

**UNDERSTANDING ROADWAY SAFETY:
EXAMINING THE CAUSES OF ROADWAY SAFETY
CHALLENGES AND POSSIBLE INTERVENTIONS**

HEARING

BEFORE THE

SUBCOMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE

OF THE

COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

NOVEMBER 7, 2023

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

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C O N T E N T S

	Page
NOVEMBER 7, 2023	
OPENING STATEMENTS	
Kelly, Hon. Mark, U.S. Senator from the State of Arizona	1
Cramer, Hon. Kevin, U.S. Senator from the State of North Dakota	3
WITNESSES	
Neville, Brenda, President and Chief Executive Officer, Iowa Motor Truck Association	5
Prepared statement	7
Ricks, Karina, Partner, Cityfi, LLC	16
Prepared statement	18
Mongeon, Karin, Highway Safety Division Director, North Dakota Department of Transportation	23
Prepared statement	25
ADDITIONAL MATERIAL	
Letters to Senator John Fetterman from:	
The County of Clinton, Pennsylvania: A Hearing on Roadway Safety Challenges	37
The Office of Transportation, Infrastructure & Sustainability: Building Safer Streets Act	38
Mt. Lebanon, Pennsylvania: Projects and Plans to Providing Safer Streets For All	40
Letter to Senator Kelly and Senator Cramer from Advocates for Highway & Auto Safety (AHAS): Understanding Roadway Safety: Examining the Causes of Roadway Safety Challenges and Possible Interventions	56
Letter to Senator Carper and Senator Capito from the National Asphalt Pavement Association (NAPA): Roadway Safety and Possible Interventions ..	64
Letter to Senator Kelly and Senator Cramer from the Owner Operator Independent Drivers Association and 20 others in Support for S. 1034	67
Letter to Senator Carper from the National Association of City Transportation of City Transportation Officials (NACTO): Building Safer Streets Act	69
Letter to Shailen Bhatt from the National Association of City Transportation Officials (NACTO) and 87 other Member Transportation and Transit Agencies–In Response to Improving Safety for All Users on Federal-Aid Projects ..	72
Memo from November 6, 2023: Families for Safer Streets (FSS) in support of Building Safer Streets Act	96
Statement for the Record of The American Society of Civil Engineers (ASCE): Understanding Roadway Safety: Examining the Causes of Roadway Safety Challenges and Possible Interventions	107
Coalition Against Bigger Trucks (CABT): Heavier Trucks Endanger Motorists and Damage Infrastructure	112
American Traffic Safety Services Association (ATSSA): Understanding Roadway Safety: Examining the Causes of Roadway Safety Challenges and Possible Solutions	114
News Release: American Trucking Associations (ATA): Law Enforcement Organizations Call for Greater Trucking Parking Capacity	120

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TIONS**

TUESDAY, NOVEMBER 7, 2023

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:33 p.m. in room 406, Dirksen Senate Office Building, Hon. Mark Kelly (chairman of the subcommittee) presiding.

Present: Senators Kelly, Cramer, Carper, Cardin, Markey, Fetterman, Ricketts.

**OPENING STATEMENT OF HON. MARK KELLY,
U.S. SENATOR FROM THE STATE OF ARIZONA**

Senator KELLY. The committee will come to order.

I want to thank everyone for joining us today in the Transportation and Infrastructure Subcommittee for this hearing on roadway safety.

I want to thank my colleague, Senator Cramer, and his staff for their partnership leading up to this hearing and his continuing partnership in leading this subcommittee. I also want to thank Chairman Carper, Ranking Member Capito, and their staffs for the work that they have put in leading up to this hearing, as well. Thank you to all of our witnesses for joining today and taking part in this hearing about the many roadway safety challenges and the challenges that we are facing today.

This is an important discussion. For decades, the trends and terms of highway fatalities and injuries was always going down, but that is no longer the case. Over the past decade, we have seen roadway fatalities again increase. There were significant jumps in fatalities over the past 3 years. In 2021, the last year that we have complete data, nearly 43,000 Americans died in traffic accidents, and an estimated 2.5 million people were injured.

Now, in some States, we have started to see the data look a little bit better, so that is a good thing. That is not true across the board. In Arizona, for example, the preliminary estimates from the National Safety Council indicate that roadway fatalities are up 69 percent this year compared to last year. These numbers alone deserve attention from this committee.

It is important to dive deeper and understand how recent trends have contributed to different safety challenges across different transportation modes. For example, as our supply chain changed in the 3-years after the pandemic, there has been more demand on goods moving by truck.

Yet, this increased demand has presented a number of challenges to the industry, including work force problems, supply chain bottlenecks at seaports, and a lack of available parking for long haul truck drivers. These trends have contributed to increased rates of accidents involving heavy trucks, which is a trend that we must address.

The Bipartisan Infrastructure Law, which this committee played a large role in crafting, took several steps to help address these trends, but I think we should go further. That is why I worked with Senator Lummis to introduce the Truck Parking Safety Improvement Act, which would provide dedicated funding to increase truck parking capacity and expand existing infrastructure.

I look forward to discussing our bill more with Brenda Neville from the Iowa Motor Truck Association, as I believe it addresses a range of safety challenges facing the heavy truck industry. For example, it ensures that truck drivers park in safe, designated spaces, not on the side of roads, which is, obviously, dangerous to both the trucker and other drivers.

It also makes our supply chains more efficient by ensuring truck drivers do not need to conclude their days early to find a safe place to park or risk violating their hours of service. It also helps to address broader safety and work force recruitment trends. By ensuring a safe place to park for every truck driver, we help the industry attract a broader and more diverse driver cohort.

Trucking is not the only class of roadway users facing new safety challenges. Folks on bicycles and pedestrians have faced serious roadway safety threats in recent years. In 2021 alone, nearly 7,400 pedestrians were killed, which is the highest number since 1981. I know that several of my colleagues on this committee, including Senator Fetterman and Senator Cardin, have been working on solutions to the threats to these vulnerable roadway users.

I am glad that we are joined by Karina Ricks, who has decades of experience working to build safer streets for all roadway users from her time working with the city of Pittsburgh and also the Washington, DC. Department of Transportation and the Federal Transit Administration.

I also hope to spend time at this hearing understanding the different roadway safety challenges faced in rural and tribal communities across the Country. Most roadway fatalities happen to occur in rural areas, and in tribal communities, motor vehicle crashes are the leading cause of death. The safety challenges these communities face are very different from other communities. Oftentimes, poor road conditions or a lack of funding for safety improvements put rural and tribal communities at a disadvantage. Solutions for these communities will look different than the solutions needed in urban areas.

I am glad that Karin Mongeon is joining us today as well to discuss how to address the unique challenges faced in these rural and tribal communities. Thank you for being here.

I look forward to getting into all of these topics and more with our three witnesses today, but for now, let me turn it to my colleague, Senator Cramer, for his opening remarks.

**OPENING STATEMENT OF HON. KEVIN CRAMER,
U.S. SENATOR FROM THE STATE OF NORTH DAKOTA**

Senator CRAMER. Thank you, Chairman Kelly, and to your staff as well for their outstanding work. To all of our witnesses today, thank you for being here.

Boy, I would be hard pressed to improve on that, actually. Mark, thank you very much for that and for this hearing. Today, we are focused on the safety of our roadways. We have the opportunity to discuss how the Infrastructure Investment and Jobs Act has helped shareholders and stakeholders respond to roadway safety challenges.

Among the things we did in the IIJA was make more resources available to improve highway safety. Specifically, the law increased funding levels for the critical Highway Safety Improvement Program, made programmatic changes to ensure more dollars are available for tribal road safety projects, and created new discretionary grant programs to reduce fatalities and serious injuries on our roadways.

Notably, 90 percent of the Federal Highway Program funds are distributed to the States by formula. This is something that I fought hard to maintain during the bill's negotiation. This proven approach has been the backbone of the Federal Aid Highway Program for rural States like North Dakota for decades.

I am going to state the obvious. Karin, thank you for being here. Karin from North Dakota is better suited to decide what projects or actions should be taken to keep our roads safe in North Dakota compared to a State like Arizona, for example, which has a totally different topography, some might say has a topography with different safety challenges and solutions.

Hearings like this indicate to me that a one-size-fits-all approach does not work, whether it is to address roadway safety or other issues. Flexibility matters, and enabling those who best understand their particular challenges to make decisions is the best recipe for success. This is precisely why Federal Highway assistance is distributed to States by formula.

We should be looking at more ways to let States deal with their specific safety issues in a way that works for them. For instance, what good do bike lanes do in North Dakota when they are covered in snow for, yes, 6 months of the year? Those dollars could be spent on guardrails or rumble strips. States ought to have the ability to make these types of investment decisions for themselves.

There is one other thing I would like to note. Before the passage of the IIJA, I heard from many North Dakotans concerned about the safety of students walking or biking to school. Through this feedback, I was made aware that high schools were not eligible under existing law to receive funding under the Safe Routes to Schools Program. I introduced legislation to address this, and I am glad it was incorporated into the IIJA, ensuring high schools can now access those funds.

Thank you to all of our witnesses for being here and taking part in this important discussion.

Senator KELLY. Thank you, Senator Cramer.

I am now going to introduce our three witnesses before recognizing them for 5 minutes each. I will introduce the first two, and then turn to Senator Cramer to introduce the final witness. Then, we will recognize each of you for an opening statement.

Brenda Neville is the President and CEO of the Iowa Motor Truck Association, which is the statewide association representing Iowa's trucking industry since 1942. Ms. Neville has been with the Association for over 30 years and has served as the President since 2008. She is also active in local and national professional boards focused on trucking and freight management issues. Ms. Neville graduated from the University of Northern Iowa with degrees in business and psychology.

Next, Karina Ricks is a partner at Cityfi, where she works with governments, communities, and the private sector to integrate transportation and mobility solutions into infrastructure projects, land use planning, urban design, and economic development. Ms. Ricks previously served as the Associate Administrator for Innovation, Research, and Demonstration for the Federal Transit Administration, and also the Director of the city of Pittsburgh's Department of Mobility and Infrastructure and the Director of Transportation Planning for Washington, DC.

Ms. Ricks is a Fulbright Scholar with a master's degree in city and regional planning from Cornell University. When I read this last night, I thought I was reading about my wife, Gabby Giffords, who is also a Fulbright Scholar with a master's degree in city and regional planning from Cornell University. Exactly the same. She received her undergraduate degree from Michigan State University.

Senator Cramer.

Senator CRAMER. Thank you. Thank you, Mr. Chairman.

It is my privilege to introduce Karin Mongeon, who serves as the Highway Safety Division Director at the North Dakota Department of Transportation. Karin joined the North Dakota Department of Transportation in 2007 as the Highway Safety Division Manager and was promoted to Director in 2014.

In this role, she manages critical safety programs and initiatives in North Dakota, including the State's Vision Zero plan, something we are all very familiar with, Karin, the marketing has been great, which strives to eliminate all motor vehicle crash fatalities and serious injuries. Karin and her team are the boots on the ground, working day in and day out to keep our roads safe for all North Dakotans.

Karin also serves as the Governor's representative for the Governor's Highway Safety Association, a national organization focused on preventing highway fatalities. Karin holds a bachelor of science in nursing from the University of Mary and worked as an oncology nurse before transitioning to State government, where she has worked for over 20 years.

I am pleased she is here today so the committee can receive her valuable input on this topic. Thank you all for being here.

Senator KELLY. Thank you again to all of our witnesses for joining today.

I want to start by recognizing our first witness, Brenda Neville, for 5 minutes for opening remarks.

STATEMENT OF BRENDA NEVILLE, PRESIDENT AND CHIEF EXECUTIVE OFFICER, IOWA MOTOR TRUCK ASSOCIATION

Ms. NEVILLE. Chairman Kelly, Ranking Member Cramer, and members of the subcommittee, thank you for the opportunity to testify on behalf of the American Trucking Associations.

ATA is a 90-year-old trucking federation that represents an essential industry. It employs 4.8 million men and women in every State and congressional district, accounting for one in every 17 jobs. This Federation has 50 State affiliates, which includes the Iowa Motor Truck Association, of which I am the President and the CEO. I am most appreciative to be here today to talk to you about an issue that threads a needle of common purpose, and that is safety.

Safety is at the forefront of everything we do in the trucking industry, and it guides every decision that we make. ATA and member companies invest \$10 billion annually in safety technology and training, but our efforts alone are not enough. We can only be as safe and as efficient as the roads and the bridges that we drive over. Your investments in our Nation's infrastructure are paramount to ensuring not only the safety of our professional truck drivers, but every motorist.

We have major problems with a shortage of truck parking in the United States, and simple math will sum this up. There are 3.5 million truck drivers, but only 313,000 trucking parking spaces available nationwide. This past July, a tragedy in Illinois drew national headlines and underscored why our industry has been urging policymakers to prioritize truck parking. Three people were killed when a passenger bus crashed into tractor trailers that were forced to park on the shoulder of an off ramp at a rest area.

In addition to being a public safety issue, this is a very personal safety issue, as well. As a member of ATA's Women in Motion Advisory Council, one of my priorities, which has been my priority my entire career, is to increase the number of women in the trucking industry. Nearly every female truck driver that I have talked to over my career cites that safe parking is a major barrier for them. Survey data of truck drivers backs this up as well, consistently ranking parking as one of their top three challenges.

ATA and the Iowa Motor Truck Association strongly support the Truck Parking Improvement Act to establish a competitive, discretionary grant program dedicating \$755 million over 3 years to truck parking projects nationwide. Mr. Chairman, we thank you. Ranking Member Cramer, we thank you. Subcommittee members Lummis and Boozman, we also thank you for your leadership on this bill. We would ask everyone else on this committee to cosponsor this legislation as well.

The trucking industry is also going to continue to call on Congress to help accelerate the adoption of today's newer and safer trucks. One way we believe we can get newer and safer trucks on the roads is repealing the Federal excise tax on heavy duty trucks

and trailers. This tax was established during World War I and adds 12 percent to the cost of a new truck.

This is a disincentive for fleet owners across the Nation to upgrade their aging equipment. Today's trucks are equipped with life-saving features, including automatic emergency braking, collision mitigation, blind spot warning, and much more.

Finally, improving highway conditions is yet another way we can affect highway safety. Road and bridge deterioration contributes to worsening traffic congestion across the national highway system. As congestion increases, so does crash risk. In 2021, truck drivers wasted nearly 1.3 billion hours sitting in traffic, and that is the equivalent of over 460,000 commercial truck drivers sitting idle for an entire year.

Thanks to the analysis from the American Transportation Research Institute and GPS data directly from our trucks, we can pinpoint exactly where these bottlenecks exist. When dispersing IJA funds, we urge Congress and the USDOT to prioritize the Nation's top 100 freight bottlenecks. Investing in highways and bridges on these key freight corridors is the most investment that we can make in our continued quest to ensure that our highways are safe as possible for everyone.

Highway safety is a three-legged stool: drivers, vehicles, and infrastructure. We all have the responsibility and an important opportunity to have an impact on highway safety by focusing on these three important components. Trucking is one of the rare industries that touches every American, and given the nature of trucking, we are uniquely positioned to weigh in on highway safety on all levels.

We are the biggest consumers of the highways. We are on the roads more than anyone else, and the trucking industry is proud to be a part of this important discussion to make our highways as safe as they possibly can be.

We look forward to working with this subcommittee and congressional leaders to advance legislation to support these important objectives. Thank you for your continued commitment to highway safety.

[The prepared statement of Ms. Neville follows:]



Statement of

Brenda Neville
President & CEO, Iowa Motor Truck Association
And
Co-Chair of the Women in Motion Advisory Council,
American Trucking Associations

Before the

United States Senate
Committee on Environment and Public Works
Subcommittee on Transportation and Infrastructure

Hearing on

**“Understanding Roadway Safety: Examining the Causes of Roadway Safety
Challenges and Possible Interventions”**

November 7, 2023

Introduction

Chairman Kelly, Ranking Member Cramer, and Members of the Subcommittee, it is an honor to testify before you on behalf of the American Trucking Associations (ATA), the Iowa Motor Truck Association (IMTA), and our nation's trucking industry. In addition to my duties as President & CEO of the IMTA, I serve as co-chair of the advisory council for the Women in Motion (WIM) program at ATA and as a member of the American Transportation Research Institute's (ATRI) Board of Directors.

ATA is a 90-year-old federation and the largest national trade organization representing the 8.4 million men and women working in trucking-related jobs. ATA is a fifty-state federation that encompasses 37,000 motor carriers and their suppliers, and our members represent every sector of the industry, from less-than-truckload (LTL) to truckload, refrigerated transport for food and beverage to intermodal trucking, and automobile haulage to household goods movements. ATA members range from the nation's largest motor carriers to mom-and-pop one-truck operations.

For 81 years, IMTA has been the trusted voice of the trucking industry in Iowa. IMTA is dedicated to improving safety and educating the public on the importance of the trucking industry. From research on the impact of heavy-duty trucks on Iowa highways to advocating for allocation of tax dollars to ensure the smooth flow of freight in our supply chains, IMTA works tirelessly to make an impact at the state and local level, and well as the federal level as a part of the ATA federation.

The Women in Motion program, which I co-chair, was established to promote and support the advancement of women in the trucking industry by providing access to robust training, mentorship, and networking opportunities; advocating for policies and practices that create a level playing field for women in the industry; and fostering communication and collaboration among women truckers and their allies. The WIM program seeks to address the gender gap in the trucking industry's workforce by empowering women to pursue and succeed in all aspects of trucking, from driving to management, and celebrate the achievements of trailblazers in a historically male-dominated industry. By creating a strong community of women and allies in the industry, the program aims to foster a more diverse and inclusive trucking industry that benefits everyone.

I am grateful for the opportunity to testify today on the ongoing investments that the trucking industry is making to ensure the safety of all road users. ATA and IMTA members are dedicated to the mission of safety, investing billions of dollars each year and working with policymakers to identify not only how our roads and bridges can be safer, but how we can make driving a truck in interstate commerce a safer and more secure way for the next generation of supply chain workers to earn their livelihoods. I hope that my testimony will help this Subcommittee evaluate a path forward to aid in those efforts.

The American public is more aware than ever of the importance of the trucking industry. Polling shows that the percentage of Americans with a positive perception of trucking has risen from 67% in 2019 to 87% in 2022 -- a 30% improvement.¹ An astounding 97% of Americans believe that trucking plays a very important role in the U.S. economy, and 72% rate the industry's safety record as excellent or good.²

Our nation's highways are the workplace for more than 3.5 million professional truck drivers, who travel over 320 billion miles – 13 million trips around the globe – every year to deliver roughly 12

¹ "Trucking Moves America Forward: 2022 Annual Report." March 2023, https://truckingmovesamerica.com/wp-content/uploads/2023_TMAF-2022-AR_3.10.23-FINAL.pdf.

² Ibid.

billion tons of freight.³ Trucks move over 72% of our nation's freight by tonnage, and trucking is the sole mode of transportation providing freight services to 80% of American communities.⁴ Currently 8.4 million Americans work in a trucking-related job⁵, and trucking is among the top five most common occupations in 28 states.⁶ Trucking truly does keep America moving forward.

Trucking's Commitment to Safety

Safety is, and always will be, the foundation of the trucking industry. Safety shapes our core values and decision making. Since deregulation in 1980, both the number of fatal truck crashes and rate of fatalities have declined significantly.⁷ However, ATA does acknowledge a concerning uptick in fatal crashes in recent years. While the overwhelming majority of truck-related crashes are the fault of the passenger vehicle, several other factors have contributed to this increase, including a rise in impaired and distracted driving.⁸ Safety on our nation's roadways—the workplace of the trucking industry—is paramount, and the industry is committed to advancing solutions that will reduce fatal crashes, including the deployment of automated vehicles and other advanced technologies. A safety investment study published in 2016 found that the trucking industry invests nearly \$9.5 billion annually in safety initiatives, including onboard technologies such as electronic logging devices, collision avoidance systems,⁹ and brake-activated pulsating warning lamps. Our investments also include driver safety training, driver safety incentive pay, and mechanisms to ensure compliance with safety regulations. ATA is currently updating the study. While some of these investments are in response to regulatory requirements, many go above and beyond the obligations established by state and federal regulations. To that end, ATA proudly joined the U.S. Department of Transportation's (USDOT) newly established National Roadway Safety Strategy (NRSS) and was one of 49 "first movers" that committed to specific actions to address highway safety, focusing particularly on educating motorists about how to safely share the road with trucks.¹⁰

Opportunities for Improving Highway Safety

Mr. Chairman, we believe that safety is a three-legged stool; in this metaphor, safety is achieved through drivers, vehicles, and infrastructure. While much has been done to improve the safety of vehicles and drivers, the design and condition of the highway system has fallen by the wayside. This Subcommittee has an opportunity to significantly reduce the number and severity of crashes by supporting new strategic investments. ATA believes that additional investments should be made in the following areas:

Truck Parking

An important infrastructure priority for trucking, which was not specifically addressed in the *Infrastructure Investment and Jobs Act* (IIJA), is the critical need for investment in truck parking capacity. The shortage of truck parking spaces nationally is a multifaceted problem: it's a safety concern

³ *American Trucking Trends, 2023.*

⁴ *ibid.*

⁵ *ibid.*

⁶ Bureau of Labor Statistics, *Occupational Employment and Wage Statistics*, May 2022

⁷ Large Truck and Bus Crash Facts 2020, Trends Chapter, Table 4, page 7, Federal Motor Carrier Safety Administration, Washington, D.C. https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2022-10/LTBCF%202020-v5_FINAL-09-20-2022%20508%2010-3.pdf

⁸ *Financial Responsibility Requirements for Commercial Motor Vehicles, U.S. Department of Transportation, Federal Motor Carrier Safety Administration*, January 2013, page xii, footnote 2.

⁹ ATA Safety Investment Study 2016. <http://www.trucking.org>.

¹⁰ <https://www.transportation.gov/nrss/allies-in-action>.

for drivers and the motoring public, a hurdle to the recruitment and retention of female truck drivers, a compliance nightmare for law enforcement, a source of unnecessary air pollution, and an impediment to driver productivity. In my capacity as President & CEO of the IMTA and co-chair of WIM, I hope to convey to this Subcommittee how the shortage of truck parking capacity presents one of the direst yet rectifiable threats to the trucking workforce.

ATA strongly supports the *Truck Parking Safety Improvement Act*, S. 1034, which would establish a competitive discretionary grant program and dedicate \$755 million over five years for truck parking projects across the country. Importantly, this bill creates eligibility for projects that improve the safety of commercial truck drivers, and that detail could make a key difference to our efforts to recruit and retain truck drivers, especially female drivers. Mr. Chairman, we want to thank you, Subcommittee members Senators Lummis and Boozman, and Ranking Member Cramer in particular for taking the lead on this life-saving initiative.

In 2015, the Federal Highway Administration's "Jason's Law" report acknowledged the shortage of truck parking capacity as a serious highway safety concern. FHWA found that more than 75 percent of truck drivers and almost 66 percent of logistics personnel "regularly [experienced] problems with finding safe parking locations when rest was needed."¹¹ Due to inaction at the federal, state, and local level, the truck parking shortage has only worsened since 2016. In 2019, the FHWA found that the percentage of drivers who regularly experienced difficulty finding truck parking had skyrocketed from 75 percent to 98 percent.¹² The hazards of the parking shortage were sadly brought to the nation's attention in July, when three passengers were killed and many others seriously injured after a Greyhound bus hit three tractor-semitrailers parked on the shoulder of a rest area's exit ramp on I-70 in Illinois. The drivers were forced to park on the shoulder when the rest area filled up. ATA's Law Enforcement Advisory Board sent letters to all 50 State Governors last year to relay how the shortage of truck parking capacity puts law enforcement in a difficult position; enforcement officials can either force truck drivers to relocate—placing them in violation of hours-of-service (HOS) rules and taking a risk that the drivers may be too fatigued to drive safely—or they can allow the drivers to remain parked illegally. The bottom line is that safety is compromised when truck parking is not readily available.

The lack of available truck parking not only has a severe impact on the health and well-being of truck drivers, but it also contributes to driver utilization inefficiencies. Time spent looking for available truck parking costs the average driver about \$5,500 in direct lost compensation—or a 12% cut in annual pay, according to a 2016 report.¹³ Truck drivers give up an average of 56 minutes of available drive time per day parking early to avoid the risk of being unable to find authorized parking down the road. Additionally, HOS violations stemming from an inability to find safe, legal truck parking can be costly as well. HOS fines range from \$150 to \$16,000, and an accumulation of violations can lead to a decrease in a driver's safety history, leading to higher insurance rates and even license suspension.

It is also important to be aware of the impacts that state and federal regulations requiring the adoption of zero emission vehicles will have on the supply of truck parking. Charging a battery-electric truck takes several hours, and currently models have a range of no more than 250 miles. This will require truck drivers to park for extended periods far more often than they do today. Furthermore, as the industry

¹¹ *Jason's Law Truck Parking Survey Results and Comparative Analysis*. Federal Highway Administration, U.S. Department of Transportation, August 2015.

¹² Jason's Law Commercial Motor Vehicle Parking Survey and Comparative Assessment Presentation, Federal Highway Administration, December 2020.

¹³ *Managing Critical Truck Parking Case Study: Real World Insights from Truck Parking Diaries*. American Transportation Research Institute, December 2016.

makes the transition to zero emission trucks – a process that could take decades – truck parking facilities will have to dedicate a certain percentage of their spaces to electric vehicles, potentially eliminating a significant amount of parking capacity for diesel-fueled trucks.

