

*All that's necessary for evil to prevail is for good men to stand by and do nothing. – Anonymous*

## **Chapter Nine**

### **Fragments of a Movement**

In this book I have explored how safe crashing goals came to dominate road safety policies in the U.S., filling the nation with the false hope of making it safe for cars to crash. I have also described some of the major factors still contributing to the high crash rate, among them speeding and distracted driving.

Numerous other factors are contributing to the high crash rate as well, including dangerous trucking, dangerous teen driving, drowsy driving, and high-speed police chases. In my work for the Partnership, I have discovered lots of fledgling movements to address these problems. Most of these movements are isolated from each other. Yet all are in some way interrelated. Importantly, all have realized the necessity of trying to prevent crashes rather than merely trying to make them safer.

Many of these fledgling movements also have something else in common – their tendency to be spearheaded by the relatives of crash victims. Overwhelmed by grief and determined to make sure their loved one's death was not in vain, families have embraced the cause of road safety with unmatched fervor. However, they are usually trying to follow in MADD's footsteps – organizing around a single problem and attempting to solve that problem without awareness of or concern for the context in which it is occurring. For reasons that hopefully are clear now, no problem on the roads today can be solved in isolation.

For reasons that have also been discussed previously, MADD is not the best role model. While the organization has had some success, drunk driving remains a formidable problem in our society.

Meanwhile, MADD's narrow focus precluded even the possibility of sustaining itself long enough to render incidents of drunk driving rare.

It is my belief that if any additional progress is to be made in road safety, people with an interest in any aspect of crash prevention will need to come together to support each other. Those who suffer the loss of a close friend or loved one due to one form of dangerous driving must reach out to those whose friends and loved ones have been killed by other forms of dangerous driving. This, in my opinion, is the only way a successful grassroots movement can take hold and sustain the intensity needed to achieve any significant goals.

Unfortunately, all of these fledgling movements are cursed with the same problem – a lack of funding. As a consequence, they are often short-lived. Without financial support, even the most passionate road safety activists eventually get discouraged and give up. In the seven years since I founded the Partnership for Safe Driving, I have seen this time and again – impassioned activists establishing web sites and taking important steps toward creating a legitimate organization, then trying to solicit donations. Over and over again, I have seen them demoralized by the lack of support for their efforts.

In this chapter, I will discuss the problem of funding for grassroots road safety organizations and what options are available to us. Then I will introduce each of the fledgling movements I've discovered along the way and give a brief report of their progress.

### **Nobody's Business**

The Partnership knows first-hand the frustration and disappointment of those who are trying to obtain financial support for crash prevention initiatives. In our effort to organize a national grassroots movement, we have come up against the same brick wall. Although plenty of people have expressed interest in our cause, so far this interest has translated into only very limited financial support. And while theoretically a large number of small donations from the general public could sustain a grassroots movement, in today's competitive

non-profit environment, this strategy is a long shot. Professional fundraisers note that 70 percent of charitable giving comes from individuals. However, the vast majority of individual donations go to religious organizations and academic institutions; grassroots safety organizations rank low on the list of popular charities.

Even if an organization has the potential to garner popular appeal, a non-profit generally needs to establish a track record and name-brand recognition before it can hope to receive financial support from a broad swath of the public. I worked in the fundraising department of a well-known international charity for nearly four years, during which time I witnessed first-hand the generosity of the American people. I even saw individuals give large, unsolicited donations without the slightest question as to how their money would be spent. But that charity had been around for more than 100 years and had earned the public's trust and respect. New charities face intense scrutiny, even skepticism, from the general public.

This means that organizations like the Partnership for Safe Driving need to obtain significant start-up funds from other sources. The most important source of start-up money for non-profits is foundation money. Over a seven-year period, the Partnership made proposals to hundreds of private foundations for financial support. Mindful of the fact that many foundations are willing to support projects only in their own communities or states, we varied our requests to include funding for national programs as well as local programs in states where we have active members.

To date these efforts have garnered less than \$60,000 in contributions. We know what we're up against. A March 2005 search of 80,000 private foundations in the Foundation Center's Online Directory yielded only 30 foundations – 30 out of 80,000 – that list transportation as an area of interest. And “transportation” is a very broad category; most of those 30 do not fund any projects related to road safety. Road safety is of such little interest to philanthropists, in

fact, that there isn't even a separate category for "traffic safety," "road safety" or "automobile safety" in the Foundation Center's Directory.

Of course, a foundation doesn't have to specify interest in transportation or road safety in order to fund such projects. But it certainly is much harder for organizations like the Partnership to find them if they don't.

Because so few foundations identify anything related to transportation as an area of interest, we have been forced to cast our net wider, reaching out to foundations that express an interest in children's causes, programs for teenagers, and public safety generally. Still, we've found little support.

It is unfortunate that philanthropists show such little concern for what is now the leading cause of death for children and adults age 3 to 34, and the leading cause of long-term physical disability, including brain and spinal cord injuries, for all age groups. I find it difficult to imagine any real progress being made without their support.

Perhaps philanthropists think that traffic safety is strictly the domain of the government. Perhaps they think that everything that can be done to prevent crashes already is being done. If so, they are mistaken.

There is likewise little support to be found among insurance companies and automakers. During its first three years of operation, the Partnership wrote to all the major automobile and insurance companies for funding. We received no financial support from any of them. We wrote to other companies, as well, but were similarly rejected. Among them were Federal Express and United Parcel Service – two companies whose businesses would seem to suffer directly from the high crash rate on the roads. We also wrote to companies like McDonald's that express an interest in children's causes. Once again, we were rejected.

We realized through this experience that name-brand recognition – not the relevance of the cause – is the most important selling point with corporations. Above all else, businesses need to be

assured that their donation is going to translate into good publicity for them. Small, unknown charities are not yet able to guarantee such good publicity for their donors.

The one other potential source of private funding for a grassroots road safety organization is the relatives of crash victims – those who are wealthy on their own as well as those who receive significant settlements after the death of a loved one in a crash. However, even people with a strong emotional investment in this cause – and money to give – seem reluctant to donate to the road safety movement. Perhaps they, too, are leery of contributing to organizations that haven't yet established strong track records and name-brand recognition. Perhaps they feel a sense of hopelessness about the situation. Or maybe they are just turned off by the whole notion of organized grassroots activism. If anything, families with significant financial resources seem most inclined to try to make some noise about the issue on their own, but then the movement remains fragmented and ineffective.

Most often I see families who obtain settlements from a crash use a portion of the money to establish scholarship funds in their loved one's name. Of course this is a wonderful gift for recipients of the scholarships, but unfortunately it doesn't help prevent similar tragedies from happening to other people.

I also read with complete bewilderment an article in *The Washington Post* a few years back about a prominent couple in Washington, DC who obtained a multi-million dollar settlement from a negligent trucking company that killed their teenage son. After the settlement, the parents – both of whom are lawyers – announced that they were going to donate the entire settlement to charitable causes, none of which had anything to do with road safety. The rationale provided in the article – an article that, incidentally, ran with a misleading headline suggesting the settlement would be dedicated to reforming the trucking industry – was that the parents were going to donate the money to causes they thought their son would want to

support, including the private school he attended and the Boys and Girls Clubs of America.<sup>251</sup> Once again, this is a wonderful gift for the beneficiaries of the settlement. But I had to ask myself whether the teenager, who was crushed to death when a speeding driver with an extensive history of traffic violations overturned his dump truck onto the boy's vehicle, also would have wanted to support efforts to stop the type of negligence that killed him.

Of course it is possible that the family did plan to make a significant donation to a road safety organization and that the *Post* simply failed to mention it. If so, I never heard about it.

