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June 12, 2005

The Honorable James Oberstar
Ranking Member
Committee on Transportation and Infrastructure
U.S. House of Representatives
2365 Rayburn House Office Building
Washington, DC 20515



Dear Mr. Oberstar:

The undersigned organizations are writing to urge your opposition to three new sanctions and penalties proposed under the Senate version of H.R. 3. The sanctions involve those for high risk drivers, open containers and comprehensive safety planning.

On the behalf of organizations representing state legislatures, state officials responsible for administering and delivering federal highway safety, commercial motor vehicle safety and transportation programs and transportation organizations, we strongly support attainment of national highway safety goals but seek to ensure that these goals are met in a positive manner that is consistent with state needs and abilities.

Under the Senate bill, states would have two years after enactment to develop and implement a comprehensive strategic highway safety plan or face the loss of their entire Sec. 148 Highway Safety Improvement Program apportionment. This could mean the loss of millions of safety construction dollars for states. State, regional and local agencies that have different missions, funding streams, and capabilities will have to work together, in many cases, for the first time to craft adequate safety plans. Although many states are already moving in that direction, development of meaningful and effective plans will take time. States should be encouraged to develop strategic highway safety plans with federal technical assistance and support, not punished if they do not meet the two-year deadline.

States would have until FY 2009 to enact laws that address impaired drivers with a blood alcohol concentration of .15 or more, repeat offenders and those driving with a suspended license or have 3 percent of their National Highway System (NHS), Interstate Maintenance (IM), and Surface Transportation Program (STP) funds transferred into the Section 402 programs (23 U.S.C. 402) each year the state is in non-compliance. States would be required to spend the funds only on specific impaired driving countermeasures. According to our analysis, not a single state is currently in compliance with the proposed requirements. As a result, more than \$600 million of highway construction funds could be transferred into states' Section 402 programs. Further, the 36 states that are in compliance with current the Section 164 repeat offender requirements (23 U.S.C. 164) would have to return to their legislatures and seek to significantly amend their repeat offender laws. States should be encouraged to strengthen their impaired driving laws addressing high risk drivers through incentives, not draconian penalties.

The Honorable James Oberstar
Page 2

States that do not have open container laws would have until FY 2008 to enact such laws or have 2 percent of NHS, IM, and STP funds withheld for each year of non-compliance. As of this date, 14 non-compliant states are penalized under 23 U.S.C. 154 with the transfer of NHS, STP and IM funds into the Section 402 program. If the sanction is enacted, they would be penalized further with the loss of the highway construction funds altogether. This severe penalty is not warranted since current research does not indicate that open container laws are effective countermeasures.

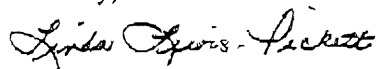
We believe the use of sanctions and penalties reflect an all-or-nothing approach that forces absolute and unconditional compliance with federal safety requirements or goals while stifling innovation and redirecting funds from highway construction and maintenance projects that have tangible safety benefits.

Currently states face eight highway safety-related sanctions and penalties that are designed to force compliance with various federal highway safety mandates or goals, including enactment by specified deadlines or various types of state safety legislation. Sanctions and penalties decrease the amount of funding available to the states to make necessary investments to the highway system, compromising the construction, rehabilitation, operation and maintenance of a safe highway system. Fewer resources to invest means delays in roadway and intersection improvements, fewer dollars for upgrading highway signage and markings, and less funding available for investment in safety research. It makes little sense to increase federal highway funding for states on the one hand and then take a portion of it away on the other.

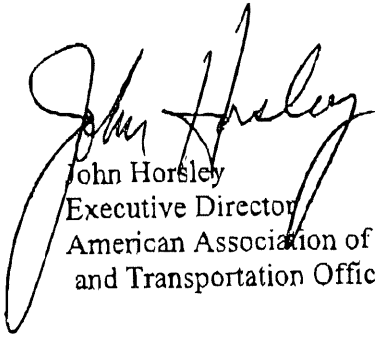
We urge you to employ incentives and positive strategies to encourage states to address the high risk drivers, comprehensive safety plans, and open container laws rather than adopting a negative sanctions approach. Incentives give states the flexibility and resources to find creative solutions to safety problems that fit their needs while ensuring stable funding for improving, constructing, operating and maintaining safe highways.

We urge you to reject any changes to current law that would impose new sanctions or penalties on the states for failure to comply with federal highway safety mandates and goals.

Sincerely,



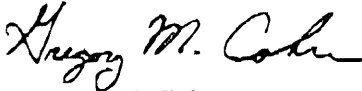
Linda Lewis-Pickett
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John Horsley
Executive Director
American Association of State Highway
and Transportation Officials



David A. Raymond
President
American Council of Engineering Companies



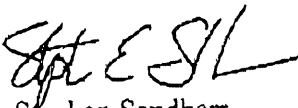
Gregory M. Cohen
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