

UPCOMING TRAININGS & CONFERENCES

A full list of NDA's virtual learning sessions is available at

➤ ndaa.org/training-courses/.

**NDA's Mastering Masking Digital Course/
On Demand Training (CLE Available)**

➤ ndaa.org/training/mastering-masking-2/

**NDA's Human Trafficking and the Impact on
Commercial Driver's Licenses/On Demand Training**

➤ ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/

**NDA's Prosecuting DUI Cases Online Course/
On Demand Training (CLE Available)**

➤ ndaa.org/training/prosecuting-dui-cases/

**NDA's Investigation and Prosecution of Drug-Impaired
Driving Cases Online Course/On Demand Training
(CLE Available)**

➤ ndaa.org/training/on-demand-learning-investigation-and-prosecution-of-drug-impaired-driving-cases/

**Brady/Giglio—A Path Toward Centralization &
Standardization (Live Webinar)**

August 2, 2023 @ 2:00–4:00 p.m. ET

**Google Geofences: Understanding the Fundamentals
(Live Webinar)**

August 24, 2023 @ 2:00–3:30 p.m. ET

RESOURCES

Impaired Driving Resources

➤ ndaa.org/programs/ntlc/

CDL-Related Resources

➤ ndaa.org/programs/ntlc/commercial-drivers-license/

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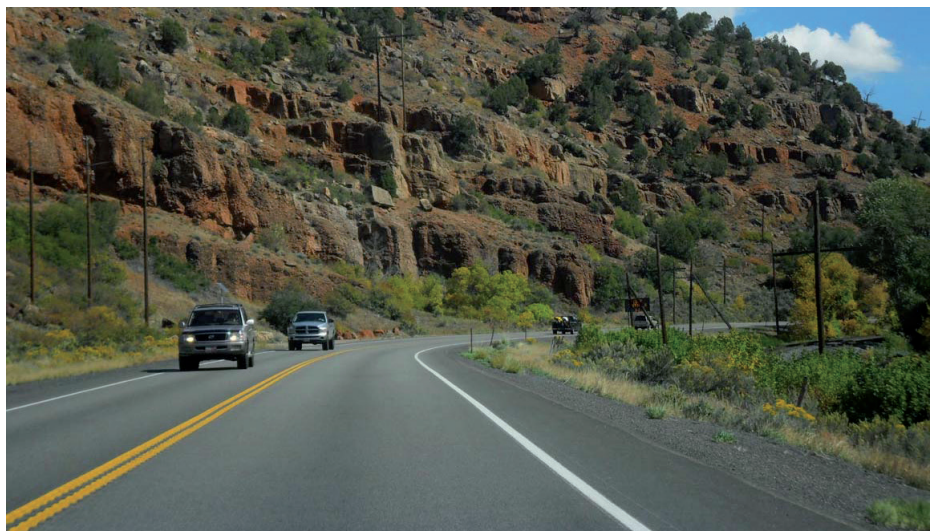
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Country Roads: How to Make the Roads of No Return a Path to Home

By Claudia Amendoeira and Tina Xia

"Take me home, country roads," is one of the most chanted lyrics of American songs, and a phrase which evokes something which is quintessential to the country's soul: the beautiful rural roads of an American road trip. Connecting East to West, the traditional to the cosmopolitan, and separated families, America's rural roads are some of its biggest hidden treasures. However, underneath all their beauty is a deadly risk present in few other routes.

No one knows of these dangers better than Kathy Justice, whose mother died in a car crash on Route 6 in Utah. Being repeatedly labeled one of America's most dangerous roads, Highway 6 has seen the death of over 150 people in more than 500 serious crashes on its 120-mile stretch between the Spanish Fork and Green River.¹ Justice currently leads an effort to make

¹ Berkes, H. (2009, November 29). *The Deadliest Roads Are Rural*. NPR.

Highway 6 safer, gathering over 12,000 signatures to petition the governor and handing out bumper stickers reading “I Drive Hwy 6–Utah. Pray for me.”²

Rural Road Safety Awareness Week,³ which this year runs from July 17–21, is all about that: understanding the acute risk America’s rural roads pose over its urban ones, which factors increase this risk, and how we can take individual and collective steps to mitigate it. “Since 2020, traffic fatalities across the U.S. have gone up dramatically,” says Kevin Elliott, Marketing Manager of the National Center for Rural Road Safety, during a phone interview with the authors on July 7, 2023. The National Center for Rural Road Safety is the premier national hub for training, resources, and technical assistance that help drive rural roadway fatalities to zero and the sponsor of Rural Road Safety Awareness Week.

