



U.S. House of Representatives
Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit

Hon. David Rouzer, Chair

Hon. Eleanor Holmes Norton, Ranking Member

Testimony of

Ms. Haley Norman, Chair-Elect

American Traffic Safety Services Association

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Chairman Rouzer, Ranking Member Norton, and members of the Subcommittee, my name is Haley Norman, I am the co-owner of Direct Traffic Control, Inc., and I appreciate the opportunity to appear before you today to discuss the important topic of reducing roadway fatalities and serious injuries in this country. Direct Traffic Control, Inc., located in Muskogee, Oklahoma, has been in business since 1999 and we proudly make roads safer through the installation of pavement markings, traffic signs, guardrail and the management of roadway work zones. I am testifying today in my role as the Chair-Elect of the American Traffic Safety Services Association (ATSSA). ATSSA applauds this Committee for your tireless leadership and dedication to improving roadway safety.

Incorporated in 1970, ATSSA is an international trade association focused on advancing roadway safety. Our members manufacture, distribute, and install roadway safety infrastructure devices such as guardrail and cable barrier, traffic signs and signals, pavement markings and high friction surface treatments, and work zone safety devices, among many others. ATSSA was the first U.S. non-governmental organization to adopt a Towards Zero Deaths vision in 2009 and ATSSA members remain committed to making zero fatalities a reality nationwide.

Tragically, reaching zero fatalities remains a serious challenge. In 2023, according to the National Highway Traffic Safety Administration (NHTSA), there were an estimated 40,900 roadway deaths in this country – that is an average of 112 deaths each and every day.¹ Despite the best efforts of ATSSA members, the broader construction industry, state departments of transportation (state DOTs) and the organizations represented by my colleagues on this panel, we continue to see unacceptable numbers of fatalities and serious injuries on our nation's roadways. We can and must do better.

Everyone in this room and on this panel recognizes the severity of the current roadway safety crisis. But recognizing the problem is just the first step. Collectively, we need to work together to identify actions we can take now to address this crisis – while working to develop new solutions for the future. As Congress begins the process of drafting the next surface transportation authorization bill, now is the time to bring stakeholders and policymakers together so we can chart a new path forward. We must address the challenge of improving roadway safety head on, and today's hearing provides us with an opportunity to share the experiences and expertise of ATSSA's roadway safety professionals.

As much I wish we could make drivers slow down, put away their phones, not drive impaired and focus on the roadway, we need to recognize that humans make mistakes. Too often these mistakes are the cause of fatal or serious crashes. That is just a fact. But these mistakes should not result in death. Improving roadway safety infrastructure can make a difference. ATSSA is grateful that US Department of Transportation Secretary Sean Duffy understands this concern, saying during his confirmation hearing, "I will prioritize road safety, ensuring lives and families aren't forever changed by preventable accidents."

¹ National Highway Traffic Safety Administration
<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813561>

In terms of investment in roadway safety, the Infrastructure Investment and Jobs Act (IIJA) increased the funding made available for safety programs and set the new and higher baseline for roadway safety infrastructure investments for the next surface transportation reauthorization. The IIJA provides nearly \$30 billion over the five-year lifespan of the bill for roadway safety projects. While this is a significant increase in funding for roadway safety compared to what was included in the Fixing America's Surface Transportation Act (FAST Act), I believe we must continue to further the investment in safety to begin to plateau and reverse the increase in roadway fatalities and serious injuries. I would like to highlight a few of these important programs.

Highway Safety Improvement Program

The Highway Safety Improvement Program (HSIP) is a critical component to achieving the goal of eliminating fatalities on our roadways. Introduced as part of the SAFETA-LU legislation in 2005, it is a federal formula program that provides dedicated safety funds annually to each state DOT. The IIJA significantly increased funding for HSIP by providing \$15.6 billion over five years, plus an additional \$1.2 billion for rail-highway grade crossings.

Because Highway Safety Improvement Program funds can be used on all public roads, not just state-owned ones, the program is an important tool to help reduce the fatality rate in all parts of a state, including on rural roads. In addition, state DOTs can, and often do, use other federal formula funds to address roadway safety needs.

We remain concerned that while traffic fatalities continue to rise, both the IIJA and previous transportation authorizations allowed states to transfer their HSIP funds to other core Federal-Aid Highway programs. We believe that congressionally approved safety funds should be used for safety projects and should not be allowed to be transferred for other uses.

