

Joint Senate and Assembly Budget Hearing on Transportation
William Bonds, President
Empire Safety Council

Thank you Chairman DeFrancisco, Chairman Farrell and other members of the committees. I am William Bonds, President of Empire Safety Council (ESC).

ESC is a New York based Defense Driving Course sponsor. **ESC has been a sponsor of the PIRP for more than 20 years and represents more than 800 active classroom instructors and have trained approximately 120,000 students last year alone.** ESC conducts both classroom and on-line defensive driving courses approved by the New York State Department of Motor Vehicles (NYSDMV). Students who complete the course earn a 10% discount on vehicle liability, PIP and collision insurance rates for three years, along with a reduction of up to four points on their driving records. **I am here today to speak to you about the administration of the online or internet Point/Insurance Reduction Programs (I-PIRP)**

ESC is all about highway safety and improving the skills of New York drivers. That is why we are so concerned about the administration of the IPIRP program in this state. The effectiveness of the PIRP and IPIRP programs are supposed to be evaluated by a statistical analysis of driver improvement. New York's analysis of I-PIRP is flawed and its evaluations scientifically worthless.

The effectiveness study of the IPIRP Pilot conducted in December 2013, on which legislative approval of these programs is based, are not statistically significant and do not meet professional research standards in its prescribed design. In fact, it is outrageous that the DMV is renewing I-PIRP based on fraudulent and flawed studies coupled with failed User/Identity validation measures that allow anyone to take the internet course for anyone else because a anyone with a telephone

These Effectiveness studies are titled and represented as being conducted by the Institute for Traffic Safety Management and Research (ITSMR), University at Albany for NYSDMV by contract. Information about the contracts awarded by NYSDMV to ITSMR was the subject of a FOIL request ESC made to the Comptroller's office seeking copies of the contracts, which I have received. These contracts verify that ITSMR's scope of work included the responsibility for ITSMR to conduct these studies. However, after my inquiry with the Vice President of Research Misconduct and Ethics for the Institute, it seems clear that ITSMR did not actually conducted the research for which it is credited and for which it has been paid by DMV.

Further, in a letter to ESC in response to a FOIL appeal, the Vice Chancellor for Policy and Chief of Staff, FOIL Appeals, SUNY wrote: "This evaluation was conducted by the NYS Department of Motor Vehicles (NYSDMV), not the University of Albany." This is troubling as the results of these studies were the basis for the recommendation in a report dated December 2014 by NYSDMV to continue the IPIRP program beyond the 2014 sunset date. Relying on this recommendation, the Legislature included a 5-year extension of the IPIRP program as part of the 2014-2015 state budget.

In fact, the conclusion of the 2008 PIRP study states: "In sum, the findings from this pilot study indicate that the prescribed design may not be viable for use in assessing PIRP effectiveness." The 2013 IPIRP effectiveness study finds that in a comparison between the internet (IPIRP) and the classroom (PIRP) completers, there is effectively no difference with regard to crashes after course completion. So if the PIRP study design is not viable for assessing PIRP effectiveness, how is it that NYSDMV found the IPIRP program effective? Answer is; it is not.

Tragically, these studies by deceptive authors are knowingly using invalid methods to perpetuate and promote a state sponsored program being held out to the public as improving their driving skills and justifying insurance and point reduction benefits when in fact there is no credible evidence that this is the case. While student fees bring in revenues of 3 million a year to the state, this is no reason to continue these courses without a thorough and honest review of their effectiveness in improving driver safety.

In light of the irregularities involved in the NYSDMV- ITSMR contracted research, I'm urging that language be included in the budget to suspend the IPIRP program—as was proposed by legislation introduced last session by Senator Rubin Diaz and Assemblyman Marcus Crespo. A legislative review should be conducted so that it can be verified as to whether or not the work that NYSDMV had contracted for was actually conducted by ITSMR. Also, we need to determine the extent to which NYSDMV is in compliance with the directives and mandates of the programs' controlling statutes and regulations.

ESC's interest is in the integrity of a state sponsored driver improvement program that justifies point and insurance reduction benefits to drivers who complete state-approved classroom and internet training. ESC feels that the research that supports the IPIRP program was not conducted appropriately, laws and regulations are not being followed, security and user verification standards for the internet programs are not effective and that, because of these and other flaws, the safe driver outcomes of the IPIRP program courses are nonexistent or not being demonstrated or verified, as the law requires.

Thank you for your attention to this critical public safety matter.

January 29, 2015

Empire Safety Council
176 Terry Road
Smithtown, NY 11787

Attachments:

Insurance advocate article

Foil request response from Univ. of Albany

It is outrageous that the Department of Motor Vehicles is considering renewing the Internet-Point/Insurance Reduction Program (I-PIRP) based on fraudulent and flawed studies coupled with failed User/Identity Validation measures. The impact of these fraudulent research studies diminish the credibility of the Department of Motor Vehicles, as they are the ones who conducted these studies and diminish the negative impact of a program that is bad public policy by knowingly using invalid methods that do not meet ethical standards.

