



Statement of AAA New York State before the Joint Legislative Public Hearing on the 2017-2018 Executive Budget Proposal for Transportation

Albany, NY – February 15, 2017

Good afternoon. AAA New York State, an association of the four independent, not-for-profit AAA clubs in New York which collectively serve a membership of 2.7 million drivers, is pleased to testify at this Joint Budget Hearing on Transportation for the 2017-2018 Executive Budget. We would like to thank the members and staff of the Assembly and Senate Transportation Committees, the Assembly Ways and Means Committee, and the Senate Finance Committee for their work in organizing and holding this hearing.

We are submitting this testimony in support of three provisions included in Part L of the Transportation, Economic Development and Environmental Conservation (TED) bill: section 12, which requires all rear seat occupants in a motor vehicle to be properly restrained; section 1, which removes a loophole in the drugged driving statutes; and sections 7-11, which would prohibit cell phone use at red lights.

Summary of Testimony

Require seat belts for adult rear seat passengers

Currently, New York law only requires children under age 16 to buckle up in the back seat of a vehicle. Yet proper restraints enhance safety for all vehicle occupants, regardless of age. Compared with restrained passengers, unbelted rear seat occupants are three times more likely to be killed, eight times more likely to be seriously injured, and two times more likely to kill a front seat passenger by becoming a projectile.

A 2016 report by AAA New York State found that between 1995 and 2014, 886 unbelted rear seat occupants age 16 and over were killed in crashes in New York – over 44 per year. Older teenagers were particularly at risk: a quarter of all such fatalities were suffered by 16-18 year olds.

The seat belt requirement should not expire when children are most vulnerable. AAA New York State supports this provision, which would save lives and prevent injuries for occupants of all ages.

Remove drugged driving loophole

In New York, a charge of driving under the influence will only stand if the drug in question is specifically listed in state law. Thus, some drivers who willingly consume substances designed to impair themselves cannot be charged with impaired driving. AAA New York State supports removing this loophole.

Prohibit texting at red lights

New York law prohibits cell phone use only while a vehicle is in motion. But an AAA Foundation for Traffic Safety study revealed that a driver's reaction time can be inhibited for up to 27 seconds after the distracting behavior ends. Accordingly, AAA New York State supports prohibiting texting at red lights.

Seat Belts for Adult Rear Seat Passengers

Section 12 of Part L of the TED budget bill would amend New York's seat belt law (VTL 1229-c) to require adults age 16 and over in the back seat of a motor vehicle to wear seat belts. AAA New York State strongly supports this provision.

In 1984, New York passed the nation's first mandatory seat belt law and jump-started one of the 20th century's greatest public health achievements. Since then, seat belts have saved over 330,000 lives across the United States.

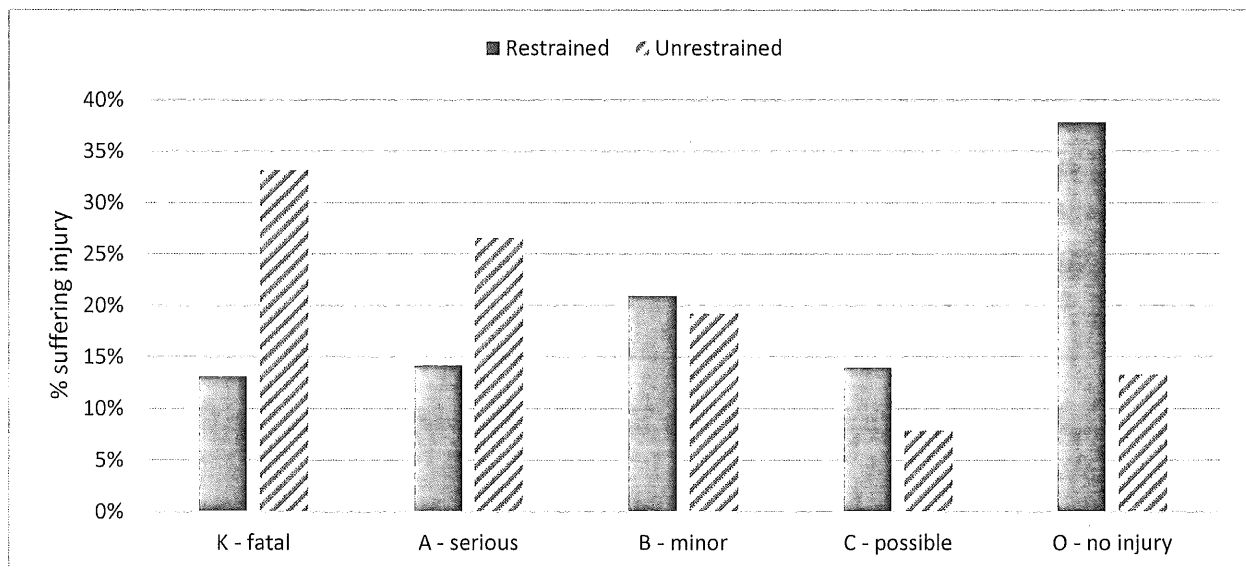
But New York, once a leader in occupant protection, has fallen behind. Twenty-eight states and the District of Columbia require that all back-seat passengers buckle up; in New York, only children under 16 must do so.