The lack of safe, secure parking makes trucking a less attractive profession, particularly for women. Women currently make up only 7% of our nation's drivers. I urge members of this Subcommittee to consider how long you would tolerate a job where access to a restroom and a safe place to rest is not a guarantee. The entire ATA federation is trying to harness the energy of our member companies, state trucking associations, and federal advocates through the ATA's WIM program to raise awareness and encourage solutions to issues that discourage prospective female drivers from beginning fruitful careers in trucking. The lack of female drivers is a tragedy because, with only a high-school diploma and a few months of training, truck drivers can start a small business or get a well-paid, steady job that can support a family. As recently as last year, we saw our supply chains struggle with a nationwide driver shortage of 78,000 drivers. Adding safe truck parking capacity will make interstate trucking a more attractive career for women and other currently underrepresented demographics. Furthermore, recruiting more women into the industry is a critical part of our safety strategy because males are 14 percent more likely to be involved in a crash than females.¹⁴

Federal investment in the expansion of truck parking capacity is key to addressing this longstanding problem. In my own state of Iowa, the DOT plans to close eight full-service rest areas and ten parking-only rest areas due to financial constraints.¹⁵ With the passage of the *Infrastructure Investment & Jobs Act*, significant resources are now available to state and local governments to address this critical challenge. Construction of new truck parking capacity at rest areas or adjacent to private facilities is eligible for funding, as are improvements that allow for increased parking capacity at nontraditional locations, such as weigh stations and commuter lots, when appropriate.

We appreciate the Subcommittee's attention to this challenge as well as the initiative taken by a handful of states to secure federal funding for new parking capacity; however, little progress has been made overall thus far. Without a dedicated revenue source, the investment levels necessary to ensure that the trucking industry can safely serve the nation's interstate commerce needs will not be met. For this reason, ATA strongly encourages the full Environment and Public Works Committee to send the *Truck Parking Safety Improvement Act* to the Senate floor and, eventually, the President's desk.

Improving the Condition and Performance of Roadways Improves Safety, Supply Chain Efficiency, and Public Health Outcomes

One of the most important benefits of the increased investments under IIA is the impact on highway safety. Highway condition, design, and operational efficiency all play a role in highway safety outcomes.

One report found that the U.S. has a \$146 billion backlog in needed roadway safety improvements.¹⁶ The study concluded that if these investments were made, the present value of the 20-year safety benefits would be \$348 billion, meaning that 2.4 dollars can be saved for every dollar invested in roadway safety. These improvements could prevent 63,700 fatalities and more than 350,000 serious injuries over 20 years.¹⁷ The recommended improvements included, among other strategies, adding

¹⁴ <https://truckingresearch.org/wp-content/uploads/2022/10/ATRI-Predicting-Truck-Crash-Involvement-2022.pdf>

¹⁵ Iowa DOT State Freight Plan 2022, p. 106

¹⁶ AAA Foundation for Traffic Safety, *Safety Benefits of Highway Infrastructure Investments*, May 2017.

¹⁷ *Ibid.*

passing lanes, widening lanes and shoulders, adding median barriers, installing centerline or shoulder rumble strips, providing grade separations at intersections, signaling intersections, and updating rail crossings. Furthermore, as congestion increases, so does crash risk. According to one study, during peak travel periods, crash rates on freeways rise significantly as traffic volumes build.¹⁸ In addition, when roads are congested, emergency vehicles are impeded from responding in potentially life-or-death situations.

In 2021, truck drivers spent nearly 1.3 billion hours sitting in congestion, the equivalent of 460,716 commercial truck drivers sitting idle for an entire working year.¹⁹ This was up more than eight percent over 2019. As a result of congestion, 6.793 billion extra gallons of diesel were unnecessarily consumed in 2021, resulting in the release of approximately 69 million metric tons of excess CO₂.²⁰ This represents approximately 17 percent of the CO₂ released by trucks.

In addition to safety and health concerns, congestion serves as a brake on economic growth and job creation nationwide. A first-world economy cannot survive a developing-world infrastructure system. As such, the federal government has an obligation to ensure that necessary resources are available to address this self-imposed and completely solvable situation. Specifically, ATA recommends that the USDOT prioritize the discretionary program resources made available by the IJA to address major freight bottlenecks. A recent report from ATRI identified the top 100 freight bottlenecks nationwide.²¹ Furthermore, given the importance of the National Highway System—and especially the Interstate System—to the supply chain, a greater share of federal investment should be directed toward the maintenance and improvement of these highways.

Given that this Subcommittee oversees distribution of IJA funding, ATA strongly supports ensuring that resources are dedicated for projects that will improve freight mobility and safety. Furthermore, projects of regional and national significance should not be unnecessarily delayed due to environmental permitting.

Although the IJA did not set aside funding for either highway bottleneck elimination or intermodal connectors, these projects are eligible for funding under several of the discretionary programs, including the Nationally Significant Freight and Highway Projects Program, the Bridge Investment Program, the National Infrastructure Project Assistance Program, and the Local and Regional Project Assistance Program. Congress should provide the necessary oversight to ensure that the resources available from these important programs are used primarily for projects that improve transportation safety and mobility, as well as projects that address infrastructure deficiencies that contribute to supply chain inefficiencies. These programs should not be used to advance parochial agendas that are outside of their Congressionally mandated scope. Under the IJA, States will receive more than \$50 billion per year in federal-aid highway funding, and much of that can be used to repair and modernize existing infrastructure to improve the performance and safety of freight corridors.

Additionally, ATA does not support federal policies that are likely to prevent or hamstring State and local agencies' efforts to expand highway capacity. This includes conditioning the expenditure of federal funds for new capacity on a showing that alternatives, such as operational strategies or investment in

¹⁸ Chang, Gang-Len and Hua Xiang, University of Maryland. *The Relationship between Congestion Levels and Accidents*. Aug. 21, 2003.

¹⁹ *Cost of Congestion to the Trucking Industry: 2023 Update*. American Transportation Research Institute, Oct. 2023.

²⁰ *Ibid.*

²¹ *Top 100 Bottlenecks – 2022*. American Transportation Research Institute, 2022.

alternative transportation modes, are definitively ruled out. The National Environmental Policy Act (NEPA) process already requires consideration of alternatives, and layering additional requirements onto the existing process is redundant, costly, and cumbersome. We are also concerned about policies that seek to eliminate or downgrade highways in the name of equity or environmental justice without fully accounting for the impacts of these approaches on supply chain efficiency or safety.

Emergency Permitting Reform

Thirdly, this Subcommittee has an opportunity to take commonsense steps to improve waivers and permitting in situations where high volumes of time-sensitive freight must be transported, particularly during times of emergencies and declared disasters.

Natural disasters – hurricanes, tornados, floods, wildfires or pandemics, to name a few – can cause serious disruption to communities for days, weeks, or even months. In the aftermath of disasters, the trucking industry answers the call to provide life-saving supplies and help affected communities to recover. Relief and recovery supplies can include water for drinking or fighting fires; food; generators; equipment for rebuilding a decimated power grid; trailers to provide shelter for those who are suddenly made homeless; or building supplies to repair or replace damaged homes, buildings, roads or bridges. In addition, trucks must often remove thousands of tons of debris in order to allow the recovery process to begin.

Most often in these scenarios, time is of the essence. Lives are at risk when potable water is in short supply, hospitals or nursing homes with patients too sick to evacuate do not have the electricity needed to power life-saving medical equipment, or water needed to fight wildfires is in short supply. In these cases, maximizing the trucking industry’s ability to move as much cargo as possible, as quickly as possible, is critical. A key to expediting these loads is to maximize a truck’s cargo space by allowing the trucking company to exceed state and federal weight limits on a temporary basis.

Federal law limits a truck’s gross (total) and axle weights when they are operating on the Interstate Highway System. States determine weight limits on non-Interstate roads. In 2012, federal law authorized states to issue special overweight permits for vehicles and loads that are delivering relief supplies during a Presidentially declared emergency or major disaster. Both the weight limits and the routes on which permitted trucks may operate are determined by each state. A Presidential declaration expires after 120 days. Trucks operating under special permit may only deliver to a destination in the locations covered by the declaration or haul debris from those locations. An overweight vehicle must have a permit from each state in which it operates if that vehicle exceeds the state’s legal weight limits.

In practice, the current system has significant flaws. Emergencies that qualify under the Stafford Act are limited to traditional natural disasters such as floods and hurricanes. Certain emergencies, such as the supply chain crisis caused by the COVID-19 pandemic and the energy shortage caused by the cyber-attack on the Colonial Pipeline, do not qualify. In addition, relying on a Presidential declaration to enable the issuance of permits is problematic. First, some situations do not rise to the level of a national emergency. Some are more limited in scope but still require a significant response from the trucking industry. Waiting for a Presidential declaration can also slow the process or make it less effective. Finally, Stafford Act declarations expire after 120 days. In some cases—the COVID-19 pandemic being a good example—emergency response may need to be extended.

To address these challenges, ATA recommends the following changes to federal law governing the issuance of emergency overweight permits:

- A more expansive definition of qualifying emergencies must be implemented to ensure that all potential situations receive an adequate response;
- Both the Secretary of Transportation (or Federal Highway Administrator) and Governors should be given the authority to issue an emergency declaration that enables the issuance of emergency overweight permits. If Governors issue the declaration, FHWA should have the authority to override the order if it finds that the declaration is not consistent with Federal law; and
- The Secretary or FHWA Administrator should be given the authority to extend the declaration beyond 120 days.

Additional Supply Chain Options for Congress to Address

In addition to the opportunities for the Subcommittee mentioned above, I want to highlight other opportunities that may come before you on the floor of the Senate in the 118th Congress.

First and foremost, I want to again thank the Chairman and Senator Lummis for their sponsorship of another important bill – the *Licensing Individual Commercial Exam-takers Now Safely and Efficiently (LICENSE) Act*, S. 1649. This valuable legislation provides flexibility for individuals pursuing their training and testing requirements to obtain Commercial Drivers Licenses (CDLs). The bill makes permanent waivers that were repeatedly found to have no adverse safety impacts and approved on a temporary basis by both Republican and Democratic administrations during the COVID-19 pandemic. ATA strongly supports this legislation.

Additionally, by harmonizing application requirements and eliminating duplicative background checks for the Transportation Worker Identification Credential (TWIC) and Hazardous Materials Endorsement (HME), we can encourage a larger pool of qualified truck drivers to pursue credentials that will allow them to safely move sensitive freight. The *Transportation Security Screening Modernization Act* (H.R. 5840) is currently pending in the House and would make commonsense reforms to these programs at the Transportation Security Administration. We are grateful to Subcommittee Member Wicker for sponsoring legislation on this issue in the 117th Congress and anticipate Senate introduction of updated companion legislation in the near future.

We must invest in our land ports of entry and prioritize the efficient movement of freight, particularly as near-shoring and friend-shoring become increasingly important to American manufacturing and supply chains. We must also address the scourge of cargo theft and ensure the safety of supply chain workers and the goods that they deliver.

Finally, Congress must eliminate the 12% Federal Excise Tax on new trucks and trailers that creates a disincentive to purchasing and deploying equipment with the latest safety and emissions technologies. We are grateful to Subcommittee Member Cardin for his continued leadership on this important issue and sponsorship of the *Modern, Clean, and Safe Trucks Act*, S. 694. According to statistics from USDOT, 95.7% of private and for-hire motor carriers operate 10 or fewer trucks and 99.7% operate fewer than 100 trucks.²² A 2022 ATRI survey of the industry found that fuel costs (22%), equipment and lease payments (15%), and repair and maintenance costs (9%) account for 46%—nearly half—of the overall operating costs for trucking companies nationwide.²³ Surging fuel and truck prices, as well as the deployment of new technologies that are difficult for fleets to maintain, create enormous headwinds that

²²ATA Economics and Industry Data. American Trucking Associations, 2022. Available online at:

<https://www.trucking.org/economics-and-industry-data>

²³An Analysis of the Operational Costs of Trucking: 2022 Update. American Transportation Research Institute, August 2022.

stymie efforts to incentivize fleets to invest in newer, cleaner, safer equipment. Adding a 12% federal surcharge—which amounts to an additional \$25,000 to the cost of new equipment on average—is a significant disincentive. This tax is anti-safety and should be abolished.

Conclusion

On behalf of the more than eight million people in the trucking industry who keep the wheels of our economy turning, thank you once again for the opportunity to testify before this Subcommittee on these important issues. Trucking is the dynamic linchpin of the U.S. economy, and as I have emphasized in my testimony, the industry can only be as safe and efficient as the roads and bridges upon which we operate. I look forward to answering your questions, and the entire trucking industry looks forward to advocating for commonsense investments and improvements that will make our nation's highways safer for all road users.

Senator KELLY. Thank you, Ms. Neville.
Ms. Ricks.

STATEMENT OF KARINA RICKS, PARTNER, CITYFI

Ms. RICKS. Thank you, Honorable Chair, Ranking Member Cramer, and members of the subcommittee. I am deeply honored and humbled to speak before you today and will speak truthfully and candidly.

As you heard, I am a former city and Federal transportation official, a resident of Pittsburgh, Pennsylvania, and a Michigan native. I am also a mother, daughter, walker, biker, and driver.

For over 50 years, my parents have lived on a rural subdivision off of a county highway in Michigan, just over a mile from town, past the post office, library, and donut shop. At 70, they would love to walk or bike to town, but they can not. The county road has two lanes, no shoulder, and fast traffic. While a parallel State route has been widened twice in the 50 years they have been there, their county road remains without a side path or shoulder, and people have died.

I would wager that every single one of us in this room knows someone who has been killed in a traffic-related crash. Not taking more urgent action on this is, frankly, inexcusable, and saying that safety is our highest priority is, quite simply, dishonest. Roadway deaths have skyrocketed, increasing 13 percent in California and a whopping 26 percent in Arkansas. We lag embarrassingly behind other nations. The traffic related death rate in the U.S. is 12.4 per 100,000 residents. This puts us in the same class with Indonesia, Turkey, and Mexico.

Even if we do not think that we are comparable to Norway or Sweden, we cannot claim to be all that different from other auto-oriented nations like Canada or Australia, and yet our roadways are more than twice as deadly. It is not because Canadians do not text, and it certainly is not because Australians do not drink. To my knowledge, neither has superior cars nor smarter teenagers or better engineers. Their roadway death rate is lower because their national leaders have adopted sensible, proactive roadway designs that recognize that people can make poor decisions and that time-tested, sensible street design can stop poor decisions from becoming fatal mistakes.

Our roads are designed to encourage high speed driving. We pretend that 24 by 30 inch speed signs will slow a driver when every other environmental cue of the road is telling them to drive faster. It is nothing short of entrapment.

Adopting highway standards that self-regulate speed through design is safer for users and less punitive to drivers. We need to prioritize resources for safer streets and make it easier to actually build them. Today, easy, cheap, and effective measures are made hard by Federal and State DOTs and policy.

While I was Director of Transportation in Pittsburgh, we secured \$1 million in Congestion Mitigation and Air Quality (CMAQ) funding to fix more than 80 critical sidewalk gaps in the city. We chose the high priority locations near senior buildings, schools, and bus stops. Most of the gaps were only 20 to 30 feet in length, and restoring them would have benefited more than 35,000 residents. In

order to use those Federal funds, we would have had to produce full scale engineering drawings for each and every one of the 80 locations. It would cost us 10 months and \$300,000 of local money. No self-respecting professional contractor needs engineering drawings to pour a six-foot-wide, six-inch-deep slab of concrete, so we did not do the project.

In another example, the city funded a protected bike lane on a State route and then had to go round and round with State and Federal reviewers. By the time the proven safety countermeasure was approved over a year later, it was 30 percent more expensive to build.

On another State route, serious injuries have actually increased after the State had "improved the street" by removing a travel lane and widening the rest. After a horrific crash left a young woman hospitalized for 8 months, city and State engineers crafted a package of low-cost but effective safety improvements. However, the State would not or could not come up with the funding to implement them, and the street remains dangerous today.

This is ludicrous, wasteful, and irresponsible. If Congress and the Administration wants to save taxpayer money and deliver projects faster, these practices have to change. As a citizen and professional, I am, frankly, dumbfounded that a nation as smart and wealthy as the United States with billions of Federal dollars flowing to States every year cannot fund and build a \$5,000 crosswalk or any number of other low-cost, proven safety countermeasures.

You can change this. The Building Safer Streets Act will meaningfully reduce cost and speed delivery of no-nonsense, no debate safety measures. With this, you can eliminate outdated and restrictive provisions in the Manual on Uniform Traffic Control Devices (MUTCD) that limit local flexibility and hinder the exercise of best engineering judgment.

You can incentivize States to facilitate and fund low-cost, quick-build safety improvements, and as we start to think about the next infrastructure authorization, you can craft transportation programs and policies that actually reflect safety as the highest priority, rather than just saying it.

I deeply appreciate the work of this subcommittee and the commitment of all members to it. I thank you for all that you do for the communities that I have been pleased to live in and serve and advise, and I look forward to the discussion.

Thank you.

[The prepared statement of Ms. Ricks follows:]

Senate Environment and Public Works Committee
Transportation and Infrastructure Subcommittee
Karina Ricks Testimony on Safer Streets

Honorable Chair and Members of the Transportation and Infrastructure Subcommittee of the Senate Environment and Public Works Committee, thank you for inviting me to speak with you this afternoon on the critical topic of roadway safety.

My name is Karina Ricks. I am currently a resident of Pittsburgh, Pennsylvania and before that a long time resident of Washington, DC after growing up in rural Michigan. In addition to being a mother, daughter, walker, biker and driver, I am also a former city transportation Director and federal DOT Associate Administrator.

I am *deeply* honored and humbled to speak before this subcommittee. I know that honor comes with the responsibility to speak truthfully and candidly. I want to share with you experiences common to so many cities and towns across our country as they strive to rapidly deliver improvements to keep their residents safe and put to full use the unprecedented resources of the Bipartisan Infrastructure Law.

I have spent my career as a practitioner, advocate and user of safe street design, and, like nearly every American, I am also family, friend and neighbor to numerous individuals who have lost their lives traveling on American roadways.

I would challenge you to find a single constituent in your jurisdiction who has not had someone in their circle of family or acquaintances killed in a traffic-related crash. You know the statistics - last year nearly 43,000 people were killed on American streets. To put that in proportion, that is more than the entire population of Princeton, NJ or the undergraduate student body of my alma mater of Michigan State University. In my lifetime, there have been more than 2 million roadway deaths. Again, 2 million preventable American deaths.

Not taking more urgent action on this is frankly inexcusable. Every single American that you represent is at risk every day. There are immediate, common sense measures that will help. The Building Safer Streets Act is an overdue, basic step. But meaningfully changing those statistics requires more. We lag embarrassingly behind other nations in the fundamental imperative of keeping our citizens alive as they go about their daily lives. If we truly value the sanctity of human life, we need policy priorities that reflect that. That means directing and deploying infrastructure dollars in ways that save lives and drive innovation to reclaim America's lead as the global transportation leader.

Today, to say that safety is our highest priority is quite simply dishonest. Low cost, proven countermeasures go unfunded and face myriad bureaucratic hurdles. Seemingly too small for states to bother with, but too costly for many communities to fund on their own, lifesaving measures languish for decades.

In the 1970's, my parents moved to one of several subdivisions being developed along a county two-lane highway. As kids we could happily bike within our little three street neighborhood but were forbidden from visiting schoolmates in the neighborhood across the street due to the danger that street posed. Now nearly fifty years later, my parents are still there. They are hale and hearty retired 70-year olds. They live just 1.3 miles from the small village post office, library, donut shop and all-important quilt store. They would love nothing more than to be able to walk or bike to town, see friends and keep their bodies and minds sharp. But they can't. The road has only two lanes and no shoulder. Posted at 35 MPH, traffic screams by at over 50 MPH. More subdivisions have sprouted up where farms once were, but half a century later there is still no sidepath or even shoulder space on that road while a parallel state road has been widened twice over the same period and locally both traffic- and obesity-related deaths have risen.

There is another rural road in Michigan - but it could be in any state. This road is where my good friend was struck and killed while jogging. I can't necessarily blame the older man who hit her as he came up over a hill with the early morning sun in his eyes. It is wrong to blame my friend as there was no space to step outside the white edge line. It was terrible to be at the hospital then funeral trying to soothe her 7- and 11-year old daughters and lie that it would be alright. It wouldn't. But in the years since, I often think about the driver. He will never unsee my friend's body hitting his windshield or erase the guilt of killing her and depriving these kids of their mother. I imagine every day he wishes he had driven slower, left later, or never taken that trip at all. I don't think he was a bad man. I do think that was a bad road and bad policy that made it fatal. With an extra four feet of asphalt that allowed for common human error, my friend would be alive, the girls would have their mom, and the driver would be free of that guilt.

Road safety isn't just an issue out in the country. Growing up in DC, my kids had a playground three blocks from our house, but even after they were old enough to go there by themselves, I didn't let them. Despite all the media sensationalism about how dangerous cities are, it wasn't rapists, murderers or thieves I was worried about - it was drivers. Street design standards made it easy for commuters to drive out of town, but made it impossible to build the crosswalks and stop signs that would have allowed my children to leave our yard.

America is failing its people.

Roadway deaths have skyrocketed. Since 2019, fatalities have increased 13% in California, 14% in Pennsylvania, 16% in Oregon, Oklahoma, Mississippi and South Carolina and a whopping 26% in Arkansas.

Other nations show a commitment to life that we are lacking. Just across our border, Canada's roadways are half as deadly.

According to the World Health Organization¹, the traffic-related death rate (deaths per 100,000 population) in the U.S. is 12.4 - putting us in the same class with Indonesia (12.2), Turkey

¹ <https://extranet.who.int/roadsafety/death-on-the-roads/#deaths>

(12.3), Mexico (13.1), Pakistan (14.3) and Afghanistan (15.1). I don't think this is the peer group we are striving for! Egypt (9.7) and Cuba (8.5) dramatically out-perform us. Even if we don't think we are comparable to Norway (2.7) or Sweden (2.8), we cannot claim to be all that different from other sprawling, rural, auto-oriented nations like Australia (5.6) or Canada (5.8) and yet our roadways are more than twice as deadly.

It isn't because Canadians don't text and it certainly is not because Australians don't drink. To my knowledge, neither has superior cars or smarter teenagers or greater engineering prowess.

The roadway death rate is significantly lower in Canada, Australia, Japan, South Korea and nearly every European nation because their national leaders have adopted sensible, proactive roadway designs that recognize that people in cars, on bikes and on foot can, at times, make bad decisions and that time-tested, sensible street design can stop bad decisions from becoming fatal mistakes.

Here in the United States, we have adopted policies that seem dedicated to killing innocent Americans. Our roads are designed to encourage high speed driving, with wide straight roadways stripped of any natural indicator of safe or intended speed. We pretend that 24 x 30 inch speed signs telling them to slow down mean more to a driver than every environmental cue the road is giving them to drive faster. And then we blame the driver. Pick any state and you can find a state road where the speed limit changes a dozen times - from 65 MPH down to 35 MPH and back again - but the roadway design doesn't change once. It is nothing short of entrapment.

As our people die by the thousands, other nations are showing their commitment to protecting the lives of their people. Adopting roadway standards that self-regulate speed through design - reducing the need to rely on signage and policing. Not only is this vastly safer for all roadway users - as demonstrated by the numbers - but it is less punitive to drivers themselves. Congestion is relieved when vehicles flow at a managed and consistent speed that is appropriate to the context - whether through a town business district bursting with life or a sparsely populated expanse of farmland.

We need to do two things - prioritize resources for safer streets and make it easier to actually build them. This is just plain common sense.

Pittsburgh has the 4th highest portion of people walking to work and 7th most transit commuters in the country, post pandemic. MANY Pittsburghers rely on walking and transit to get where they need to go. And we have a lot of sidewalk gaps - places where short segments of sidewalk have been heaved up by trees or crumbled to bits through years of freeze and thaw. This makes walking rough for anyone, but virtually impossible for people who use wheelchairs or parents with strollers. So they walk in the street. I think we can agree, this isn't safe.

While I was Pittsburgh's Director of Transportation, and after several years of trying, we secured \$1 million in CMAQ funding from the state. We intended to fix more than 80 sidewalk gaps across three different neighborhoods with the highest concentration of walking- and

transit-dependent residents. We chose the highest priority locations near senior buildings, schools and bus stops. Most of the gaps were small - 20 - 30 feet in length. Restoring these would have benefited more than 35,000 residents and tens of thousands of drivers who daily had to try to avoid pedestrians in the street.

Federal funds were critical to the project. After we got our grant, we were informed that we needed to produce engineering drawings for each and every one of the 80 locations. This meant we would need to spend 10 months and \$300,000 of local money, that we didn't have, to use \$1 million of federal funds to actually build something.

This is ludicrous, wasteful and fiscally irresponsible. No self-respecting professional contractor needs full scale engineering drawings to pour a simple 6 foot wide, 6 inch deep slab of concrete. We could not justify squandering taxpayer dollars for patently unnecessary design drawings just because an administrative system could not differentiate an interchange construction from a sidewalk slab. So we didn't do the project. Rather than give the funds back - as we were tempted to do - we redirected these funds from multiple distributed improvements benefiting many thousands to one improvement on a state route that benefitted far fewer.

