



March 31, 2014

U.S. Department of Transportation  
Docket Operations  
M-30, West Building Ground Floor, Room W12-140  
1200 New Jersey Avenue SE  
Washington, DC 20590

Re: Docket Number: FHWA-2013-0020

To Whom It May Concern:

The Safe Routes to School National Partnership is a network of more than 700 nonprofit organizations, government agencies, schools, and professionals working together to grow the Safe Routes to School movement in the United States. Our mission is to advance safe walking and bicycling to and from schools, and in daily life, to improve the health and well-being of America's children and to foster the creation of livable, sustainable communities.

Safe Routes to School initiatives focus on improving the built environment around schools so that streets are safe for children to walk and bicycle. Safe Routes to School programs also utilize education, encouragement and law enforcement techniques to promote safety, and to encourage parents and children to regularly choose walking and bicycling, which are active and healthy ways to get to school. This comprehensive approach results in building physical activity into children's daily routines and in improving the built environment around schools so they can be safe hubs for physical activity.

We appreciate the opportunity to comment on FHWA's proposed national performance measure for safety. We have two primary concerns with the proposed rule as written:

- That there should be separate performance targets for non-motorized transportation (inclusive of bicycling and walking); and
- That the way in which state progress is measured should be strengthened so that the rule will result in meaningful improvements in safety.

### **Non-Motorized Transportation**

The safety of bicyclists and pedestrians has not been sufficiently prioritized by states, and the result is that the share of roadway fatalities that are bicyclists and pedestrians has grown from 12 percent in 2008 to 16.3 percent in 2012. In terms of real numbers, nearly 5,500 people were killed in 2012 while walking and bicycling. The rate is above 10 percent in 29 states, and there are only 11 states with a rate below 8 percent, so this is a statistically valid and measurable problem in the large majority of the country.

In addition, another 125,000 people were injured in 2012 while walking and bicycling (although these numbers are significantly undercounted, as hospital data shows higher rates of injuries). Specific to children, one out of every four traffic deaths happen when kids are walking or bicycling and are struck by cars. Safety risks for bicyclists and pedestrians are even greater in low-income neighborhoods—where many individuals do not have a choice to drive—making this an equity issue as well.

These risks come against a backdrop of increasing rates of bicycling and walking. Cities and towns all across the country are actively seeking to encourage more individuals to walk and bicycle. Without attention on reducing the risks to bicyclists and pedestrians—fatality and injury rates are likely to continue to increase.

Even with these alarming increases, few states have prioritized non-motorized safety in their Highway Safety Improvement Program (HSIP) performance goals or their usage of these funds. Over the five-year period from FY2009 to 2013, only 16 states spent any of their HSIP funds on bicycle and pedestrian safety. Out of the \$76 billion available to states for HSIP during this time period, states spent just \$33 million (or 0.4%) on bicycle and pedestrian safety.

It is critical that the proposed safety performance measure rule be amended to require states to set separate targets for non-motorized fatalities and serious injuries. It is only through this step that states will consistently examine their safety statistics on these vulnerable users, set appropriate safety targets, and utilize HSIP funds to make needed safety improvements.

When states focus just on overall fatalities and serious injuries, the spending history of HSIP shows that they focus improvements for drivers. Many of these improvements can actually exacerbate safety challenges for bicyclists and pedestrians—which will either further increase fatality and injury rates for these users or discourage people from bicycling and walking due to safety concerns. This again points to the need to have separate measures for non-motorized and motorized safety.

Finally, one issue raised in the proposed rule was that there is not enough data available for bicycle and pedestrian modes to merit a performance measure. However, the Fatality Analysis Reporting System (FARS) data being used for the fatality measures does include bicycle and pedestrian and thus can also be used to set a non-motorized performance target. We agree that there is not a reliable national data source for serious injuries for bicycling and walking—but the rule recognizes that the very same challenge exists for motorized injuries. Yet the rule still proposes that states set targets for addressing serious injuries based on an interim data source while working to shift to hospital data by 2020. We propose that bicycle and pedestrian measures be handled similarly—use the data that exists now, acknowledge more data needs to be collected, and invest in improving bicycle and pedestrian data collection between now and 2020.

Another issue raised in the proposed rule is that in some states, lower numbers of bicycle and pedestrian fatalities could lead to a one-year jump in fatalities impacting a state's ability to meet its targets. However, since the rule proposes to look at fatalities and injuries over a five-year period (and to measure success against a ten-year trend line), any one-year fluctuation would be balanced out over time.

The proposed rule indicates that the rule at its current cost level only needs to save 7 lives over 10 years to pay for itself. Given the significant costs to society for each unnecessary death, investing additional

dollars in improving data collection for bicycling and walking would almost certainly pay for itself in a similar timeframe.

### **Strengthening Measures of State Progress**

The Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) law established new national goals for our federal transportation system. Per the statute, the goals are intended to increase accountability and transparency and to improve project decision-making. The safety goal is explicitly stated as: “to achieve a significant reduction in traffic fatalities and serious injuries on all public roads.”

The proposed rule, as written, does not meet Congressional intent and is unlikely to result in any meaningful declines in fatalities and serious injuries. There are several problems with the proposed rule:

- 1) The targets that states are required to set are not linked to actual improvements in safety. Instead, the rule guides states to set targets that are similar to current rates. The example provided in the rule shows a state setting targets that keep the rates and numbers essentially identical. This will not challenge states in any way to actually reduce fatalities and injuries, as intended by Congress. The rule should use an example that shows a state seriously assessing its goals to reduce fatalities and injuries, and how to set measures appropriate to those goals.
- 2) The targets themselves are made meaningless given how USDOT will assess success. States are allowed to fail half of their targets and still be declared to be making “significant progress”—and wouldn’t even trigger a review by USDOT. And, the target will be measured against a ten-year trend line with a large projection interval—again making it very unlikely that a state would fail to meet its measure, even with increases in fatalities or injuries. The intent of Congress was to achieve a significant reduction in traffic fatalities and serious injuries; allowing states to fail half of their measures (meaning fatalities could increase) does not meet that intent. The rule should be rewritten to require states to achieve progress on all of their measures.
- 3) The time lag is problematic. According to the proposed rule, states progress on measures will not even be assessed until 2020, and accountability provisions will not apply till 2021—nearly ten years after passage of MAP-21. We suggest changing from a five-year rolling average to a three-year rolling average for the performance measures to reduce the time lag by two years.

Thank you for your consideration of these comments. We believe that if these comments were implemented, the rule would be closer to Congressional intent to have a performance-based system that significantly reduces fatalities and serious injuries.

Sincerely,



Margo Pedroso  
Acting Director