Although only 19% of the population of the U.S. lives in rural areas, 45% of road crash victims die in them.⁴ 85,002 people died in rural roads crashes between 2016 and 2020, more than the population of Scranton, Pa., a fatality rate that is almost two times higher than that for urban roads.⁵ In these tragedies, men outnumbered women more than two to one in fatalities, most victims being white and, unfortunately, young adults.⁶

What can possibly explain the enormous amount of traffic fatalities in the U.S, a number which has increased dramatically across the board since 2020? “If I could point out one factor which, if changed, would most help solve the problem, it would be changing the driving culture,” Elliott calls the “driving rite of passage” as an American phenomenon, describing how kids get their driver’s license at sixteen and taste freedom for the first time, speeding down an open road just like in the movies.⁷

This driving culture displays itself in many dangerous habits—one of the most important ones, and consequently the theme for this year’s Rural Road Safety Awareness Week, is speed. Speeding was a contributing factor to 27% of rural road fatalities.⁸ “Speed is a major factor in traffic fatalities,” Elliott describes, “because if you manage speed, you can mitigate lots and lots of fatal crashes. Speed is like inflammation in your body: it is a problem all by itself, but it also one which makes all the other problems worse.”⁹ Speeding not only causes car crashes but makes car crashes caused by other factors fatal. The average risk of death for a pedestrian hit by a vehicle reaches 10% at an impact speed of 23 mph, 25% at 32 mph, 50% at 42 mph, 75% at 50 mph, and 90% at 58 mph.¹⁰ It does not help that rural states normally have higher maximum speed limits, a factor which is directly correlated to higher rates of rural road fatalities: of the states with the top 12 fatality rates per capita, 10 have maximum speed limits of at least 70 miles per hour. Two of those ten have the highest maximum speed limits of 80 miles per hour.¹¹

Rural Road Safety
Awareness Week
is July 17–21, 2023



² *Id.*

³ Rural Road Safety Awareness Week is sponsored by the National Center for Rural Road Safety. Learn more by visiting its website at www.ruralsafetycenter.org.

⁴ Governors Highway Safety Association (GHSA), *America’s Rural Roads: Beautiful and Deadly* (2022, September) at page 4.

⁵ *Id.*

⁶ *Id.*

⁷ Authors’ phone interview with Kevin Elliott on July 7, 2023.

⁸ GHSA’s *America’s Rural Roads: Beautiful and Deadly* at page 23.

⁹ Authors’ phone interview with Kevin Elliott on July 7, 2023.

¹⁰ Tefft, B.C. (2011). *Impact Speed and a Pedestrian’s Risk of Severe Injury or Death* (Technical Report), page 1. Washington, D.C.: AAA Foundation for Traffic Safety.

¹¹ GHSA’s *America’s Rural Roads: Beautiful and Deadly* at page 2–27.

Apart from speeding, driving impairment and distractions are two other factors which have always contributed to the problem. 43% of alcohol related motor vehicle deaths occurred on rural roads, with 4,990 people killed in them in 2020.¹² Drugs are similarly a concern, only they are severely understudied. These problems are exacerbated in rural settings because of the lack of public transportation alternatives in these areas.

“For the first time ever, we are having a significant number of crashes on straight roads in the middle of the day. They are on their phones. They are on their phones and they run off the road,” Elliott says transportation technicians have relayed to him.¹³ Besides phone usage, the long distances traveled in rural roads means that distraction can also come in the form of tiredness and a drop in arousal levels.¹⁴

As much as changing these human behaviors will improve the problem, it alone will not fix it. Problems like speeding, drinking, and distraction plague both rural and urban drivers. Elliott sees the difference to be that, due to the nature of rural roads, they manifest themselves more gravely in these areas: “What we don’t want to do when talking about rural road safety is pick one problem and say that is the big issue. There is no one thing, we have to do all the things together.”¹⁵

The nature of rural roads makes what could otherwise be a correctable mistake a fatal crash. The conditions of these roads, which are often made up of gravel and dirt, are less than ideal. How are markers placed on roads that are not paved? Rock falls and poor conditions are bad enough before accounting for a loose deer or moose running into a car.¹⁶