In another case, city engineers wanted to put a protected bike lane on a state street that ran through a dense central neighborhood where we had many bicycle commuters. Despite flexposts (flexible delineators) having been long used in the very same application on city managed streets, to use this treatment on a state route required months and months of review and back and forth with state and Federal highway engineers. The delay was so substantial, that by the time this commonplace, common sense safety countermeasure was finally approved, materials were 30% more expensive.

If Congress and the Administration want to save taxpayer money and deliver projects faster, then how do you allow these practices to still exist?

Let me give you just one more example. A decade or so ago, the state DOT made safety "improvements" to a major state route in the city. They widened travel lanes and added a center turn lane, but posted a lower speed limit. Of course, instead of slowing traffic, wider lanes led to more speeding. Without on street parking, pedestrians had a longer walk to cross and no marked crossing where they could cross safely. The major employer on the street - a large car dealership - repeatedly complained that its customers and employees were in danger as they routinely crossed from the repair shop on one side of the street to the showroom on the other. Near misses were constant until, in a tragedy that could have been easily prevented, a young female employee of a business on that road was struck in a horrific car crash. She suffered massive injuries that left her hospitalized for over eight months. The City engaged State DOT engineers to move quickly and together we crafted a package of low cost, but effective safety improvements - crosswalks, better lighting, and a protected pedestrian refuge island. However, when we approached the state DOT for funds to implement the plan, we were told federal funds were not available despite (or perhaps because of) its low cost. Although it was a state route,

the city was told it would need to pay for the safety improvements, and, given the urgency, we did.

Let me be clear - Pittsburgh is not a city flush with cash. In fact, my chief traffic engineer often felt she had to resist putting in a multitude of crosswalks. It wasn't that she didn't support them or they weren't warranted - it was because she was worried the city wouldn't have enough staff or money to repaint them every 5 years, as is needed.

As a citizen and professional, I am frankly dumbfounded that a nation as smart and wealthy as the United States, with billions of federal dollars flowing to states every year, cannot find a way to fund and build a \$5,000 crosswalk or any of a number of other low cost proven safety countermeasures. I would ask you here today, how much is an American life worth to you?

The definition of policy inertia is perpetuating established procedures, even when, in the face of evidence, they are counterproductive to desired goals - and U.S. transportation policy is rife with inertia.

Right now, you have the opportunity to make big changes through small projects. The Building Safer Streets Act will streamline project delivery by exempting no nonsense, no debate safety measures. With this you can eliminate outdated and restrictive provisions in the Manual of Uniform Traffic Control Devices (MUTCD) that limit local flexibility and the exercise of best engineering judgment. You can take the logical step to preclude performance targets that allow roadway fatalities to increase! You can incentivize States to facilitate and fund low-cost, quick build local safety improvements. As we start to think about the next infrastructure authorization, you can craft transportation programs and policies that actually reflect safety as the highest priority, rather than just saying it. No more policy inertia!

I deeply appreciate the work of this subcommittee and all that you do for the communities I have been pleased to live in, serve and advise. I look forward to your questions.

Thank you.

Senator KELLY. Thank you, Ms. Ricks.
Ms. Mongeon.

STATEMENT OF KARIN MONGEON, HIGHWAY SAFETY DIVISION DIRECTOR, NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

Ms. MONGEON. Chairman Kelly, Ranking Member Cramer, and members of the subcommittee, good afternoon. I am Karin Mongeon, Highway Safety Division Director with the North Dakota Department of Transportation.

I am here today on behalf of North Dakota DOT Director Ron Henke, who wishes to express his appreciation to Senator Cramer for his work on transportation issues leading to policy that has benefited the State of North Dakota. We are pleased to appear before this committee to discuss North Dakota's statewide Vision Zero initiative with the goal to reduce motor vehicle crash fatalities and serious injuries to zero. I will offer some comments on the challenges to highway safety in a rural State and how we address them.

In January 2018, North Dakota Governor Doug Burgum and the North Dakota DOT launched the North Dakota Vision Zero initiative and have championed Vision Zero since that time. After the height of oil activity, North Dakota began to experience a decrease in crash fatalities due to lower traffic volumes. The conception and implementation of Vision Zero was an opportunity for North Dakota to reinvigorate highway safety to bring new appeal and public awareness to solving highway safety problems and to continue to reduce fatalities.

At the time, the North Dakota DOT was in the midst of an update to its strategic highway safety plan, which became our first Vision Zero plan. Due to a strong plan and vigorous implementation by stakeholders, North Dakota reported 98 crash deaths at the end of calendar year 2022. This is the lowest number of crash deaths in North Dakota in about 20 years. We attribute this 20-year low in fatalities to assuring that safety is a primary consideration in everything we do at the North Dakota DOT.

To achieve our mission and ensure our work meets the needs of citizens, we provide many opportunities for meaningful public participation and engagement as we work to develop, implement, and evaluate our transportation safety programs. This includes engagement with the tribes, counties, cities, vulnerable road users, teen drivers, motorcyclists, commercial vehicle groups, agricultural associations, safety professionals, and others.

Crash deaths in North Dakota are largely attributed to unbelted vehicle occupants, lane departure crashes, crashes on local roadways, speed and aggressive driving, and impaired driving. The North Dakota DOT uses multiple types of safety funds for strategy implementation and spends them well, which means in compliance with regulation, with consideration to evidence, and in amounts and locations driven by data. Examples of efficient and effective spending to advance highway safety are provided in my written statement. I will highlight a few.

Proven infrastructure safety strategies are delivered through the North Dakota Highway Safety Improvement Program. Strategies

include roundabouts, high tension median guardrail at interState locations, reconfiguration of roadway geometrics, and low cost solutions, such as lighting, pavement marking, curve signing, and others. The North Dakota DOT is one of few States that has developed a local road safety program that developed safety plans for 53 counties, 23 major cities, and 4 Tribes in the State.

The safety plans include specific project submittals and have resulted in the completion of many low-cost, systemic safety measures throughout counties, cities, and reservations. New roadway safety countermeasures coming to North Dakota include reduced conflict intersections, wrong way detection systems at select inter-State locations, and widened edge and center line pavement marking on the State system.

Behavioral safety strategies include widespread public education and outreach, law changes to ensure State laws represent best practices and traffic safety, and high visibility enforcement of existing laws.

Before closing, two very quick points. One of the greatest achievements of Vision Zero occurred very recently when a group of Vision Zero stakeholders were successful in working with the North Dakota legislature to pass a primary seatbelt law that went into effect August 1 of this year. This outcome took years of education, persistence, and collaboration from many partners. This will increase North Dakota's seatbelt use over time and save lives.

The future of our Vision Zero efforts will focus on implementation of a recently updated Vision Zero plan and continued recognition that there is no single solution to the problem of crash fatalities. It takes a comprehensive approach.

This concludes my statement, Mr. Chairman, and I thank the committee for the opportunity to be here today. I would be pleased to respond to questions at the appropriate time.

Thank you.

[The prepared statement of Ms. Mongeon follows:]



Statement of Karin Mongeon, Highway Safety Division Director,
 North Dakota Department of Transportation
 before the
 Subcommittee on Transportation and Infrastructure
 Committee on Environment and Public Works, United States Senate
 regarding
*Understanding Roadway Safety: Examining the Causes of Roadway Safety
 Challenges and Possible Interventions*
 November 7, 2023

Chairman Kelly, Ranking Member Cramer, and Members of the Subcommittee:

I am Karin Mongeon, Highway Safety Division Director with the North Dakota Department of Transportation (NDDOT). The Highway Safety Division serves as the State Highway Safety Office (SHSO) for the state of North Dakota. SHSOs are experts in highway safety with an emphasis on behavioral highway safety programs.

I am here today on behalf of NDDOT Director Ron Henke. Director Henke wishes to express the appreciation of the NDDOT for Senator Cramer's work on transportation issues leading to policy that has positively benefited the state of North Dakota. And also, for the invitation to appear before this committee today to discuss highway safety, particularly including the successes of North Dakota's statewide Vision Zero initiative, with the goal to reduce motor vehicle crash fatalities and serious injuries to zero. Thank you, Senator Cramer.

Today, I will offer some comments, from my perspective as a SHSO Director, on the challenges to highway safety in a rural state and how we address those challenges. My experience extends from more than 25 years of public health and safety program administration, with more than 15 years in highway safety.

North Dakota's Vision Zero Initiative and Recent Successes

In January 2018, the NDDOT, several other North Dakota Cabinet-level agencies, and other partners launched North Dakota's Vision Zero (Vision Zero. Zero Fatalities. Zero Excuses.) initiative to reduce motor vehicle crash fatalities and serious injuries on North Dakota roads to zero. North Dakota Governor Doug Burgum and his office championed North Dakota's Vision Zero initiative and have been strong supporters of the initiative since its launch.

After the height of oil activity in North Dakota, in 2012, North Dakota began to experience a decreasing trend in motor vehicle crash fatalities and fatality rates (per 100 million vehicle miles traveled [VMT]) due to lower traffic volumes and reductions in VMT. With North Dakota's lower number of fatalities, it became even more challenging to continue to reduce fatalities.

The conception and implementation of Vision Zero was an opportunity for North Dakota to reinvigorate highway safety efforts, to bring new appeal and public awareness to solving highway safety problems, and to continue to advance the decreasing fatality trend. At the time, the NDDOT was in the midst of an update to its Strategic Highway Safety Plan (SHSP), which became our first Vision Zero Plan, and the updated plan (for the five-year period 2018-2023) coincided with the launch of Vision Zero.

Crash deaths in North Dakota are largely attributed to the following areas identified as priorities in the SHSP/Vision Zero Plan.

- **Unbelted Occupants.** Each year, between 50-65 percent of fatalities (where seat belts apply) are unbelted at the time of the crash.
- **Lane Departure Crashes.** About half of lane departure crashes occur on local roads. These crashes often severe because they occur at higher rates of speed resulting in single vehicle roll overs, side swipe and head on crashes.
- **Local Roadways.** In North Dakota, over 40 percent of fatalities and 48 percent of serious injuries occur on local system roadways, despite local roadways only accounting for 18 percent of the traffic volumes in the state.
- **Speed/Aggressive Driving.** Speed/aggressive driving is a factor in 35-45 percent of fatal crashes annually.
- **Impaired Driving.** Alcohol is a factor in 35-40 percent of fatal crashes annually.

The NDDOT administers the Vision Zero initiative while simultaneously meeting the federal requirements of the SHSP. The SHSP identifies priority highway safety problems based on data and research-based strategies to address the problems. Vision Zero strategies include but are not limited to: (1) widespread public education/outreach, (2) law changes to ensure state laws represent best practices in traffic safety; (3) workplace policies that support driver and passenger safety, (4) infrastructure/road safety improvements, (5) technology advancements that make vehicles, roads and drivers safer; and (6) high visibility enforcement of existing traffic laws.

Safety is a primary consideration in everything we do at the NDDOT. It is our mission to Safely Move People and Goods. To achieve our mission and ensure our work in transportation safety is meeting the needs of North Dakota citizens, we provide many opportunities for meaningful public participation and engagement as we work to develop, implement, and evaluate our transportation safety programs, both infrastructure and behavioral.

The NDDOT is able to coordinate safety planning and work easily across internal Divisions. The Highway Safety, Programming, Planning/Asset Management and Local Government Divisions meet regularly to coordinate transportation safety planning, strategy implementation and project/program outcomes. This ease in coordination extends to meeting certain federal requirements such as identifying annual safety performance targets and reporting progress toward targets.

Coordination with stakeholders occurs through the stakeholder structure for SHSP/Vision Zero Plan implementation which includes a Vision Zero Executive Leadership team comprised of agency executives from 10 state agencies, the North Dakota Association of Counties, and the North Dakota League of Cities. The Vision Zero Steering Committee is comprised of managers from these same agencies and also includes industry representation from safety, agriculture, energy, law enforcement, emergency medical services, and victim advocates. Vision Zero Priority Emphasis Area Teams comprised of Vision Zero partners with expertise in each priority area work to implement the strategies within the SHSP/Vision Zero Plan.

There are also many other opportunities for partners and the public to engage in transportation safety planning and offer feedback through community outreach events, public meetings, public comment periods, and periodic survey opportunities. We are committed to very wide outreach, to all communities.

Due to a strong SHSP/Vision Zero Plan and vigorous strategy implementation by stakeholders, North Dakota reported 98 crash deaths at the end of calendar year 2022. This is the lowest number of crash deaths in North Dakota in about 20 years.

Vision Zero strategies that contributed to this 20-year low in fatalities include infrastructure strategies funded through the Federal Highway Administration (FHWA) Highway Safety Improvement Program (HSIP), federal discretionary grants, Bipartisan Infrastructure Law (BIL) formula funding, behavioral strategies funded through the National Highway Traffic Safety Administration (NHTSA) Highway Safety Program (HSP), and special funds contributed by the state of North Dakota.

The NDDOT plans carefully for the use of these funds and spends them well (in compliance with federal regulation, with consideration to evidence, and in amounts and locations driven by data), which is also a factor in our success. For example, funding that improved safety was awarded to the NDDOT through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program.

The grant was for a Tribal Safety Project that addresses safety concerns of both the Standing Rock Indian Reservation and the Mandan, Hidatsa, and Arikara Nation by improving safety for pedestrians and vehicles traveling in busy areas near schools, workplaces, and homes.

Other examples of efficient and effective spending to advance highway safety include the following.

Infrastructure Strategies

Focusing on proven safety countermeasures, the infrastructure safety strategies implemented through the Highway Safety Improvement Program and other federal formula funding sources include:

- Constructing roundabout intersections

- Constructing high-tension median cable guardrail on the Interstate system.
- Constructing pedestrian improvements throughout the state, including rapid rectangular flashing beacons, enhanced signing and crosswalks, and leading pedestrian intervals.
- Implementing road diets.
- Installing roadway lighting.
- Installing passing lanes and turn lanes on major freight corridors.
- Completing low-cost systemic projects on the state highway system, including enhanced intersection signing and pavement marking, curve signing, and intersection destination lighting.

In addition to items listed above, the NDDOT is unique in that we have by policy installed statewide edge and centerline rumble strips on the entire rural state highway system for over 13 years. The NDDOT is also one of the few states that funded and facilitated the development of Local Road Safety Plans for all 53 counties, 12 major cities, and 4 tribes in the state. These safety plans included specific project submittals and resulted in the completion of many low-cost systemic safety measures throughout counties, cities, and reservations. The NDDOT prioritized HSIP funding to construct these projects.

The NDDOT began to design and implement Vision Zero Highway Safety Corridors (HSCs) in 2019. HSCs are an innovative strategy where highway segments are selected based on data for low-cost infrastructure safety solutions, heightened driver education, and heightened law enforcement. Motorists driving through the HSCs see enhanced signing and pavement marking and law enforcement presence. Coordinated media and outreach activity educates the public about what they can expect as they travel through the HSCs.

As we continue to develop more of the above listed projects, we are also installing our first reduced conflict intersections next year, several Interstate system locations will have wrong way detection systems installed, and we will be upgrading state system edge and centerline pavement marking to wider lines.

Traffic growth creates demands for improved transportation facilities capable of handling the increase in vehicular traffic, especially when trucks make up a high percentage. This mix of traffic types on two-lane highways can result in drivers engaging in risk-taking behavior to maneuver around slower moving vehicles. One such example of this in North Dakota is US Highway 85, a critical corridor connecting Interstate 94 to the heart of oil production in our state. Although crash data may not always directly support the need for adding capacity, public perception and user experiences highlight and heighten the need for a safer roadway. Crash data only accounts for reported crashes and does not consider unreported crashes or near misses. Adding capacity can have benefits in creating a safer experience for perceived driver safety and comfort. And those projects can include features that enhance safety, such as turn lanes, passing lanes and geometric enhancements.

Similarly, we consider truck parking investments and their safety benefits as we review rest stops and any needs to invest in improving them. Again, safety is part of everything we do.

Behavioral Strategies

The NDDOT Highway Safety Division develops and implements the behavioral safety programs applied through Vision Zero. Behavioral strategies include, but are not limited to:

- Sustained high visibility enforcement for impaired driving, occupant protection, distracted driving and speed with coordinated media. High Visibility Enforcement (HVE) is delivered in partnership with many participating city and county law enforcement agencies and the North Dakota Highway Patrol (NDHP).
- A year-round media and outreach plan focusing on priorities within the Vision Zero Plan.

Outreach highlights include:

- Vision Zero Schools provide for student leaders to conduct peer-to-peer education within the school and community to establish a culture of traffic safety. Other programs specific to teen drivers include Impact Teen Drivers, annual Driving Skills for Success events, the North Dakota Safety Council's Alive at 25 Program, and Early Warning Letters to teens who are in a crash or receive a citation.
- ND Sober Ride is a program administered through the NDDOT that provides discounted sober rides to those who have consumed alcohol and/or drugs. ND Sober Ride is made available during holidays as well as community events throughout the year where alcohol consumption is expected.
- Buckle Up. Phone Down. is a program that focuses on the critical issues of seat belt use and distracted driving prevention. Participants are encouraged to sign a pledge to always wear a seat belt and never drive distracted. Partner agencies are encouraged to implement policies that require seat belt use and ban distracted driving.

The NDDOT has a contract with the North Dakota Association of Counties to employ Vision Zero Community Outreach Coordinators at the county level who serve multi-county regions. The Coordinators serve as subject matter experts and liaisons with public and private sector partners to advance Vision Zero strategies locally within their service regions. Coordinators are responsible for providing public information and education, planning, and conducting outreach events, implementing strategies within the Vision Zero Plan, engaging in media advocacy, providing partner training and other activities.

One of the greatest achievements of Vision Zero occurred very recently when a group of Vision Zero stakeholders were successful in working with the North Dakota Legislature to pass a Primary Seat Belt Law (PBL) that went into effect August 1, 2023. This was a very challenging task that took years of education, persistence, and collaboration from the many Vision Zero stakeholders. A PBL will increase North Dakota's seat belt use over time and save lives.

The Future of North Dakota Vision Zero

The NDDOT recently worked to update the SHSP/Vision Zero Plan for the next five years (2024-2028).

The update focuses on that fact that there is no single solution to the problem of motor vehicle crash fatalities. It takes a comprehensive approach including education/outreach, enforcement, engineering, post-crash care, and more. The update also focuses on stakeholder engagement and incorporation of the Safe System Approach, consistent with the US DOT’s National Roadway Safety Strategy. The Safe System Approach aims to protect all roadway users and has been proven to substantially reduce fatalities and serious injuries. The foundation of a Safe System is built upon a strong safety culture for all users and communities.

The plan update also identifies additional opportunities to advance Vision Zero in areas where focus has been lesser, such as distracted driving, safer vehicles, and post-crash care. The plan also emphasizes vulnerable road users, including pedestrians and bicyclists, based on data and consistency with the Vulnerable Road User (VRU) special rule under 23 USC 148. The NDDOT completed its first VRU assessment this month.

Lastly, we are always alert for input to inform our efforts. We are Members of the American Association of State Highway and Transportation Officials (AASHTO) and participated in AASHTO’s Safety Summit three weeks ago, which renewed state DOTs’ collective commitment to a transportation system that is free of fatalities and serious injuries. This key event called for an AASHTO Safety Action Plan focused on sharing notable and innovative tools, methods, and other resources to assist states and others in their work to improve highway and transportation safety throughout the project lifecycle. We also belong to the Governor’s Highway Safety Association and the American Association of Motor Vehicle Administrators, and also learn from our participation in those organizations. But, most importantly, we are always engaged with people and organizations in North Dakota to learn how to improve safety in the state.

Conclusion

That concludes my statement, Mr. Chairman, and I thank the Committee for the opportunity to appear today. I’ll be pleased to respond to questions at the appropriate time.

Senator KELLY. Thank you, Ms. Mongeon.

I am going to start with 5 minutes of questions, and we will start with Ms. Neville. Thank you again for joining us.

I want to discuss the safety challenges facing the trucking industry, specifically truck parking. We have seen record amounts of goods shipped by truck in recent years. That means more trucks on the road, and to some extent, some changing routes from where they were just a few years ago.

Often, that means that our existing truck parking infrastructure gets overloaded, and then drivers have to make a difficult decision of parking on the side of the road, or maybe still driving, looking for parking, I have heard this from many truck drivers, when they should be resting. That is a challenge.

One option is, obviously, to park on the side or find some kind of makeshift parking spot. Can you explain a little bit about why that is unsafe for drivers and why it is also unsafe for the general public?

Ms. NEVILLE. Thank you. Before I get started with that answer, I would like to just give a little illustration of just how committed our industry is to safety. I have been doing this job for over 30 years, and one of the things I ask every CEO is what keeps them up at night. If I were to line up ten CEOs here today, whether they had 10,000 trucks or 10 trucks, every single one of them say that the thing that keeps them up at night that they worry about is getting their drivers home safely.

Truck parking goes right into that safety equation, and it is so important as the priority we have right now, as I said in my opening statement, we have 313,000 parking spaces and 3.5 million drivers. The shortage is real in every single State.

The option that truck drivers have now is if they can not find a space, they are parking on the side of the road, they are parking on an off ramp, and tragically, we hear about things like what happened in Illinois.

Here is another question I think is important as we have this discussion that you all think about, everybody in the room, how many of us would tolerate a job where access to a restroom or a safe place to park and sleep at night is no guarantee? That is what is going on right now with truck parking. We need more truck parking across the Nation.

As Senator Kelly alluded to in his question, they are forced to change their routes if they can not find parking. Oftentimes, they are spending time, they have a certain amount of hours they can drive, and when they know that those hours are about to run out, what they will do before they run out is they will start looking for a place, if there is no place for them to park.

That affects productivity. That impacts the supply chain over the long run.

There are many safety factors, but the one that is the most noticeable to all of us is when you are driving down the road, and you see these trucks parked on the shoulders and the off ramps.

I think it is also noteworthy to highlight with the truck parking issue, this is something that impacts all of us. Law enforcement, for example, is equally committed to finding more truck parking and equally committed to the Truck Parking Safety Improvement

Act, because think of the circumstances that they deal with. They have a truck that is on the off ramp. They can wake that driver up and move him because it is illegal, or they can let them sleep there, and run the risk of an accident. They are in a no-win situation.

Senator KELLY. Ms. Neville, could I ask you to, sorry to interrupt, so when somebody winds up being parked on the side of the road, it is because they could not find a place, they ran out of time on the clock?

Ms. NEVILLE. Right.

Senator KELLY. Do truck drivers tend not to go over the amount of time, because that is against Federal law?

Ms. NEVILLE. It is illegal, yes. They are regulated, yes.

Senator KELLY. Do they just throw their hands up, I could not find any place, I am going to have to park right here?

Ms. NEVILLE. Right, and trucks also now are equipped with electronic logging devices, so there is not wiggle room, and that is exactly what they are doing. They will just park wherever they can find a place.

Senator KELLY. That becomes a hazard. I have heard that there are some drivers that are now, because it is easier to find parking during the day, so they are going to drive through the night and sleep during the day. Can you talk a little bit about that and what challenges and risks that are caused by doing that?

Ms. NEVILLE. Drivers are forced to adjust their sleeping schedule in an effort to maximize their productivity, their personal safety, their comfort, and to remain compliant with Federal regulations. That is what they have to do, sometimes sleep during the day.

Forcing these drivers to make those compromises and adjustments really creates a disincentive for potential drivers, particularly female and minority drivers. That can underpin a dynamic next generation of truckers when we do not have these kind of parking spaces and that quality of life for them when they are trying to park.

I want to touch a little bit on female drivers. Only 7 percent of our driving force is female, and we want to attract more females to our industry. They are great drivers. This is a great career, and every female driver I have talked to, the No. 1 thing that they cite is their fear of going to a parking place that is not well-lit, where there is not security around the perimeter, where they do not feel safe. Truck parking is definitely a barrier for us to attract women and possibly other minorities into the industry.

Senator KELLY. Thank you, Ms. Neville.

Senator Cramer.

Senator CRAMER. I never cease to be amazed at how prevalent common sense is when we have witnesses from Realville come to Washington. I have already witnessed a lot this morning, thank you.

To Ms. Mongeon first, in your written testimony, you described a situation very familiar to me where traffic, specifically, a mix of vehicles and trucks traveling on a two-lane highway can result in drivers engaging in very risky, obviously, behavior, and reckless behavior in some cases, particularly when it comes to maneuvering around slower moving vehicles.

You mentioned U.S. Highway 85, and for those who do not know, U.S. Highway 85 is a two-lane highway being four-laned a little bit at a time, right through the heart of the Bakken Oil Patch. Imagine what used to be cars and occasionally agriculture equipment now having a whole bunch of very large trucks on it. We need them all.

It seems apparent, to me at least, that adding capacity could help reduce congestion and improve the safety of the highways. Can you just speak a little bit specifically to how a roadway modernization project, which includes adding capacity, might provide some safety benefits, outside of simply improving the movement of the goods, which is not unimportant either? Efficiency does not have to be unsafe, so if would just elaborate a little bit on that.

Ms. MONGEON. Yes, Senator Cramer. As you know, I am not a transportation engineer, but I work with transportation engineers daily, and I talk to them regularly. What they would say about roadway projects that increase capacity is that it is often an opportunity to add safety features to the roadways, such as turn lanes, passing lanes, access consolidation, geometric improvements such as improved line of sight or safer angles and approaching turns, or on access off ramps. I know that within the DOT and talking to my engineering partners that they look at every project through the lens of safety.