I experienced similar confusion when a major law firm in Washington, DC lost one of its employees in a crash precipitated by a driver who had made an "improper lane change." The crash also killed the employee's wife and injured his two teenage children. The driver received a \$100 fine. Afterward, I approached the firm where the victim had worked and asked if its employees would be interested in doing or giving anything to help support our cause. "We don't want to get involved," was the answer I received.

It is just this type of apathy that makes the future for safe road travel seem so bleak.

With no place else to turn, organizations dedicated to improving road safety generally are forced to turn to the government. At first glance, this option seems like a good one. In 2003, Mothers Against Drunk Driving received over \$9 million in government grants.<sup>252</sup>

Of course, accepting grants from the government greatly restricts one's ability to criticize the government for any reason. And since the government builds and maintains all public roads in America – and establishes and enforces all traffic laws – it is essential that

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<sup>251</sup> *Youth Killed By Dump Truck Driver Will Have a Legacy of Reform, Parents to Donate \$4.6 Million Settlement, Seek Safety Standards, The Washington Post, B.1, Pete Slevin, August 4, 1999*

<sup>252</sup> *Mothers Against Drunk Driving Annual Report 2002-2003*

private organizations be able to offer an honest, independent critique of those efforts.

Nonetheless, during its first three years of operation, the Partnership for Safe Driving solicited and received two grants totaling \$35,000 from the National Highway Traffic Safety Administration (NHTSA). While grateful for the support, we ultimately concluded that the amount of money for which we qualified was not worth the loss of free speech that accompanied it. Officials at NHTSA were openly hostile to the notion that the government had lost its focus and was now embarked upon a futile mission to make crashing safe. Ultimately, we realized we could not make changes in this arena if we were not able to speak freely about that basic problem.

The end result of all this is that the money we've raised through both government and private sources so far has not been enough to fund even one permanent full-time staff member, let alone establish an active office and develop significant projects. While grateful for every donation we've received and amazed that anyone has been willing to take a chance on an unknown charity, we also know we're not living up to our potential as an organization.

The lack of financial support for crash prevention initiatives at times seems insurmountable. However, it is at least plausible that all the fledgling movements that have sprung up in recent years would stand a better chance of overcoming the lack of funding if we worked together. One national office, one newsletter, one web site, one national mailing, one mission statement representing the range of interests and concerns – can be more efficient and effective than multiple disparate efforts scattered across the country.

An organized, concerted effort might also help to remedy the other basic problem: stamina. In their grief, some people who lose loved ones in a crash resolve to spend the rest of their lives fighting for road safety reforms. Usually “the rest of their lives” turns out to be about two years, at which point the whole experience has been so

disruptive and emotionally draining that they realize the need to move on.

Stamina is not just a problem for grieving relatives. It's a problem for all us who are trying to affect change in this arena. Turning all the mini-movements into one major movement could help to ensure that our efforts are not wasted and that the campaigns we've started will go on even when we are no longer part of them.

In the rest of this chapter, I will provide an overview of each of these mini-movements and how they seem to be faring on their own.

### Ultimate Mismatch

At no time is the naiveté of the safe crashing movement more apparent than when staring at the aftermath of a crash between a passenger car and a truck. The idea that a car could be made to withstand the impact of a vehicle up to 20 times its weight was just downright silly.

But that didn't stop safe crashing enthusiasts. They lobbied passionately for airbags, seatbelts, and more crashworthy vehicles while turning an ideological blind eye to the utter futility of their efforts to protect vehicle occupants in crashes with trucks.

While engineers and consumer advocates preoccupied themselves with the quest for a safe car crash, the federal agency responsible for regulating the trucking industry embarked upon a 40-year course of neglect, choosing to overlook the industry's most dangerous trends and practices in favor of protecting its profit margins.



Crash between a car and truck. Photo by Bill O'Leary, *The Washington Post*

The result was a race to the bottom. In the past ten years alone, more than 50,000 people were killed in crashes with heavy trucks. More than 400,000 suffered life-altering injuries. More than 70 percent of people killed in crashes with large trucks were the occupants of passenger vehicles.<sup>253</sup> Responding to decades of bloodshed, in 1999 the U.S. Congress created a new federal truck safety agency – the Federal Motor Safety Carrier Administration (FMSCA) – and ordered it to cut truck-related fatalities by 50 percent over the next ten years. Four years later, the total number of fatalities involving large trucks had declined only 7 percent. Anticipating abysmal failure, the FMSCA revised its goal. Now the agency is seeking a *31 percent reduction in the rate of truck-involved fatalities per truck mile traveled*. As noted in the Introduction, this is an old trick used by the U.S. Department of Transportation for decades to reclassify failure as success. The agency knows that the number of truck miles traveled will continue to climb, which means it can claim success in reducing the *rate* of fatalities even if there's very little reduction in the actual number of truck-related fatalities.

While the feds seek ways to make failure look like success, lobbyists for the trucking industry continue to blame the drivers of passenger vehicles for crashes between cars and trucks. They say that car drivers routinely cut off trucks, drive in their blind spot, and otherwise impede the safe flow of traffic. They rely on spurious data to support their claim.

The truth, meanwhile, is visible for all to see. In the tendency to speed, tailgate, run red lights, change lanes frequently, and drive distracted, there is no discernible difference between truck drivers and the rest of the driving population. However, the fact that truckers are engaging in such behaviors while operating vehicles 20 to 30 times

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<sup>253</sup> *Fatality Facts 2003: Large Trucks*, Insurance Institute for Highway Safety, 2004

heavier than the average passenger car, and often while transporting fuel and other hazardous materials, makes their behavior that much more outrageous – and reprehensible.

But the trucking industry isn't simply following the crowd on deadly driving in America. The industry demonstrates a level of risk-taking far beyond that which we typically see among the drivers of passenger cars.

Taking full advantage of the government's agreement not to regulate trucking, between 25 and 30 percent of all trucks operating on the roads today are unable to pass vehicle inspection. Half of them fail because of defective brakes. The problem of defective brakes is so widespread, in fact, that many states have created special "runaway truck" ramps specifically for trucks that lose their brakes!

The mere thought that so many 80,000 pound vehicles on the roads today lack properly functioning brakes should be enough to send a chill up anyone's spine. But that isn't even the most frightening secret about today's trucking industry. Many truck drivers are driving such long hours that they routinely doze off at the wheel.

There is no way of knowing the actual percentage of truck crashes in which drowsy driving is a factor. I've seen estimates as high as 50 percent. But the trucking industry's eagerness to exploit lax government oversight is not a matter of conjecture. The industry thrives on the ability to travel long distances at low cost. Drivers have strong incentives to exceed the maximum driving hours allowed by law because Congress has exempted them from protection under the Fair Labor Standards Act. Thus, they are being paid either by the mile or by the load rather than by the number of hours worked. Truckers can spend hours loading and unloading freight or sitting stalled in traffic and not get paid a penny for any of that time. As a result, many truck drivers could not make ends meet if they complied with hours-of-service rules.

The problem of trucker fatigue is especially pronounced among long-haul truck drivers.

I must pause here to note that I have often heard people question the very concept of “long-haul” trucking. Goods that travel long distances should be transported by train or barge, they argue, not by huge, gas-guzzling trucks. Others respond by pointing out that transporting goods “door to door” is much more efficient and cost-effective, since goods moved by truck don’t have to be repeatedly loaded and unloaded.

In truth it seems the main reason that businesses have turned from rail and water to the roads to transport goods long distance – and the reason why road travel is, in fact, cheaper – is because the commercial trucking industry is so poorly regulated. Compared to rail in particular, the rules governing commercial trucking are inexplicably lax, especially considering the far greater risk of harm to the public when transporting goods by truck. In addition, the government’s system of inspecting trucks and enforcing its rules is severely dysfunctional, with the result that drivers and companies stand little chance of getting caught breaking them. Even when they do get caught, the penalty generally is not sufficient to deter them from engaging in future violations.