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There are multiple other characteristics that make rural roads distinctly different and more dangerous. Traffic jams, for example, are way less common on rural roads, meaning drivers are free to drive faster.¹⁷ Distance also affects crashes in many ways. In North Dakota, for example, a person can drive for over two hours without seeing a human or a house. Of fatal victims who crash on one of these roads, 39% do not arrive at a hospital for between one and two hours from the time of the crash, compared to 10% in urban areas.¹⁸ It also means that crashes are random and scattered, hardly making the news and failing to draw attention to the problem. The last way in which distance is extremely disadvantageous is by forcing small governments to deal with large networks of roads, often stripping them of the money, resources, and experts necessary to solve many of these issues.¹⁹ As such, challenges to rural traffic safety are highly nuanced when compared to their urban counterparts.²⁰ The consequences born by rural communities are costlier due to their distinct socio-geographic contexts. Hence, despite the national need for enhanced infrastructure and law enforcement that deters risky behaviors, a more tailored approach is required to better address the challenges faced by rural America specifically.

¹² National Center for Statistics and Analysis. (2022, July). [Rural/urban comparison of traffic fatalities: 2020 data](#) (Traffic Safety Facts. Report No. DOT HS 813 336). National Highway Traffic Safety Administration.

¹³ Authors’ phone interview with Kevin Elliott on July 7, 2023.

¹⁴ GHSA’s [America’s Rural Roads: Beautiful and Deadly](#) at pages 29, 33.

¹⁵ Authors’ phone interview with Kevin Elliott on July 7, 2023.

¹⁶ Berkes, H. (2009, November 29). [The Deadliest Roads Are Rural](#). NPR.

¹⁷ GHSA’s [America’s Rural Roads: Beautiful and Deadly](#) at page 27.

¹⁸ [National Roadway Safety Strategy](#). (2022, January), page 29. U.S. Department of Transportation.

¹⁹ Authors’ phone interview with Kevin Elliott on July 7, 2023.

²⁰ *Id.*

As traffic fatalities exhibit an upward trend nationally, roadway designs that discourage risky behaviors should be promoted in both urban and rural communities since road environments are highly influential to driver behaviors. Some of these roadway enhancements can include installment of alcohol ignition interlock devices, administrative license suspensions to deter impaired driving, enforcement of primary seat belt laws, support for high visibility law enforcement, and construction of pedestrian safety zones for areas at high risk of crashes involving pedestrians.²¹

On top of these general enhancements, rural roads require more context-sensitive designs tailored to address its unique traffic challenges. For instance, collisions with large wildlife are a significant traffic challenge in rural communities. In rural states like Wyoming, such collisions account for approximately 20% of all reported collisions.²² Thus, keeping these regional-specific phenomena in mind, guidance and regulations for roadway development need to be updated to reflect the best local practices.

A challenge that traffic safety agencies may face during such infrastructure enhancements is the decentralized nature of the American transportation system. There is an array of entities that can affect the nation's roadway environment. State, tribal, regional, and local governments have significant levels of autonomy to make decisions relevant to roadway designs, and how and where funds are spent to create and maintain road networks. Besides the government agencies, those who perform commercial operations on the roads can further alter safety outcomes derived from the road environment.²³ Hence, it is almost implausible for a state government to develop a centralized top-down approach, a fits-all strategy that addresses the issues faced by all counties and neighborhoods within its jurisdiction.

The Safe Streets for All Grant Program²⁴ established under the 2022 Bipartisan Infrastructure Law mitigates this systemic pitfall. The program provides the largest federal investment in public transportation, among which 40% is allocated specifically to local and rural roadway enhancement projects. What is notable is that for the first time, municipalities can apply for the fund directly without having to seek permissions from the state government. This combats the asymmetrical information held by the state and local government regarding the local traffic conditions. The program also allows local agencies to band with agencies from other regions to apply for a fund together, which enables them to divide up the labor. In terms of the scale of enhancement, cooperation between regional agencies can yield a spontaneous improvement across the whole system rather than a single road passing through one of the small regions. Hence, effort has already been taken to bring out a more localized enhancement of roads, yet the effect of these initiatives requires more time to be witnessed.²⁵

Besides improving the physical environment, the deepening of rural driver's understanding and awareness of safety is also required. Safety tools on the road are not sufficient to deter risky behaviors. A 2021 urban-rural fatality comparison found that on roads with speed limits of 55 miles per hour or higher, speeding was a factor in similar proportions of crash deaths in rural (26%) and urban areas (27%). On roads with lower speed limits, however, speeding was more likely to be a factor in rural crash deaths.²⁶ The lowering of speed limit seems to

Municipalities can apply for the Safe Streets for All Grant Program funding directly without having to seek permissions from the state government.

