GETTING TO ZERO—TRENDS IN HIGHWAY SAFETY

By Deborah A.P. Hersman, President and CEO National Safety Council

After dropping steadily for decades, we are in the midst of the deadliest spike in roadway fatalities in 50 years. Car crashes are a leading killer for Americans, and we lose 100 people every day, or 38,000 lives each year.¹ The National Safety Council works in concert with law enforcement, courts, academia, auto manufacturers, technology companies, EMS and road designers to name a few, at the federal, state and local levels to reduce driving fatalities across the nation.

One million people have died in vehicle crashes over the past 25 years. This year alone, motor vehicle deaths are up 9% in the first half of 2016. Highway fatalities are a national health epidemic. NSC is dedicated to our vision of eliminating preventable deaths in our lifetime, and we can only get to zero crashes by working together. With 94% of collisions having some element of driver error and with an increasing number of drivers on the road, we need more support than ever if we are to eliminate preventable deaths and injuries on our nation’s roadways.

Shifting Driver Behavior

We know that driver behavior is the biggest single contributor to motor vehicle crashes, and one of the hardest problems to solve if we want to get to zero. Strong enforcement of violations is critical, but it’s not enough. Suspension alone is not an effective means of getting repeat offenders to change their behavior, especially given that AAA estimates that two-thirds of drivers that have lost their license continue to drive anyway.² We have seen promising improvement through behavior based education and driver retraining interventions by working with courts and law enforcement directly. In Massachusetts, NSC helps retrain habitual offenders at risk for losing their license due to suspension or as a condition for reinstatement. NSC partners with the Massachusetts Registry of Motor Vehicles, Massachusetts State Troopers, and District Courts to retrain drivers.

One program in particular, the Attitudinal Dynamics of Driving, cognitive behavior intervention based on Choice Theory Psychology, has been so successful, that a five-year study following over 47,000 ADD program participants found a decrease in major traffic violations ranging from 76% (for males aged 21-64) and 93% (for females 65 and over).³ The residual effect of this intervention shows the number of violations continued to go down several years following training (see chart below).

Thanks to these collaborative programs, tens of thousands of drivers have been retrained to recognize dangers, learned to drive defensively, and reduced proven risky behaviors such as speeding. The focus on safer drivers and driving behaviors is just one proven countermeasure that is being employed in the Road to Zero effort. Other states can certainly learn from these approaches where collaboration between the judicial system and traffic enforcement work to address root causes of dangerous driving.

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The Road to Zero

In October, the National Highway Traffic Safety Administration (NHTSA), Federal Motor Carrier Safety Administration (FMCSA), Federal Highway Administration (FHWA) and the National Safety Council announced an ambitious new goal to eliminate roadway fatalities within 30 years, called the Road to Zero Coalition. The Coalition builds on previous efforts such as Towards Zero Deaths, Vision Zero initiatives and the Safe Systems transportation approaches to roadway safety.

The Road to Zero Coalition brings together more than 75 organizations, including MADD, the Commercial Vehicle Safety Alliance, the International Association of Chiefs of Police and others. It also includes a focus on the 4E’s of Education, Engineering, Enforcement and Emergency Medical Services to drive down fatalities.

Road to Zero is also partnering with the RAND Corporation to develop a future scenario with zero highway deaths. This process brings together highway safety experts to articulate what our roadways might be like in 2040 if we are to reach our goal of zero, with specific as well as alternative steps to get there (see figure below). By going through this scenario building process, we will drive countermeasures to reduce motor vehicle crash deaths and provide policymakers and stakeholders with guidance about how to eliminate deaths on our roadways.

Life-Saving Technology

Technology provides another avenue to drive down roadway injuries and fatalities. One of the stated goals of the Coalition is to encourage the adoption of life-saving technologies in motor vehicle fleets. While fully autonomous vehicles are still decades away, there are many safety technologies available on the market that can help save lives and prevent injuries. The chart below shows how four technologies which are optional features in many new cars can save lives and prevent injuries.