An example of one of these vital safety projects that my company has worked on in Oklahoma is SW0776, which is a statewide pavement marking project funded through HSIP. This project removes and replaces faded or out of specification pavement markings - replacing them with brighter and safer markings to help the traveling public get home safely. Through this project alone, we have installed approximately 4.5 million linear feet of line striping and 100,000 linear feet of rumble strips. When Oklahoma set the new standard of pavement markings to an easier-to-see 6-inch width, HSIP funds were there to fund this state-specific safety need and enhance safety throughout my state.

Having dedicated HSIP funding for roadway safety has been critical to addressing safety needs. Addressing roadway safety through the HSIP was a bipartisan priority in the IIJA and we urge Congress to keep the program as a priority in the next authorization bill as well.

Work Zone Safety

While vulnerable road users (VRUs) are a focus area in the IIJA, the often-overlooked VRUs are roadway construction workers. I am here today to tell you firsthand that roadway workers are very much vulnerable road users.

For ATSSA members that install and maintain roadway safety devices across the country, our roadway work zones are becoming increasingly dangerous. I have heard too many stories from my industry colleagues of near misses, serious injuries and fatalities in work zones. I know of too many ATSSA members that have lost a friend or a colleague in a work zone crash. In 2023, while one of our crews was working in a work zone in Oklahoma, we almost became one of those ATSSA members to lose a worker. As a driver barreled down the highway, they ignored both the advanced warning signs and devices put in place to warn of an approaching work zone. The driver swerved at the last minute to avoid a type III device, crashing into our work zone and striking a trailer. From a dashcam video of a truck positioned behind the trailer, you see several of our workers standing where the car struck the trailer just moments prior to impact. We were seconds away from a complete disaster and loss of life.

According to the National Work Zone Safety Information Clearinghouse, there were 891 fatalities in roadway work zones in 2022.² Although the majority of these fatalities are vehicle occupants, the men and women working in work zones are consistently in danger. Tragically, this nation has lost an average of 115 workers in work zone fatalities each year over the last five years. These men and women put their lives on the line every day to make our roads safer and work to ensure that the traveling public returns home safe every night.

Technology is coming online today which will greatly enhance the safety of workers and drivers alike leading up to and in work zones. As connected and automated vehicles (CAVs) become more and more prevalent, these vehicles must be able to interact with smart work zones so that catastrophic crashes between autonomous vehicles and roadway workers can be avoided.

Given the continued loss of life in work zones, I urge this Subcommittee, and Congress as a whole, to make work zone safety a priority in the next surface transportation reauthorization bill. Enhancing work zone training grants, encouraging innovation and the exchange of best practices can help states do more to address work zone safety challenges.

Rural Road Safety

As we look to improve roadway safety, we need to remember the rural areas of the country. According to NHTSA, 20 percent of Americans live in rural areas, yet 43 percent of all roadway fatalities occurred on rural roads. In my home state of Oklahoma, 59 percent of fatalities occurred on rural roads. In 2022, the fatality rate on rural roads was 1.68 fatalities per 100 million vehicle miles traveled (VMT), while the national average was 1.33 fatalities per 100 million VMT.³

The IIJA included a new Rural Surface Transportation Grant Program funded at \$2 billion over five years to be used, in part, to address safety needs in rural areas. Of that \$2 billion, 15 percent, or \$300 million, is reserved for recipients to address rural roadway fatalities due to lane

² National Work Zone Safety Information Clearinghouse

<https://workzonesafety.org/work-zone-data/worker-fatalities-and-injuries-at-road-construction-sites/>

³ National Highway Traffic Safety Administration

<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813599>

departure. This is the first time that Congress has included dedicated rural roadway safety funding in transportation authorization legislation since the 2005 SAFETEA-LU law.

We know that there are a number of rural road-specific challenges, including the fact that rural roads are often owned by local governments, who may not have the technical expertise, grant writing specialists and resources to combat the crash and fatality rates discussed earlier. State DOTs are critical to assisting local governments in effectively deploying much-needed safety countermeasures and we encourage a collaborative approach to addressing safety needs.

Living and working in Oklahoma, I know how vital investment in rural road safety is. Through rural road safety funding included in the IIJA, we have been able to enhance safety for all road users throughout the state. A good example of one of these projects took place over an eight mile stretch along the historic Route 66. Our crews installed rumble strips and increased the visibility of pavement markings on this rural roadway, all funded through a rural road safety program included in IIJA. We ask that Congress continue to ensure that safety funds can get to the rural communities and roadways that need this critical investment.