In an outstanding piece of investigative journalism, *The Kansas City Star* went behind the scenes in 2001 and discovered what safety advocates already suspected: That safety lapses in the trucking industry are far more widespread than what the government or the trucking industry is willing to acknowledge, and that the system for inspecting trucks is in disrepair.

The newspaper spent nine months examining truck crashes and even sent a reporter undercover with a truck driver to traverse the country.

What the newspaper found was downright terrifying, particularly with regard to trucker fatigue. Reporter Judy Thomas wrote:

“Sometimes hallucinating, sometimes nodding off to sleep after driving 20 hours at a stretch, drivers continue to drift their 40-ton rigs into oncoming traffic, plow through toll booths or crash into the backs of slower vehicles, sometimes wiping out entire families.”

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One late night during the *Star*'s journey, a haggard truck driver sat at a truck stop in Fort Stockton, Texas, downing his third cup of coffee after driving 2,000 miles in 36 hours straight. The driver, who, according to the *Star*, trains other truck drivers on the safe transport of hazardous materials, said he had left San Francisco at noon the day before, hauling a load of motor oil. “I’ll be home at noon tomorrow,” he boasted, even though his logbook indicated he wasn’t supposed to be home for three more days. <sup>255</sup>

As the *Star* explained, the first line of defense against serious safety breaches in the trucking industry is roadside inspections at weigh stations and in random stops. Officers check vehicles and drivers’ logbooks, in which truckers are required to record the hours they’ve worked. It is common knowledge that truck drivers routinely falsify their logbooks, but there appears to be little reason to do so. During the *Star*'s 6,000-mile journey, about two-thirds of the nearly three dozen weigh stations the truck passed were closed. Other weigh stations simply displayed a green light and sent the trucks on through. Not once did anyone ask to inspect the *Star*'s truck or see its logbook. Nor did the newspaper’s undercover reporter see any other trucks being

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<sup>254</sup> *Dead Tired: Desperate Driver Defy Limit As Safety Net Falter*, Judy Thomas, *The Kansas City Star*, December 16, 2001

<sup>255</sup> *Dead Tired: Desperate Driver Defy Limit As Safety Net Falter*, *The Kansas City Star*, Judy Thomas, December 16, 2001

inspected. Many drivers told the *Star* that they hadn't been inspected in months. Some said they hadn't been inspected in years.<sup>256</sup>

As the *Star* discovered, the government's other inspection system – on-site safety reviews – also is broken. The *Star*'s own data analysis revealed that 75 percent of the nation's 560,000 trucking companies had never received an on-site inspection. Of the nearly 10,000 that had been inspected and were given unsatisfactory ratings, fewer than 200 were shut down even temporarily.<sup>257</sup>

In response to the deplorable safety record of the trucking industry and the refusal of the government to regulate it, two noteworthy organizations have sprung up. Citizens for Reliable and Safe Highways (CRASH) was founded in 1990 in California with the mission of preventing deaths and injuries resulting from all types of collisions with large trucks. Parents Against Tired Truckers (PATT) was founded in Maine in 1994 by the parents of Jeff Izer (see his story in Chapter Two). It was formed specifically to address the problem of trucker fatigue.

Working independently, both CRASH and PATT made some progress during the '90s in raising awareness of the problems. They also served notice to the trucking industry that it was being watched. However, both organizations came up against powerful industry lobbyists with the government in their back pockets. Lacking major donors of their own, neither CRASH nor PATT made much progress in bringing about needed reforms.

The two organizations appeared to gain some strength in the fall of 2002, when they banded together to form the Truck Safety Coalition. Working in cooperation with Public Citizen, they filed suit against the feds for failing to meet congressionally mandated deadlines for issuing new truck safety rules.

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<sup>256</sup> *Dead Tired: Desperate Driver Defy Limit As Safety Net Falters, The Kansas City Star, Judy Thomas, December 16, 2001*

<sup>257</sup> *Dead Tired: Desperate Driver Defy Limit As Safety Net Falters, The Kansas City Star, Judy Thomas, December 16, 2001*

Among the rules mandated by Congress years ago but which the DOT refused to implement were 1) new rules governing hours of service, required rest periods and other fatigue-related issues; 2) a new rule on minimum training requirements for drivers of longer-combination vehicles; 3) a new rule on requirements for authorization to transport hazardous materials; and 4) a new rule on background checks for commercial drivers.

In February 2003, the U.S. DOT agreed to settle that suit. As part of the settlement, the feds were required to quickly issue the overdue rules. The most long-anticipated and closely watched rule change concerned trucker fatigue. Congress had directed federal regulators to address the deadly problem in 1995, but the feds did not bother to present a proposal for new work-hour rules until five years later. This was followed by a three-year delay in issuing the final standard. The trucking industry had lobbied vigorously against any new restrictions. It especially opposed a provision requiring Onboard Event Recorders, which would serve as an indisputable source of evidence as to how long each truck driver had spent behind the wheel.

When the new rule finally passed in January 2004, it excluded the requirement for event recorders. In addition, it actually increased the maximum number of permissible hours truckers could spend behind the wheel each week. The rule allowed truck drivers to go an extra hour behind the wheel each day in exchange for a requirement that they rest longer between stretches.

Six months later, the U.S. Court of Appeals for the District of Columbia struck down the new rule, saying it was “arbitrary and capricious” because it failed to consider the impact on the health of truck drivers. The court noted that FMSCA did not even acknowledge that the new rule would dramatically increase the maximum permissible hours drivers could work each week, much less provide justification for such a rule. The court also criticized the agency’s

rationale for renegeing on the requirement that truckers drive with Onboard Event Recorders.<sup>258</sup>

The ruling sent FMSCA back to the drawing board. In the summer of 2005, the Bush Administration essentially defied the court order and reissued the same rule, in some instances weakening it even further.

Meanwhile, the Truck Safety Coalition has struggled to maintain its momentum. Between the spring of 2003 and the spring of 2005, neither PATT nor CRASH posted any newsletters on their web sites. A planned conference in Washington, DC for the families of truck crash victims was postponed twice. Neither organization lists financial information online. A newsletter in the fall of 2005 indicated that the coalition was back in business, but it remained on shaky ground financially.

The grim reality is that, while large portions of the population would no doubt agree with their mission and goals, advocates for safe trucking simply do not have the financial support they need to present a serious challenge to the trucking industry.

### **Don't Walk – Run!**

Don't Walk. Run. That's what I think to myself every time I see the Don't Walk signal at a crosswalk, which invariably begins to flash just a few seconds after the Walk signal. Pedestrians in this country are expected, quite literally, to run across the street. We dare not keep the automobile waiting.

It is a testament to the vulnerability that pedestrians feel today that so many have become vocal advocates for their own safety. Pedestrians have good reason to feel afraid. Thirty years of safe crashing policies have completely excluded them from the traffic safety equation. In shifting the focus from preventing crashes to trying to

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<sup>258</sup> *Try Again, On Rule Governing Truck Driving Hours, Appeals Court Tells FMCSA, Status Report, Insurance Institute for Highway Safety, August 1, 2004*

make them safer, the traffic safety establishment also chose to shift the focus from all road users to vehicle occupants. In their vision of a traffic safety utopia, pedestrians simply did not exist, since people are not crashworthy even at very low speeds.