²¹ *National Roadway Safety Strategy* at page 16.

²² Skroch, M. (2021, May). *Wildlife-Vehicle Collisions Are a Big and Costly Problem and Congress Can Help*. Pew Charitable Trusts, accessed July 10, 2023.

²³ *National Roadway Safety Strategy* at page 2.

²⁴ For additional information on the Safe Street for All Grant Program, visit the U.S. Department of Transportation website at www.transportation.gov/grants/SS4A.

²⁵ *Safe Streets and Roads for All (SS4A) Grant Program*. (n.d.). U.S. Department of Transportation. www.transportation.gov/grants/SS4A, accessed July 10, 2023.

²⁶ *Fatality Facts 2021: Urban/rural comparison*. (2023, May). IIHS-HLDI Crash Testing and Highway Safety. www.iihs.org/topics/fatality-statistics/detail/urban-rural-comparison#speeding, accessed July 10, 2023.

be less effective in the rural area than the urban area so there must be factors other than the road design (like speed limits) that are contributing to the higher fatalities.

One such factor usually overlooked is the varying driving culture between rural and urban areas. Studies have shown that “rural residents are less likely than urban residents to limit their driving, even if they have a medical condition that makes it difficult to drive safely.”²⁷ To change the culture, however, one first needs to understand the socio-economic root that shaped its prevalence.

Lacking a mature public transportation system, rural residents rely heavily on driving to perform daily tasks. For less affluent rural residents, when driving is not an option walking becomes a necessity, which puts them into a more vulnerable position in the face of crashes as they lack the protection gained from being inside a vehicle. Since rural areas are increasingly occupied by retired elderly people, more pedestrians are exposed to such danger.²⁸ Hence, while outreach and education campaigns targeted to deter risky driving habits are crucial, solutions to mitigate the socio-economic root behind these habits are also significant in changing the current culture.²⁹

Expansion of public transportation is one way to lessen people’s dependence on driving and the risk of crashing into pedestrians. For instance, shuttle bus service that takes the elderly from rural neighborhoods to the urban side is a critical transportation that many older residents rely on for activities such as grocery shopping and visits to friends and family. More of such services need to be added and local governments may also cooperate with private agencies, such as automotive manufactures, to achieve this goal. For example, in collaboration with Social Action Organization, Hitachi is currently developing a pick-up service that allows rural elderly to schedule pick-up vehicles that take them to the city for shopping and medical appointments.³⁰

Expansion of public transportation is one way to lessen people’s dependence on driving and the risk of crashing into pedestrians.

Despite intensive prevention measures, crashes still occur. Redundancy is therefore critical to reduce traffic fatalities, meaning that mitigating harms after they have occurred is as important as preventing them from occurring. The Safe System Approach developed by the U.S. Department of Transportation (Department) to reduce traffic fatalities treats redundancy as its core principle and part of it advocates for enhanced post-crash care.³¹ As mentioned previously, distance determines the arrival time of ambulances and emergency responders to sites of crashes. The timing of arrival is extremely critical to the patient’s survival as there will be a 25% increase in the odds of survival if the patients were treated in Level 1 trauma center directly after crashes.³² Commitment to shortening the arrival time should be made through methods such as upgrading the vehicles used by emergency providers. The Department of Transportation is also collaborating with the Federal Interagency Committee on Emergency Medical Services and the National Emergency Medical Services Advisory Council to provide training relevant to the shortening of ambulance arrival time to improve the delivery of emergency medical service.³³

²⁷ Henning-Smith, C., & Kozhimannil, K. (2018). Rural–Urban Differences in Risk Factors for Motor Vehicle Fatalities. *Health Equity*, 2. 260–263.

²⁸ Authors’ phone interview with Kevin Elliott on July 7, 2023.