Tribal Road Safety

According to the Centers for Disease Control (CDC), American Indian and Alaska Native children (0-19 years old) have a traffic crash death rate eight times higher than other racial and ethnic groups, while Native American and Alaska Native adults (20 years old and older) have a traffic crash death rate seven times higher than other racial and ethnic groups.⁴

I am a Muscogee Creek Nation citizen. Our business is TERO certified and works on tribal road safety projects throughout the tribal lands in our region. Across our work on these tribal roads, we provide lifesaving installations of rumble strips, signage, pavement markings, and guardrail to communities in great need of roadway safety improvements.

The IIJA took steps in the right direction to improve tribal road safety by increasing funding for the Tribal Transportation Program to \$3 billion over five years and doubling the safety set aside, formally known as the Tribal Transportation Program Safety Fund, from two to four percent of the TTP. We believe that the data shows that we need to continue this investment, and I know that more can be done to improve road safety on tribal lands.

Safe Streets and Roads for All Program

The IIJA also included the Safe Streets and Roads for All Program. This discretionary grant program provides \$1 billion each year to metropolitan planning organizations, local and tribal governments to help prevent roadway deaths and serious injuries. As the name of the program implies, it is intended to address not just safety for the motorist but for other users of the transportation system such as pedestrians, bicyclists, and motorcyclists. By providing funding for planning and implementation of roadway safety strategies, this program has been an important tool for communities looking to address and improve safety outcomes. While we recognize the

⁴ U.S. Centers for Disease Control and Prevention
<https://www.cdc.gov/tribal-road-safety/about/index.html>

difficulties in administering discretionary grant programs, we ask that Congress continue to provide a focus on ensuring the safety of vulnerable road users throughout the roadway system.

Funding Necessary for Important Safety Investments

Federal transportation programs rely on federal fuel excise taxes and fees to provide revenue into the Highway Trust Fund (HTF). The federal HTF is a unique feature of the federal transportation program, and it allows Congress to enact multi-year surface transportation bills. These multi-year bills provide much-needed funding certainty that allows state DOTs and local governments to effectively develop and carry-out transportation construction projects.

But since 2005, spending out of the Highway Trust Fund has outpaced these HTF revenues, with billions of dollars being transferred from the General Fund of the Treasury into the HTF to maintain spending levels. ATSSA members understand that General Fund transfers are not the ideal way to pay for surface transportation programs and ATSSA stands ready to work with Congress to identify future funding solutions.

In order to provide a long-term funding solution for the HTF, Congress needs to closely analyze the merits of alternative user fee mechanisms, including vehicle miles traveled fees and national registration fees. ATSSA and its members are disappointed that, as of the date of this hearing, the US Department of Transportation (USDOT) has yet to undertake the nationwide pilot program on a vehicle miles traveled user fee funding solution as was directed by the IIJA and we are looking forward to working with the incoming team at USDOT to get this pilot underway.

In addition, Congress should ensure that all highway users pay their fair share into the system, including electric vehicles, who currently pay nothing into the HTF.

Finding a HTF revenue solution is critical to improving roadway safety and addressing traffic fatalities and injuries. Without a user fee financed system, it can be difficult to maintain a dedicated trust fund for transportation construction projects, including roadway safety infrastructure projects. And without dedicated funding from the HTF, it will be impossible to make strategic investments in roadway safety infrastructure projects, which will lead to roads that are less safe and constituents that are in more danger.

Industry Challenges

While the IIJA provided an increase in funding to vital safety programs such as the Highway Safety Improvement Program, it has also created challenges for the roadway safety industry.

Build America, Buy America

ATSSA and its members support the goal of increasing the American manufacturing sector and creating more good-paying jobs across the country by expanding the application of Build America, Buy America (BABA) requirements. However, without a thoughtful approach to implementing the BABA requirements, this expansion has the potential for catastrophic impacts on roadway safety infrastructure manufacturers and contractors.

ATSSA was very disappointed to see the final rule issued by the Federal Highway Administration (FHWA) on January 14th of this year that ended a long-standing waiver of BABA requirements for

manufactured products on federal-aid highway projects. The final rule terminating the 1983 general purpose waiver for manufactured products ignores concerns of both industry and state departments of transportation in the implementation of these new BABA standards.