Senator CRAMER. Thanks. I have a feeling this next question, you and Ms. Neville for sure might have something to say about, but as we are focused on safety of our Nation's roadways, I want to take a moment and address the idea of mandating speed limiters, especially on heavy duty trucks, which the Federal Motor Carriers Safety Administration is, of course, actively pursuing.

It gives me serious concern, to say the least, and I believe it could cause unsafe road conditions in States like North Dakota, maybe even more so in Montana, depending on the speed limit in a particular State. In North Dakota in the interState highway system, the speed limit is 75, and this mandate could create a situation where trucks are traveling up to 10 miles per hour slower than the speed limit.

Are you concerned, or do you have concerns, about the potential for speed limiters on trucks to disrupt traffic flows? I remember, and I will just give this little example, I remember when I was on the Public Service Commission, and we were siting some major infrastructure, some major oil infrastructure, and there was a four-lane, actually, a Federal highway that crossed a railroad track at grade. The railroad tracks led right up to a big rail facility that loaded oil and moved it.

The thing that always bothered me as I looked at that, every solution seemed to be a bad one to me, because it disrupts the expectation of the driver, and maybe that is somewhat what a limiter would do.

If I may start with you, Ms. Mongeon, and then ask Ms. Neville if you have some thoughts on whether mandated speed limiters could be a potential problem or an unintended problem.

Ms. MONGEON. The North Dakota DOT has concerns. Of course, North Dakota's economy is reliant upon efficient transport of industry products. Our concerns include potential adverse safety impacts

from creating speed differentials between heavy trucks and cars. We are aware that the USDOT has stated its intent to issue as soon as December a proposed rule that would require speed limiters on trucks class seven and higher. We will review that proposed rule and issue comments, but we do have concerns.

Senator CRAMER. Ms. Neville, your thoughts?

Ms. NEVILLE. The American Trucking Association would have that same position. We are waiting to see what the rule says, and then we will come out and comment on it.

Senator CRAMER. No comments prior to the rule?

Ms. NEVILLE. No.

Senator CRAMER. All right. I will look forward to another round, Mr. Chairman. Thank you.

Senator KELLY. Senator Cardin.

Senator CARDIN. Thank you, Mr. Chairman, and thank you for arranging this hearing on safety.

In 2021, we had almost 43,000 fatalities on our roads, making it a very dangerous place to transport by car, by bike, or by pedestrian. We all want to figure out ways we can do it safer.

One of the major initiatives that was included in the Bipartisan Infrastructure Bill but was initiated many years before that, legislation I authored originally with Senator Cochran and later with Senator Wicker, Transportation Alternatives Programs, which are funds available for local governments to be able to do transportation programs that enhance the community, including safety.

I know we have two people here to deal with these programs, so either Ms. Ricks or Ms. Mongeon, if you could just talk a little bit about whether you are using the Transportation Alternatives Program as a way to access improvements in safety on our roads.

Ms. RICKS. Thank you for the opportunity. The Transportation Alternatives Program is definitely one of the critical programs to local governments and to local municipalities. It is one that allows us to do some of the enhancements that might often be left behind with major construction projects.

It is, I would say, it leans toward some of the larger projects to be done. Some of the things that we have been talking about are the ability to do some of these low-cost, quick build safety countermeasures. With the Transportation Alternatives, we have been able to do larger scale trails, enhancements, beautification projects, things that are real place-making opportunities in the city. It is a program that we would very much like to see expanded and opening up more opportunities for cities, municipalities, and even smaller communities to be able to access those programs.

Ms. MONGEON. Senator Cardin, we too, at the North Dakota Department of Transportation, fully utilize our Transportation Alternatives Program funding. I do not administer those dollars, so I do not have anything to add beyond what Ms. Ricks has discussed.

Senator CARDIN. I have introduced legislation, or am in the process of introducing legislation named after Sarah Langenkamp, who was a State Department worker who died in a bike accident. We want to make it easier to use the funds that are currently available. One is, for example, to connect bike trails so that they can be done in a safe manner, whereas today, people who are transversing by bike have gaps in the safety areas.

Can you just talk a little bit about the need to have a more coordinated way that people who are biking or pedestrians to connect to safe places?

Ms. RICKS. Once again, I appreciate that opportunity. I think that the Building Safer Streets Act that Senator Fetterman has introduced would really help aid that goal. Instructing States and project sponsors to think about connectivity, think about the multimodal aspects of the projects that they are doing, really incorporate safety from the initial elements of that program.

One of the other improvements that the Act will do is to help remove some of the administrative reviews that are necessary for low-cost proven safety countermeasures, like continuous bike lanes, protected bike lanes, pavement markings, and other ways to connect those systems.

Whatever we can do to reduce those barriers to implementation, to facilitate and aid in speed of the delivery of those projects, to reduce unnecessary costs and round and round reviews and other elements, I think, really helps to make the most of the resources that we have to focus them on project delivery and to build more of those really critical connected safety improvements that are necessary so that we do not have to again talk about tragic crashes like what happened to Ms. Langenkamp ever again.

Senator CARDIN. Let me raise one other issue, and that is with the Infrastructure Bill, there is going to be a lot more road maintenance done in our Nation. Many, many more workers are going to be on highways, where vehicles are traveling at a very fast speed. We had a tragic accident on the Baltimore Beltway where workers were killed when just a slight miscalculation put a car into their harm's way.

Are there things that we can do to make it easier to make the type of improvements for the workers that are on our highways, so that they are protected better than they are today?

Ms. MONGEON. Senator Cardin, I would say that from a North Dakota DOT perspective, employee safety is very highly regarded. We do a lot in terms of safety for our employees. We have an employee safety program with outreach personnel that extends to our district offices that talk about employee safety issues, and we do have a good record of safety at the North Dakota DOT.

Senator CARDIN. I would point out this was not a worker error, this was the fact that the worker was not protected and was on the road. It was more of the infrastructure around the construction site that allowed this tragedy to occur.

I guess my point is, are there ways that we can make it easier for those types of improvements to be made, recognizing that we are going to have a lot more workers on the road.

Thank you, Mr. Chairman.

Senator KELLY. Senator Fetterman.

Senator FETTERMAN. Thank you, Mr. Chairman.

I believe that there is a street safety crisis in America. Is that fair? In America, but also in Pennsylvania. In fact, one street in Harrisburg is known as the deadliest road in America. Another in Philly is known as the Boulevard of Death.

Now, I agree that there is a safety crisis in our streets. My staff, actually, they deserve the credit on that. They have made me bet-

ter, and they have made me more informed on this as well, too. I like to pretend I know everything, but I do not.

This is really important, and it is crazy, especially right here in my Commonwealth as well, too, and that is why I am grateful I have the platform and all of the experts here to address that, so thank you for operating this as well, too.

That is why we have been talking to experts and engineers about this trend, and we know that the street design is really a factor. I think we all deserve safer roads in communities that are ready to do it, but the Federal Government is making it unnecessarily hard. Too much red tape.

Ms. Ricks, in your opening, you spoke about the Building Safer Streets Act. Can you speak about the value of that?

Ms. RICKS. I can. I think that the fundamental value of that is not about economic numbers; it is about human lives and what that would save. This Congress has put tremendous oversight responsibility on the Department of Transportation, ensuring that taxpayer dollars are protected as we invest the generational amounts of resources that we have to finally rebuild American infrastructure.

The question that we have to ask is if we are actually protecting taxpayers themselves. There are extraordinarily common sense measures that are tremendously overdue, as you mentioned. We know that Americans who walk, ride their bikes, or ride the bus are legal users of almost every street. However, they rarely have the facilities that they need to take those modes safely.

We need to really ask ourselves; how can a pedestrian safely walk on a street without sidewalks? Can a person on a bicycle really share the road with cars traveling at 50 miles per hour? Can a person who gets off a bus on one side of the street safely cross to the other side of the street? Mandating that these questions are at least asked seems like the least that we can do to promote safety and save lives.

The Building Safer Streets Act that you have introduced will compel USDOT to give localities and their States clear and consistent guidance, and that will help a lot to speed project delivery and avoid time-consuming reviews and wasteful time. It is really sensible if the goal is to reduce overall fatalities and to prohibit performance targets that would actually allow increases in the number of deaths on our road.

Senator FETTERMAN. Mr. Chairman, I would like to ask for unanimous consent to submit a number of statements for the record from experts from Pennsylvania that cities and towns need more kinds of street safety reform.

Senator KELLY. Without objection.

[The referenced information follows:]

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November 7, 2023

Honorable John Fetterman
 United States Senate
 Russel Senate Office Building
 Suite 142
 Washington, D.C. 20510

**RE: Roadway Safety Challenges Hearing – United States Senate
 Clinton County, Pennsylvania**

Dear Senator Fetterman:


This serves to provide local insight into regional safety issues associated with all modes of transportation, specifically transportation as it impacts rural areas of our nation. As County Commissioners within the Pennsylvania Wilds, we feel that motorized transportation safety continues to improve for areas of Pennsylvania that are owned and operated by the Pennsylvania Department of Transportation. There is always room for infrastructure improvements to bridges and highways, and we hope federal and state funding will continue to address our national transportation system.

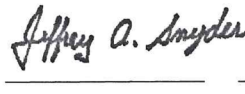
Our greatest concern is the lack of available funding for local roads and bridges, which ultimately results in a choice of transportation “functionality” rather than transportation safety being the upmost concern by municipal officials. Local roadway lengths far exceed state roadway lengths, but receive very little funding for safety improvements.

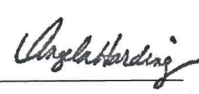
Clinton County and the Central Pennsylvania Region has been fortunate to receive funding for multi-modal transportation projects. Multi-modal projects, such as bike trails and walking paths, have had a very positive impact on the region in terms of economic development through local recreation and ecotourism. Multi-modal bike paths and walkways are of great benefit to our citizens because they result in safe non-motorized corridors for all age groups, including young students traveling to school, these projects eliminate socio-economic barriers within our community, provide additional avenues for transportation to a work place, and are of great benefit as an outlet for exercise for all age and ability groups.

We feel that on a local level, we can jointly improve the transportation safety for our citizens by providing funding and technical guidance on local road maintenance and safety, and by continuing to assist with funding of non-motorized transportation projects. As always, if there is anything that the Clinton County Commissioners can do to assist your office, please do not hesitate to reach out.

Sincerely,


 Miles D. Kessinger, III, Chairman


 Jeffrey A. Snyder, Vice Chair


 Angela Harding, Commissioner

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November 6, 2023

Senator John Fetterman
Russell Senate Office Building, Suite 142
Washington D.C. 20510

RE: Act called "Building Safer Streets Act" and proposal to amend the apportionment of the SS4A grant program

Dear Senator Fetterman:

The City of Philadelphia respectfully submits our endorsement of both the "Building Safer Streets Act" and the proposal to amend the apportionment of the U.S. DOT Safe Streets and Roads for All (SS4A) grant program. Both proposals will make significant strides to address the fatal and serious injury crash trend impacting the Philadelphia and communities across Pennsylvania.

Regarding the **proposal to amend the apportionment of the SS4A grant program**:

- The City of Philadelphia is a strong proponent of the SS4A grant program and was one of the two recipients of the maximum grant award of \$30 million in 2023 for implementation of Philadelphia's Vision Zero Capital Plan.
- The safety improvements this award advances are based on five years of previous planning work, including significant community engagement and data analysis. These projects will address locations on the High Injury Network where severe and fatal crashes occur and invest in historically marginalized communities.
- Adjusting the fund apportionment will allow more grant recipients to advance design and installation of needed safety improvements on locations identified in prior planning efforts.
- The amendment will also "right-size" the apportionment considering the substantially higher costs associated with design and construction of safety projects, compared to the lower costs of developing action plans.

Regarding the act called "**Building Safer Streets Act**":

- The MUTCD needs holistic reframing to support cost-effective, sustainable, and equitable city street design and improve safety and accessibility for the most vulnerable users.
- Local flexibility in the application of the MUTCD is essential for addressing fatal and serious injury crash trends in the unique urban environment of Philadelphia.


Michael A. Carroll, P.E.

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Philadelphia needs the ability to implement innovative techniques, tailored to the particular context of the city, including legacy infrastructure that long predates the MUTCD.

- A study by the Government Accountability Office of how state and locals are using the MUTCD is warranted. The time and expense required to seek exceptions from MUTCD guidelines can lead to negative tradeoffs that ultimately degrade the safety potential of projects.
- MUTCD design guidance fails in the urban environment of Philadelphia to meet the needs of our multimodal transportation network. Requiring evaluation of MUTCD design standards for the safety of people walking, biking, and rolling will result in significant improvements in these standards for Philadelphia. Specific design guidance changes include:
 - Reducing the MUTCD's emphasis on the 85th percentile for speed setting is essential to reducing crashes that kill or severely injure Philadelphia residents. Speed was the top contributing factor in severe crashes in Philadelphia between 2018-2022.
 - The MUTCD must be updated so warrants for signalized pedestrian crossings do not require existing pedestrian volumes and/or a certain number of pedestrian crashes. MUTCD should instead consider pedestrian generators and desire lines as a primary factor in determining whether a signalized pedestrian crossing is warranted. From 2018-2022 people who were killed or severely injured (KSI) while walking represented more than one-third of all KSI crashes.
- Philadelphia strongly supports requiring FTA to issue guidelines on bus stops and roadway design. These guidelines will support Philadelphia's Transit First efforts that seek to prioritize transit and improve accessibility for riders, particularly for individuals with disabilities. Ensuring pedestrian and cyclist access to transit is crucial for closing last-mile gaps and will promote the recovery of transit ridership.
- In line with our stated Vision Zero goal, Philadelphia strongly supports disallowing States from setting targets for fatalities of vulnerable road users that exceed the previous target period for HSIP compliance.

Sincerely,

Michael A. Carroll, P.E.

Deputy Managing Director, Office of Transportation, Infrastructure, and Sustainability (OTIS)



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November 2, 2023

Senator John Fetterman
United States Senate
Russell Senate Office Building, Suite 142
Washington, D.C. 20510

Recently, Mt. Lebanon Municipality and Dormont Borough submitted a grant for a South Hills Multi-Municipal Active Transportation Plan through the USDOT Reconnecting Communities and Neighborhoods Community Planning Grant Program. In discussion with your staff, the importance of support for these types of plans and projects was highlighted heavily. Mt. Lebanon and Dormont are first-ring suburbs of the City of Pittsburgh that share the Route 19 corridor and access points to light rail transit stations. Both communities have aimed to enhance pedestrian safety, especially for students, as both communities are walking school districts. Furthermore, targeting the creation of safe multi-modal transportation routes to economic development hubs as well as decreasing reliance on fossil fuel-reliant transportation is critical for both communities.

To complement the Multi-Municipal Active Transportation Plan and safer street projects, both communities have adopted Complete Street policies and Climate Action resolutions in the hope to provide access to alternative transportation methods while decreasing fossil fuel emissions. Both communities are committed to providing non-vehicle transportation methods, including pedestrian, bicycle, and light rail as well as making accessibility modifications and upgrades to reconnect the communities along the corridor. These adopted policies, along with an Active Transportation Plan, will be vital in the planning of capital projects for both municipalities.

Projects and plans such as the Active Transportation Plan are key to providing safer streets for all communities. With support from Local, State and Federal agencies, communities will be able to bring safer street plans and projects to fruition.

Very Respectfully,

Keith A. McGill
Municipal Manager

Senator FETTERMAN. Thank you, and I cede this time back to the Chair.

Senator KELLY. Thank you.

I will recognize myself for another 5 minutes. We have a couple other members that are on their way and will be here shortly. Ms. Ricks, one of the new programs created in the Bipartisan Infrastructure Law was the Safe Streets and Roads for All Grant Program. This provides dedicated funding for regional, local, and tribal initiatives to prevent roadway deaths.

One thing that is different about this program is it directly supports regional, local, and tribal transportation agencies as opposed to having the funding go first to the State agency. What benefits does an approach like this provide, where local funding goes to the local agency first?

Ms. RICKS. I think, first of all, that this program really provides the opportunity to lead by example. It can demonstrate that local communities have the know-how, have the intelligence to create and craft locally appropriate safety interventions, and it provides benefits and holistic planning that starts from the perspective of the vulnerable street user.

It also provides vital funding to municipalities that otherwise generally have to fight for scraps that are left over after the State feeds itself from formula funding.

As great as the Safe Streets Program is, even better would be if we did not need programs like this in order to go around State DOTs. Even better would be if the States partnered with, enabled, and supported human centered designed safety improvements with their local municipalities. Even better would be ensuring that the 90 percent of funds that flows from the States annually also focused on roadway safety in the same way that this \$1 billion focuses on.

Senator KELLY. Would you prefer that the State do it, but do it differently than they do now, and partner with local agencies instead of, in this case, what we have today, as you say, the local agencies fighting for the scraps?

Ms. RICKS. Yes, definitely. I think that we really need to begin. We use a lot of rhetoric around safety, yet, some of the places where we invest our dollars is not really from the perspective of safety first. It is a range of other priorities, and this is one of many. If it is our first priority, it really needs to be the first priority.

Senator KELLY. One of the other features I would say of the Safe Streets and Roads for All Grant Program is that it also provides funding for both planning and implementation. You alluded to this issue in your opening remarks, how the planning of something and the engineering, I think the example you gave was maybe a sidewalk, it was just unaffordable for the local agency.

Why is access to planning funding, why is that meaningful?

Ms. RICKS. Well, I think, especially for some of the smaller communities, planning is often seen as an unaffordable luxury. When you have so many urgent needs coming down, when there are so many things, streetlights that need to be fixed, there are streets that need to be resurfaced, there is a range of urgent and important needs that need to be attended to, planning is one of those

that is important but not urgent and often set aside. There are very few programs in which planning is really the focus of that.

This allows that time and space to do the kind of important planning that can uncover some of the systemic interventions that can alleviate the need to do street by street, incident by incident interventions, so we can take a much more holistic approach. We can look at this more from the system that roadways are and do more targeted and effective safety improvements.

Part of the planning process is also building partnerships. Those planning resources and that process that is associated with it brings in new partners to the discussion: departments of health, departments of police, departments of environment, again, so that we can look at how we can apply these safety improvements in ways that solve not just one, but two or three or four problems concurrently.

Senator KELLY. Thank you, Ms. Ricks.

Senator Ricketts.

Senator RICKETTS. Thank you very much, Chairman Kelly and Ranking Member Cramer, for holding this important hearing. I really appreciate it. Thank you to our witnesses for coming and talking about this.

Roadway safety is an incredibly important topic, and the efficient movement of people and cargo is what drives our economy. We need to make sure that flows smoothly throughout our Country.

Today, the trucking industry faces a variety of challenges, and they continue to innovate to be able to address those challenges. One of the things that you all have been talking about, for example, is the lack of parking. Not having truck parking cuts into driving time, it decreases safety for drivers, and of course, makes it difficult to recruit new drivers into the industry. There is a number of associations, community colleges, private industry, all looking to be able to, how to address different creative options.

Ms. Neville, can you elaborate on some of the specific impacts the truck parking shortage has had on work force recruitment and development?

Ms. NEVILLE. Absolutely. Truck parking is a part of a truck driver's life. That truck is their home, so at the end of the day or whenever their shift is up, they have to have a place to park.

As I said in my opening statement, we are very short on truck parking spaces. There are 3.5 million drivers and only 313,000 truck parking spaces. It definitely is a barrier to retaining drivers, No. 1. I think it is also a barrier for recruiting drivers.

Quality of life is important to every truck driver and every trucking company as they work at trying to keep their truck drivers happy. When you talk to a truck driver, they will tell you about truck parking. Every female truck driver I have talked to that is either in the industry or potentially considering the industry will cite the lack of safe, well-lit, maintained secure truck parking. It is one of their No. 1 concerns. I think that definitely speaks volumes.

Senator RICKETTS. Can you elaborate a little on that, especially with regards to the female truck drivers, and maybe other people who do not feel safe around truck driving? What are some of the issues there?

Ms. NEVILLE. For truck parking?

Senator RICKETTS. For truck parking, yes.

Ms. NEVILLE. The female truck drivers, just their fear of going to a place that is not lit, unsecured. The other thing that we have to remember is if they can not find a place to park, then they are forced to park on an off ramp or a shoulder, which poses a safety risk not only to that truck driver, but to the motoring public. I think that is definitely problematic, and we are seeing more and more of that, as well.

Senator RICKETTS. One of the things I have mentioned in the past is that the Administration's drive for electric trucking is really detached from reality. It does not acknowledge that we have a variety of different issues out there. Not only do we lack the infrastructure to accomplish it, but it would also be counterproductive to the Administration's priorities with regards to worker safety and, frankly, lowering emissions, as well.

I have hosted an numbers of experts in my home State of Nebraska where we have talked about it. What is very clear is that trying to focus solely on electric trucks will have a devastating consequence for consumers, your average American drivers, our economy, and the trucking industry and truck drivers, and especially when you are talking about their safety, talking about roads and bridges, all those things, going onto the off ramps where they are parking.

Starting the talk just about the infrastructure, Ms. Neville, can you talk a little bit about the type of capacity the current charging infrastructure requires? What would it take up for someone to have to go charge a heavy truck?

Ms. NEVILLE. Currently, to charge a truck is between four and 6 hours. That time alone, especially if we started putting these at rest areas for truck parking, that would eliminate places for all these other trucks that are not electric, so that is definitely an issue.

Senator RICKETTS. What is an average break for a truck driver, before they come back on again? How long does a truck driver have to take a break between driving again? is not it about 10 hours?

Ms. NEVILLE. Yes.

Senator RICKETTS. If it takes 6 hours to charge a truck, but you have to take a 10-hour break, that is 4 hours when they can not legally move that truck, is that right?

Ms. NEVILLE. That is right. Productivity is definitely impacted, which, in turn, the supply chain is disrupted, so we are all impacted by it.

Senator RICKETTS. does not that mean that, really, we can not push this very fast, because if we have 3.5 million drivers and 300,000 parking spaces, and now you are going to start taking them up in a less efficient way, you are going to cut into that? Is that a fair assessment of what would happen to truck parking?

Ms. NEVILLE. That is a fair assessment, absolutely.

Senator RICKETTS. If we also create this, oh, I see I am just about out of time. I am going to turn it back over to Chairman Fetterman now. Can I go for one more question?

Senator FETTERMAN.

[Presiding.] As much time as you want.

[Laughter.]

Senator RICKETTS. As much as I want, that is a dangerous thing to do, just so you know, but we are a couple of freshman, so apparently they left a freshman in charge here. That is pretty dangerous.

Also, say we are cutting into our productivity with regard to truck driving, because we have 6 hours to charge and you have to take a 10-hour break. Would that require more drivers?

Ms. NEVILLE. Absolutely.

Senator RICKETTS. What we have already talked about, that we have a shortage of drivers already?

Ms. NEVILLE. Seventy-eight thousand.

Senator RICKETTS. Talk a little bit about what this would mean, then, with regard to how it is going to impact the work force. Wouldn't this strain the work force even more so, already?

Ms. NEVILLE. With electric vehicles, electric trucks?

Senator RICKETTS. Yes.

Ms. NEVILLE. Yes, absolutely. I think, the thing that, electric trucks, our industry has been talking about this for a long time, technology. I think with electric trucks, what I have told other legislators when I have talked to them in the State of Iowa, with electric trucks, we have sort of put the cart before the horse. There is technology that I think is workable and doable, but we need to have timelines and targets and fact-based science and universal, national standards for this. We need to just slow down, because it does impact us in a really negative way.

Senator RICKETTS. With the sufferance of the Chairman, I will continue, since he did say I could have as much time as I wanted. No chairman has ever said that.

Senator FETTERMAN. They are great questions, honestly, yes.

Senator RICKETTS. No chairman has ever said that to me before. In fact, Chairman Carper is usually trying to gavel me out.

[Laughter.]

Senator RICKETTS. One of the other characteristics of electric trucks is also, you have to have two 8,000 pound batteries on them.

Ms. NEVILLE. The weight is definitely a detriment.

Senator RICKETTS. Right, so is not that also going to further stretch the work force?

Ms. NEVILLE. Absolutely, yes.

Senator RICKETTS. You cut your carrying capacity roughly in half?

Ms. NEVILLE. Yes. They are limited in range; electric trucks are limited in range. There is limited infrastructure, as you have mentioned, to support their deployment.

The other thing I think we have to talk about is the cost. The cost of electric trucks is two to three times the expense of the new, clean diesel trucks. All of that, all of those factors will definitely have a detrimental effect.

Senator RICKETTS. Ms. Mongeon, let us talk a little bit, just a little, because we are talking about trucks being heavier. What would that do to roads?

Ms. MONGEON. Senator Ricketts, large trucks in particular do more damage to our highways. More weight can reduce the life of an improvement on our highways, which may increase the need to

invest dollars earlier in the highway life cycle. Yes, damage to the roadways.

Senator RICKETTS. Thank you, Mr. Chairman. I appreciate your willingness to allow me to go on.

Senator FETTERMAN. Pleasure, thank you.

Now, we are moving to the distinguished gentleman from Massachusetts.

Senator MARKEY. With a challenge to have my questions be as interesting as Senator Ricketts.

Senator FETTERMAN. As much time, too, of course.

[Laughter.]

Senator MARKEY. That is the test, though. Are they interesting or not interesting?

Senator FETTERMAN. These are both great, yes.

Senator MARKEY. I am kind of challenged by Senator Ricketts here to make sure that they are interesting.

