

****EMBARGOED UNTIL SENATE PASSAGE OF THE INFRASTRUCTURE INVESTMENT AND JOBS ACT****

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Joint Statement on U.S. Senate's Passage of the Infrastructure Investment and Jobs Act

Failure to adopt House-passed safety requirements in Senate Infrastructure Investment and Jobs Act puts all road users on a dangerous and deadly path



Today, the U.S. Senate passed the Infrastructure Investment and Jobs Act disregarding numerous research-driven, lifesaving safety improvements included in the House-passed version of H.R. 3684, the INVEST in America Act. The end result is all road users - motorists, bicyclists and pedestrians - will be unprotected, unguarded and unacceptably at risk of death and injury. The bill may achieve record investments in public roads but falls dangerously short of attaining adequate and equitable investments in public safety.

Cathy Chase, president of Advocates for Highway and Auto Safety: “Now is the time, and here is the opportunity to achieve significant and consequential advances in public health and safety. In 2020, during the pandemic, traffic volume decreased but crash fatalities increased to record levels not experienced in over a decade. As drivers return to the road, we are witnessing the continuation of dangerous behaviors that contribute to the mounting death and injury toll. At the same time, inexpensive and lifesaving technological solutions are ready for the taking. Unfortunately, the Senate has put up roadblocks to several critical House-passed measures. Firm deadlines for agency actions have been detoured with needless studies, insufficient requirements or not included at all. We urge House leaders including Speaker Nancy Pelosi (D-CA), Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR), Energy and Commerce Chairman Frank Pallone (D-NJ) and Energy and Commerce Subcommittee on Consumer Protection and Commerce Chair Jan Schakowsky (D-IL) to keep fighting to retain these essential and overdue safety solutions that will protect every family in every state. President Joe Biden, who personally has endured loss from a motor vehicle and truck crash, should sign a bill that includes the vital safety policy improvements in the INVEST in America Act. The House bill protects all road users for years to come no matter what transportation choice you make to reach your destination.”

Serious safety shortcomings in the Senate bill that are included in the House-passed version of H.R. 3684:

- **Automatic emergency braking, or “AEB,”** is today’s safety gamechanger to address all types of dangers on our roads. The AAA Foundation for Traffic Safety found that equipping all cars, pickup trucks, vans, minivans, and SUVs with AEB could prevent 1.9 million crashes, nearly 900,000 injuries, and more than 4,700 deaths annually. *The Senate bill lacks a needed deadline*

for issuance of the requirement and compliance for new cars and large trucks as well as a specific requirement ensuring the technology responds to pedestrians, bicyclists and other road users.

- **Distracted driving** crashes contributed to more than 3,100 fatalities in 2019 – a nearly 10 percent increase from the prior year. These crashes, which are known to be underreported, could be mitigated by **driver monitoring technology**. In addition to curbing other leading crash causes such as impaired and drowsy driving, these systems will reduce automation complacency, an emerging issue as self-driving technology becomes more common and assumes more of the driving tasks. *The Senate bill lacks a requirement for installation of driver monitoring systems by a date certain.*
- Since 1990, more than 1,000 children have perished in **hot cars**, an average of 39 per year, nearly one a week. Tragically, these deaths continue to occur although **detection and alert technology** to prevent them is available and inexpensive costing as little as \$10. *The Senate bill provision accommodates the auto industry's completely insufficient response to address this well-known problem. It's vital that the House provision prevail because it requires technology that can both "detect" the presence of a small child and "alert" the driver and others. For over two decades the auto industry has offered promises instead of comprehensive remedies to prevent children from these torturous heatstroke deaths and injuries.*
- Thousands of fatalities and injuries have occurred when a **seatback fails** in the event of a collision because of an outdated and deficient federal safety standard. The federal standard for seatbacks is more than five decades old and must be improved to stop these preventable tragedies to back seat occupants, frequently children. *The Senate bill fails to ensure this critical update will be completed in a timely manner by delaying agency action with an unnecessary study despite convincing research and real-world evidence of danger of allowing this inadequate standard.*
- **Pedestrian and bicyclist fatalities** remain at a 30-year high, with more than 6,200 pedestrians and nearly 900 bicyclists killed on our roads in 2020. Most of these fatalities happen when it is dark out and outside of marked crosswalks. Federal safety standards are needed to upgrade the existing **headlamp standard** to improve performance and visibility and decrease glare. Further, there is a need for standards requiring adaptive headlamps that actively respond to changing conditions, as well as **hood and bumper changes** to make the front end of vehicles more forgiving in a collision. *The Senate bill lacks deadlines for these necessary safety advances.*
- Solutions to mitigate against the risks of **keyless ignitions** including carbon monoxide poisoning and vehicle rollaway are necessary. *The Senate bill does not require a final rule by a date certain to prevent rollaways.*
- The U.S. was once a leader in establishing the **New Car Assessment Program (NCAP)** more than 40 years ago, but this important consumer information tool is now outdated and incomplete and has fallen woefully behind our international counterparts. *The Senate bill does not include a Congressional directive to complete a long overdue, comprehensive update of NCAP including protections for vulnerable road users.*
- Despite record truck crash deaths these past 10 years, special interests have been pushing a misguided and reckless proposal to allow **teen drivers** to operate a big rig in interstate commerce. This illogical change in the minimum driving age for interstate commercial vehicle operators is an industry solution to addressing a large turnover of truck drivers. However, the Department of Labor and other sources have shown that the problem is not too few drivers but is more closely related to excessively long driving and work hours, unreasonable working conditions and low pay. *The Senate bill includes a flawed and deficient "apprenticeship program" that could allow for more than 35,000 teens to drive 80,000-pound rigs at high speeds across state lines.*