With traffic fatalities continuing at unacceptable levels, ATSSA had asked that FHWA recognize the difficulties that will be experienced by the roadway safety infrastructure industry across the country if the current Buy America manufactured product waiver were to be eliminated. ATSSA members do not believe there is currently an adequate domestic sourcing and manufacturing capability in existence today to domestically source materials for all critically important roadway safety hardware and products.

There are also certain roadway safety components, devices and products that include materials that currently have no domestic supply chain at all. It is not possible, despite the desire of policy makers, to create entirely new industries to domestically supply the roadway safety industry overnight. Creating new domestic supply chains takes time. Without allowing the time necessary to create these industries in the United States, projects will be delayed or cancelled. Failure to allow for the proper ramp up time could result in the halt of the manufacturing of vital life-saving devices and products that are required for deployment on our roadways – products and devices that keep the traveling public safe.

ATSSA strongly urges the FHWA to consider the use of targeted waivers for safety products and devices until domestic manufacturing capabilities reach a level that would allow for no slowdown of project delivery, significant project cost increases or the deployment of these critical products and devices.

We look forward to working with this Subcommittee to ensure that we do not have to sacrifice safety at any step of the way as we work with our partners to comply with these new BABA requirements.

Rising Costs for Small Businesses

Rising costs are not only attributed to BABA expansion, but nationwide inflation has increased construction costs as well. According to the National Highway Construction Cost Index (NHCCI), which tracks the prices paid by state departments of transportation for roadway construction materials, highway construction costs increased by 70 percent between October 2020 to June 2024.⁵

Our business has seen increases in material prices across the board since 2020 and while material prices have begun to steady, the constant need to keep up with inflation in pay rates to maintain top talent and ensure properly trained professionals in our industry has greatly increased the cost of doing business.

Small businesses such as mine are also dealing with an increase in frivolous litigation and rapidly rising insurance costs for contractors performing roadway safety work.

⁵ National Highway Construction Cost Index
https://www.fhwa.dot.gov/policy/otps/nhcci/NHCCI_Narrative_Article_2024_Q2.pdf

As a subcontractor for temporary traffic control, many of the long-term projects our company works on are high-risk by nature, often with traffic control devices in place for extended periods of time. In the last 10 years, we have seen an increase in frivolous lawsuits, leading to skyrocketing insurance costs for our industry. In the majority of cases, we are found to be in compliance with all state and federal standards for our work, and yet we still have to pay out claims due to the current state of this type of litigation in the United States. The direct impact to our business is the high cost of insurance premiums and the fear of becoming uninsurable for doing the work we are contracted and directed to do. Our entire industry has seen insurance costs increase and our cost of doing business increase – ultimately leading to increasing costs to install life-saving safety devices on our roadways. These cost increases diminish the impact of the funding Congress provided through the IIJA.

The roadway safety industry is not alone in dealing with these issues. As Congress works on a surface transportation authorization bill, ATSSA would like to engage this Subcommittee in a discussion of steps that can be taken to address these concerns.

Approval and certification of new products

Another challenge facing our industry is a delay in the approval and certification of new products into the marketplace. Technology advances happen quickly. We believe that to make our roads as safe as possible, we must be able to deploy the most modern technologies in a timely manner. ATSSA manufacturers continue to face significant delays in product approval, which stifles innovation.

A group of 14 ATSSA member companies report that they currently have a total of 20 outstanding eligibility letters to FHWA regarding the approval of innovative safety products. These 20 letters currently average 10 months of wait time without a response since the day they were submitted. We want to work with FHWA to ensure that the products we are deploying are safe for all road users, but also want to underscore the importance of getting the most advanced safety products deployed to combat the more than 40,000 deaths on our roadways.

We look forward to addressing all these business challenges throughout the reauthorization process and will continue to work with our state partners and related stakeholders on solutions.

Conclusion

The number of traffic fatalities in the U.S. is incredibly tragic. As a safety professional, business owner and mother of two young children, the numbers are unacceptable, and I know we can do better by working together. We are at a critical point in the fight to make our roads safer, and today's hearing demonstrates that this Subcommittee understands the need to address this issue as part of a new surface transportation authorization bill. All of us will need to work together to make progress on this collective challenge - including Congress, safety stakeholders, state DOTs, and tribal and local governments.

I know that I join my colleagues on this panel in confirming our commitment to getting the job done. Targeted investments, the use of technological innovations and increased public

education will be critical. ATSSA members are ready to do what we do best - roll up our sleeves and get to work.

Thank you for the opportunity to testify today, and I look forward to answering your questions.