Ms. Ricks, I want to talk about a topic near and dear to both of our hearts, Complete Streets. Complete Streets are designed and operated to enable safe mobility for all road users. This means instead of designing our streets with only dangerous, high speed, gas guzzling cars in mind, we design streets to prioritize pedestrians, bicyclists, and public transportation, where everyone is considered.

Unfortunately, for too long, our street have been incomplete. A century of prioritizing drivers over road users has made our roads unsafe for everyone. We have to pump the brakes on this approach.

Ms. Ricks, your organization, Cityfi, regularly helps cities with their mobility planning. In your experience, do you agree that Complete Streets are an effective way to improve safety and equity for everyone?

Ms. RICKS. One hundred percent and beyond that. They are also great ways to expand your economic development outcomes, to improve livability, to attract population, to build your local tax base, it goes on and on, the benefits that Complete Streets brings to communities, both in dense urban areas as well as in small villages and hamlets.

We have seen data over and over again that demonstrates the tremendous value and appeal. It makes our elders more active; it allows them to age in place. It allows our schoolchildren to have healthier minds and bodies away from screens, speaking as a mother of two teens. It allows the deference of the teenage driver's license, which I am fearful of right now.

Senator MARKEY. Thank you, yes, it does everything?

Ms. RICKS. It is sort of a wonder.

Senator MARKEY. It is a wonder, yes. It is a wonder how many good things it does without any bad things being incurred. I am pleased that the Bipartisan Infrastructure Law required a small amount of funds to Complete Streets, but we have to go even further than that.

That it is why I am working with Congressman Steve Cohen to reintroduce our Complete Streets Act, which will require States to set aside 5 percent of their Federal highway funds toward developing Complete Streets Programs. I am looking forward to introducing that legislation.

While we are on the topic of traffic safety, I want to talk about another major way that traffic contributes to our health and safety: air pollution. Air pollution from highways creates serious health and safety risks for those living nearby, including increasing the likelihood of heart disease, stroke, and asthma. Many highways were deliberately built directly through minority communities, Black communities, they bear a disproportionate risk of health consequences.

This purposely discriminatory routing of highways is textbook environmental racism. That is in addition to the fact that the transportation sector is the No. 1 emitter of greenhouse gases in our Nation.

Ms. Ricks, do you agree that air pollution from highways represents a health and safety threat to our communities and to our planet?

Ms. RICKS. Absolutely. Again, I think the data is clear on that, that we do see that low income communities, our elders, our children, other vulnerable populations, persons with disabilities, are adversely affected by air pollution. The more that we can do not only to decarbonize transportation and to reduce tailpipe emissions, but actually move people toward walking, bicycling, and transit can only serve to pay health dividends and save States money in the long haul as they need to expend less in healthcare costs.

Senator MARKEY. Again, I totally agree with you. That is why I will soon be reintroducing my Green Streets Act, which directs States to reduce pollution on our highways and provides funding for States to build transportation systems that are safer and healthier for people and the planet.

Finally, in addition to making our infrastructure safer, we have to take aggressive action to make cars safer, as well. The year 2021 was the deadliest year on the road in 16 years. We had gone down to only 33,000 deaths on American streets. Since 2011, it has gone up, by last year, to 43,000, 10,000 more deaths in just 12 years. That is just unacceptably high.

Fortunately, the Bipartisan Infrastructure Law included several critical safety provisions on issues like back seat safety, automatic emergency braking, distracted driving, and child safety. I am pleased that the National Highway Traffic Safety Administration has implemented some of these rules, but more work remains to be done.

That is why, earlier today, several of my Senate colleagues and I sent a letter to the National Highway Traffic Safety Administration urging the agency to swiftly implement these traffic safety provisions as we hit the 2-year anniversary of the historic Bipartisan Infrastructure Law next week. Now is not the time to turn on cruise control. The only acceptable number of traffic deaths is zero.

We urge the National Highway Traffic Safety Administration to continue to implement these provisions as fast as is possible while understanding that distracted driving, marijuana, the size of vehicles could be playing a big role in the increase in the number of deaths on the highways, but we have to look at it in its totality. I thank you, Ms. Ricks and I thank you, Mr. Chairman, for all of your great work on this issue.

Senator KELLY.

[Presiding.] Thank you, Senator Markey.

I will turn it over to the Chairman of the full committee, Senator Carper.

Senator CARPER. Thanks, Mr. Chairman. A warm welcome to each of you. Thank you for joining us today. I missed where you are from. Where are you all from? Where are you from, Ms. Ricks?

Ms. RICKS. I am from Cityfi, a resident of Pittsburgh, Pennsylvania.

Senator CARPER. Ms. Neville? Hello?

Ms. NEVILLE. Des Moines, Iowa.

Senator CARPER. Good, thank you. Yes ma'am?

Ms. MONGEON. I am from Bismark, North Dakota.

Senator CARPER. Okay, good. Wherever you are from, we welcome you. Thank you for joining us today.

States and localities across the United States continue to face unacceptably high rates of traffic fatalities. I wish we were not facing this in Delaware, but we face this in every State. We know that there is no one-size-fits-all solution to these challenges.

While there is a lot of attention paid to behavioral solutions like speed limits, like drunk driving laws, like seatbelt requirements, we do not talk enough about how important roadway design is to helping to prevent fatal crashes.

A question, if I could, for Ms. Ricks. What are some of the proven safety design measures that transportation agencies should be incorporating into their roadways and the roadway designs in order to improve safety for all roadway users?

Ms. RICKS. There are a number of well-documented proven safety countermeasures. The Federal Highway Administration has promoted these and made them available and encouraged wide use of these measures. Beyond those typical and very no-nonsense and little-debated measures, we do need to consider the overall design of our streets as a whole.

I mentioned earlier in my testimony how the United States is middling at best, as far as our traffic safety performance among global peers. Nations like Australia and Canada, who are equally auto-oriented and sprawling as the United States, have less than half the roadway deaths that we have.

Part of that is attributable to roadway design. They practice environmental design of the roadways, where you are trying to send indicators to the driver of the safe and appropriate speed to travel through the environmental design of the street. Narrower lanes, lots of street trees, a lot of pedestrian activity and land use activity along the edges actually slow traffic down much more than speed limit signs do.

Really thinking about our street design standards that we have adopted in this Country, generally instruct cities and States to remove all barriers from the roadway, to strip them of any kind of character or encumbrance of what might happen should a vehicle leave the roadway. What in turn happens is that vehicles then travel at higher rates of speed. When they do leave the roadway and come into contact with a person, a bicycle, or a pedestrian, or a front porch, or a tree, we obviously have much more catastrophic consequences.

Senator CARPER. Thank you.

Brenda Neville, the condition of our highways has a significant impact not just on folks who are driving cars, trucks, and vans, but also large trucks, who experience daily the effects of inadequate highway and bridge maintenance. Road and bridge conditions can have a major impact, as you know, on the movement of freight, but also on the safety of vehicles on the road.

In your view, how would additional funding to improve the conditions of existing highways regularly used by truckers have a substantial impact on safety?

Ms. NEVILLE. Thank you for your leadership on this committee and the continued commitment for bipartisanship in solving these transportation issues.

Rough roads and deteriorating bridges, roads with outdated designs are certainly producing higher crash rates, so obviously added investment in those areas is something that we definitely are supportive of.

Structurally deficient bridges have a twofold impact, as well. Not only are there collapsed and disasters, but closed and load-restricted bridges really force traffic off those roads to roads that are not as safe, the secondary roads.

In Iowa, in particular, we have a lot of bridges because of our farm to market system. We have roads every square mile. The bridge problem continues to escalate in Iowa, so I know that we are constantly looking for additional investment.

I think another thing that is important to think about, the American Transport Research Institute does a study every year, and they identify the most congested areas. When there is more congestion, there are more crashes. I think allocating those dollars to those areas, the 100 top freight bottleneck areas on the freight corridors, is certainly something we would advocate for.

Senator CARPER. Thank you. My next question is really for the entire panel. I would like to start off with Ms. Mongeon.

Ms. Mongeon, a question for you, and then for your compatriots to your right, if you would. It has been almost 2 years since President Biden signed into law the Bipartisan Infrastructure Law. That is a bill that really first took shape right here in this room, which enjoyed enormous bipartisan support and became a part of maybe the most substantial, meaningful infrastructure package in the history of our Country. We are very proud of our role in helping to create it and get it started.

The highway title of the Bipartisan Infrastructure Law, which we authored here, included significant funding increases for highway safety programs. The law also included provisions to enhance safety for bicyclists, for pedestrians, and for other vulnerable road users.

My question for all of you, we will start with you, Ms. Mongeon, if you were giving advice to the Secretary of Transportation, who used to be known as Mayor Pete, and I was with him yesterday just in Delaware at the Amtrak shops in Bear, Delaware, and had the President there and a whole bunch of folks, focused on intercity passenger rail.

If you are giving advice to him, if you had been with us yesterday and given him some advice, what would you tell him is going well with the implementation of the Bipartisan Infrastructure

Law's safety provisions? What is going well with respect to the safety provisions of the Bipartisan Infrastructure Bill, and what would you tell him could be further improved?

I like to say, everything I do, I know I can do better, but how can we improve going forward? Thank you. Then we will call on your fellow panelists.

Ms. MONGEON. Senator Carper, the North Dakota Department of Transportation appreciates many things about the Bipartisan Infrastructure Law: the additional funding, of course, to benefit safety, some flexibility measures. I think our success in North Dakota can be attributed to the fact that we utilize the funds that we receive well, and we operate within the rules and regulations that are applied, and we take a comprehensive approach. We are addressing behavioral safety as well as infrastructure safety solutions simultaneously.

We have applied or considered the Safe System Approach as we have updated our most recent strategic highway safety plan, and again, that speaks to the need for comprehensive safety. Safer drivers, safer roads, safer vehicles, safer speeds, post-crash care.

As far as what I would say we can do better, I believe we are just focused on doing what we need to under the existing provisions. We talk honestly about moving forward because our fatalities are reducing in North Dakota; it gets more challenging to reduce them further. We talk mostly about continuing to use the funds well and doing more of the effective, evidence-based strategies that BIL allows us to.

Senator CARPER. I am going to ask our other witnesses to react and respond on the record. I think Senator Fetterman has a question or two as well, and I want to get out of his way. Thank you all for being here and for your responses.

Senator KELLY. Thank you, Mr. Chairman. I can, after Senator Fetterman goes, we can come back to you for another 5 minutes, if you would like.

Senator Fetterman.

Senator FETTERMAN. Ms. Ricks, the Safe Streets for All Program has helped municipalities address poor street design. It is immensely popular in Pennsylvania. Cities and towns across the Commonwealth have won grants, including Erie, Shamokin, and Lancaster.

Can you speak to the benefits of this program? What kinds of communities are applying, and how are they using the grants?

Ms. RICKS. The program is tremendously successful, and it is one that I think we would like to see not only be broadened as a discretionary program, but really to be fundamental in the formula funding, as well.

We have seen, and my firm now has aided a number of communities in pursuing Safe Streets for All resources. We are seeing communities of all sizes try and pursue these funds, from communities as large as Philadelphia to as small as Burley, Idaho, with a population of just 11,000. We are seeing that planning and implementation are both critically important; however, a lot of these grants do tend to go to larger communities.

What a lot of communities really crave is the ability to do quick build, tactical improvements that they can see almost immediately

and start to yield some of those improvements. We have seen communities that have been waiting for decades for something as simple as a crosswalk for lack of local funds.

I think that what we can do better with this program is to really promote or enable and clarify that some of these tactical, low-cost improvements actually can be included in that planning and demonstration phase so that we can get those low-cost improvements out in the ground and into deployment sooner rather than later.

I think we can work with nonprofit organizations (NPOs) and States to help bundle improvements for smaller communities, who often lack the staffing resources to even pursue a grant application and really help those communities pursue, and then act as a local agent to implement the programs that that local community has asked for, rather than dictating to them what is best for them.

Senator FETTERMAN. Okay, so how could we extend the program's impact in smaller communities?

Ms. RICKS. Again, I think that it is giving them more resources to pursue those, helping them by facilitating grant applications, bringing the support of Metropolitan and Regional Planning Organizations (MPOs and RPOs), metropolitan planning organizations and rural planning organizations, to help those communities to secure those funds.

Senator FETTERMAN. In other words, they do not have the in-house kind of technology. I was in a small town community, and we certainly would not have this kind of a thing. Allowing these kind of smaller communities, in many cases, that actually needs it more than a community that is lucky to have the kind of in-house one.

That is really a hurdle for a lot of these smaller ones. Is that accurate?

Ms. RICKS. For sure. When you have a small community who has 2.5 running their entire transportation program, the last thing they can do is set aside their attention from those urgent needs in their communities to try and write a multi-page storytelling grant to try and secure these kinds of funds. They need that help getting the money, and then they need support to deploy the solutions that are right for their community.

Senator FETTERMAN. The Chairman referenced this amazing, transformative Bipartisan Infrastructure Law. Do you see this as a once-in-a-generation to remake our streets and make them much safer? Do you agree with that?

Ms. RICKS. I think that this is a generational improvement, a generational investment that has been made. I certainly hope it is not a once-in-a-generation. I have two kids that are coming up. I hope that they also will add to an additional generation. This is an investment that we need to make over and over again.

By the way, a lot of these improvements are going to need maintenance 5 years, 10 years from now. We really need to think ahead of how we are going to make sure that these low-cost safety countermeasures are maintained over time. Again, we need to think about how we are allocating these resources, that we are allowing flexibility for communities to use them, both for operating as well as capital investments.

Senator FETTERMAN. Okay. Thank you.

Thank you, Mr. Chairman.

Senator KELLY. Thank you, Senator Fetterman.

Ms. Neville and Ms. Mongeon, I want to talk a little bit here about some of the challenges that State and local communities face in getting new truck parking facilities built. I know that the trucking industry has been working with State departments of transportation and local governments and private industry on this to try to increase the supply of truck parking.

Can you talk a little bit about how would the Truck Parking Safety Improvement Act address some of these challenges? First, what are the challenges, and then how would they be addressed? Ms. Mongeon, I want to hear from the State perspective, as well.

Ms. Neville.

Ms. NEVILLE. Thank you. Typically, State transportation budgets tend to be dedicated primarily to the traditional road and bridge projects. Parking, while it is always discussed and is a part of that, it ends up being, typically, an afterthought. Obviously, the bridges and the roads are important to the movement of goods and people, so I think States are always going to be focusing on that.

I know in Iowa, we sit down regularly with our DOT partners, and they are acutely aware of the truck parking issue. At the end of the day, when we see their budget, it is still going to roads and bridges, and truck parking is sort of an afterthought.

Senator KELLY. Are there any truck parking projects being developed in Iowa at this point?

Ms. NEVILLE. No, there are not. In fact, they have closed truck rest areas. We have had discussions, and I think that is really important, too, that we are collaborating with our DOT partners. There will be projects. It is certainly on their radar.

They also understand we have to think outside the box. We have to be innovative. I think that is what is so important and valuable about the Truck Parking Safety Improvement Act. It is very specific to truck parking. It is just to truck parking, and every State can benefit from that.

I think if we sit down with our DOT leaders and figure out where the best places for these truck parking spots are, I think that will go a long way in addressing all the issues that are related to truck parking: safety, productivity, work force.

Senator KELLY. Ms. Mongeon, can you speak to the challenges from the State level? By the way, I think you said you are from Bismark.

Ms. MONGEON. Correct.

Senator KELLY. My wife, well, me too, is a fan of that Atomic Cafe in Bismark, North Dakota. Have you been there?

Ms. MONGEON. Chairman Kelly, no, I have not.

Senator KELLY. You should check it out.

Ms. MONGEON. Okay. The North Dakota DOT supports Senate Bill 1034 as written, which would authorize appropriations for truck parking investments. We do recognize the importance of truck parking in North Dakota and nationally. We continually evaluate our truck parking needs on a regular basis as we review investments in our rest areas along the interstates, and we are currently working toward expansion of truck parking at one of our rest areas in the near future.

Senator KELLY. At one rest area, you are exploring it. Are there any in North Dakota right now, are there any other truck parking projects that you are aware of?

Ms. MONGEON. Chairman Kelly, not to my knowledge. Just the one that I mentioned.

Senator KELLY. Not to your knowledge. I would imagine we have a lot of goods moving through both of your States.

Ms. Mongeon, I want to stick with you for a second and talk a little bit about some of the rural and Tribal communities and issues here. Like North Dakota, Arizona has significant road infrastructure in very rural parts of our State. This infrastructure is the responsibility of the State Department of Transportation to maintain.

The Bipartisan Infrastructure Law provided a 30 percent increase in annual funding for the Highway Safety Improvement Program, which is the main formula program that States use for highway safety. How has North Dakota put this funding to use?

Ms. MONGEON. Chairman Kelly, we have a robust highway safety improvement program in the State of North Dakota. In my testimony, I had discussed the program, the Local Road Safety Program, which provides low-cost infrastructure safety improvement projects for consideration by all of our counties, 12 of our major cities, and our four Tribes.

Through these plans, they have an opportunity to submit projects readily with minimal work at their level for consideration for funding through the Highway Safety Improvement Program.

As I understand it, our Highway Safety Improvement Program is continually at capacity. By that, I mean that we have more projects identified than funding available. The additional funding was very welcome and is being used immediately.

Senator KELLY. As we look ahead to the next surface transportation reauthorization bill, are there any challenges that States face when utilizing their Highway Safety Improvement Program funding? Challenges that you are facing in using the funding, what can we do in the next surface transportation reauthorization bill to fix it? Anything you can think of?

Ms. MONGEON. Chairman Kelly, the only thing that readily comes to mind is additional funding, because we have the capacity to spend it through our Local Road Safety Program.

Senator KELLY. Ms. Neville.

Ms. NEVILLE. Additional funding is always welcome.

Senator KELLY. Ms. Ricks.

Ms. RICKS. Additional funding is welcome, and also local control and flexibility for local communities to apply the right design interventions for their situations that they are trying to, the objectives that they are trying to achieve.

Senator KELLY. Thank you.

I have just a couple more questions, and then we will see if any other members, I do not believe anybody else is on their way, so we may adjourn a little bit early.

I want to get to Ms. Neville. I do not know if you mentioned this, or maybe we thought you were going to mention land ports of entry in your opening remarks as a type of infrastructure that we need to focus on and get upgrade. We put that in the Bipartisan Infra-

structure Law, so we are upgrading some of this infrastructure now.

Just last night, my mother-in-law was on the south side of the port of entry in Arizona, and I believe she was on a bus. She had to wait three and a half hours to get through what I assume was probably the Nogales Port of Entry because of backups and bottlenecks.

Can you share more about how bottlenecks at international ports of entry have a big impact on our freight networks?

Ms. NEVILLE. Land ports of entry are gateways for commercial vehicles and, obviously, people. Many of them, however, were constructed over 50 years ago, and they just do not have the sufficient capacity or technology to accommodate the current trade environment.

On average, for 2023, every day approximately 20,400 trucks cross the U.S.-Mexico border, and 15,300 trucks cross the Canadian border. Currently, commercial vehicles face extended wait times, and obviously, so do buses, due to closed entry lanes, staffing shortages, and lack of functioning inspection equipment.

I think it is essential that we continue to look at these bottlenecks, look at these facilities, and give them the funds or the guidance, obviously, to operate more efficiently at the cross border for the movement of goods. I think that is a prime example. You should not have to be waiting 3 hours, right, and think about the truck drivers that have to do that and how that impacts productivity and how that impacts and disrupts the supply chain.

Senator KELLY. In some cases, these truck drivers are carrying products that need to get to refrigeration, yes? Very time sensitive.

Ms. MONGEON. Absolutely, time sensitive. Yes. I think it is something that we really need to continue to invest in. Obviously, thank you for your leadership on the BEST Facilitation Act for border trucks. That was important, and we just need to continue to make those kind of investments and keep those a priority item, as well.

Senator KELLY. We are upgrading these ports of entry not only for commercial traffic, but car traffic and foot traffic as well. From a standpoint of trade, even just with the State of Arizona, we are talking about tens of billions of dollars.

Ms. MONGEON. Many trucks go in and out. Freight movement between Canada and Mexico is increasing, so it is essential that we take a real global perspective on those.

Senator KELLY. Ms. Ricks, we are seeing several new types of vehicles that are coming into service in recent years, including electric vehicles, some of which are trucks. I drove one myself here around the mall about a year and a half ago or so, but also autonomous vehicles, e-bikes.

What new challenges do these new vehicle types pose to local and State transportation officials? Are State and local governments prepared to address the new safety challenges that are posed by these vehicles?

Ms. RICKS. I think the short answer is no, they are not ready for the changes that these vehicles and devices propose. We anticipate that we are going to see a lot more disruption in vehicle types and form factors, especially as we are seeing, for example, e-bike sales outstripping zero emission motor vehicle sales.

We can anticipate that there might be more things like golf carts and electric tuk tuks and truck trikes and last mile freight delivery happening in all kinds of different form factors. These are vehicles that the typical State motor vehicle code is unprepared to deal with. Are they a bicycle, are they a vehicle? Do they belong in a general purpose travel lane? Can they be on the sidewalk? Can they be in a bike lane?

We are going to need to think about new lane types, for example, slow lane designations, distinct from general purpose lanes, so that we can have these vehicles traveling with others that are somewhat in the same speed. That helps my friends in the trucking industry by moving those slower-moving vehicles away from heavier vehicles that do tend to have significant blind spots on them.

I think that all users of the road want to be able to travel safely with one another. That does mean that we are going to need to design our policies so that we can give each one of these users a proper place in the road.

I think we can also use some of the technology that is coming with these new vehicle for factors to introduce things like speed Governors in dense, complicated urban areas where the connected vehicle system, where both automobiles and scooters and bicycles all have the ability to communicate with the overall infrastructure system. We can harmonize speed so that they are all traveling in something close to one another.

If you can get all of the speeds down to a rational speed, traffic can flow smoothly and actually get you to your destination, although at a slower speed, in the same amount of time without the stops and starts.

Senator KELLY. It used to be just cars and trucks, and now we are having to deal with a whole—

Ms. RICKS. It is a brave new world.

Senator KELLY. I was, not too long ago, maybe about a year ago, I was in an autonomous vehicle in Phoenix with nobody in the front seat, and I was surprisingly comfortable with that situation. We will see, when there are more and more of these, how this progresses and what changes we need to make to infrastructure to accommodate for them.

I want to thank each of you for being here today. It is very helpful to us to hear your perspectives. I want to, before I close, I just want to get, is there anything you feel like you did not share with the subcommittee that you would like to share, or maybe something we did not ask that we should have asked? Any of you? Now is your chance.

Ms. RICKS. I will take the opportunity. I think that one of the issues is that, in particular for these low cost safety countermeasures, these are small cost, small dollar amount projects, which there is an ingrained tendency in the system that we have with the reporting requirements with the other obligations of the use of Federal funds that really has an incentive to move those dollars to larger projects, if you are going to have that kind of oversight, if you are going to have that kind of reporting.

If we really want to invest these dollars in small-scale, widely distributed, low-cost safety improvements that have some of the most profound safety effects, we really need to think about how we

can streamline those reporting requirements, how we can make it easier to deploy those funds to these very, very meaningful and impactful projects rather than lumping them together into those easier to report on, larger capital improvements.

Senator KELLY. Ms. Neville.

Ms. NEVILLE. I will continue to advocate for truck parking, and again, applaud you for the introduction of the Truck Parking Safety Improvement Act. I will tell you, this is some of the most exciting legislation that our industry has seen in a very long time, because it impacts everybody.

While I am here wearing a hat for trucking, truck parking impacts everybody, every single motorist. It helps safety, it helps work force development, productivity, emissions, the law enforcement community, and everybody that is in a car, everybody in the motoring public.

I have to put one more plug in for that and I really appreciate it. That is a commitment to safety. That will impact highway safety. If we are serious about it, then we need to be serious about investing in truck parking, sooner rather than later.

Senator KELLY. Thank you. Ms. Mongeon.

Ms. MONGEON. Chairman Kelly, from a North Dakota DOT perspective, I believe what would help is predictable funding. We do support a higher percentage of program funds by formula and reducing distribution through the lower spending discretionary programs. We always appreciate flexibility in spending. Thank you.

Senator KELLY. Thank you, and thank you, all of you.

Before we adjourn, I think we have some housekeeping, but I want to ask the committee staff, can I ask for unanimous consent when I am the only person here? I can? All right.

[Laughter.]

Senator KELLY. I am asking for unanimous consent to submit—like I would oppose my own request—a letter from the Advocates for Highway and Auto Safety, a statement for the record from the American Traffic Safety Services Association, a letter from the Owner-Operator Independent Drivers Association, and 20 other industry groups about the Truck Parking Safety Improvement Act, a news release from national and State law enforcement groups, including the International Association of Chiefs of Police, the Arizona State Troopers Association, and the North Dakota Highway Patrol supporting the Truck Parking Safety Improvement Act, and also a letter from the National Asphalt Pavement Association.

Without objection, we will submit those.

[The referenced information follows:]



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY

November 6, 2023

The Honorable Mark Kelly, Chair
The Honorable Kevin Cramer, Ranking Member
Committee on Environment and Public Works
Subcommittee on Transportation and Infrastructure
United States Senate
Washington, D.C. 20510

Dear Chair Kelly and Ranking Member Cramer:

Thank you for holding tomorrow's hearing, "Understanding Roadway Safety: Examining the Causes of Roadway Safety Challenges and Possible Interventions." With deaths and injuries on our Nation's roads at historically high levels, we urge this Subcommittee to advance proven solutions to reduce these grim and grave statistics. Advocates for Highway and Auto Safety (Advocates) respectfully requests this letter be included in the hearing record.

