman

and take actions as necessary to ensure compliance with the  
requirements of this section. Nothing in this section is  
intended to replace or diminish the activities of any Ombudsman  
or similar office in any other agency.

``(2) The Ombudsman shall--

``(A) work with each agency with regulatory  
authority over traffic safety to identify appropriate regulatory priorities ;

``(B) establish means to receive comments from  
Citizens, safety advocates, and Regional Traffic Safety Advocacy Boards and engage in  
meaningful and collaborative dialogue in order to identify gaps in traffic safety regulatory priorities;

``(C) based on comments from  
Citizens,safety advocates, and Regional Traffic Safety Advocacy Boards, quarterly report

to Congress and affected agencies upon the status of the traffic safety regulatory activity of each agency;

“(D) coordinate and report monthly on the activities, findings, and recommendations of the Boards to the National Vision Zero Traffic Safety Task Force; and

“(E) provide citizens and Traffic Safety Advocacy Boards from each state with education and resources on how to meaningfully contribute to solving preventable traffic tragedies.

“(c) Traffic Safety Advocacy Boards.--

“(1) Not later than 180 days after the date of enactment of this section, the Administration shall establish a Traffic Safety Advocacy Board in each state’s Governors Highway Safety Association.

“(2) Each Board established under paragraph (1) shall--

“(A) meet at least monthly to advise the Ombudsman on matters of concern to citizens and safety advocates related to the traffic safety regulatory activities of agencies;

“(B) report to the Ombudsman on traffic safety issues of concern and recommendations for needed change; and

“(C) prior to publication, provide comment on the monthly report of the Ombudsman prepared under subsection (b).

The National Traffic Safety Ombudsman will work with VISTA/Americorps to staff each state’s Traffic Safety Advocacy Board in order to create a network of community traffic safety advocacy groups which can educate and empower citizens to be a part of the traffic safety solution. Among the activities which this collaborative effort can address could be the following:

1. Set up a hotline for traffic safety concerns.
2. Set up a procedure for responding to the concerns reported to the Traffic Safety Hotline—including a means of communicating with the person reporting the problem (if desired).
3. Set up a system for keeping track of reported problems and how they were handled.
4. Set up regular communication with safety advocacy groups.
5. Set up regular communication with other stakeholders.
6. Prioritize the traffic safety concerns.
7. Group the traffic safety concerns into categories.
8. Organize periodic **Roundtables** for various categories of **traffic safety concerns**—involving all relevant stakeholders.
9. Research globally for information on the traffic safety problems and resolutions.
10. Set strategies to reach the **National Vision Zero Goal**.
11. Coordinate the National Vision Zero Task Force and Highway Safety Advisory Councils.
12. Identify how the three branches of the U.S. government can and need to be involved in advancing traffic safety and helping to move us toward zero crash deaths and serious injuries.

13. Develop strategies for tapping into government involvement as a means of carrying out the role of protecting its citizens.
14. Organize a national network of **Vision Zero Community Action Groups**. Start with a pilot group and develop the model.
15. Work with the appropriate departments to develop the details of Vision Zero Rulemaking policies.
16. Develop strategies to raise awareness of traffic safety issues.
17. Develop strategies to solicit public participation in identifying creative solutions to traffic safety problems.
18. Develop strategies to get the public appropriately involved in the rulemaking process related to traffic safety issues.
19. Develop creative ways to honor the memories of traffic victims.
20. Develop strategies for utilizing available technology for tapping into traffic safety resources, individuals, and organizations.
21. Develop strategies for collaborating nationally and globally to advance cutting-edge use of technology.
22. Facilitate cross-departmental collaboration on traffic safety issues.
23. Foster **pro-active preventive thinking** related to traffic safety issues.
24. Handle **auto safety defects** more effectively to prevent tragic unnecessary deaths.
25. Hold manufacturers **liable** for their decisions and actions.
26. Always remembering the goal: preventing people from having their lives unnecessarily cut short!

**Sec. 4 Toward Zero National Traffic Safety Task Force** to achieve significant traffic-related deaths and injuries

- (a) Findings: 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.

- (b) To these ends, it is hereby ordered as follows:

(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 the NATIONAL TRAFFIC SAFETY OMBUDSMAN. (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, distracted driving, driver fatigue, traffic safety engineering, state and local traffic law enforcement, crash reconstruction, the automotive industry, the trucking industry, injury prevention, truck drivers, crash survivors, [citizens](#) who have lost loved ones in preventable crashes and safety advocates. At least two members will be people who have been directly affected by a traffic fatality.

(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 12.2. 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.

(3). Action Plan.

(a) Within 90 days of the enactment of this Act, 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: crash avoidance technologies; 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 compensation policies; safety technology; underride guards; truck driver training; trucking minimum liability insurance; 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 the passing of this Act, and then on an annual basis, the Task Force shall provide a report to the President on implementation efforts with respect to this mandate.

(4) General Provisions.

(a) This mandate 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 mandate 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 mandate 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 mandate in the Federal Register.

**Sec. 5 ADVISORY COUNCILS. The National Traffic Safety Ombudsman shall establish National Traffic Safety Advisory Councils for 1) Safer Vehicles, 2) Safer Trucks, 3) Safer Roads, and 4) Safer Drivers.**

(a) Establishment.—Subject to the availability of appropriations, not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish in the National Highway Traffic Safety Administration a Traffic Safety Advisory Council (hereinafter referred to as the “Council”).

(b) Membership.—Members of the Council shall include a diverse group representative of business, academia and independent researchers, State and local authorities, safety and consumer advocates, engineers, labor organizations, environmental experts, crash survivors, citizens who have lost loved ones in preventable crashes, a representative of the National Highway Traffic Safety Administration, and other members determined to be appropriate by the Secretary. Any subcommittee of the Council shall be composed of not less than 15 and not more than 30 members appointed by the Secretary.

(c) Terms.—Members of the Council shall be appointed by \_\_\_\_\_ and shall serve for a term of three years.

(d) Vacancies.—Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

(e) Duties And Subcommittees.—The Council shall form subcommittees as needed to undertake information gathering activities, develop technical advice, and present best practices or recommendations to the Secretary regarding each component of this Act, including Safer Vehicles, Safer Trucks, Safer Roads, and Safer Drivers.