As a result, in the past ten years alone, more than 50,000 pedestrians have been killed by motor vehicles. More than 700,000 have been injured.<sup>259</sup>

Government officials frequently boast that the number of pedestrian fatalities has declined significantly. This is true. The number of pedestrians killed by cars has declined 37 percent over the past three decades – from 7,516 in 1975 to 4,749 in 2003. However, officials fail to mention that the rate of walking has declined much more than that. Thirty years ago, two-thirds of all school children walked or biked to school. Today, only 13 percent do.<sup>260</sup> Data from the U.S. Census Bureau indicates that, during the decade of the '90s alone, the number of adults who walked to work dropped 25 percent.<sup>261</sup>

As the streets become increasingly hostile to people on foot, it is only natural that fewer Americans are choosing to walk to work and school. With fewer pedestrians as targets, fewer are likely to be killed by cars. The modest decline in fatalities does not mean that the streets are becoming safer for pedestrians. In fact, when it comes to pedestrians, the roads have never been more dangerous. The combination of dangerous driving and communities designed around the automobile has created widespread risk for people on foot.

Three approaches are available to the government for reducing pedestrian deaths and injuries: 1) education and enforcement to curb speeding and reckless driving; 2) fundamental changes in the ways communities are designed so as to make them more pedestrian-friendly; and 3) an engineering approach called traffic calming.

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<sup>259</sup> *Traffic Safety Facts 2003, NHTSA*

<sup>260</sup> *American Heart Association, 2005*

<sup>261</sup> *U.S. Census Bureau, 2001*

Traffic calming consists of a variety of physical changes that can be made to reduce vehicle speeds, primarily in residential neighborhoods. These include narrowing roads, creating roundabouts and traffic circles to alter the path of speeding vehicles, raising median strips, and installing speed humps. The idea originated in Europe but has recently caught on in Portland, Oregon and a number of other U.S. cities.

Among the traffic calming measures of greatest interest to homeowners in this country are speed humps. Speed humps consist of slight increases in the height of the pavement, extending from curb to curb. They are designed so that motorists can comfortably drive over them at speeds of 20 to 25 mph, but no more.

Seems like everywhere you go these days, residents are clamoring for speed humps on their streets. However, speed humps are expensive to install (about \$1,500 a piece) and appear to have only limited effect. On a long residential street with a speed limit of 25 mph, speed humps can force vehicles to slow down to the speed limit. But in Washington, DC, I have observed that motorists often accelerate between speed humps. Also, speed humps appear to present little challenge to large SUVs and “all-terrain” vehicles; I have watched these vehicles literally fly over speed humps, with ease.

In addition, city officials generally do not consider traffic calming measures such as speed humps or traffic circles to be suitable for urban arterial streets, since these streets serve commuter and commercial traffic and carry emergency vehicles. Furthermore, speed reduction on a street that has been treated with traffic calming measures can divert traffic and speed problems to other streets in the neighborhood.<sup>262</sup>

For all these reasons, instituting traffic calming measures as cities usually do – only when demanded by the most vocal residents (who tend to focus only on their own streets), and always in the

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<sup>262</sup>*Managing Speed, Special Report 254, Transportation Research Board, p.171 and 172, National Research Council, National Academy Press, Washington, DC, 1998*

absence of education and enforcement – seems to be the most expensive and least effective approach to protecting pedestrians from cars.

Another path to pedestrian safety is to change the way that communities are designed. Today's communities are shaped by and for the automobile. People are expected to drive everywhere. Lots of people are forced to drive long distances just to go to the grocery store or the post office, which are now located in strip malls rather than neighborhoods. Speed limits are high. Sidewalks are a rarity. Intersections are wide and poorly marked. Traffic signals are timed to accommodate the needs of hurried commuters. Pedestrians are considered a nuisance.

Given these circumstances, it should come as little surprise that 15 percent of children and 30 percent of adults living in the U.S. today are obese.<sup>263</sup> Who wants to travel anywhere on foot if it means having to walk along the narrow shoulder of a road while the equivalent of hundreds of miniature missiles whiz past at speeds of 40, 50, 60 mph or more?

Short of tearing apart our nation's cities and suburbs and re-designing them to accommodate pedestrians, we are forced to rely, at least for the immediate future, on lowering speed limits, re-conditioning motorists to drive safely, and demanding more accountability from motorists who engage in reckless behavior.

The lack of accountability on our roads and highways is most apparent when motorists strike pedestrians. With the focus on protecting vehicle occupants, it is no small wonder that the vast majority of pedestrian deaths in this country are written off as accidents. For example, in 2004 *The New York Daily News* published the results of its own extensive study of pedestrian fatalities. Reporters for the newspaper found that a staggering 580 pedestrians had been killed in New York City between the years 2000 and 2002, but only 80

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<sup>263</sup> *Centers for Disease Control and Prevention, 2005*

motorists who struck and killed pedestrians were charged with any crime. Of these, only a handful served jail time.<sup>264</sup>

While data are not readily accessible on the percentage of motorists nationwide who receive any real punishment for killing pedestrians, New York City seems to mirror a nationwide trend. In fact, near as I can tell, the best way to murder someone in this country is to wait for them to step off the curb, then put the pedal to the metal and plow them down. Heck, you don't even have to wait for them to step off the curb anymore. You can just drive right up onto the sidewalk. All you have to say is, "Oops, I was talking on my cell phone," or "Oops, I dozed off at the wheel." As long as you are sober, police are unlikely to ask you many questions before filing a report that dismisses the murder as just an unfortunate accident.

In my work for the Partnership, I have come across several notable campaigns for pedestrian rights. One, called America Walks, bills itself as a national coalition of local advocacy groups dedicated to promoting walk-able communities. America Walks got its start in 1996 and is currently headquartered in Boston, MA. The organization hosts a "National Conference for Pedestrians" each year and works to organize pedestrian activists at the grassroots level. But it appears to hold little clout with legislators. It has even less financial support. In the winter of 2005, America Walks listed only one corporate sponsor on its web site and named the Centers for Disease Control and Prevention (CDC) as its only other "major contributor." Even the CDC's support appeared to be quite limited.

Another campaign, called Keep Kids Alive: Drive 25, got its start in Omaha, Nebraska in 1998. The campaign unites community groups and law enforcement agencies in an effort to educate motorists – using brochures, street signs, yard signs, and stickers – about the importance of complying with low speed limits on residential streets.

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<sup>264</sup> *State Spares the Rod for Those Who Kill With Cars, New York Daily News, Bob Port and Greg Gittrich, December 29, 2003*

Founded by a very enthusiastic husband-and-wife team, the organization shows genuine spirit and real possibility. But like other road safety organizations, it lacks financial support. To date, most of the campaign's revenue has come from the sale of signs and stickers, and that revenue has not been sufficient to cover even minimal operating costs.

The only other organization of which I'm aware that attempts to address pedestrian concerns on a national scale is the Surface Transportation Policy Project (STPP). Founded in 1990 and headquartered in Washington, DC, STPP describes itself as a nationwide coalition of organizations working to ensure safer communities and smarter transportation choices. The focus is on infrastructure: Investing in mass transit, re-designing roads and intersections to make them more compatible with pedestrian traffic, adding sidewalks, and encouraging growth that is less dependent upon the automobile.

STPP lobbies legislators and publishes an annual "Mean Streets" report, which ranks communities according to their relative risk to pedestrians. The organization lists numerous wealthy foundations as contributors. Tax forms posted on its web site date back to 2001 but show a budget of nearly \$3 million. While this is much more money than the rest of the fragmented movement can claim, it is still a drop in the bucket, especially in light of the organization's bold mission and the powerful highway construction lobby that it's up against.