Proper restraints improve safety outcomes for all vehicle occupants, regardless of seating position or age. The Governor's Highway Safety Association reports that compared with belted rear seat passengers, unbelted rear seat passengers are 3 times more likely to be killed in a crash. The Insurance Institute for Highway Safety reports that unbelted rear seat passengers are 8 times more likely to be seriously injured.

Education and enforcement campaigns conducted by state agencies and local police departments have helped raise New York's front seat belt usage rate to an all-time high of 92% in 2016. But because the current law prevents such initiatives from being applied to adults in the back, rear seat belt usage is below the national average – with tragic consequences.

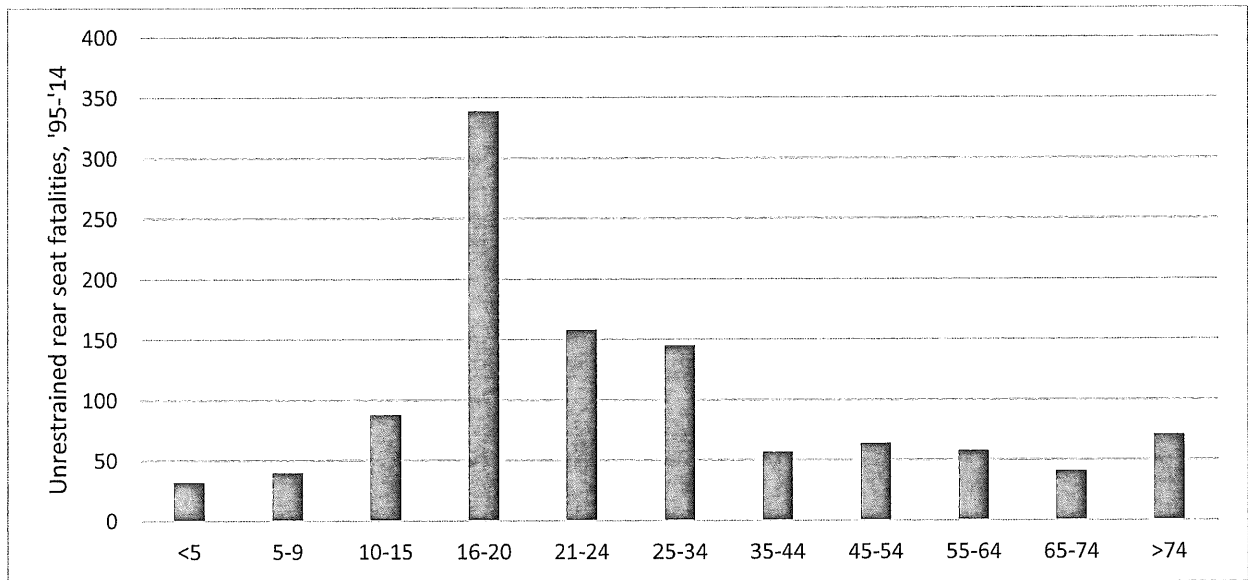
Last year, AAA New York State released a report analyzing the effect of New York's rear seat belt law, using data from fatal crashes occurring between 1995 and 2014. Over those twenty years, 886 unbelted rear seat occupants age 16 and older were killed in crashes – more than 44 per year. At least one unbelted rear seat occupant age 16 and older was killed in each of New York's 62 counties.

Seat belts unequivocally reduce the risk of injury in the back seat.