Motor Vehicle Crashes are a Public Health Crisis Which Demand Immediate Action

On average, 118 people were killed every day on roads in the U.S. in 2021,¹ totaling nearly 43,000 fatalities for the year. An additional 2.5 million people were injured.² This amounts to a 27 percent increase in deaths on our roads in just a decade.³ Early projections for 2022 and the first six months of 2023 show traffic fatalities remain high.⁴ Fatalities involving vulnerable road users (VRUs) continue to increase at alarming rates. Pedestrian fatalities increased 18 percent, and bicyclist deaths were up 12 percent from 2019 (pre-pandemic) to 2021.⁵

Truck crashes continue to cause remarkable harm. In 2021, 5,788 people were killed and nearly 155,000 people were injured in crashes involving large trucks.⁶ Since 2009, the number of fatalities in large truck crashes has increased by 71 percent.⁷ In that same timespan, the number

¹ Overview of Motor Vehicle Traffic Crashes in 2021, NHTSA, Apr. 2023, DOT HS 813 435. (Overview 2021).

² Overview 2021.

³ Traffic Safety Facts 2020: A Compilation of Motor Vehicle Crash Data, NHTSA, Oct. 2022, DOT HS 813 375, (Annual Report 2020); and Overview 2021; [comparing 2012 to 2021].

⁴ Traffic Safety Facts: Crash Stats, Early Estimate of Motor Vehicle Traffic Fatalities in 2022, NHTSA, Apr. 2023, DOT HS 813 428. (Early Estimates 2022).

⁵ Overview 2021, Annual Report 2020.

⁶ Overview of Motor Vehicle Traffic Crashes in 2021, NHTSA, Apr. 2023, DOT HS 813 435.

⁷ *Id.* and Traffic Safety Facts 2020: A Compilations of Motor Vehicle Crash Data, NHTSA, Oct. 2022, DOT HS 813 375. Note, the 71 percent figure represents the overall change in the number of fatalities in large truck involved crashes from 2009 to 2021. However, between 2015 and 2016 there was a change in data collection at U.S. DOT that could affect this calculation. From 2009 to 2015 the number of fatalities in truck-involved crashes increased by 21 percent, and between 2016 to 2019, it increased by 7.6 percent, and between 2020 and 2021, it increased by 17 percent.

of people injured in crashes involving large trucks increased by 109 percent.⁸ Early estimates indicate that in 2022, traffic fatalities in crashes involving at least one large truck were up another two percent; 5,887 people were killed.⁹ In fatal two-vehicle crashes between a large truck and a passenger motor vehicle, 97 percent of the fatalities were occupants of the passenger vehicle.¹⁰

The financial impact of motor vehicle crashes on our economy and on our families is staggering. Conservatively, the annual economic cost of motor vehicle crashes is approximately \$340 billion (2019 dollars).¹¹ This means that every person living in the U.S. essentially pays an annual “crash tax” of over \$1,000. These crashes negatively impact businesses as well. According to the Network of Employers for Traffic Safety, the total cost of crashes to employers is more than \$72 billion (2019 dollars).¹² Moreover, the total value of societal harm from motor vehicle crashes in 2019 was nearly \$1.4 trillion.¹³

Safety Advances in the Infrastructure Investment and Jobs Act (IIJA) Must be Implemented Comprehensively and with Expediency

We once again commend the Committee on Environment and Public Works for advancing commonsense safety solutions in the IIJA.¹⁴ While vehicle safety technology does not fall into the Committee’s jurisdiction, the Safe System Approach is incorporated in the IIJA and undertakes a holistic method to improve safety in the roadway environment including advancing safe vehicles as a core element. Vehicle safety technology and roadway infrastructure improvements proven to upgrade safety have great potential to complement each other and collaboratively save lives. For example, the IIJA authorizes safety upgrades to the Highway Safety Improvement Program (HSIP) that will help to protect VRUs, such as infrastructure features that calm traffic, separate road users and reduce vehicle speeds as well as includes provisions requiring automatic emergency braking (AEB) for passenger motor vehicles and large trucks.¹⁵ Advocates supports enhancing HSIP to allow for funding of projects that can strengthen protections for VRUs and ensuring that all communities across the Nation are able to take advantage of federal dollars to implement these innovative approaches to improving public safety on their roadways.

⁸ Traffic Safety Facts 2021 Data: large Trucks, NHTSA, Jun 2023 (Revised), DOT HS 813 452; Traffic Safety Facts 2020, NHTSA, Oct. 2022, DOT HS 813 375. Note, the 109 percent figure represents the overall change in the number of people injured in large truck involved crashes from 2009 to 2021. However, between 2015 and 2016 there was a change in data collection at U.S. DOT that could affect this calculation. From 2009 to 2015 the number of people injured in truck-involved crashes increased by 59 percent, and between 2016 to 2019, it increased by 18 percent, and between 2020 and 2021, it increased by 5 percent.

⁹ Traffic Safety Facts: Crash Stats; Early Estimates of Motor Vehicle Traffic Fatalities and Fatality Rate by Sub-Categories in 2022, NHTSA, Apr. 2023, DOT HS 813 448.

¹⁰ Insurance Institute for Highway Safety (IIHS), Large Trucks. See: <https://www.iihs.org/topics/fatality-statistics/detail/large-trucks>.

¹¹ The Economic and Societal Impact of Motor Vehicle Crashes, 2019, NHTSA, Dec. 2022, DOT HS 813 403. (Economic and Societal Impact 2019).

¹² Network of Employers for Traffic Safety (NETS), The Cost of Motor Vehicle Crashes to Employers—2019, March 2021, prepared by Ted R. Miller and A. Scott McKnight, Pacific Institute for Research and Evaluation.

¹³ Economic and Societal Impact 2019.

¹⁴ Pub. L. 117-58 (2021).

¹⁵ Pub. L. 117-58, § 24208 (2021).

According to the Insurance Institute for Highway Safety (IIHS), AEB has the capability to reduce car front-to-rear crashes with injuries by 56 percent and large truck front-to-rear crashes by 41 percent.¹⁶ The ripple effect of these crash reductions is wide-ranging and in addition to saving lives and preventing injuries includes less damage to infrastructure, less congestion caused by crashes, and less expenditure of first responder resources, among others. While Advocates applauds the National Highway Traffic Safety Administration (NHTSA) for issuing Notices of Proposed Rulemaking (NPRM) to require AEB on passenger vehicles and trucks, the agency must promptly issue comprehensive final rules to save lives of all road users and meet the deadlines set by Congress.¹⁷ Advocates looks forward to working with the Subcommittee and the U.S. DOT to optimize safety outcomes in a robust and equitable manner.

Automated Enforcement Improves Roadway Safety

Automated enforcement (AE), such as speed and red-light running safety cameras, is a verified deterrent against frequent crash contributors and has been identified by NHTSA, the Federal Highway Administration (FHWA), the National Transportation Safety Board (NTSB), Centers for Disease Control and Prevention (CDC), IIHS and others as an effective means to curb dangerous driving behavior.¹⁸ Moreover, the Congressional Research Service (CRS) has found that speed camera programs are effective in reducing speeding and/or crashes near cameras.¹⁹ Additionally, for VRUs, such as pedestrians and bicyclists, small changes in speed can have a large impact on survivability. New crash tests performed by IIHS, the AAA Foundation for Traffic Safety, and Humanetics show that modest five to ten miles per hour (mph) increases in speed can have a severe impact on a driver's risk of injury or even death.²⁰ Provisions in the IIJA correctly permit use of certain federal funds for AE programs in school and work zones. This allowance should be expanded to curb deadly driving on other roadways.

Advocates Supports Efforts to Alleviate the Truck Parking Shortage

Advocates recognizes that the lack of safe and convenient truck parking is an issue that merits federal action. However, simply dedicating more federal funding to building parking facilities will likely not solve the issue alone. Studies have demonstrated that the parking shortage is often most acute in areas of the country such as along the Interstate 95 corridor in the Northeast where building facilities for parking may not be realistic due to costs and scarcity of open land.²¹ As such, along with providing funding to address this issue, Advocates urges policymakers to examine additional remedies to address this problem such as use of existing dormant facilities.

Dangerous Overweight Trucks Damage our Nation's Crumbling Infrastructure

Federal limits on the weight and size of commercial motor vehicles (CMVs) are intended to protect truck drivers, the traveling public, and America's roads, bridges and other infrastructure components. Yet, provisions allowing larger and heavier trucks that violate or circumvent these federal laws to operate in certain states or for specific industries have often been tucked into

¹⁶ IIHS, Real World Benefits of Crash Avoidance Technologies (Dec. 2020).

¹⁷ 88 FR 38632 (Jun. 13, 2023); 88 FR 43174 (Jul. 6, 2023).

¹⁸ IIHS, Topics, Red Light Running, available at: <https://www.iihs.org/topics/red-light-running#effectiveness-of-cameras>

¹⁹ CRS, Safety Impact of Speed and Red Light Cameras, R46552 (Sep. 28, 2020).

²⁰ IIHS, New crash tests show modest speed increases can have deadly consequences (Jan. 28, 2021).

²¹ Federal Highway Administration, Commercial Motor Vehicle Parking Shortage (May 2012).

must-pass bills to avoid public scrutiny including in legislation recently passed by the Senate to provide funding to the U.S. DOT.²²

According to the 2021 Infrastructure Report Card from the American Society of Civil Engineers, America's roads receive a grade of "D" and our bridges were given a "C."²³ Nearly 40 percent of our 615,000 bridges in the National Bridge Inventory are 50 years or older, and one out of 11 is structurally deficient.²⁴ The U.S. DOT Comprehensive Truck Size and Weight Study found that introducing double 33-foot trailer trucks, known as "Double 33s," would be projected to result in 2,478 bridges requiring strengthening or replacement at an estimated one-time cost of \$1.1 billion.²⁵ This figure does not even account for the additional, subsequent maintenance costs which will result from longer, heavier trucks. In fact, increasing the weight of a heavy truck by only 10 percent increases bridge damage by 33 percent.²⁶ The FHWA estimates that the investment backlog for bridges, to address all cost-beneficial bridge needs, is \$123.1 billion.²⁷

Raising truck weight or size limits could result in an increased prevalence and severity of crashes. Longer trucks come with operational difficulties such as requiring more time to pass, having larger blind zones, crossing into adjacent lanes, swinging into opposing lanes on curves and turns, and taking a longer distance to adequately brake. In fact, double trailer trucks have an 11 percent higher fatal crash rate than single trailer trucks.²⁸ Overweight trucks also pose serious safety risk. Brake violations are a major reason for out-of-service violations.²⁹ According to a North Carolina study by IHHS, trucks with out-of-service violations are 362 percent more likely to be involved in a crash.³⁰ This is also troubling considering that tractor-trailers moving at 60 miles per hour are required to stop in 310 feet – the length of a football field – once the brakes are applied.³¹ Actual stopping distances are often much longer due to driver response time before braking and the common problem that truck brakes are often not in adequate working condition.

There is overwhelming opposition to any increases to truck size and weight limits. The public, local government officials, safety, consumer and public health groups, law enforcement, first responders, truck drivers and labor representatives, families of truck crash victims and survivors,

²² Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2024, and for other purposes, S. 2437, 118 Cong. § 1 (2023).

²³ 2021 Infrastructure Report Card – Bridges, American Society of Civil Engineers (ASCE); 2021 Infrastructure Report Card – Roads, ASCE.

²⁴ 2021 Infrastructure Report Card – Bridges (ASCE).

²⁵ Comprehensive Truck Size and Weight Limits Study: Bridge Structure Comparative Analysis Technical Report, FHWA, June 2015.

²⁶ Effect of Truck Weight on Bridge network Costs, NCHRP Report 495, National Cooperative Highway Research Program, 2003.

²⁷ 2015 Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance, Chapter 7, p. 7-34, FHWA, 2016.

²⁸ An Analysis of Truck Size and Weight: Phase I – Safety, Multimodal Transportation & Infrastructure Consortium, November 2013; Memorandum from J. Matthews, Rahall Appalachian Transportation Institute, Sep. 29, 2014.

²⁹ Roadside Inspections, Vehicle Violations: All Trucks Roadside Inspections, Vehicle Violations (2019 – Calendar), FMCSA.

³⁰ Teoh E, Carter D, Smith S and McCart A, Crash risk factors for interstate large trucks in North Carolina, Journal of Safety Research (2017).

³¹ Code of Federal Regulations (CFR) Title 49 Part 571 Section 121: Standard No. 121 Air brake systems (FMVSS 121).

and even Congress on a bipartisan level have all rejected attempts to increase truck size and weight. Also, the technical reports released in June 2015 from the U.S. DOT Comprehensive Truck Size and Weight Study concluded there is a “profound” lack of data from which to quantify the safety impact of larger or heavier trucks and consequently recommended that no changes in the relevant truck size and weight laws and regulations be considered until data limitations are overcome.³²

The IIA is investing billions of dollars to improve and elevate the safety of our Nation’s roads and bridges. Any increase to federal truck size and weight limits will undermine this objective, worsen safety problems, and divert rail traffic from privately owned freight railroads onto our already overburdened public highways. Despite claims to the contrary, bigger trucks will not result in fewer trucks. Following every past increase to federal truck size and weight limits, the number of trucks on our roads has gone up. Since 1982, when Congress last increased the gross vehicle weight limit, truck registrations have more than doubled.³³ The U.S. DOT study also addressed this meritless assertion and found that any potential mileage efficiencies from the use of heavier trucks would be offset in just one year.³⁴ We urge this Subcommittee to oppose any increases to federal truck size and weight limits, including mandating double 33-foot trailers, pilot programs and state or industry specific exemptions.

Experimental Autonomous Driving Technology Remains Unproven

Several serious crashes involving cars equipped with autonomous driving technology, which is unregulated, have already occurred. Many have been subject to investigation by the National Transportation Safety Board (NTSB) and NHTSA which have and will continue to identify safety deficiencies, determine contributing causes, and recommend government and industry actions to prevent future deadly incidents.

The *Washington Post* reported in June that according to NHTSA data, there have been 17 fatal incidents, five serious injuries and 736 crashes involving Tesla vehicles operating in Autopilot mode since 2019.³⁵ As of June 2022, NHTSA’s Office of Defects Investigation (ODI) indicated that it had identified at least fourteen crashes in which a Tesla vehicle operating under its “Autopilot System” or Traffic Aware Cruise Control collided with vehicles at crash scenes where first responder vehicles lights and other control measures such as flares and cones were in place.

The testing and deployment of AVs in San Francisco was so concerning that the California Department of Motor Vehicles (CA DMV) recently halted all activities for Cruise LLC that do not involve a human safety driver in the vehicle.³⁶ Several San Francisco transportation agencies

³² Comprehensive Truck Size and Weight Limits Study, Federal Highway Administration (June 2015).

³³ 2017 Annual Report.

³⁴ Comprehensive Truck Size and Weight Limits Study, Federal Highway Administration (June 2015).

³⁵ Faiz Siddiqui and Jeremy B. Merrill, *17 fatalities, 736 crashes: The shocking toll of Tesla’s Autopilot*, Wash. Post (Jun. 10, 2023).

³⁶ CADMV, DMV STATEMENT ON CRUISE LLC SUSPENSION (Oct. 24, 2023), available at: <https://www.dmv.ca.gov/portal/news-and-media/dmv-statement-on-cruise-llc-suspension/>.

submitted comments to the California Public Utilities Commission (CPUC) in May detailing numerous dangerous incidents involving AVs operating in the city.³⁷ These events include:

- Interfering with emergency response operations including 18 incidents documented by the San Francisco Fire Department (SFFD) in which AVs put firefighters and the public at risk. As of August 2023, the SFFD logged at least 50 written reports of interference.³⁸
- Making planned and unplanned stops in travel lanes that have interfered with transit service and blocked traffic.
- Intrusions into construction zones where City employees were working.
- Obstructions caused by AVs having to interpret and respond to human traffic control officers.
- Erratic driving.³⁹

These treacherous incidents are also on the rise. The agencies indicate that during this year reported monthly incidents involving AVs have increased six-fold.⁴⁰ In fact, in June an AV blocked San Francisco police from responding to a mass shooting.⁴¹ In October a Cruise AV ran over a pedestrian after she was struck by another vehicle.⁴² The Cruise AV then dragged the victim 20 feet before stopping, causing serious injuries.⁴³ CA DMV has accused Cruise of selective editing of the footage of the incident. Moreover, it was recently reported that Cruise employees have had to intervene to remotely assist the AVs every 2.5 to five miles.⁴⁴ What San Francisco has been experiencing must not be replicated across the Nation by continuing to allow for the proliferation of AVs that do not comply with any federal safety regulations setting minimum performance standards for driverless systems.

In sharp contrast to what is happening in the U.S., other countries are taking a more calculated, careful and cautious approach to the development of AVs.⁴⁵ Often-repeated claims about the U.S. “falling behind” other countries in the “race” for AVs are simply not true. For example:

³⁷ San Francisco Comments to the Draft Resolution Approving Authorization for Waymo Autonomous Vehicle Passenger Service Phase I Driverless Deployment Program, R.12-12-011 (May 31, 2023). Available at: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://sfstandard.com/wp-content/uploads/2023/06/SF-Comments-on-Waymo.pdf>.

³⁸ CPUC Status Conference: Safety Issues Regarding Driverless AV Interactions with First Responders (Aug. 7, 2023), available at: https://www.sfmta.com/sites/default/files/reports-and-documents/2023/08/2023.08.07_cpuc_status_conference_8.7.2023_final.pdf

³⁹ *Id.* at pgs. 9-11.

⁴⁰ *Id.* at p. 3.

⁴¹ Self-driving car blocks police responding to San Francisco shooting, KTVU (Jun. 11, 2023). Available at: <https://www.ktvu.com/news/self-driving-car-blocks-police-responding-to-san-francisco-shooting>.

⁴² Tripp Mickle, Cade Metz and Yiwen Lu, G.M.'s Cruise Moved Fast in the Driverless Race. It Got Ugly. N.Y. Times (Nov. 3, 2023).

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Autonomous vehicles: cross jurisdictional regulatory perspectives update, Oct. 7, 2022.

- China continues to require permits or restricts operations of AVs on its roads to only those areas approved by the authorities.⁴⁶
- Germany continues to require permits, approvals, and limits areas of operation for AVs.⁴⁷
- In Japan, the introduction of Level 4 vehicles will be controlled and limited to specific, lightly populated areas.⁴⁸
- Even the latest United Nations Economic Commission for Europe (UNECE) regulations will limit operations to restrict risks and oversee approval through testing and other requirements.⁴⁹

In sum, no country is selling fully automated vehicles for unfettered use to the public and by many accounts, none will be for a significant amount of time.⁵⁰ According to the most recent KPMG analysis, the U.S. ranks fourth in the world for AV readiness, while China is at number twenty. While the U.S. is not behind other countries in allowing AVs to go to market, we are behind in establishing comprehensive regulations to ensure public safety will not be jeopardized or diminished. As Dr. Missy Cummings, Professor, George Mason University, College of Engineering and Computing, noted during a briefing convened by Advocates in March 2023:

I was a military officer; I spent three years on the Defense Innovation Board advising the Secretary of Defense. China is a real threat, a real problem that we have to address from a national security perspective. What it [China] is not is a threat to our commercialization of autonomous vehicles. And any insistence that it actually takes away from the emphasis that we need to place on national security. So, what I would really like everyone to do is back off the China fear mongering. China is not beating us to the commercialization of autonomous vehicles...⁵¹

Advocates and numerous stakeholders representing broad interests developed the “[AV Tenets](#),” policy positions which are a people-and-safety-first approach to AV development and deployment and should be a foundational part of any AV policy. It has four main, commonsense categories including: 1) prioritizing safety of all road users; 2) guaranteeing accessibility and equity; 3) preserving consumer and worker rights; and, 4) ensuring local control and sustainable transportation. The AV Tenets are supported by a coalition of approximately 65 groups and are based on expert analysis, real-world experience and public opinion. Requiring that AVs meet minimum standards, including for cyber security, and that operations are subject to adequate oversight, including a comprehensive database accessible by vehicle identification number (VIN) with basic safety information, will save lives and boost consumer confidence in this burgeoning

⁴⁶ China drafts rules on use of self-driving vehicles for public transport; Aug. 8, 2022, Reuters; and Baidue bags China’s first fully driverless robotaxi licenses, Aug. 7, Reuters. Real driverless cars are now legal in Shenzhen, China’s tech hub, Jul. 25, 2022, TechCrunch+.

⁴⁷ Germany completes legal framework for autonomous driving | Federal Cabinet approves new ordinance, Apr. 2022, Malterer, M.

⁴⁸ Japan to open roads to autonomous vehicles in 2023, Nov. 28, 2022, Wessling, B., The RobotReport.

⁴⁹ New rules to improve road safety and enable fully driverless vehicles in the EU, Jul. 6, 2022, UNECE.

⁵⁰ Lawrence Ulrich, Driverless Still a Long Way From Humanless, N.Y. Times (Jun. 20, 2019); Level 5 possible but “way in the future”, says VW-Ford AV boss, Motoring (Jun. 29, 2019).

⁵¹ Advocates for Highway and Auto Safety, Virtual Capitol Hill Briefing: Expert Panel on Autonomous Vehicle Safety (Mar. 7, 2023). See: <https://saferoads.org/briefing-expert-panel-on-autonomous-vehicle-av-safety-3-7-23-public/>.

technology. Further, the IIA directed the FHWA to conduct a study on the impacts of AVs and to report to Congress. That report should have been presented to the Committee on Environment and Public Works and the House Transportation and Infrastructure Committee one year after the enactment of the IIA and is now overdue.

A Caravan Public opinion survey commissioned by Advocates in February 2023 showed Americans across the country and across generations are concerned with driverless cars and trucks on our roadways. In fact, four out of five respondents reported being concerned about sharing the roads with driverless cars. While there is widespread concern about the use and deployment of driverless vehicles, 64 percent of those polled feel that their concerns could be adequately addressed by minimum government safety requirements.⁵²

Thank you again for convening this hearing and for your consideration of these issues. We look forward to working with you to improve safety for all road users on our Nation's roadways.

Sincerely,



Catherine Chase, President

cc: The Honorable Thomas Carper, Chair, U.S. Senate Committee on Environment and Public Works
The Honorable Shelly Moore Capito, Ranking Member, U.S. Senate Committee on Environment and Public Works
Members of the U.S. Senate Committee on Environment and Public Works

⁵² Online CARAVAN Survey (Feb. 2023). See: <https://saferoads.org/wp-content/uploads/2023/03/Advocates-Caravan-AV-Poll-Report-pdf>



November 7, 2023

The Honorable Tom Carper
 Chairman, Environment & Public Works Committee
 513 Hart Senate Office Building
 Washington DC 20510

The Honorable Shelley Moore Capito
 Ranking Member, Environment & Public Works
 Committee
 170 Russell Senate Office Building
 Washington DC 20510

Dear Chairman Carper and Ranking Member Capito,

The National Asphalt Pavement Association (NAPA) welcomes today's hearing regarding roadway safety and possible interventions. NAPA is the only national trade association exclusively representing companies involved in the production and application of asphalt pavement mixtures. Together with our state association partners, representing thousands of companies and over 350,000 hard working men and women across the nation, NAPA and the asphalt industry prides itself on safety and achieving the highest possible standards to protect our workers and the motoring public.

Background and Issue

As you know, more than 90 percent of America's roadways are surfaced with asphalt, meaning our product and workers are involved across countless road projects at any time throughout our surface transportation network. Due to the nature of the material, asphalt pavements can be applied quickly and opened to traffic within hours of paving. A majority of existing interstate paving maintenance work is often conducted overnight, typically shutting down one lane, paving, and opening to traffic in the morning. However, this process is logistically intensive and wrought with potential safety issues because the paving process is mobile, covers some distance, and the only typical barrier protection between the work zone and high-speed vehicles are rubber cones and barrels. The picture below illustrates a typical sight from the workers' perspective.



Tragically, there continues to be over a hundred road construction workers killed inside the work zone every year, year-after-year. Unfortunately, even over the last decade or more, those fatalities and serious injuries have

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not been reduced, and over the last few years have been increasing¹. We recognize that driver distraction is one causal factor in those incidents. Something more must be done.

While there are minimum work zone safety (WZS) requirements specified by the Department of Transportation (DOT) for road construction work, those minimal safety requirements are unfortunately ineffective, evidenced by the fatality data. Further, since road construction projects, especially the paving portion, are commonly awarded on a 'low-bid' basis, and because a project's bid items are typically 'bundled' with one single line-item to adhere to the minimally required federal and state WZS requirements, companies who want to implement better safety practices, simply would be out-bid. However, our industry has a track record of championing more effective and enhanced means of protecting the men and women working next to fast-moving traffic.

Legislative WZS enhancements have been difficult to implement through state DOTs

Over the last two highway bill reauthorizations, our industry has made strides in advocating for better WZS protection – but more can be done. During the 2015 Fix America's Surface Transportation (FAST) Act reauthorization, additional language was included in 'Subpart K'² to encourage, but not require, positive protection like immovable barriers to separate live traffic from road construction workers. For new road construction or significant roadway expansion, these protective 'Jersey barriers' are frequently used. But such immovable barriers are impracticable in today's currently designed and specified asphalt paving road maintenance and construction projects.