In addition, while STPP's mission is an important one, unless and until our nation's infrastructure is able to completely separate cars from pedestrians such that interaction between the two no longer is necessary, the behavior of motorists will continue to play a significant role in the safety of pedestrians. STPP's emphasis is on infrastructure, not driver behavior.

Two other notable organizations work regionally to promote and protect walking and cycling. One, called Transportation

Alternatives, was founded in 1973 and represents residents of New York City. Another, called PEDS, was founded in 1996 and represents residents of Atlanta. Transportation Alternatives lists a current budget of just over \$600,000, most of which appears to come from New York-based foundations and corporations. PEDS has a current budget of nearly \$200,000, a little over 40 percent of which comes from the government. The rest comes from a combination of foundation grants, corporate sponsorship, and individual donations.

Like STPP, both Transportation Alternatives and PEDS appear to be faring better financially than the rest of the mini-movements I've come across. This may be due in part to tenacity; both organizations have stuck with it long enough to begin establishing track records. However, it should also be noted that annual budgets of \$600,000 to protect pedestrian rights in New York City and \$200,000 to protect pedestrian rights in Atlanta are not likely to get the job done. The threat to pedestrians posed by dangerous drivers in both cities is enormous and widespread.

In addition, while traffic safety often looks and feels like a local issue, the problems are national in scope. The most potent solutions (e.g. regulating speed governor settings, shifting government priorities from safe crashing to crash prevention, creating a media campaign to change the driving culture in America, reforming auto insurance laws so that private companies stop enabling deadly drivers) require action at the national level.

In summary, then, while at least a few organizations have made pedestrian safety their mission, each is going about it in different ways, some are trying to address national problems locally, and none has the financial support it needs to achieve its goals.

Meanwhile, in the grand tradition of safe crashing, automakers now are actually attempting to design cars to be safer for hitting pedestrians, with features like windshield wipers that absorb energy when struck and hood hinges that bend upon impact.

As a pedestrian in Washington, DC, I feel much safer knowing that if I'm struck by a 5,000 pound vehicle and I end up on the hood, the vehicle might have shock-absorbent windshield wipers.

### **Lights, Camera, Action!**

Perhaps the most tragic waste of human life on the roads today is that which results from high-speed police chases. The federal government currently does not require that police departments keep a record of their chases, even when they lead to death. Thus, there is no accurate count of victims. However, researchers estimate that 50,000 pursuits occur annually. Of these, 20,000 result in injury, and as many as 2,000 end in death.<sup>265</sup>

Many victims of police pursuits are innocent third parties who get caught in the middle. Often they are children.

Contrary to popular belief, the majority of police chases are initiated as a result of traffic violations, not felony crimes.<sup>266</sup>

As should now be clear from the stories presented throughout this book, no traffic violation – be it speeding, running red lights, or weaving in and out of traffic – should be ignored by police. However, as should also now be clear, chasing motorists is not the answer to dangerous driving in America.

High-speed chases likewise are not the solution to stolen vehicles, since automobiles can be replaced, but people cannot. Yet it is common practice for police officers who identify stolen vehicles to give chase.

Measures to deter speeding and reckless driving have been discussed in previous chapters. Some of those measures, like creating a maximum speed governor setting and increasing the use of Ignition

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<sup>265</sup> *Police Pursuit in Pursuit of Policy, Illinois State University Department of Criminal Justice Sciences, AAA Foundation for Traffic Safety, April 1992*

<sup>266</sup> *Police Pursuit in Pursuit of Policy, Illinois State University Department of Criminal Justice Sciences, AAA Foundation for Traffic Safety, April 1992*

Interlock Systems, would do as much to reduce the frequency of police chases as they would to reduce reckless driving generally.

Additional measures specifically to minimize the risk of chases include equipping all police cars with video surveillance cameras; calling on other officers to intercept fleeing vehicles at locations further down the road; creating tougher penalties for motorists who flee police (in most states this still is not even a felony); and routinely publicizing those tougher penalties through television and radio ads.

In situations that do not involve stolen vehicles, one option is simply to use the license plate to track down the offending motorist at his place of residence. Incredibly, police officers who are foiled in their pursuit of a fleeing motorist often wind up using the license plate to track him down at his home. In such cases it becomes transparently clear that this option should have been selected from the start.

As to the problem of vehicle theft, surely our society can come up with a more rational solution than chasing thieves at high speed. One approach might be to educate the public about the availability of both high-tech and low-tech devices that reduce the risk of vehicle theft. But regardless, police officers have neither the right nor the responsibility to endanger even one innocent person's life in order to recover someone else's stolen property.

Families of victims have been complaining for years about reckless pursuit policies, to no avail. Solutions to Tragedies of Police Pursuits (STOPP) was formed in 1994 by the surviving families of four people who were killed in separate crashes when they happened to be in the wrong place at the wrong time during high-speed chases. STOPP was headquartered in Jackson, Wyoming and run by the aunt of one of the victims.

To their utter astonishment and horror, the founders of STOPP discovered that many police officers consider it a perk of the job to legally pursue alleged criminals at high speed. They also discovered that police chiefs don't want to take away what they see as a valuable

recruiting tool. Other government officials – including state legislators – likewise refuse to intervene.

In fact, in the face of mounting criticism, the number of police chases actually has increased. In some communities, police are egged on by television producers who view chases as a form of free entertainment and routinely send video crews to tape them.

Unfortunately, STOPP lost its director to cancer a few years back and has since fallen by the wayside. In its place, at least two other campaigns have sprung up. One, called PursuitWatch, was formed by the parents of 20-year-old college student Sarah Phillips. On an early morning in December 2001, Ms. Phillips got caught in the middle of a pursuit in Winter Park, Florida. Her parents lobbied legislators and ran an active web site for three years before officially incorporating as a national grassroots organization in 2005. As of this writing, PursuitWatch has just begun to explore funding options.

Another campaign, called Kristie's Law, is spearheaded by the parents of a high school student named Kristie Priano, who got caught in the middle of a police chase in Chico, California. Kristie was with her family on the night of January 22, 2002, en route to a high school basketball game, when an SUV that was being chased by police officers struck their vehicle. At the wheel of the SUV was a 15-year-old girl whose mother had called the police when her daughter drove off with the family car.

Prior to the pursuit, there was no indication that the girl was speeding, running stop signs, or otherwise endangering the public. After police officers gave chase, the girl began to drive erratically at high speeds. She had run her fifth stop sign when she slammed into the Priano's van at an approximate speed of 60 mph, directly hitting the spot where Kristie was sitting.

## Candy Priano's Story, in Her Own Words

My husband, Mark, says we were all talking right before the crash. I remember it a little differently. Mark was driving and talking about his favorite subject, basketball. Sitting behind us, Kristie (pictured here) and her brother Steve were having their own conversation. Hearing their laughter, I smiled and looked out my window into the darkness — so quiet, so peaceful. If only I had turned toward the backseat, I might have seen the cars coming at high speed.



Suddenly, I heard a dull thud. Then I sensed wind whipping around my face as our van sailed like a cotton ball, tumbling over a fence and spinning 'round and 'round. When we stopped, I was hanging sideways high in the air. My husband lay in a fetal position, with his seatbelt still wrapped around his body. I saw blood and thought he was dead. I gradually realized our van was on its side.

Breaking the silence was Steve's frightened voice: "Mom, what happened?" Hesitating, he asked, "Where's Dad?"

"I think we were in a horrible accident," I said, but later I learned that this was no accident. "Dad is right here," I continued, not wanting to give my 16-year-old son more information.

Steve, too, was suspended in the air, saved by his seatbelt. I immediately stretched my arms toward him to feel his body for injuries. I asked if he could see Kristie. He did not answer. I asked again, "Is it too dark for you to see Kristie?" Still there was no answer.