The Commissioner's Recommendation is based on the New York State Effectiveness Study of the (internet) I-PIRP Pilot, December 2013, is itself severely in violation of the Department's Rules & Regulations, Insurance Law and standard codes of scholarly conduct & ethical behavior. There also appears to be intentional distortion of the research process by fabrication, text omission and manipulation of another's manuscript. I have recently spoken with the Vice President of Research, Misconduct and Ethics from the Institute of Traffic Safety Management and Research, University at Albany, who has informed me that the institute's name that appears on the cover page of the document, alleging that the study was "conducted by" the institute, has informed me that their institute did not conduct the effectiveness research of the I-PIRP Pilot, December 2013, and that it is not their research.

The Vice President insisted, that not only should the university's name not appear on the document, since they did not conduct the research, that they were contracted by the department to provide only analysis and evaluation. I asked the Vice President about what appeared to be obvious omissions in the analysis and evaluation that the institute provided. I was told that since the institute denies that the research is their work product the department may change the document and omit any analysis and evaluation made by the institute since it is exclusively the department's own research, however misleading the cover page may be.

The Vehicle and Traffic Law, Article 12B, Commissioner of Motor Vehicles, Part 138, states that the purposes of this article are to further highway safety by preserving the quality and efficacy of the accident prevention program and has established strict criteria for initial approval and continual course sponsorship approval. Standards for course approval require each applicant to provide proof of effectiveness that shall be verifiable research documentation showing evidence of effectiveness in terms of reduced accidents, convictions or both and shall employ accepted research principles. Furthermore, submission of any fraudulent or intentional misleading data will disqualify organizations' application for course approval.

In December 2007, the Department Of Motor Vehicles produced the New York State PIRP Pilot Effectiveness Study (classroom) that also purports to be conducted by the Institute for Traffic Safety and Research, University at Albany, summarizes therein and states:

“In sum, the findings from this pilot study indicate that the prescribed design may not be viable for use in assessing PIRP effectiveness.”

The overall findings from the analysis conducted by the institute showed that the research was inadequate for use in measuring effectiveness of the classroom courses in terms of reduced vehicle crashes and violations. The department thereafter eliminated the requirement for I-PIRP (internet) applicants seeking course sponsorship approval to submit verifiable research documentation of proof of effectiveness. All currently approved internet course providers have not submitted any verifiable research documentation whatsoever, prior to their approval. Unbelievably, the department justifies doing so on the basis that the December 2007 study was not viable in assessing PIRP effectiveness.

Page 17; of the 2013 I-PIRP (internet) Research Results of Comparison, states in part:

“In sum, the comparison of the 18-month post-periods for the internet PIRP and classroom PIRP completers shows that for nine of the eleven sponsors and for the aggregate group there is effectively no difference between the two delivery methods with regard to crashes after course completion.”

I must say this is nonsense, when you consider the 2007 PIRP (classroom) research analysis. How then are we able to compare the 2013 I-PIRP (internet) research with the 2007 PIRP research and conclude that both delivery methods are effective, and recommend that internet courses be made permanent law? It appears from these findings that the commissioner may not ascribe any meaningful conclusions from the 2007 study and since the 2013 study is the same prescribed design, you may not ascribe any meaningful conclusion to it and that any comparison would also be meaningless. Furthermore, on information and belief, there appears to be some analysis and conclusions that the institute has made in the 2013 I-PIRP research that are omitted intentionally. Since the institute has said it is not their work product there would appear to be no plagiarism on the part of the “ghost writer” for the department but certainly raises a few flags about intentional misconduct in reporting. To view the departments 2007 PIRP and 2013 I-PIRP research studies go to: www.safetycourses.com/research.

It would appear, that, the Department of Motor Vehicles goal is to replace classroom courses with internet courses that will produce 4x the amount of revenue to its coffers and will justify any means to an end. Classroom courses have have shown proven effectiveness based on verifiable research documentation to the satisfaction of the Department of Motor Vehicles which has shown overall effectiveness of 18.2% reduction in vehicle crashes and 57.3% in reduction of repeat traffic offenses for participants who take and complete the classroom accident prevention course. On the other hand, internet courses have not shown any proof of effectiveness whatsoever. In fact, the U.S. Department of Transportation, National Highway Traffic Safety Administration (NHTSA), ***Examination of Supplementary Driver Training and Online Basic Driver Education, Final Report (October 2010)*** research concludes that alone online courses are not effective in reducing vehicle crashes and have the potential for low

student engagement. Students will not read the material provided because they know they do not have to take an exam at the end of internet course since the department has eliminated the requirement that students must take and pass an exam at the end of the I-PIRP course. As such, will do nothing to motivate internet students to do anything else but to simply click through to the next section. NTHSA researchers have identified and gathered information on 45 online courses offered by 40 providers and found that the content was often dictated by state mandated curricula and amounted to little more than electronic textbooks.