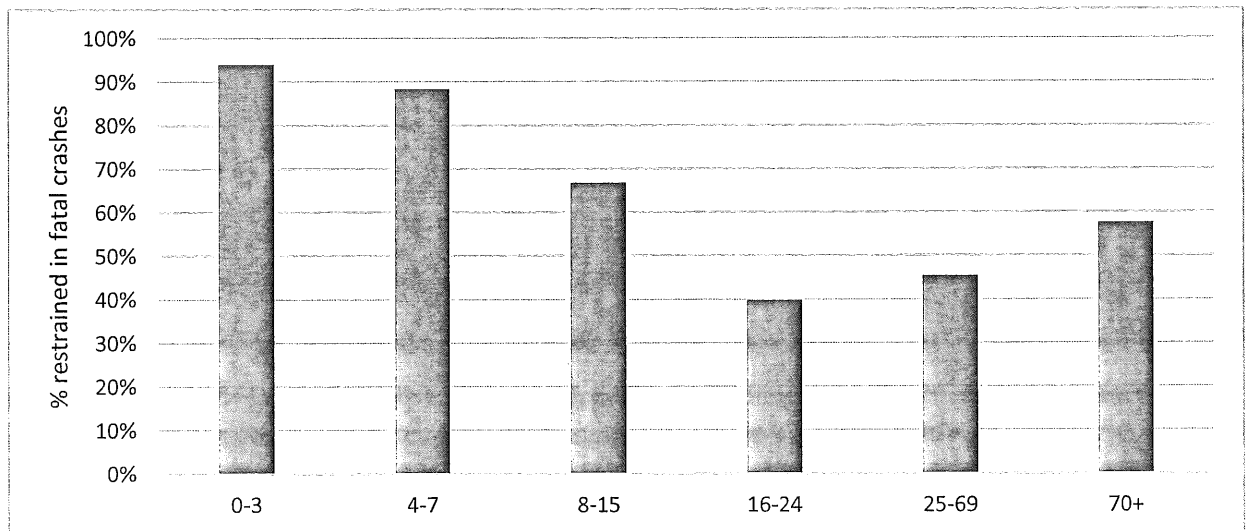


A third of unrestrained rear seat passengers in fatal crashes were killed, compared with only 13% of restrained passengers. Conversely, over a third of restrained rear seat passengers in fatal crashes emerged with no injuries, compared with only 13% of unbelted occupants.

These injuries are disproportionately concentrated among older teenagers and younger adults.

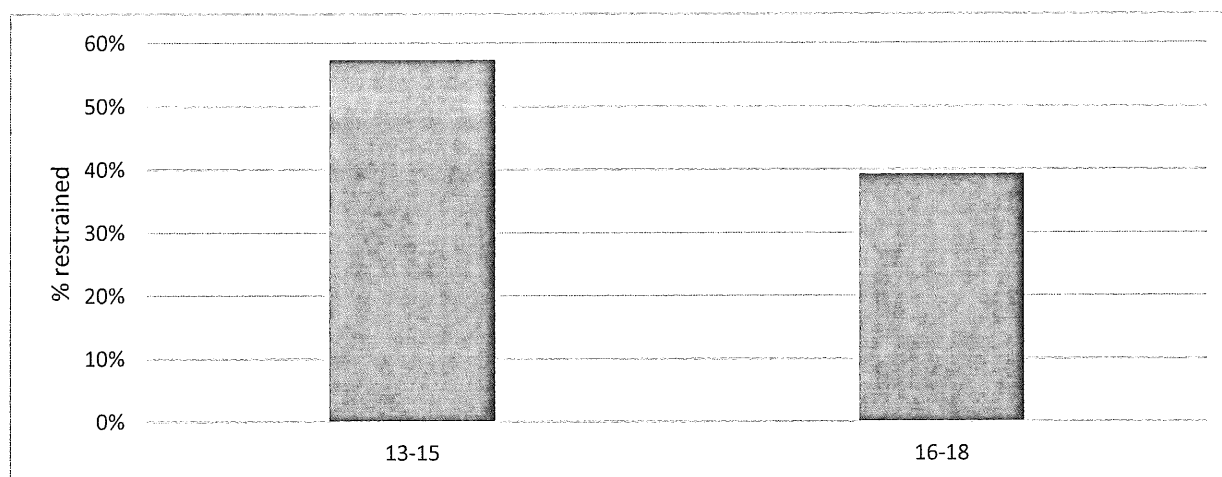


This concentration is due to the lower rates of seat belt use by young adults in the rear seat.