I knew something was wrong. Rarely was Kristie quiet. Had she been okay, she would have been giving us a detailed report of everything that had just happened. I started calling her name. The

silence was deafening. I began to pray: "Our Father who art in Heaven...."

As if in answer to my prayer, my husband began to move. I prayed harder, certain that God would do the same for Kristie.

Barely a minute had passed since the van had stopped rolling, so I was startled when a police officer emerged from the darkness, but I quickly told him that my baby was hurt.

He responded, "This wasn't your fault."

Puzzled and still hanging in the air, I repeated, "My baby is hurt!"

"It's not your fault," he said again, as if in a state of shock himself. This time I screamed, "MY BABY IS HURT! I can't see her; I can't hear her!"

I prayed again, my stomach tightening. With every breath, my heart broke into a thousand pieces. Secretly, I pleaded, Oh God, I cannot stand this! Remember, I told you I would die if something happened to my babies. God, no!

Kristie was still in her seatbelt when another officer climbed into the van. He sat with her until the paramedics arrived. Kristie and Mark were taken to the hospital in ambulances. Steve and I rode in the backseat of a police car. I continued my "Our Fathers," but I did not feel God's presence even when I begged, Please let Thy will be that Kristie will live ... that she will live and be okay.

As I walked through the wide door of the hospital's emergency room, a young woman put her arm around me and gently said, "Come with me, Mrs. Priano." She knows my name, I thought to myself, but how? Scanning the room, I saw one police officer after another, so many men in blue that I could not count them all. Their pasty white faces stood out against their crisp dark uniforms. Oh God, I am so scared.

"Do police always come to the hospital when someone dies?" I asked. "Is that why they're here? The police are scaring me. Why are

there so many? Why are they looking at me like that? Is Kristie dead?"

Later, a neurosurgeon explained to me that my Kristie was very seriously hurt and was probably going to die.

No, God, I silently prayed. We are supposed to be at Kristie's high school basketball game tonight. Kristie is beautiful and has her whole life to live. God, she has plans — a mission trip to an orphanage in Costa Rica, a homecoming party in a couple weeks, and, Lord, just the other day she made a date with me to see the movie, "A Walk to Remember." Please, take me from this cruel place. This is a horrible mistake.

I soon discovered that this horrible mistake is repeated on a daily basis throughout the U.S. Sometimes innocent victims die. Sometimes they are disabled or maimed.<sup>267</sup>

After the crash that killed Kristie Priano, police officers drove the girl that they had been chasing home. It would be 23 days before she was taken into custody. She received one year in juvenile hall and additional time in a monitored group home.

Apparently, since the 15-year-old was not arrested on the spot, police did not consider her an immediate threat to the public. This begs an obvious question: Why chase?

The answer is both simple and tragic: Chases have become a celebrated part of the California culture. In fact, nowhere has the chase been exploited for entertainment purposes more than in California. At least one web site even promises to alert subscribers whenever a California chase is being broadcast on live TV.

With such strong reinforcements from the media and the public for persisting in this deadly game, the number of police-reported chases in California has soared – from 5,895 in 2001 to 6,337 in 2002 to 7,171

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<sup>267</sup> [www.kristieslaw.org](http://www.kristieslaw.org)

in 2003.<sup>268</sup> But while some California residents continue to get a thrill from watching wild chases on television, others have begun to question the practice. In 2002, several highly publicized chases, in which residents got caught in the middle and were seriously injured or killed, forced the Los Angeles Police Department to adopt a new pursuit policy. The policy still allows far too many pursuits, including pursuit of a motorist who is driving a stolen vehicle. However, it now prohibits police from chasing motorists for "minor" traffic violations.

Most other cities, meanwhile, have yet to acknowledge the problem, let alone do anything about it. This includes most cities in California. Kristie's Law would create a statewide ban on pursuits in California, except in cases where suspects present an immediate, serious danger to the public. So far the California legislature has refused to seriously consider it.

While support for Kristie's Law is growing among some segments of the population, as of this writing the campaign is not incorporated and does not solicit donations. All expenses are paid for by Kristie's family, who received no settlement money from the police to compensate them for their loss. Thus, despite the growing number of victims, the U.S. still lacks an established organization to which victims can turn for help. As a result, most families whose loved ones get caught in the middle of high-speed chases continue to face the horror on their own. An increasing number are seeking redress from the courts, although some states, including California, give blanket immunity to police officers in chases – even when officers ignore their own policies.

Still, victims in other states are finding sympathy among judges and jurors. In recent years both the number and size of awards for innocent third-party victims of police chases appear to be growing.

Yet there remains a desperate need for powerful grassroots advocacy on this issue – to support innocent third-party victims of

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<sup>268</sup> *Too Many California Car Chases*, *Christian Science Monitor*, Daniel Wood, March 14, 2005

police chases; to educate the public about the often-devastating consequences of chases; to inform lawmakers of viable alternatives to chasing motorists, and to demand accountability from police departments that continue to place innocent people in harm's way for no legitimate reason.

### **Hidden Risk**

While truck drivers lead the way in driving long hours without rest, they are not alone in their tendency to doze off at the wheel. Drowsy driving also is a serious problem for commercial tour bus drivers, shift workers, and people with untreated sleep apnea or narcolepsy. In addition, among the general population, young male drivers between the ages of 16 and 29 are especially prone to fall asleep at the wheel.

But no one is immune to this deadly error. The government estimates that 1,500 people are killed annually when motorists fall asleep at the wheel, and another 71,000 are injured annually in such crashes. These estimates are extremely conservative. Drowsy driving often plays a role in crashes attributed to other causes. For example, the government lists driver inattention as the primary cause of approximately one million police-reported crashes each year.<sup>269</sup> Drowsy driving and fatigue make such lapses of attention more likely.

As noted in Chapter Five, unlike both alcohol involvement and cell phone use, there is no scientific method even available for determining after a crash whether someone fell asleep at the wheel. Most states offer little or no training to police officers for identifying drowsiness as a factor in crashes. Six states still do not even include a code for drowsy driving on their crash reports.<sup>270</sup>

In a 1999 poll conducted by the National Sleep Foundation, 62 percent of all adults who were surveyed reported having driven a vehicle while drowsy sometime during the previous year. Twenty-seven percent reported that they had, at some time, dozed off while

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<sup>269</sup> *National Sleep Foundation, 2005*

<sup>270</sup> *National Sleep Foundation, 2004*

driving. Twenty-three percent stated that they knew someone who had crashed in the past year after falling asleep at the wheel.

According to a report by the National Center on Sleep Disorders Research, crashes that result from drowsiness typically have several characteristics in common. Generally they take place late at night, in the early morning, or in mid-afternoon. Because the drowsy motorist does not attempt to avoid the crash, these crashes are likely to be quite serious. Frequently they consist of a single vehicle leaving the roadway. Often they occur on high-speed roads.

Because drowsy driving crashes are not well known to the public and basic steps to prevent them are not taken, most such crashes are written off as accidents. Generally there is no punishment for the driver even when the crash involves obvious negligence, such as driving long hours without rest.

The federal government advocates a number of measures to reduce drowsy driving, including public education about the warning signs of fatigue and stricter laws for truck and bus drivers. But it does not pursue any of them.

In my work for the Partnership, I've encountered numerous individuals and groups that are trying to create public awareness of the devastation wrought by fatigued and drowsy drivers from all walks of life. None of these individuals or groups appears to have any funding. The only exception is the National Sleep Foundation, which was founded in 1990 with a grant from the American Sleep Disorders Association. Headquartered in Washington, DC, the foundation works to improve understanding of sleep and treatment of sleep disorders. For a national organization, it is small, with an annual operating budget of slightly more than \$2 million. Drowsy driving is just one of numerous problems the foundation seeks to address. It lends its support to legislative efforts to reduce drowsy driving but is not directly involved in lobbying for such legislation.