²⁹ *Id.*

³⁰ Hitachi, Ltd. (2022, June 15). Hitachi Developing a Pick-up Service to Help the Elderly in Rural Areas Get Around. *Social Innovation*. social-innovation.hitachi/en/article/maas/, accessed July 10, 2023.

³¹ *National Roadway Safety Strategy* at page 29–30.

³² *National Roadway Safety Strategy* at page 29.

³³ *National Roadway Safety Strategy* at page 30.

Nevertheless, distance is unchangeable. Despite the professionalism and efficiency of medical providers, some crash sites are just too distant for them to arrive instantly. This is why “we have to do all the things together.”³⁴ Safety features on vehicles are developed increasingly to reduce some of the common crashes. For example, technology exists to keep vehicles in their lane to avoid driving off the edge of road and the quality of air bags has improved to reduce the intensity of the shock coming from crashes. These mechanisms, altogether with the efforts to improve road designs, can buy more time for the emergency responders to arrive.³⁵

Safer roads, safer vehicles, and safer people are all indispensable aspects of rural traffic safety. Without the holistic enhancement in all these factors, we cannot fundamentally solve the challenges that rural America has been facing in the past decades. While human mistakes occupy a significant portion of such challenges, we need to acknowledge that humans are imperfect, and “we should have in place the safeguards to prevent those mistakes from being fatal.”³⁶ In believing that zero is the only acceptable number of deaths on our roadways, the traffic world sees all crashes to be preventable, rather than referring them to as “accidents” since that connotes inevitability.

After all, the country road that lives in people’s chants is not meant to be a road of no return but the path to home.

About the Authors

Originally from Lisbon, Portugal, Claudia Amendoeira currently works as an intern at the National District Attorneys Association. She is a junior at Georgetown University’s School of Foreign Service majoring in International Politics with a concentration in International Law and a minor in Journalism. On campus, she is a manager for The Corp, Georgetown’s non-profit public charitable organization. She also writes for the student-run newsmagazine, *The Georgetown Voice*, and has previously served as a research assistant for CNN reporter Jill Dougherty. Ms. Amendoeira is hoping to pursue a career in International Law, focusing on global human rights violations.



Tina Xia was born and raised in Japan and Hong Kong and is currently working as a summer intern at the National District Attorneys Association, primarily assisting the National Traffic Law Center (NTLC). While working with the NTLC, her duties have included work on a reorganization project involving the Center’s database. Additionally, she performs research on traffic-related challenges. Ms. Xia is also interested in child advocacy issues, specifically in exploring how the number of children languishing in foster care can be reduced. Ms. Xia is a rising junior at Vanderbilt University majoring in Political Science and Child Studies with a minor in Business. After graduation, she plans to continue her education in law school with a focus on children’s law and juvenile justice.



³⁴ Authors’ phone interview with Kevin Elliott on July 7, 2023.

³⁵ *Id.*

³⁶ [National Roadway Safety Strategy](#) at page 16.



Mastering Masking: Legal and Ethical Consequences of Plea Negotiations Involving Commercial Driver's Licenses

August 22, 2023 | Kansas City, MO

Federal and most State law prohibits the “Masking” of convictions. Misconceptions continue to persist surrounding this statute’s mandate requiring the reporting of CDL/CMV violations and convictions and prosecutors’ discretion to negotiate these cases. Attendees will appreciate how the enforcement of this and other regulations combine to reduce injury and death by keeping unsafe commercial driver’s license (CDL) holders off the roads and assuring that each driver has one driver’s license and one complete driver’s record.

Participants will be able to:

- Understand the Federal definition of “Masking,” “Conviction” and “Disqualification” pursuant to the Federal Motor Carrier Safety Regulations
- Learn about the ethical consequences of Masking
- Explore various techniques and skills to educate other professionals on Masking

This course is free and open to traffic safety stakeholders which includes but is not limited to prosecutors, law enforcement, clerks, judges and driver’s license agencies. Attendees will be reimbursed for travel and expenses based on eligibility.*

To register, click [here](#).

* Pursuant to guidance from the Federal Motor Carrier Safety Administration (FMCSA), NDAA’s National Traffic Law Center reserves the right to restrict attendance at its events to ensure the delivery of training and technical assistance consistent with the core purpose of the grant which is to facilitate the proper adjudication and reporting of Commercial Driver’s License (CDL) violations.

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