A complete list of Senate bill deficiencies and House bill advances can be [found here](#).

Joan Claybrook, former Administrator of the National Highway Traffic Safety Administration and Chair of Citizens for Reliable and Safe Highways: "We cannot squander this opportunity to implement

vehicle safety improvements that will save lives and spare families the heartbreak and economic costs of motor vehicle crashes. If all new vehicles were equipped with proven technology improvements – as is required in the House INVEST in America Act – more than 70,000 lives could be saved over the five-year span of this legislation. This a very conservative estimate of the lifesaving potential of enacting into law these cost-effective and commonsense vehicle safety requirements. The number of lives potentially saved is equivalent to the entire population of Wilmington, Delaware. President Biden’s pledge to ‘Build Back Better,’ cannot be limited to the physical infrastructure of roads and bridges but it also must include the vehicles using our roadway network. Safer roads and safer vehicles are not incompatible or elusive goals when we have solutions. At this time, the bipartisan-supported House bill is too important to be dismissed and the Senate bill is too deficient to be accepted as the final word in the legislative process.”

Amy Cohen, Co-Founder, Families for Safe Streets (New York): “Preventable tragedies like the one my family continues to endure happen with alarming frequency. But, they can be stopped. Families for Safe Streets and our victim advocates from across the country call on the Congress to make changes to the infrastructure bill to protect all road users before it is signed into law. My son Sammy was only 12 years old when he was run over by a multi-ton commercial van as he was walking to soccer practice. Had the truck been equipped with automatic emergency braking (AEB) that detected and responded to all road users, my Sammy would likely be graduating from college this year. Instead, my family fights in his memory. It is unconscionable that these large, dangerous vehicles that are increasingly common in our cities and on our neighborhood roadways don’t have this proven technology which has been required in trucks in the EU since 2015. Congress and the Biden Administration must take action now to end the senseless deaths and serious injuries caused by traffic crashes.”

Janette Fennell, President, Kids and Car Safety: “The language passed by the U.S. House of Representatives is truly what is needed to protect vulnerable children from hot car dangers. Sadly, the language moving forward in the Senate bill does not require occupant detection, which is absolutely necessary to save lives. Without occupant detection, children and pets will continue to die in hot cars. We urge House Speaker Nancy Pelosi (D-CA) as well as Representatives Frank Pallone (D-NJ), Jan Schakowsky (D-IL) and Tim Ryan (D-OH) to continue fighting for a requirement for effective technology as was included in the House-passed INVEST in America Act. Since 1990, more than 1,000 children have died in hot cars. We have the chance to finally end these senseless deaths. How can we possibly stand by and let another 1,000 families bury a child when cost-effective solutions are readily available?”