Because of the dearth of financial support for grassroots initiatives to reduce drowsy driving, activists have learned to celebrate

small successes. In 2003 they heralded the passage of the first law in the nation allowing sleep-deprived motorists who kill someone to be charged with vehicular homicide. Named after a 20-year-old New Jersey woman who was killed by a drowsy driver, “Maggie’s Law” offers a story of both inspiration and caution.

The motorist who killed Maggie McDonnell admitted to having been awake for 30 consecutive hours before swerving across three lanes of traffic and crashing into Maggie’s vehicle. His punishment was a \$200 fine.

Under the new law, a motorist who goes at least 24 hours without sleep and causes a fatal crash can be charged with vehicular homicide, which in New Jersey is punishable by up to ten years in prison and a \$100,000 fine.

The law was passed after Maggie’s mother, Carole McDonnell, lobbied New Jersey lawmakers for several years. It shows that even one person with patience and persistence can affect change in the legislature. However, it also shows the risk of working in isolation and focusing exclusively on the one factor believed to be responsible for a loved one’s death. Under Maggie’s Law, the man who killed Maggie would have faced prison time and a significant fine. But the law probably will not make much difference in prosecuting future drowsy drivers. First, people who are aware of the law will be less likely to admit to being sleep-deprived. Without a confession, it may be difficult to prove that a person went 24 hours without sleep. Second, it usually takes a lot less than 24 hours of sleep deprivation for motorists to start nodding off at the wheel. Maggie’s Law will not allow serious punishment of motorists who, for example, drive 12, 18, or even 23 hours at a stretch and fall asleep at the wheel.

The spirit of Maggie’s Law definitely points in the right direction, but clearly more comprehensive laws are needed to address this problem. So far, no organization has been able to raise the funds needed to launch an effective campaign.

## Do As I Say...

...not as I do. That's what many parents would have to tell their teenagers today if they really wanted them to drive safely. Today's adolescents are learning how to drive a car from the most irresponsible generation of motorists in our nation's history.

From the time they were first strapped into a car seat, today's teens have been watching their parents speed, weave, tailgate, and run red lights and stop signs. For the past eight years, teens have been watching their parents hold lengthy conversations on their cell phones while driving – with kids in the backseat!

Why would anyone expect teens to behave any differently when the keys were handed to them?

To be sure, some parents are acting responsibly and setting a good example for their teens. And sometimes even the children of responsible parents make bad judgments. But such cases appear to be the exception. The majority of parents, it seems, just don't want to think about what their teens might be doing behind the wheel, or how their own behavior might be influencing them.

The results of not wanting to think about it are disastrous. In 2003, 7,693 drivers ages 16 to 20 were involved in fatal crashes. An estimated 582,000 drivers in this age group were involved in injury crashes.<sup>271</sup> The per capita fatality rate for teenagers is almost twice as high, on average, as the fatality rate for all age groups. The per capita injury rate for teenagers is 40 percent higher than the injury rate for all age groups.

In a 2000 government study, the estimated cost of police-reported crashes for teenagers was \$42.3 billion. This figure included the costs associated with lost wages and productivity, property damage, medical care for injuries, travel delays, legal and court fees, and emergency services.<sup>272</sup> As a group, teenagers also have the highest

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<sup>271</sup> *Traffic Safety Facts 2003, NHTSA*

<sup>272</sup> *The Economic Impact of Motor Vehicle Crashes 2000, NHTSA*

auto insurance rates. Some parents report that they are now paying as much as \$1,800 annually for minimal coverage for their teen drivers.

The National Institutes of Health released a study in 2005 suggesting that the reason teenagers take more than their share of risks behind the wheel is because the part of the brain that controls impulsive behavior is not yet fully developed. Researchers used the study to bolster the call for changing the legal driving age to 17 or 18. However, according to the study, the brain does not complete its development until around the age of 25.<sup>273</sup> Therefore, it's not clear how raising the driving age to 17 or 18 would address the brain development problem.

Still, public opinion polls show broad support for increasing the minimum driving age by a year or two.<sup>274</sup> Once again, it is the parents of teens who are standing in the way; many are tired of chauffeuring their kids around and therefore eager to hand them the keys.

Despite resistance from parents, in recent years the U.S. has been moving in the direction of restricting teen driving. Nearly every state now has what is called "graduated licensing." Rules vary from state to state, but typically they prohibit 16-year-olds from driving at night, without adult supervision, or with teen passengers in the car until they have driven a certain number of hours.<sup>275</sup>

The Insurance Institute for Highway Safety reports that states with graduated licensing have been able to reduce teen crashes by anywhere from 9 percent to 37 percent. (Q&A: Teenagers: Graduated Driver Licensing, Insurance Institute for Highway Safety, March 2004) However, the benefits of graduated licensing so far are not reflected in teen fatality rates, which have actually increased over the past decade. One reason may be that the rules are left primarily to parents to enforce, and enforcement has been weak.

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<sup>273</sup> *Is 16 too Young to Drive a Car?* Robert Davis, *USA Today*, March 2, 2005

<sup>274</sup> *Is 16 too Young to Drive a Car?* Robert Davis, *USA Today*, March 2, 2005

<sup>275</sup> *Is 16 too Young to Drive a Car?* *USA Today*, Robert Davis, March 2, 2005

Besides graduated licensing, some legislators recently have zeroed in on cell phone use among teen drivers. As of this writing, teens in eleven states and the District of Columbia are restricted from using hand-held phones while driving. While a ban on such behavior for teens seems like a no-brainer, it is also riddled with hypocrisy. There is no evidence that adults can handle this task any better than teenagers. Adults who talk on cell phones while they drive not only endanger themselves and others but also set a bad example for teens. Once again, the policy appears to be, “Do as I say, not as I do.”

Meanwhile, the government continues to balk at other measures that could dramatically reduce the risk of crashes for teen drivers. For example, the U.S. Congress has yet to address the problem of outrageously high speed governor settings on automobiles. Handing a teenager a car that can go 100+ miles per hour makes no more sense than handing him or her a loaded gun.

Likewise, the Federal Trade Commission refuses to challenge the auto industry on its relentless promotion of speeding and reckless driving in television commercials, which appear to be aimed directly at youth drivers.

In addition, the U.S. Department of Transportation (DOT) continues to pour all of its resources for reducing teen crashes exclusively into campaigns against drunk driving, even though alcohol is not a factor in the majority of teen crashes. In October 2004, the DOT announced a new campaign aimed at curbing “a rash of high profile teen crashes nationwide.” The government’s press release stated that 31 percent of teenagers killed in car crashes in 2003 had been drinking. That means 69 percent had not. Still, the campaign was designed only to increase seatbelt use and discourage drunk driving. There was no mention of speeding, drag racing, talking on cell phones, or any other factor responsible for teen crashes.<sup>276</sup>

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<sup>276</sup> *Hollywood, Government and Youth Mobilize to Counter Recent Teen Crashes, Press Release, NHTSA, October 15, 2004*

Where I live in Washington, DC, we have witnessed the rash of fatal teen crashes first-hand. Most of them have had nothing to do with alcohol. Almost all of them have had something to do with speeding.

Overall, grassroots advocacy on this issue has been weak. In my work for the Partnership, I came across only one organization – Parents Against Speed Teens (PAST) – that seemed to be building some real momentum. Founded in New Hampshire in the mid ‘90s by the parents of a teenager who was killed in a high-speed crash, PAST visited high schools and gave presentations to students on the dangers of speeding. The program was very popular with teens. However, the organization had little funding and appears to have since disbanded.