Most recently, during the 2021 Infrastructure Investment and Jobs Act (IIJA) reauthorization, NAPA worked hard to successfully include statutory language allowing state DOT agencies to access their federal payable share for highway construction projects, enhancing roadway work-zone safety using a contractual provision known as a WZS Contingency Fund³). Unfortunately, access to this funding mechanism has been hampered by lack of knowledge and effective implementation at both the state and federal level. Only a scant few state DOTs have fully implemented such programs, allowing contractors to access these monies to better enhance WZS – with dramatic documented success. And more states continue to realize the resources afforded to them by Congress.

The simplest example of such WZS Contingency Fund allocation is to pay for police protection at the beginning of, or within the work zone, as conditions dictate. We know police presence is effective at slowing traffic speed and ensuring the motoring public pays better attention to the conditions around them. There are many other enhanced WZS technologies and practices, like mobile barriers, rumble strips, automated flaggers, and speed cameras, that could easily be included or added to a project with effective implementation and utilization through these state DOT-allowed WZS Contingency Funds.

Lastly, there are additional technologies, from the simple automated photo-enforcement to more sophisticated radar-based technologies, that we know can be effective at slowing traffic and reducing work-zone intrusions and incidents, further protecting road construction workers within their work zones. And there is some movement by state DOTs to perhaps reconfigure certain roadway projects, e.g., instead of night-paving, the DOT might close sections of the roadway – resulting in no live traffic and expedited project completion. There are numerous examples of large projects where state DOTs have changed from originally specified night-time paving

¹ <https://workzonesafety.org/work-zone-data/>

² <https://www.ecfr.gov/current/title-23/chapter-I/subchapter-G/part-630/subpart-K>

³ artba.org/wp-content/uploads/2022/09/Safety-Contingency-QA-final-9-9-2022.pdf

projects to full road section closures, like along the I-69 expansion south of Indianapolis⁴. However, these types of road closures present additional logistical challenges.

Summary: Enhancing WZS through DOT Contingency Funds

While highway construction projects continue to be awarded generally based on the 'low-bid', ensuring worker protection during roadway construction must be looked at differently. Access to such WZS Contingency Funds, already allowed by statute, will remove such safety precautions from the low-bid paradigm. We encourage Congress to request that state and federal DOTs expedite implementation of such already-authorized WZS funding mechanisms, allowing road construction contractors to access those additional funds to enhance WZS and further protect their workers. While such funds can be 'set-aside' by state DOTs, establishing a requirement that DOTs must allocate a minimum spending percentage associated with use of those funds would be beneficial. Additional amplification and awareness for these programs to state partners is critical to WZS success.

Further, we are encouraged that a few state DOTs are contemplating or implementing automated speed photo-enforcement within work zones and hope to see this practice expand. Automated photo-enforcement in work zones is one easy-to-implement solution.

Lastly, we encourage Congress to look to NAPA and others as a resource to encourage safer work zones. We look forward to working with Congress or DOT to ensure better implementation for contractors to access these WZS Contingency Funds.

Thank you for considering our comments and NAPA offers itself as a resource to the Committee and federal/state DOTs.

Regards,



Howard Marks, Ph.D., J.D., MPH
Vice President – Environment, Health & Safety
National Asphalt Pavement Association

⁴ <https://www.insideindianabusiness.com/articles/indot-expediting-i69-finish-line-construction>

November 6, 2023

The Honorable Mark Kelly
 Chairman
 Committee on Environment & Public Works,
 Subcommittee on Transportation & Infrastructure
 410 Dirksen Senate Office Building
 Washington, DC, 20510

The Honorable Kevin Cramer
 Ranking Member
 Committee on Environment & Public Works,
 Subcommittee on Transportation & Infrastructure
 410 Dirksen Senate Office Building
 Washington, DC, 20510

Dear Chairman Kelly and Ranking Member Cramer,

We write to express our support for S. 1034, the Truck Parking Safety Improvement Act, in advance of your Subcommittee's hearing on highway safety. This bipartisan legislation addresses an important safety concern that negatively affects the trucking industry, the American public, and the national supply chain. We greatly appreciate your individual support for this legislation, and we hope that this hearing makes clear the urgent need for the Committee on Environment & Public Works and the Senate to move this legislation forward.

Safe and adequate truck parking facilities are an integral part of the nation's supply chain. Expanding truck parking capacity will provide additional safe places for the nation's truck drivers to stop and rest, as they deliver America's economy and keep the supply chain moving. When truck drivers park in unsafe or unauthorized areas, including highway shoulders and off-ramps, or continue to drive in violation of federal hours-of-service regulations or beyond the point where they feel comfortable because they can't find parking, it jeopardizes the safety of truck drivers and the general public, leading to congestion, accidents, and other hazardous scenarios.

The U.S. Department of Transportation (DOT) has studied this issue extensively and consistently concluded that virtually every state and region of the country – from California to New York – would benefit from additional truck parking capacity. In its most recent survey from 2019, DOT found that growth in truck parking hasn't kept pace with increasing truck traffic.

Truck drivers are the backbone of our nation's economy, ensuring the efficient delivery of goods that sustain our everyday lives. The reliability of our supply chain depends on them, and it is imperative that we prioritize their safety and well-being. The Truck Parking Safety Improvement Act represents a crucial step towards achieving this goal.

Passing the Truck Parking Safety Improvement Act will have far-reaching benefits:

- **Improved Driver Well-being:** Safe and secure parking options will contribute to the physical and mental well-being of truck drivers, ensuring they are well-rested and alert while operating commercial motor vehicles.
- **Better Driver Recruitment and Retention:** Professional drivers have made it very clear the lack of truck parking is one of their top safety concerns, adding unnecessary stress, frustration, and fatigue to a job that is already incredibly challenging. The current truck parking crisis is negatively affecting the recruitment and retention of truckers. Addressing this concern will improve working conditions for every trucker, encouraging more to enter and remain in the industry.
- **Maximizes Federal Dollars:** The Truck Parking Safety Improvement Act recognizes the important role that travel centers and truck stops play in serving America's long-haul truck drivers by allowing public entities receiving a grant to partner with private truck parking providers to expand truck parking capacity nationwide. With more than 5,000 Interstate truck stops and travel centers providing 90 percent of the truck parking capacity

in the United States, truck stops and travel centers play a key role in addressing any state concerns over truck parking capacity.

- **Enhanced Highway Safety:** Safer parking options will lead to a reduction in accidents, breakdowns, and incidents on our highways, ultimately enhancing the safety of all road users. Recent tragedies, such as the fatal bus accident in Illinois involving trucks parked outside of designated spaces at a rest area, illustrate these risks. Unfortunately, these types of incidents are far too common because of today's parking crisis.
- **Economic Prosperity:** A robust trucking industry is vital to the nation's economy. On average, drivers waste roughly an hour of productive driving time each day searching for parking or shutting down early because they found a place to safely rest. This legislation will reduce the amount of time drivers waste looking for parking, which will improve efficiency within the supply chain, benefitting American businesses and consumers.
- **Reduced Roadway Congestion:** Increasing designated truck parking spaces will reduce the congestion caused by drivers searching for limited spaces and trucks parked in inappropriate locations.

We urge you to prioritize consideration of the Truck Parking Safety Improvement Act in the EPW Committee and the Senate. We hope that the Committee will follow the lead of the House Transportation & Infrastructure Committee, which approved companion legislation earlier this year by a vote of 60 to 4.

There isn't any other transportation or infrastructure related issue where you will find unanimous agreement among industry stakeholders. S. 1034 represents a balanced, practical, and effective solution to a long-standing problem that affects the trucking industry, the driving public, and American businesses and consumers. Thank you for your attention to this critical matter.

Sincerely,

Owner Operator Independent Drivers Association
 American Chemistry Council
 Consumer Brands Association
 National Association of Small Trucking Companies
 Truckload Carriers Association
 Institute for Safer Trucking
 Road Safe America
 Commercial Vehicle Safety Alliance
 Mid-West Truckers Association
 FMI – The Food Industry Association
 Transportation Intermediaries Association
 Women In Trucking
 American Apparel & Footwear Association
 American Trucking Associations
 Agriculture Transportation Coalition – AgTC
 American Highway Users Alliance
 Retail Industry Leaders Association
 North American Punjabi Trucking Association
 International Brotherhood of Teamsters
 U.S. Chamber of Commerce
 National Association of Truck Stop Operators

cc: Members of the Committee on Environment & Public Works



National Association of
City Transportation Officials

Corinne Kisner
Executive Director

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November 7, 2023

U.S. Senate Committee on Environment and Public Works
Chairman Tom Carper
410 Dirksen Senate Office Building
Washington, D.C. 20510

**Re: Building Safer Streets Act
Testimony from Corinne Kisner, Executive Director of the National Association of
City Transportation Officials**

On behalf of our 100 member cities and transit agencies, the National Association of City Transportation Officials (NACTO) is pleased to offer our testimony in support of the Building Safer Streets Act. We thank the Committee, Chair Carper and Ranking Member Capito, Chair Kelly and Ranking Member Cramer, and Senator Fetterman for this opportunity to testify.

America's streets are the most dangerous they have been in decades. Pedestrian deaths are at a forty-year high, and more than 100 people are killed every day on our streets and highways. This level of tragedy and pain is unacceptable. Streets in our peer countries are getting safer while ours are getting more dangerous. We can and must change our approach.

A study drumbeat of research has shown that clear policies and better design standards result in safer streets. In recent years, both Congress and the U.S. Department of Transportation (USDOT) have taken steps toward improved regulations and standards.

The 2015 Fixing America's Surface Transportation (FAST) Act allowed the use of more design resources in designing our streets. The Infrastructure Investment and Jobs Act (IIJA) of 2021 explicitly authorized the use of all federally-recognized guidance on city-owned streets not on the National Highway System (NHS). In 2022, the Federal Highway Administration (FHWA) offered its Moving to a Complete Streets Design Model: A Report to Congress on Opportunities and Challenges, which recommended regulatory changes necessary to address our safety crisis. And in March 2023, FHWA issued a Request For Information regarding improving safety on federal-aid projects. (Our comments on that RFI are attached for reference.)

Local and state governments, as well as USDOT, need additional action from Congress. States and cities have shown that there are policies, practices, and standards that can dramatically improve safety outcomes. The Building Safer Streets Act would direct the USDOT, FHWA, and the Federal Transit Administration (FTA) to embrace and codify a number of those proven practices.

The Building Safer Streets Act takes much-needed next steps. This bill will help in three ways:

- First, it would remove legal and regulatory roadblocks that prevent cities, states, counties, and other entities from designing streets that save lives.
- Second, it would make proven safe design practices the norm rather than an option limited to those few jurisdictions with the time, money, and staffing necessary to get special permissions.

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- Third, it would shine much-needed light on the use and interpretation of the Manual on Uniform Traffic Control Devices.

A tangle of federal law that refers to state standards, and state standards that in turn refer to federal rules, have created a circular situation that hinders local proponents for safe street designs. In the absence of any federally adopted standards for multimodal streets, the path of least resistance in federal-aid projects is to provide only for motorized travel, even where local plans—and common sense—recognize other needs.

Sidewalks, or paved shoulders where appropriate, are the first step to improving pedestrian safety and are proven to reduce crashes involving pedestrians by up to 89%. Yet, there's no federal standard for where to build sidewalks. So, when major urban and suburban streets are built and rebuilt, they often lack safe, accessible places to walk and safe, accessible places to cross the street.

It is important to note that 70% of the mileage of the National Highway System (NHS) and Federal-aid Highway System consists of streets and ordinary roads—not limited-access highways. Between 2017 and 2021, 47,250 Americans lost their lives on just these NHS streets. Millions of people live, walk or roll, ride bikes, take transit, push strollers, go to work, and go to school on these roadways. They are town main streets, retail and employment hubs, vital bus links, and downtown thoroughfares. Minimum standards for these streets are ultimately under the purview of FHWA. But the lack of Federal standards for pedestrians on these streets, stemming ultimately from vagueness in the law, contributes to making them unsafe.

Congress needs to direct FHWA to set standards for safe infrastructure for pedestrians and for access to on-street transit. We know this approach can work by looking at the last half-century's approach to interstates. Interstate highways are exceptionally safe, even moving a mile a minute. This is because their design has been informed by detailed, peer-reviewed research and the adoption of best-practice design, and codified into legal guidance. The standards for safe highway design are standardized and embedded in multiple levels of design guidance at both the federal and state levels. While many regulations and standards establish what interstates need to look like, existing law is vague about sidewalks. It only directs that federally-funded projects "consider" people on foot, and does little to encourage accommodating them. The law, and consequently Federal standards, is also largely silent on the safety needs of transit operators and riders. These issues are documented extensively in FHWA's *Moving to a Complete Streets Design Model: A Report to Congress on Opportunities and Challenges*

This bill would specifically direct the FHWA and FTA to create research-backed, best-practice standards for people who are getting around by foot, with a mobility device, or on a bike. The bill directs these agencies to ensure there are design standards that work across the tapestry of America: small towns, rural areas, and larger cities.

To clarify some of the circular logic found in existing regulations, the bill requires the creation of "categorical design exceptions" for safety and all-user access needs. This will prevent an onerous and confusing design exception process for FHWA-recommended proven safety countermeasures such as walkways and bike lanes. It also entrusts jurisdictions to prioritize performance related to safety and access when existing design standards or operational regulations do not achieve those goals. For example, this bill means locally-supported projects to improve street safety next to a neighborhood park by reducing speed limits cannot be penalized for not also speeding up motor vehicle travel time.

Finally, the Building Safer Streets Act would shine some much-needed light on the Manual on Uniform Traffic Devices (MUTCD). This document is relatively obscure to our traveling public but has an outsized influence on safe street design in towns and cities nationwide. The MUTCD was created to ensure that the traveling public understands road signs, traffic signals, and markings, anywhere in the country—a helpful

goal. However, the current-day MUTCD contains safety contradictions and stifles innovative and locally-supported designs. Every day, people in our cities and towns suffer the consequences, sometimes tragically, because of it.

The MUTCD is not, by its own admission, design guidance. However, the implementation and administration of the MUTCD has been anything but design-neutral. To the frustration of professionals and the public alike, the MUTCD is routinely invoked to prevent precisely the same street safety improvements that FHWA itself endorses—even features as simple as crosswalks and pedestrian signals—and causes FHWA, states, and cities to contort themselves to solve problems that could be much more easily resolved through MUTCD changes.

The bill directs the FHWA to offer clarity in its process for updating the MUTCD. The Administrator will need to explain all prohibitions of specific designs or street infrastructure, including how they determined that states and local governments should not be able to apply engineering judgment and design flexibility. This provision is an important way to incentivize the adoption of up-to-date and less-restrictive guidance in cases where the evidence does not support the older rules.

The bill also requires the U.S. Government Accountability Office to study how the MUTCD is used by practitioners. This study will give FHWA and states the information they urgently need in order to create a true modern MUTCD. The GAO report will illuminate the extent to which engineers are empowered to use discretion and professional knowledge in designing streets, as well as the extent to which the MUTCD has stymied the application of that hard-earned know-how. It will also quantify the potential impacts of seeking exceptions to the MUTCD, specifically regarding project cost and timeline.

To reiterate, the Building Safer Streets Act takes much-needed next steps. This bill will help in three ways:

- First, it would remove legal and regulatory roadblocks that prevent cities, states, counties, and other entities from designing streets that save lives.
- Second, it would make proven safe design practices the norm rather than an option limited to those few jurisdictions with the time, money, and staffing necessary to get special permissions.
- Third, it would shine much-needed light on the use and interpretation of the Manual on Uniform Traffic Control Devices.

NACTO and our member cities and agencies thank this the Committee, Chair Carper and Ranking Member Capito, Chair Kelly and Ranking Member Cramer, and Senator Fetterman for taking action to clarify and update our national street safety framework. Thank you for considering NACTO's testimony in your own review of the Building Safer Streets Act. We welcome the opportunity to further discuss these priorities with you.



National Association of
City Transportation Officials

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Executive Director

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Deputy Administrator Andrew Rogers
Executive Director Gloria Shepherd
Federal Highway Administration
US Department of Transportation
1200 New Jersey Ave S.E.
Washington, DC 20590

March 20, 2023

Dear Administrator Bhatt, Deputy Administrator Rogers, and Director Shepherd,

On behalf of our 87 member transportation and transit agencies in the United States, NACTO is pleased to submit comments in response to FHWA's request for information: Improving Safety for All Users on Federal-Aid Projects.

Experience in our member cities, in other places across the U.S., and in peer countries with better safety records, show that **safe street design is one of the most critical components of a Safe Systems Approach to reducing traffic deaths**. Unfortunately, many roadblocks—including many on the federal level—prevent cities, states, counties, and other entities from designing streets that save lives.

In the United States, "highways" are commonly thought of as high-speed, limited-access roads designed for motor vehicle travel only. However, 70% of the National Highway System and Federal-aid Highway System is not limited-access, and millions of people live, walk or roll, ride bikes, take transit, push strollers, go to work, and go to school right on these roadways. **In many places, these streets are the main streets of a community—and Federal regulation and practice contributes to making them unsafe.**

Today, under current Federal regulations, it is tragically often easier to build streets that prioritize vehicles moving at excessive speeds, than it is to design safe streets that work for everyone—people walking, rolling, biking, transit transit, and in a private vehicle alike. However, **by overhauling regulations that make unsafe streets easy to build, and safe streets difficult or impossible, the U.S. can remove impediments to rapidly saving lives on some of the most dangerous streets in the country.** NACTO believes that the implementation of our recommendations to this RFI will help stem the unconscionable level of death on our roadways, and help create a transportation system that is safer for all road users.

In particular, in addition to our detailed responses below, NACTO urges USDOT to:

- **Incorporate by reference the use of all FHWA-approved urban street design guidance in Federal regulation.** The AASHTO Green Book is currently the only design standard for roadways on the National Highway System, per 23 CFR 625.4(a)(1). However, the Green Book does not provide adequate guidance for safe, multimodal designs on urban streets, and thus should not be

the only authorized design guidance for urban streets. To ensure practitioners are easily able to use appropriate urban street design guidance and to align Federal regulations with IIA (which explicitly authorizes the use of all FHWA approved guidance on city-owned streets), USDOT should incorporate by reference the following publications:

- NACTO's [Urban Street Design Guide](#)
 - NACTO's [Urban Bikeway Design Guide](#), including [Designing for All Ages and Abilities](#) and [Don't Give Up at the Intersection](#)
 - NACTO's [Transit Street Design Guide](#)
 - NACTO's [City Limits](#)
 - FHWA's [Bikeway Selection Guide](#)
 - FHWA's [Separated Bike Lane Planning & Design Guide](#)
 - FHWA's guide to [Achieving Multimodal Networks](#)
 - FHWA's guide to [Small Town and Rural Multimodal Networks](#)
- **Establish minimum standards for sidewalks and bikeways in Federal regulation and create guidelines for where Complete Street criteria should be used in all urban, metropolitan, and small-urban-area FHWA projects.** In the absence of any Federally-adopted standards for multimodal streets, the path of least resistance in Federal-aid projects is to prioritize private motorized travel. Fortunately, states have shown that there are policies, practices, and standards that can dramatically improve outcomes for Complete Street projects. USDOT can improve safety on Federally funded projects by establishing standards that ensure pedestrians' and cyclists' needs are incorporated into every design. These include: adopting rigorous Complete Street implementation directives that normalize pedestrian and bike infrastructure in all projects;¹ pedestrian and bicycle level of traffic stress (LTS) thresholds;² detailed design standards;³ creating "categorical design exceptions" for safety and all-user access needs so that a design exception process cannot be required for FHWA-recommended safety features such as pedestrian and bicycle facilities; and providing authority to jurisdictions to prioritize performance (safety and access) when design standards or operational regulations do not achieve those goals.
 - **Disallow the use of Federal funds—such as HSIP funds intended to improve road safety or TAP funds intended to improve pedestrian and bicycle infrastructure—for increasing motor vehicle capacity.** Removing excess vehicle capacity is crucial for achieving safe speeds and reducing fatal and serious injury crashes. However, even when using HSIP funds or upgrading transit, it is common for agencies to implement features such as vehicle approach lanes, lane widenings, and drivable shoulders, all of which demonstrably increase speeds. While these changes diminish safety and often degrade the crossability or bikeability of a street, they are routinely justified as safety measures. FHWA should issue guidance disallowing the use of safety funds for adding general-traffic motor vehicle lanes, widening general-traffic motor vehicle lanes in urbanized areas beyond the 10'-11' range recommended by NACTO, ITE, AASHTO, and

¹ For example, Washington State DOT adopted Complete Street directives for every project in a 2022 memo, "[Project Delivery Memo #22-03 – Complete Streets Implementation](#)."

² For example, Washington State DOT adopted pedestrian and bicycle LTS thresholds in a 2022 Design Bulletin, "[Designing for Level of Traffic Stress Bulletin #2022-01](#)."

³ Examples include Ohio DOT's [Multimodal Design Guide](#) and Massachusetts DOT's [Separated Bike Lane Planning & Design Guide](#).

FHWA, or degrading pedestrian or bicycle Level of Traffic Stress or access to transit stops. Agencies using funds intended for on-street transit should be disallowed from adding general motor vehicle capacity or widening roadways in order to retain the same number of motor vehicle lanes in transit projects. In addition, FHWA can exercise closer oversight in the early stages of project development, ensuring that funding and scoping decisions address the immediate project and the overall context to ensure that selected design interventions do not create other safety problems.

- Set clear process and time limits on state review of city projects that use Federal funds.** FHWA’s Complete Streets report to Congress notes that even with improved multimodal design standards, “different interpretations of FHWA rules can lead to inconsistency or missed opportunities in addressing safety for all users.”⁴ In effect, State DOT scoping, design, design review, and permitting process applied to Federally-funded projects create significant barriers to Complete Streets project implementation. These processes were mostly developed for large state highway and interstate (re)construction projects, and are often reasonable efforts for projects that run into the hundreds of millions of dollars. Critically, while processes are slightly different for 3R (resurfacing and less intensive maintenance) than for reconstruction or rehabilitation projects, states remain responsible for such standards, as well as their interpretation and application.⁵ Multimodal and safety projects often languish or are watered-down, especially when state guidance has not yet been updated or when state staff lack expertise in designing for urban contexts. To address this, USDOT should develop a process for allowing city design self-certification as a default practice, establish an overall process time-clock for state review of projects receiving Federal aid, and create a pre-approved standard checklist of required information for project approvals.

FHWA rightly has stated that the United States faces a crisis on our roadways, with more than 100 people killed every day—far more than our peer countries. We applaud USDOT for clearly outlining the crisis, for the collaborative approach to national safety evidenced by this RFI, and for your efforts to make U.S. roadways safer through the National Roadway Safety Strategy.

Thank you for the opportunity to comment on this important issue. We look forward to closely partnering with FHWA on this effort to help ensure America’s transportation system is safe for all.

Sincerely,



Corinne Kisner
Executive Director, NACTO

⁴ FHWA. 2022. “[Moving to a Complete Streets Design Model: A Report to Congress on Opportunities and Challenges.](#)”

⁵ FHWA’s March 2023 memo on the “[Review of State Geometric Design Procedures or Design Criteria for 3R Projects on the NHS](#)” is a helpful compilation, but does not sufficiently address the differences between urban and rural conditions.

Improving Road Safety for All Users

1. What steps are being taken by your agency (if you are commenting on behalf of an agency) or an agency you are familiar with to improve safety for all roadway users, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles? How are equity and demographic data considered?

Transportation agencies across the United States are hard at work to improve safety on the streets that they own, design, manage, and operate. Below is a representative set of project examples, and policies that transportation agencies are working on across the country:

- **Chicago, Illinois** has a number of [active Complete Streets projects](#) underway that exemplify their efforts to improve safety.
- In **Fort Collins, Colorado** the [Larimer County Urban Area Street Standards](#) includes complete streets standards. [West Elizabeth](#) is an example of a project that is aiming high with Bus Rapid Transit, a road diet, protected bike lanes, and intersection treatments to improve bike/ped crossing. [South Timberline](#) is an example of a routine project that incorporates bike/ped elements. [East Lincoln](#) is an example of a project that took a road from having no bike/ped facilities to having [everything](#) - high quality sidewalks and bike lanes with good connections to the Poudre Trail, look outs, art, and furniture.
- **Indianapolis, Indiana** has had a [Complete Streets policy in place for 11 years](#), and [updated the ordinance in 2022](#). The city has implemented a [Complete Streets worksheet](#) to follow projects through design in order to ensure compliance with the ordinance. IndyGo's Purple Line, developed in partnership with the City of Indianapolis, is one great example. Old Southside/South Meridian is another project currently in construction with a road diet, multi-use path, and bumpouts/crosswalk improvements.
- **Los Angeles, California** undertook an ambitious [Broadway Safety Project](#)
- **Milwaukee, Wisconsin** has a [Complete Streets Policy](#) passed by the Milwaukee Common Council in October of 2018. The policy states that, "The public way shall be designed, operated, and maintained to address accessibility and maximize the comfort, safety, and needs of all users, of all ages and abilities, whether traveling on foot, by using mobility aids/devices, by transit, by bicycle, or by motor vehicle, including freight/delivery." Additionally, the City of Milwaukee is committed to eliminating all fatalities and serious injuries from traffic violence. Vision Zero is a strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all. The City's upcoming [reconstruction of Walnut Street between N 12th St and N 20th St](#) is a good example of what they are trying to accomplish.
- **Philadelphia, Pennsylvania** established a [Complete Streets policy](#) in 2009 through [executive order](#). The City's Office of Complete Streets was instituted in 2017 and has grown to include almost 20 staff members. The City's [Complete Streets Design Handbook](#) was released in 2017 and is currently in the midst of an update process. Since the inception of the Office of Complete Streets, Philadelphia has built out a network of separated bikeways, coordinated on-trail projects, instituted proven safety countermeasures, and built bus lanes and other transit priority measures. The City infuses a Complete Streets mentality into projects small and large – from repaving projects to major capital projects. Their Complete Streets design work is led by a focus on a Safe Systems approach and by our dedication to Vision Zero.