Internet I-PIRP is bad public policy because User/Student Identity Validation technologies do not eliminate fraud since anyone can take the course for any other person. We are acutely aware that many individuals take courses for other individuals who defeat User/Identity Validation measures and sadly have been aided in doing so by some internet course sponsors themselves. All Biometric User/Identity Validation measures that would at least to some degree guarantee that the person who starts the course is the same person who finished the course are in fact not being used by any of the I-PIRP providers. Biometric measures are replaced entirely by a telephone that the student occasionally uses to call a phone number for User/Identity Validation and then hangs up. Therefore, anyone may say they are the student and start the course and anyone else may finish the course for anyone else with a telephone. This is a system that invites fraud. The Point/Insurance Reduction Program needs to get back to proven effective classroom courses only with an instructor to eliminate fraud, encourage high standards, fair business practices and public responsibility. The whole point is safe drivers. It should also be noted, that since internet course completers are not safer drivers and will receive the insurance discount anyway, then all other insurance policy holders will pay for their discounts.

On, May 18, 2014, it will be 5 years into the internet I-PIRP, which enables drivers to reduce points on their license and to receive discounts on their insurance premiums and have shown that the potential for fraud is real and are not effective in reducing vehicle crashes. The whole point of the courses, driver safety, is being compromised. Automobile insurance rate costs are not lessened since there is no improvement in safety for internet course completers. Ease of completion of internet courses does not equal a safer system nor better educated and practiced drivers. Parenthetically, the honorable Senator Rev. Ruben Diaz, Chair, Transportation Committee along with cosponsor Hon. Sen. John L. Sampson, Sen. Marcos A. Crespo, Assembly Member, have sponsored Senate Bill S3A2A-2014 and Assembly Bill A8663-2014 (identical bills) that support the discontinuance of the internet courses IPIRP that would guarantee the proper identification of people signing up for such courses and require the physical presence of a certified instructor. In fact, our own state senate has ruled that its members and staff are forbidden to take the internet course and are required to take a classroom course instead.

These two fraudulent and flawed research studies coupled with failed User/Identity Validation measures should give you severe doubts about the integrity of this program and the

department's Research and Recommendations. I have asked Deputy Commissioner, Terri Egan, to look into this matter and requested that the Commissioner reverse her recommendations to continue IPIRP based on this and other information.

Sincerely,

William Bonds
President, Empire Safety Council



Jaime M. <esc.jaimem@gmail.com>

2013 Study Fraudulent Author and Scientific Misconduct

5 messages

Jaime M. <Jaime@empiresafetycouncil.com>
To: abonilla@albany.edu

Tue, Apr 29, 2014 at 3:06 PM

Ms. Adrienne Bonilla,
VP of Research and Ethics

Please see the following link in addition to the attached documents in reference to the New York State I-PIRP pilot program.

<http://dmv.ny.gov/pirp-reports>

For further inquiries, questions or concerns please contact:

William Bonds, President

Empire Safety Council

(631) 360-2160

--
Jaime M.

Office Manager

Empire Safety Council

Jaime@EmpireSafetyCouncil.com

176 Terry Rd.

Smithtown, NY 11787

(Tel.) 631-360-2160

(Fax.) 631-360-2161

3 attachments **PIRP Pilot Effectiveness Study.pdf**
9041K **2013IPRP_Report.pdf**
2248K **Effectiveness Letter.pdf**
49K

Bonilla, Adrienne D <abonilla@albany.edu>
To: "Jaime M." <Jaime@empiresafetycouncil.com>

Tue, Apr 29, 2014 at 4:10 PM

Thank you, Jaime.

Jaime M.
Office Manager
Empire Safety Council
Jaime@EmpireSafetyCouncil.com

176 Terry Rd.
Smithtown, NY 11787
(Tel.) 631-360-2160
(Fax.) 631-360-2161

 **FOIL Request.pdf**
94K

Jaime M. <Jaime@empiresafetycouncil.com>
To: "Taylor, Lisa A" <ltaylor@albany.edu>

Thu, May 29, 2014 at 9:23 AM

Hi Lisa,

Again, I apologize for any confusion. I accidentally sent you the wrong attachment at first. We would like the University of Albany's 2013 analysis and evaluation research under Contract No. C000784. Please let me know if you can provide us with that.

Please contact me directly at 631-360-2160 or by email.

Thank you.
Sincerely,
Jaime
[Quoted text hidden]

Taylor, Lisa A <ltaylor@albany.edu>
To: "Jaime M." <Jaime@empiresafetycouncil.com>

Thu, May 29, 2014 at 9:28 AM

Hi Jaime,

Even with this clarification, the final response remains the same. This evaluation was conducted by the NYS Department of Motor Vehicles (NYSDMV), not the University at Albany. The University at Albany performed under a (work for hire) contract with the NYSDMV and the NYSDMV is the owner of all related instruments and data. You would need to contact the DMV for the requested document. Therefore, there are no responsive documents to this request.

You may appeal this determination in part or in whole within thirty (30) business days of your receipt hereof to:

James Malatras