One program idea that seems to hold great promise of reducing teen fatalities is electronic monitoring. Using specially designed Event Data Recorders (EDRs) adults now can monitor nearly every dangerous move a teenager makes behind the wheel, including speeding, hard-cornering, hard-braking, and failure to wear a seatbelt.

In 2003, the Partnership for Safe Driving created a prototype for a non-profit Teen Auto Club, whereby we would offer to monitor teenagers during their first two years of driving using these specially designed EDRs. Teens that joined the club also would be required to participate in an ongoing educational program via the Internet.

We conducted a small marketing survey with parents of teen drivers in California to gauge interest in the club. Only one parent out of 30 indicated that she might be interested in signing her teenager up for such a program.

As indicated previously, many parents don’t seem to want to think about what their teens are doing behind the wheel until it’s too late. Therefore, parents likely would need strong incentives to convince them to enroll their teen in such a club. One obvious incentive would be to tie participation in the club to significant discounts on auto insurance. But this would require the cooperation of insurance companies. The Partnership has proposed the program to a number of insurers but so far has found no interest.

To be sure, the benefits of such a program have yet to be proved. Still, the cost of doing nothing seems well-established.

The problem can only get worse. Officials project a nearly 20 percent increase in the 16-24 year-old population – from 36 million to 43 million – by the year 2020. In the next ten years alone, California estimates a 33 percent increase in its population of 15-to 19-year-olds.<sup>277</sup> This will be juxtaposed against a rapidly graying population of drivers who should not be behind the wheel at all due to physical limitations, but for whom there may be few other options.

The results could be catastrophic.

### **The Price of Freedom**

On July 16, 2003, people across the country were horrified to learn that an 87-year-old motorist had plowed through a crowded farmers market in Santa Monica, killing 10 people and injuring 63.

A five-month investigation by the California Highway Patrol culminated in a 917-page report that concluded the motorist was driving at unsafe speeds and did not attempt to brake or take the car out of gear as he struck dozens of people in the market. There was no evidence that alcohol or drugs were involved.

The motorist subsequently was charged with manslaughter. What investigators did not address, however, was California's policy of continually renewing driver's licenses - often by mail or over the Internet - without even minimal testing to ensure that motorists are still capable of handling the driving task. While this allows motorists of all ages with serious physical impediments to slip through the cracks, it is especially ill-suited to verifying the ability of elderly drivers to continue driving safely.

In fact, the horrific crash in Santa Monica reflects a nationwide problem. In 2003, 3,094 drivers between the ages of 65 and 74 – and

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<sup>277</sup> *Managing Speed, Special Report 254, Transportation Research Board, p.80, National Research Council, National Academy Press, Washington, DC, 1998*

3,294 over the age of 74 – were involved in deadly crashes.<sup>278</sup> Elderly drivers are second only to youth drivers in their rate of fatal crash involvement.

Few people in our society want to see grandparents thrown in jail after crashing their car. Yet 37 states have no additional requirements or restrictions for elderly motorists who wish to renew their licenses. These states may allow license renewals by mail or the Internet for as many as 18 years without so much as a single vision or reflex test. Thirteen states have very minimal additional requirements for older drivers. The toughest states appear to be Maine, which requires mandatory vision tests for motorists renewing licenses after age 39; Oregon, where eye tests begin at age 50; and Illinois and New Hampshire, both of which require road tests for motorists renewing licenses after the age of 75.

By contrast, California requires only that motorists 70 and older who have been involved in two or more crashes within a 12-month period submit to a road test. A few years ago, California lawmakers considered but ultimately rejected legislation that would have required all motorists older than 75 to pass road tests. The debate was sparked by the death of a Santa Monica teenager who was struck by a 96-year-old driver. The driver had not taken a road test since 1918.<sup>279</sup>

Florida, which has the largest population of senior citizens, recently passed a law requiring vision tests for motorists starting at age 80. Besides beginning their testing beyond the average life span of both men and women, the Florida eye test – like other states – is not comprehensive. It does not test visual tracking, contrast sensitivity, depth perception, how well people can see at dawn and dusk, or how they're affected by lights at night. In addition, Florida, like most states,

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<sup>278</sup> *Traffic Safety Facts 2003, NHTSA*

<sup>279</sup> *Crash Renews Debate on Older Drivers, 86-Year-Old Motorist Had Clean Record, Officials Say, Washington Post, p. A01, Rene Sanchez, July 18, 2003*

does not require that motorists undergo periodic memory and reflex tests as they age, nor any additional road tests.

The problem of elderly driving in the U.S. is complex and multi-faceted. Experts say driving is usually the last activity that elderly people give up. Often they have stopped working and have moved to assisted living but are still clinging to the cherished freedom that only an automobile can afford. That desire for freedom combined with abysmal mass transit services in this country can make giving up one's license a bitter pill to swallow.

After the deadly farmer's market crash, talk radio was abuzz with callers suggesting that it was the children's responsibility to take the keys away from an aging parent. I wholeheartedly disagree. The government issues and renews licenses, not the family. Therefore, it is the government's responsibility to ensure that basic requirements are met.

The only realistic way to safeguard the public is to require mandatory testing of vision, reflexes and memory for all motorists each time they renew their driver's licenses, with more frequent renewals required as people age. Periodic road tests also should be required with license renewals. To speed the process, insurance companies could offer to perform these tests on their policyholders and then forward the results to the Department of Motor Vehicles.

For motorists who no longer are able to handle the driving task, suitable alternatives must be provided. This requires vast improvements in our nation's system of public transportation. It also underscores the need for walk-able communities. Plenty of elderly people who should no longer be driving could easily handle a 15-minute walk to a grocery store, pharmacy or post office, if such a business existed within walking distance and the roads and intersections were pedestrian-friendly.

The issue of elderly driving is sure to gain prominence in coming years. Currently, at least 19 million licensed drivers in the U.S. are 65 or older. That figure represents a 32 percent increase over what

it was a decade ago. The Insurance Institute for Highway Safety projects that 40 million elderly people will be driving in the U.S. by 2030. About 9 million of those drivers will be 85 or older.

In my work for the Partnership, I have come across individuals who were aware, through a personal tragedy, of the problems posed by elderly drivers and eager for the government to do something about it. I have not, however, encountered any groups that have successfully organized to address this problem.

Clearly, there is need. Every time legislators attempt to place any restrictions on license renewal for elderly drivers, they are bombarded by complaints from groups representing the elderly, who denounce such efforts as discriminatory.

Since people who are unfit to be driving pose the greatest danger to themselves, groups representing the elderly would be wise to recognize that some restrictions are, in fact, essential to the safety and well-being of their constituents. Rather than attacking such restrictions as discriminatory, they should be working with the government to come up with suitable alternatives to driving.



Often road fatalities cannot be attributed to a single factor. Rather, they are the result of a combination of factors, each of which points to negligence on the part of the government.

Such was the case with the tragic death of 11-year-old Tia Townsend of Shoreline, Washington.

Tia was killed on March 28, 2002 as she crossed the street with a friend in a marked crosswalk. Motorists in three of the four lanes of traffic had yielded the right-of-way to the girls, giving them the impression it was safe to cross. But an elderly driver drove around a stopped car and struck them. Tia's friend escaped with only a

broken arm and some bumps and bruises, but Tia was thrown 59 feet and suffered traumatic head injuries.

The 82-year-old driver received a \$490 fine.

The intersection where Tia was killed had been the site of several previous pedestrian fatalities and injuries. Yet the city of Shoreline refused to erect a traffic signal. It still refuses to this day.

The state of Washington likewise has no measures in place to ensure that elderly people are fit to drive.