Jack Gillis, Executive Director, Consumer Federation of America: “All consumers deserve cars with the safest technologies. Right now, families often cannot afford safety systems because they are bundled with luxury features in high end models or expensive trim packages. Similarly, updates to some safety standards have languished at the U.S. Department of Transportation. Fixing seats to prevent collapse during a crash could cost as little as five dollars, yet the standard hasn’t been upgraded in over 50 years. Risks from keyless ignitions causing carbon monoxide poisoning and vehicle rollaways could be mitigated for pennies. The comprehensive upgrade of safety policies in the INVEST in America Act must be included in the legislative package sent to President Biden. Nothing less than the safety of all road users is riding on it.”

Commander Chris Olson, Oro Valley, Arizona Police Department, and International Association of Chiefs of Police (IACP) Highway Safety Committee member: “I have lost many dedicated colleagues and attended far too many funerals for officers killed on our roads. Lifesaving crash avoidance technology to prevent or mitigate tragedies like these should be required as standard equipment in new vehicles. While the Senate bill falls short on this requirement, the House-passed INVEST in America Act would advance this technology to combat crashes caused by drunk, drugged, drowsy and distracted driving which imperils everyone on the roads. I urge Congress to unite around these sensible safety upgrades before sending a final bill to President Biden.”

Jennifer Smith, CEO and Co-Founder, StopDistractions.org (Illinois): “Our phones have become inextricably linked to our work, connections with family and our social lives. We know they are distracting and should not be used behind the wheel but do so anyway, and it is killing thousands each year. The public health crisis of distracted driving has worsened since my mother was killed in a distracted driving crash in 2008 while technological solutions to end this crisis have become more available. The Senate Infrastructure Investment and Jobs Act does not adequately advance safety solutions, but the House INVEST in America Act accomplishes this achievable goal. On behalf of StopDistractions.org and the families we work with across the country, I urge Congress and the Biden Administration to bring the provisions in the House bill across the finish line.”

Dr. Deanna Wathington, Executive Board Chair, American Public Health Association: “Everyday doctors, nurses and other health care professionals witness the destruction and devastation caused by car and truck crashes. While our jobs are responsive to these incidents, the charge of Congress and the Biden Administration should be prevention. The House INVEST in America Act offers sound and commonsense strategies, but the Senate Infrastructure Investment and Jobs Act leaves motorists at risk including anti-truck safety policy changes that allow 25,000 teens and young drivers a year, or 75,000 over the duration of the program, to get behind the wheel of 80,000 lb. big rigs and drive across the country. Young drivers are one of the most dangerous classes of drivers because brains are still developing and learning to achieve executive functioning and complex reasoning required for driving. As a result, teens and young adults can be overconfident and prone to distraction behind the wheel, with less experience over time to be able to overcome risky behaviors and react to dangerous scenarios. Other provisions will exacerbate the well-known problem of ‘tired truckers’ and further chip away at federal truck size and weight limits. At this critical juncture of our nation’s surface transportation policy, I urge Congress and the Biden Administration to advance ‘cures’ to the motor vehicle crash public health crisis.”

A notable exception is a Senate provision requiring passive impaired driving prevention technology as standard equipment in new cars which was sponsored by Senators Ben Ray Luján (D-NM) and Rick Scott (R-FL) in a stand-alone bill, the Reduce Impaired Driving for Everyone (RIDE) Act (S. 1331). The Insurance Institute for Highway Safety (IIHS) [has shown](#) that impairment detection systems, once widely deployed, have the potential to save more than 9,000 lives each year. Unfortunately, language in the Senate-passed provision but absent in the House version requires a report which could be used to undermine certain and timely implementation. This additional language was opposed by Advocates, MADD and other stakeholders. As deliberation on a final bill continues, our organizations will continue pushing for dropping this unnecessary language. Additionally, during consideration on the Senate Floor, amendment #2570 offered by Majority Leader Charles Schumer (D-NY) and Senator Kirsten Gillibrand (D-NY) enhanced limousine safety by requiring essential occupant protection measures including the installation of seat belts. Like numerous other needed improvements listed above, the National Transportation Safety Board (NTSB) endorses this safety upgrade.

The aforementioned organizations and victims thank Majority Leader Charles Schumer (D-NY), Majority Whip Richard Durbin (D-IL) as well as Senators Richard Blumenthal (D-CT), Tom Carper (D-DE), Tammy Duckworth (D-IL), Dianne Feinstein (D-CA), Kirsten Gillibrand (D-NY), Amy Klobuchar (D-MN), Ben Ray Luján (D-NM), Ed Markey (D-MA), Rick Scott (R-FL) and others who supported safety improvements.

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