Crashes relevant to 4 crash avoidance systems

<table>
<thead>
<tr>
<th>Technology</th>
<th>all</th>
<th>injury</th>
<th>fatal</th>
</tr>
</thead>
<tbody>
<tr>
<td>front crash prevention</td>
<td>1,165,000</td>
<td>66,000</td>
<td>879</td>
</tr>
<tr>
<td>lane departure prevention</td>
<td>179,000</td>
<td>37,000</td>
<td>7,529</td>
</tr>
<tr>
<td>side view assist</td>
<td>395,000</td>
<td>20,000</td>
<td>393</td>
</tr>
<tr>
<td>adaptive headlights</td>
<td>142,000</td>
<td>29,000</td>
<td>2,484</td>
</tr>
<tr>
<td>total unique crashes</td>
<td>1,866,000</td>
<td>149,000</td>
<td>10,238</td>
</tr>
</tbody>
</table>

Source: Highway Loss Date Institute
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Last year, the National Safety Council, with the University of Iowa, launched the MyCarDoesWhat campaign to help consumers navigate and become familiar with how to use some of these safety features. As the federal government and states establish standards for autonomous vehicles, NSC supports making recordable and shareable data available to law enforcement.

For judges, traffic citation officers, and driving instructors to be effective in training and enforcing driving laws, data is crucial. Once we are able to determine the specific driving conditions or behaviors that are putting lives at risk, we can knowledgeably design and build safe and reliable transportation systems.

Opportunities with Road to Zero

Getting to zero crashes is an ambitious goal. That is why NHTSA and NSC are dedicating a total of $4 million in funding over the course of three years to fund grassroots projects addressing countermeasures by developing innovative solutions and a coordinated safe systems approach to highway safety.

The best way to reach the overall goal of zero is for all of us to focus on the ‘zero goals’ closest to us. Make zero your number, your family’s numbers and your team’s number today and every day after, until we all get to zero. A multi-pronged approach to addressing problem driving habits, improving roadway design, and building awareness and access to safety technology can all help us get to zero.

Join the Road to Zero at the next Coalition meeting on March 1. Visit nsc.org/roadtozero to learn more.


AN INTERVIEW WITH ACTING CHIEF JUSTICE KIRK G. SAUNOOKE OF THE CHEROKEE COURT

By Hon. J. Matthew Martin, ABA Tribal Fellow

The following interview is part of our ongoing feature consisting of conversations with leading American jurists regarding traffic safety issues in their jurisdictions.

What is your jurisdiction?

The Reservation, trust property, land held in trust by the United States for the Eastern Cherokees. They hold legal title, we hold equitable title, in theory. The Reservation is 56,000 acres, more or less. We are located in the far western part of North Carolina, and part of the Reservation abuts the Great Smoky Mountain National Park. A large, contiguous part of it is referred to as the Qualla Boundary.

What is your academic background?

I have a BS in Political Science from Western Carolina University and a JD from the University of North Carolina School of Law.

How long have you been on the bench?

It will be 20 years, next month since I was hired. We started as a Code of Federal Regulations (CFR), court, limited jurisdiction, very limited, Indians only. We didn’t have natural resource crimes like we do now, and very limited civil jurisdiction, too. I was on the CFR Court right at four years and served as an Administrative Judge for the United States through the Department of the Interior, sitting here on the Reservation. Then in April, 2000, the Tribe took over and I have been a Tribal Court Judge ever since. The difference is, rather than operating under the CFR, we operate under our own Tribal Code, applying our own, organic law and also applying the law of the United States, as Congress directs us. I am now the acting Chief Justice.
What are the major traffic safety issues in your jurisdiction?
I’ll tell you what I see a lot of is NOL’s (no operator’s license) and people driving while revoked, people driving without a license. Most speeding tickets, waivable offenses, are settled before I go into the courtroom, so I don’t adjudicate a lot of those cases. That would include seatbelts. Child restraint violations, I see a lot of. If the driver will get a proper seat, the Tribe will drop the charge. At one time, the Tribe would give you an age appropriate seat. I see a number of impaired driving cases. We have quite a few of those coming up for jury trial this week. It’s been a while since I had a car wreck case—most of those settle out of Court. Insurance companies don’t want to come to Indian Country.

Why is that?
They are unfamiliar with our jurisdictions and outcomes are more uncertain. Uncertainty is not good for underwriting.

How does your Court address these major traffic safety issues?
On the impaired driving, it is just like in the State of North Carolina. They are pled out or tried. If people go and get their license, the Tribe will drop an NOL. Driving on revoked license usually results in a fine and a probationary sentence. We see repeat offenders driving on revoked licenses.

So defendants charged with impaired driving can have a jury trial?
Yes, under the Indian Civil Rights Act. There is no jury trial right for a civil infraction.

What is the makeup of the jury; where do you draw the venire from?
All residents within the Qualla Boundary, the Reservation, Indian and non-Indian. We tap into a service we have: NC DMV shares with us the names and addresses of the people who live within the Qualla Boundary. So, everyone charged with a crime who has a right to a jury trial under the Indian Civil Rights Act can have a jury of six people who live on Tribal lands.