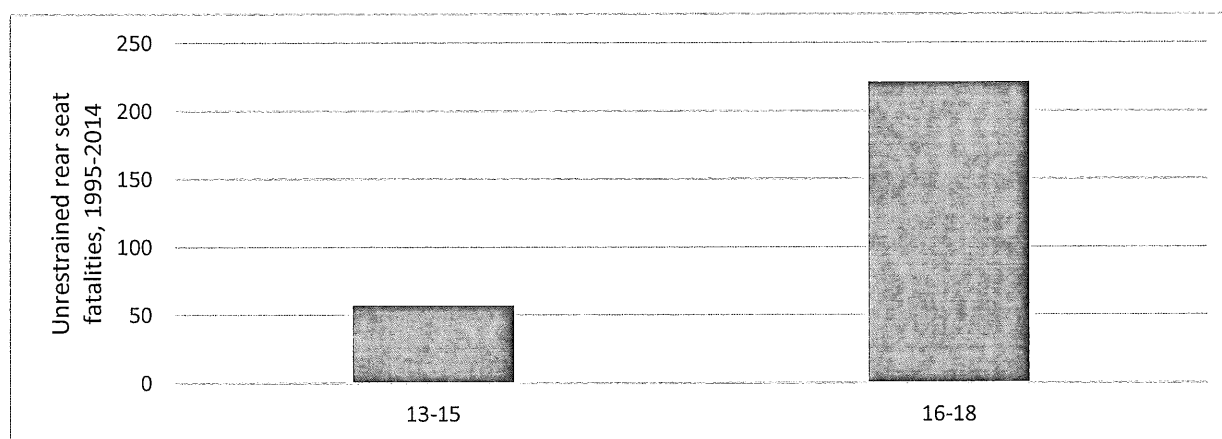


This analysis confirms findings from prior scientific studies: infants and toddlers are most likely to be strapped in, adults are generally less likely to buckle up, and the oldest passengers wear seat belts more often than middle-aged or younger adults. Overall, 43% of adults ages 16+ wore a seat belt in fatal crashes on New York roads.

Seat belt use declines significantly once passengers turn 16 and restraint use is no longer required.



Consequently, fatalities are significantly higher for 16-18 year olds.



In our view, the age when children are least likely to wear a seat belt and most likely to be killed as a result should not be the age when a seat belt requirement is lifted.

Moreover, failing to wear a seat belt doesn't only endanger the unbelted occupant – it endangers everyone else in the car and on the road. Research from the National Institutes of Health found that an unbelted rear seat passenger is twice as likely to become a kill a driver by becoming a projectile (a “back seat bullet”) than a restrained rear seat passenger. And 44% of all unbelted rear seat fatalities between 1995 and 2014 involved either full or partial ejections, which pose obvious risks to other road users.

Passing a rear seat belt law will increase usage rates, save lives, and prevent injuries. States with rear seat belt laws consistently have significantly higher rates of belt usage than states with no rear seat belt law.

Last December, AAA New York State conducted a poll of approximately 800 drivers in New York, both AAA members and nonmembers. Over two-thirds (68%) of respondents supported requiring belt use for adults in the rear seat, while only 15% opposed such a provision. Support was strong across demographic and geographic lines. AAA New York State strongly urges legislators to join their constituents and support this provision.

Close the Drugged Driving Loophole

Driving under the influence of drugs is illegal everywhere in the United States, as it should be. But in New York, a charge of DUI-drugs will only stand if the drug in question is specifically listed in section 3306 of the Public Health law. This setup poses an obvious shortcoming: users choose from an expanding menu of street drugs, while prosecutors choose from a stagnant list. Thus, some drivers who willingly consume substances designed to impair themselves cannot be charged with impaired driving.

The requirement stems from a 2004 incident where a Brooklyn driver inhaled the computer cleaner Dust-Off and crashed into another vehicle, killing its passenger. But Dust-Off was not on the list in the Public Health Law. After years of litigation, the New York State Court of Appeals in *People v. Litto* dismissed a vehicular manslaughter charge while acknowledging that “perhaps gaps exist in the law.”

Section 1 of Part L of the TED bill would close these gaps, and allow DUI charges to be applied to drivers who are impaired by drugs that are not listed in the Public Health Law. AAA New York State supports this provision.

Consider the following true story, which recently occurred in New York. A woman drove so erratically that eyewitnesses called 911. The responding officers observed her snorting a substance and failing to maintain a lane, so they pulled her over. The woman admitted to snorting bath salts, packets of which were visible in the vehicle, and an evaluation by a drug recognition expert confirmed this admission.

But despite the overwhelming evidence of her impairment, she could not be charged with DUI-drugs under the current statutory structure. Her bath salts contained the chemical a-PVP – the new ingredient of choice after the previous chemical, MDPV, was made illegal in 2011. a-PVP produces similarly impairing effects but was not listed in section 3306 of the Public Health Law.

These incidents are becoming increasingly frequent. Roadside surveys conducted by the National Highway Traffic Safety Administration report that the rate of drugged driving among weekend nighttime drivers has increased by 23% over the past decade.

The provision in the budget would help law enforcement officers and prosecutors crack down on such dangerous behavior. AAA New York State supports this provision.

Prohibit Cell Phone Use at Red Lights

Sections 1225-c and 1225-d of the Vehicle and Traffic Law prohibit use of cell phones and personal electronic devices while a vehicle is in motion. Sections 7-11 of Part L of the TED bill would prohibit cell phone use while a vehicle is being operated, regardless of whether the vehicle is in motion. In effect, it would prohibit texting at red lights and stop signs.

Research from the AAA Foundation for Traffic Safety revealed that cognitive distraction doesn't end when the conversation does. A driver's reaction time can be inhibited for up to 27 seconds after the distracting behavior is finished. Thus, AAA New York State supports this provision.

We look forward to working with the legislature to enhance safety on our roadways throughout the Empire State. Thank you for the opportunity to comment and your interest in these matters.