Do you believe that you have any traffic safety issues that are unique to your jurisdiction?
I don’t think so. I look at the state court dockets. We are about the same.

What is or are the best traffic safety resource(s) you currently have in your jurisdiction?
I don’t think we have any. We do have certain police officers who do nothing but traffic control, but that’s probably about it.

What traffic safety resources that you do not already have would you wish or envision for your jurisdiction?
If there was funding to have a dedicated traffic enforcement team to focus exclusively on traffic, speeding, impaired driving, and DWI check points, that would be helpful. When our Court returns to full staffing, we will have a dedicated traffic clerk in the Clerk’s office and that is very helpful to everyone. How about Reservation specific impaired driving classes for offenders? They currently have to go off of the Reservation to get those. Or, how about this: The state used to send the mobile drivers license unit to the Reservation once a month, and it was enormously helpful in getting folks licensed. If we could get some funds to staff a part time driver’s license unit on the Reservation, that would be great, so people could address the issues with their licenses or simply get licensed to begin with.
LIFE SAVERS NATIONAL CONFERENCE ON HIGHWAY SAFETY PRIORITIES

Charlotte Convention Center
March 26-28, 2017

Lifesavers is the premier U.S. highway safety meeting dedicated to reducing the tragic toll of deaths and injuries on our nation’s roadways. Drawing over 2,000 participants in 2016, Lifesavers continues to be the must attended conference since its start in 1982. Each year, Lifesavers provides a forum for the presentation of proven countermeasures and initiatives that address today’s critical highway safety problems. The Lifesavers Conference brings together a unique combination of public health and safety professionals, researchers, advocates, practitioners and students committed to sharing best practices, research, and policy initiatives that are proven to work. You can’t get the kind of information that is conveyed at this conference anywhere else at this value.
Co-Occurring Mental Substance Abuse Disorders

April 3 – 6, 2017
Location: Reno, NV
Tuition: $1,079
Conference Fee: $289

What will I learn?
During this course, you will learn to:

• Describe the physiological and pharmacological aspects of substance abuse.
• Identify and assess individuals with major mental disorders.
• Select appropriate judicial strategies and tools for treatment and monitoring.
• Evaluate the effectiveness of alternative judicial models to deal with co-occurring disorders.

Whom should I contact for more information?
For more information, please contact the Registrar’s Office at (800) 255-8343 or registrar@judges.org.

Scholarships available: To learn more about financial assistance to attend NJC programs, please email nic-scholarships@judges.org or call us at (800) 25-JUDGE.

This course qualifies for The National Judicial College Certificate in Judicial Development program, Administrative Law Adjudication Skills, Dispute Resolution Skills, General Jurisdiction Trial Skills, Special Court Trial Skills and Tribal Judicial Skills disciplines.

DON’T FORGET

Valuable resources can be found at:

• National Highway Traffic Safety Administration
  http://www.nhtsa.gov/Impaired

• American Bar Association/Judicial Division/NCSCJ
  http://www.americanbar.org/groups/judicial/conferences/specialized_court_judges/NHTSA.html

• Highway to Justice - Archives
  http://www.americanbar.org/publications/judicial_division_record_home/judicial_division_record_archive.html

• National Judicial College
  www.judges.org

• Governor’s Highway Safety Association: Impaired Driving Issues

• AAA Foundation for Traffic Safety
  https://www.aaafoundation.org/

• National Center for State Courts
  http://www.ncsc.org/

State Judicial Outreach Liaisons:

Delaware: Hon. Richard Gebelein:
Richard.Gebelein@state.de.us

Indiana: Hon. Tim Oakes:
in.jol.tim@gmail.com

Michigan: Hon. Patrick Bowler:
pcbowler@gmail.com

Oklahoma: Hon. Carol Hubbard:
hubbardranch@msn.com

Pennsylvania: Hon. Michael Barrassе:
mbarrassе@gmail.com

South Carolina: Hon. J. Mark Hayes, II:
mhayesjl@sccourts.org

Tennessees: Hon. Leon Burns:
leoncburns@gmail.com

Texas: Hon. Laura Weiser:
lweiser@yourhonor.com

Vermont: Ben W. Joseph:
bwidisputes@hotmail.com

Virginia: Hon. Gordon Wilkins:
gordonwilkins@yahoo.com

Washington: Hon. Scott Bergstedt:
scott@bergstedtlaw.com