- **Portland, Oregon's** [Division Transit Project](#) is BRT service that focuses on safety and improving transit and cycling for a high crash corridor in Southeast Portland
- **Raleigh, North Carolina** has taken on a number of large road safety projects in recent years, including the [Lake Wheeler Road Improvement Project](#) and [Downtown North-South Greenway Connector](#)
- **San Jose, California** has undertaken several important road safety projects in recent years, including their [10th and 11th St Bicycle and Pedestrian Safety Project](#). The city was also awarded a Quick Strike grant for four shovel-ready bicycle and pedestrian safety projects. This work is in line with several core planning documents, including their [Better Bike Plan 2025](#), their [En Movimiento Plan](#), and their [West San Jose Multimodal Transportation Improvement Plan](#)
- **Seattle, Washington** has had a [Complete Streets ordinance](#) in place since 2007. This policy requires use of a rigorous, data-driven process to evaluate the needs of pedestrians, bicyclists, transit riders, and persons of all ages and abilities when planning capital and maintenance projects. The City's Complete Streets policy has been successful in advancing the delivery of multimodal mobility and safety projects throughout the city. Recent key projects that exemplify the effectiveness of the City's Complete Streets policy include the [Green Lake Way Paving and multimodal Improvements Project](#), the [Rainier Corridor Improvements Project](#), and the [NE 65th St Vision Zero Project](#).
- Please also see comment letters submitted from the District Department of Transportation (Washington, DC), the New York City Department of Transportation, the Portland Bureau of Transportation, the Houston Department of Public Works, and the Chicago Department of Transportation for additional specific examples.

2. For agencies that have adopted Complete Streets standards or policies (or similar policies), what benefits does your agency see in developing Complete Streets? Provide examples and citations to relevant regulations, policies, procedures, performance measures, or other materials where possible.

Complete Streets policies, along with other policies like Vision Zero, are valuable for setting a strategic Safe System vision for a city. As shown in the examples under **Question 1**, cities use these policies to define everything from the process by which they evaluate the safety of their transportation network to the tools they will use to accomplish their street safety goals. Without a policy in place that has been adopted by local leaders and serves as a guiding resource for transportation agencies, it can be next to impossible to consistently implement safe streets projects over time and make any progress toward reducing traffic fatalities and serious injuries. As described in **Question 3**, though, simply having a Complete Streets policy—even one that is endorsed by local leaders—is never enough to insulate city transportation practitioners from motor vehicle-focused designed standards established at the Federal level and enforced by State DOT that require cities to water down or scrap good safety projects. A strategy for safety is critical for achieving safety goals, but without design support these policies can be hard to follow and tricky to implement.

3. For agencies that have adopted Complete Streets standards or policies (or similar policies), what challenges has your agency experienced when implementing your Complete Streets policy?

- **Anonymous City 1** reports that their state blocks any project it reviews that reduces motor vehicle capacity or conflicts in any way with the AASHTO Green Book. Their state project prioritization

process allocates the overwhelming majority of transportation money to [motor vehicle] travel time reliability at expense of all other goals.

- **Anonymous City 2** reports that on a recent project on a state-owned road, their state used a design variance (from their Design Policy Manual) to reduce a bike lane from 5' minimum, to 4'. The state did not follow regulations and standards (specifically, 5' minimum from AASHTO Bike Design Guide), despite pushback. Stronger protections need to be in place in the regulations to follow the standards equally for both cars and other modes' design features. This issue could be resolved through national standards, which would add Federal oversight to such decisions.
- **Anonymous City 3** reports that their state's implementation of the HSIP program strictly requires HAWK signals to meet the MUTCD guidance in order to be counted towards benefit and does not allow the City to use FHWA STEP guidance to facilitate their installation. This has delayed funding of at least one project.
- **Anonymous City 4** reports that they encounter challenges working with the state DOT on projects located on state highways running through the city. There, per state code, the state DOT has jurisdiction over all channelization and intersection control changes that occur between the curbs or roadway edge lines on these routes. The state DOT has also more stringently applied MUTCD standards on proposed projects on state highways that have slowed several community requested safety improvements. In two recent cases, the City had to aggressively petition the state DOT to permit the City to install new pedestrian crossing signals on state highways that serve as key connections to adjacent schools and crossings for neighborhood greenway routes. These signals did not meet the MUTCD 4F warrants for Pedestrian Hybrid Beacons at the time they were installed, but are expected to attract new pedestrian and bicycle trips once the neighborhood greenways are completed. These signals were eventually permitted as "pilot" installations.
- **Anonymous City 5** has experienced issues on a number of projects:
 - On one recent project on a state-owned road, a desired pedestrian crossing did not materialize because it did not meet warrants for pedestrian crossing and it is a high speed road. The State DOT has added it to the next round of speed limit reviews the City is hoping for speed management at this site, since at its current speed a pedestrian crossing would have to be a HAWK signal.
 - On another project on a state-owned road on the NHS, State DOT modifications to the right-of-way authorization process led to significant delays in beginning right-of-way acquisition.
- **Anonymous City 6** reports many compounding issues:
 - State DOT review timelines are too long and slow down projects as the City awaits their feedback. These reviews are typically primarily focused on peak hour vehicle LOS/traffic analysis, which can often block or water down needed safety improvements.
 - Sight distance standards are a continuing issue that comes up on parking-separated bike lane projects. At many intersections throughout the City, parked cars create suboptimal sight distance. This is accepted as a necessary evil until the introduction of a separated bike lane, at which point sight distance suddenly becomes a vital need. This creates an unfair double standard where the introduction of bike lane projects lead to large clearance of parking that is not required on projects without separated bike lanes.
 - State vehicle code indicates that speed limits must be established within 5 mph of the 85th percentile speed with few rare instances where it may be reduced up to 10 mph. This

- overreliance on 85th percentile speed keeps the City from instituting desired safe speed limits in accordance with NACTO's *City Limits* guidance.
- The State DOT's review of a recent transit project has delayed the project by five months. The installation of digital kiosks necessary for broadcasting next-bus information on the Federal-Aid network has proven controversial on the grounds that they might violate the Highway Beautification Act, as well as other Federal regulations that flow from the Act. The City has forwarded the State DOT substantial engineering, legal and best practice research. To date, the State DOT has not communicated a timeline for review of the City's findings. There is a concurrent phase of this project that is currently under design, which is Federally funded. Depending on the State DOT's decision on the kiosk controversy, kiosks will need to be removed from this project. This would not only modify the project, but also weaken the City's ability to communicate basic next-bus and system alerts information to riders.
 - The state's HSIP program is often used for expensive traffic signal equipment projects. These projects are instituted via HSIP by calling out the installation of countdown ped signals as the safety improvement. While this city agrees that countdown ped timers are a safety improvement, the large price tag of signal equipment means large sums of HSIP money are used on something that is primarily for traffic signal maintenance and technology upgrades.
 - Accommodations for vulnerable road users are rarely addressed with bridge projects, particularly the bridge approaches (state and city-owned streets).
 - In one instance, the state DOT took out center medians on a state-owned road, which resulted in an increase in crashes and several broken signal poles. The city ended up footing the bill to replace the mast arms.
 - The State DOT does not maintain ped/bike infrastructure on state roads. If ped/bike infrastructure is added to a state road, the state DOT will then only maintain to the limits of the general use travel lanes, leaving the rest of the street (with the ped/bike infrastructure) for the City to now maintain.
 - **Anonymous City 7** provided several examples:
 - One instance where a Safe Systems Approach was weakened was the rejection by the State DOT of a 10-foot wide travel lane next to an 8-foot wide parking lane. The reasoning was that the parked car needed a 3-foot buffer on both sides to safely operate. The additional space needed was recommended to be taken from the bike lane width and buffer space. The result is more comfort (and more speed) for auto traffic at the expense of the proposed bike accommodations.
 - Applying features to manage speed and reduce reckless driving continue to be an obstacle in working with the State DOT. When building an All Ages and Abilities network, it is essential for the safety of all users to manage vehicle speeds through vertical or horizontal means. Several cases involve projects on state signed connecting highways and on the National Highway System.
 - Another example is the requirement to design roadways based on the design year (20 years after construction) peak hour volumes. This results in the design and construction of a number of travel lanes, turn lanes, and turn lane lengths based on one or two hours per day over 20 years in the future. This overbuilt roadway results in higher vehicular speeds,

- reduced bike and pedestrian facilities, increased impervious surface and stormwater collection costs, reduced green space, and increased urban heat island effect.
- In many instances, exclusive left turn lanes are required by the State DOT where the City doesn't feel they are needed and at very long lengths. This takes away space that could be used in a multimodal way.
 - In some instances, the City gets into very lengthy and complex debates with the state DOT about best use for limited space
 - **Anonymous City 8** reports issues across several areas:
 - **Speed Limit Reduction** (State Jurisdiction, NHS and non-NHS) - Project implementation has been slowed down due to the requirement to perform a speed study in order to post a reduced speed limit. Since State DOTs are given the authority to determine what constitutes a speed study in most cases, in practice states set speed limits even within many cities whose laws might set a different default speed.
 - **Intersection Design Study Requirements** (State Jurisdiction/Intersections with Local Roads) – the State DOT requires a capacity analysis and detailed intersection design study for any change to capacity or perceived change to capacity at an intersection that includes a State Jurisdiction Route. This includes minor changes like eliminating a slip lane or shortening a turn lane (State Routes Only).
 - **Public Meeting/Community Engagement Requirements** (Local Jurisdiction) - Major multimodal projects have been slowed down or halted due to IDOT requiring additional public engagement beyond any documented requirements. CDOT has been required to respond in detail to a single individual opposed to a project even after exhaustive community engagement. It is very easy for one actor (bad-faith or otherwise) to slow down a project on the grounds of need for more community engagement.
 - **The Texas Transportation Commission** denied **San Antonio's** [request to reduce lanes on Broadway](#), citing a reduction in LOS on the roadway with the introduction of dedicated bicycle lanes and wider pedestrian sidewalks. The roadway was in the middle of a "turn-back" effort, and a portion of it is owned by TxDOT. However, notwithstanding the public voting on the funding of the \$40m+ project with a bond, TxDOT has taken the \$28m federal funds from the project.
 - **In Portland, Oregon** the MUTCD's restrictions on bike signals and the prescribed use of sharrows continues to be an issue for some of their projects on city-owned streets. These restrictions place limits on geometric design options, even though the MUTCD is not a design standard. These and related restrictions in the MUTCD often conflict with best practices including the recommendations of FHWA's own design guidance.
 - **Indianapolis, Indiana** reports that Complete Streets projects are often slowed down, due to NEPA interpretations. While NEPA is a critical regulation for protecting natural and cultural resources, the problem lies in the amount of documentation needed and review time required when a project is low or no impact. Most of the City's projects are within existing rights of way, within the existing built environment. The Programmatic CE of ~2008 for certain pre-approved project types was a step in the right direction, the Programmatic CE has since grown into something that requires thousands of dollars to prepare and months for INDOT to review. The costs of these reports take away funds that could be used for actual safety improvements. An unexpected historic property (not impacted) could cost thousands and delay the schedule beyond their programmed date, resulting in either losing the funding entirely, or cutting vital improvements from the scope.

4. For agencies that have adopted Complete Streets standards or policies (or similar policies), but have not adopted an alternative classification system, how do you identify the appropriate context(s) for the application of a complete streets design model? Under what types of circumstances have you found the development of Complete Streets to be inappropriate?

Complete Streets policies are intended to cover all streets and roads except for limited-access highways. It is important to cover all urban, suburban, small-town and developing areas including those zoned for future urban or suburban development, as well as places within walking and biking distances of those areas, rural transit service routes and the streets that connect the destinations, and so forth. For example, [Austin, Texas's Complete Streets Policy](#) clearly specifies the universal application of the policy, and explains that freeways do not accommodate people walking just as pedestrian-only streets or shared-use paths do not accommodate motor vehicles.

It is important to pair a street's **functional classification**, which deals with movement and flow, with its **context**, which deals with place. Each arterial, collector and local classification should be paired with its contextual surroundings, which range from rural to suburban to urban core. Context sensitive design standards should then be applied to each value.

5. To inform decisions on street design, some agencies have adopted modal hierarchies, or alternative street classification systems, that prioritize pedestrians, bicyclists, or others on certain street types based on context. Has your agency incorporated such a hierarchy, or classification into agency policies, and if so, what benefits have been realized? Please provide a link to your documents for reference.

A large number of U.S. cities—including large cities with contexts ranging from central business district to car-oriented suburban or rural—have adopted specific standards and policies requiring Complete Streets. These include:

- **Street classification systems that go beyond functional class.** Examples can be found in the [Urban Street Design Guide](#), [San Francisco's Great Streets Plan](#), [Philadelphia Complete Streets Design Handbook](#), [Boston Complete Streets Design Guidelines](#), and [Complete Streets in Seattle](#).
- **Roadway Cross-section Reallocation: A Guide** (NCHRP 1036) provides detailed width guidance.
- **Sidewalk requirements.** Nearly universally, cities have adopted sidewalk requirements, often through both zoning and a transportation plan. Widths and standard cross-sections are used that typically include a furnishing and planting zone, sidewalk, and building frontage zone, with greater widths required in commercial areas. Examples: [San Jose CA](#), [Austin TX](#), [Houston TX](#), [NYCDOT](#), [Florida DOT](#), [WSDOT](#).
- Several cities have a **curbside prioritization policy** that specifies how curbside lane space is to be assigned—e.g., to transit lanes, bikeways, public space/widened sidewalks, truck loading, passenger loading, metered parking, stormwater capture, or storage parking—depending on the prevailing land use and whether the route is on a bike or transit plan. Examples: [Seattle Streets Illustrated](#), [Baltimore Complete Streets](#).

Design Standards for the NHS

6. How could the FHWA regulations governing Design Standards for Highways (Part 625) be revised to consistently support prioritization of the safety of all users across all project types?

Overarching revisions

Changes to regulations at 23 CFR 625 can and should shift the design process for streets towards a default of ensuring safe accommodation for all users by providing walking-inclusive designs and speed-managing designs. 23 CFR 625 currently includes or even encourages designs that encourage inappropriately high motor vehicle speeds or that fail to serve the public by excluding people walking, taking transit, or using bicycles, including older adults, children and their caregivers, youth, and people with a wide array of physical abilities.

For example, on Federally funded projects located on state highway routes located within city boundaries, the **City of Milwaukee** is required to design intersections to accommodate truck turning movements for design vehicles that would not be able to travel along the majority of their side streets, and are forced to make movements that do not occur in the real world (do not cross over painted centerlines, use all available space). This design standard impacts their ability to implement bump-outs/curb extensions aimed to slow turning speeds, reduce pedestrian crossing distances, and eliminate vehicles passing in the parking lanes. The result is more comfort for turning truck traffic at the expense of pedestrian safety.

Over the years, FHWA has issued excellent but non-binding design guidance and has removed some of the formal barriers to better geometric design, including in its revision of the Controlling Criteria. While design flexibility has supported innovation and led to many new solutions to our nation's dire road safety issues, existing design standards still disincentivize much safety work by subjecting Complete Streets projects to a large number of design exceptions. As a result, the path of least resistance in applying Federal funding is still generally to increase motor vehicle speeds and thereby increase injury risks for all users.

An important next step is to standardize the inclusion of safer design features on the NHS and Federal-aid highway projects, particularly features relevant to major streets in urban, suburban, and small urban (urbanized) areas (e.g., protected bike lanes, sidewalks, pedestrian signals, crosswalks, and refuge islands, etc.). Note that between 2016 and 2020, 34% of the traffic deaths that took place on an arterial or collector occurred on the NHS.

Specific Recommended Revisions

- Under IIJA, municipalities have the authority to use locally-adopted FHWA-recognized design guidance for Federal-aid projects on locally-owned non-NHS streets, regardless of State-adopted standards. This authority should be reiterated in 23 CFR 625.3 (a)(3), and extended to non-Interstate NHS facilities by updating 23 CFR 625.3(a)(4).
- Create "Categorical Design Exceptions" modeled on NEPA Categorical Exclusions for safety and all-user access needs. Given the gravity of the public health emergency posed by traffic deaths, it is both justifiable and imperative that FHWA create a list of project types and features that are categorically exempt from NHS standards, including state-adopted standards. This list could include 10' travel lanes (11' outside lane on transit or freight corridors), smaller curb radii, lower design speeds, pedestrian refuge islands, separated bike lanes, dedicated transit lanes, and other features that are already recommended by FHWA but are subject to the onerous design exception process. FHWA can then encourage states to adopt the same categorical exceptions.
- Revisions can and should be made to 23 CFR 625 that normalize and standardize the wide adoption of safer Complete Streets design. Specific areas for standardization include:

- **Survivable Target Speeds:** A robust Safe System Approach to roadway design sets target speeds for each facility based on the simple concept that people can survive specific types of crashes at different speeds. Freeways are designed to allow high speeds by precluding head-on collisions and right-angle conflicts and the absence of pedestrian crossings. Arterial streets have all of these conflicts, and necessitate lower vehicle speeds, or they will continue to produce high numbers of serious injuries and deaths. A target speed process would set speeds based on the types of conflicts and frequency of conflict points expected. The lowest target speeds would be for streets in which people walking or biking are not separated from motor vehicles even in cross-section, with higher target speeds available to the designer only if people walking and biking are to be separated from motor vehicles in both cross-section and at conflict points (i.e., through traffic control). This strategy is detailed for urban & suburban streets specifically in the NACTO *City Limits* guidelines.
- **Sidewalk Installation:** Standardize (i.e., require unless a design exception is granted) sidewalk installation on all Federal-aid new construction or reconstruction projects in urbanized (urban and suburban) areas. Set desired minimum widths for sidewalk and furnishing zones, using PROWAG widths as an absolute minimum.
- **Bikeway Installation:** Standardize (i.e., require unless a design exception is granted) the installation of bikeways that meet All Ages and Abilities guidance or the guidance in FHWA's Bikeway Selection Guide, on all Federal-aid new construction or reconstruction projects in urbanized (urban and suburban) areas, unless a locally adopted bike plan specifically designates a parallel route within ¼ mile.
- **Sidewalk Maintenance and Repair:** Standardize (i.e., require unless a design exception is granted) sidewalk repairs on NHS facilities undergoing 3R improvements. While pedestrian ramp upgrades are typically required through ADAAG, there has been no requirement to bring sidewalks into a state of good repair. Since the burden of sidewalk maintenance typically falls on property owners, despite being in the public right of way, sidewalks are often only upgraded during redevelopment. This process has led to extraordinary differences in the quality of sidewalks based on the economic status of neighborhoods, and has dramatically worsened safety and accessibility for blue-collar workers, people with disabilities, seniors, and youth, with the worst burdens falling on people of color.
- **§ 625.2.c** currently reads: “An important goal of the FHWA is to provide the highest practical and feasible level of safety for people and property associated with the Nation’s highway transportation systems and to reduce highway hazards and the resulting number and severity of accidents on all the Nation’s highways.” That section is inconsistent with USDOT’s Safe System Approach, which sets no “highest practical and feasible level of safety”, and rather labels deaths and serious injuries on America’s roadways as unacceptable. Part 625, and indeed all of 23 CFR, should be updated to reflect the Safe System Approach.
- **§ 625.3.a.1** currently includes a consideration of “access for other modes of transportation”. But that consideration is subsumed by the consideration in § 625.2.a to “adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance”. In other words, NHS designs can improve access for other modes, unless that improved access interferes with planned and future traffic. Corridors with high-volume

traffic are not compatible with human modes, and the best way to improve access for other modes is to reduce vehicle speed. But that fact is not accounted for in the current text of Part 625.

7. What changes to other FHWA regulations codified at Title 23, CFR are needed to equitably improve safety for people of all ages and abilities who use urban and suburban streets?

- **Adopt simple, specific design criteria** (either through regulation or technical memoranda) that standardizes the inclusion of pedestrian, bicycle, and transit facilities on NHS streets and roads. FHWA’s Complete Streets report to Congress cites the very helpful example of [MassDOT’s design criteria](#). An additional model is provided by Washington State DOT’s standard for Level of Traffic Stress for pedestrians and bicyclists, which provides specific, simple, contextual evaluation standards that could be broadly adopted.
- **Update Performance Measures to Reflect Safe System Approach.** [HSIP performance measures](#) can be improved by removing or de-emphasizing per-VMT measures, which give the roadway system ‘credit’ when people drive longer distances even if the same number of people lose their lives or their health. Instead, per-population measures such as people killed or seriously injured (KSI) per 100,000 people provide a better inter-state and inter-city comparison of system performance. Absolute KSI numbers are still useful, and percent decreases in KSI are useful for time-series comparison. FHWA could set a goal of moving to per-trip safety measures, which would complement the population measures without introducing a ‘sprawl bonus’.
- **Update CMAQ Excessive Delay** measure to stop ‘shaming’ states for having slow traffic per the [CMAQ performance measures](#). “*Excessive delay* means the extra amount of time spent in congested conditions defined by speed thresholds that are lower than a normal delay threshold. For the purposes of this rule, the speed threshold is 20 miles per hour (mph) or 60 percent of the posted speed limit, whichever is greater.” Thus, a signalized urban street whose speed limit is 25 mph and whose average travel time is approximately half that speed will always be considered congested under that rule.
- **Introduce the minimization of excessive speed** as a performance measure. States should report the number of segments that routinely have 95th percentile speeds more than 10 mph over the speed limit *or the target speed for that facility type based on an injury-minimization speed policy*. States would then set targets for reducing these dangerous excess speeds.
- **Enforce fair representation in MPOs.** MPO composition should comply with basic proportional representation rules. Under 23 CFR 450.310(d), MPOs are required to consist of local elected officials, transportation/ transit officials, and ‘appropriate’ State officials. In practice, MPOs are often [structured regressively](#),⁶ resulting in Federal planning funds, and, in many cases, program funds, being distributed by unrepresentative bodies in which urban populations are systematically given less weight than suburban and quasi-rural areas within the metropolitan region. Population-weighted MPO voting is an alternative worth exploring.
- **Protect people walking and biking during construction.** Regulations on Traffic Management Plans in [23 CFR 630](#) do not discuss protection of non-motorized travelers.
- **Match project development process, design review, and standards applications to project scope.** Cities and many states are eager to scale up the application of low-cost design measures,

⁶ Sanchez, Thomas. 2006. “[An Inherent Bias? Geographic and Racial-Ethnic Patterns of Metropolitan Planning Organization Boards](#).” The Brookings Institution *Transportation Reform Series*.

but are stymied in the use of Federal-aid funds due to the several layers of review faced by even the smallest projects. Many cities have indicated that the review process, especially if design exceptions are involved, results in study costs that exceed implementation costs—often by several hundred percent. Projects of limited scope that correct some, but not all, safety issues or substandard conditions should not be subject to the same extensive study and review that might otherwise be applied to major construction.

- For example, **on city that asked to be anonymized** reports that there, **Federal processes and requirements don't adjust based on the scale of projects**. In order to move quickly to address known safety and accessibility issues, the city DOT often ignores opportunities for Federal funding because it slows projects down. They can't respond to the traffic crash trends that they're seeing nationally given the timeline of projects that receive Federal funding.
- **Enable city design self-certification as a default practice.** FHWA can work directly with state-city pairs and empower State DOTs to use their authority to let cities and counties self-certify their street designs. This is particularly important when State guidance has not yet been updated or when State staff lack expertise in designing for urban contexts. For example, Los Angeles has self-certification authority from Caltrans, and [Chicago recently entered into an agreement with IDOT](#) to allow self-certification on specific geometric features including lane width and curb radius.⁷ These agreements can and should become widely applied models. FHWA can provide a standard form for doing so and promote it with state representatives. Especially in the context of the IJJA's directive that locally adopted FHWA-recognized guidance is the standard for city-led projects on city streets, it is clear that FHWA has the authority to do so.
- **Expedite the use of Federal funds by creating a pre-approved standard checklist of required information for project approvals.** Today, states and cities are forced to interpret the legal language of Federal procedures, and each state creates their own design review, environmental, and procurement approval process to administer these Federal requirements. Instead, cities and other subrecipients should be given a standardized checklist that includes all required information for project approvals.
- **Create distinct urban and rural guidance on traffic growth.** An increase in motor vehicle volume on urban and suburban streets is not inevitable, and Complete Streets planning allows higher volumes of people to be moved in existing street footprints. FHWA can adopt specific metrics that support complete networks, such as a Street Connectivity metric, which is proven to be linked to better safety performance.
- **Operationalize the legal requirement that Federal-aid projects not disrupt pedestrian and non-motorized access and safety.** By combining route directness measures for pedestrians and bicyclists with Level of Traffic Stress (LTS) or FHWA's STEP guidance on pedestrian crossings, FHWA can determine whether a project will improve or degrade safe access across streets and roads. For example, a project that makes a street or road more difficult to cross by either adding lanes, increasing design speed, posted speed, or high-end speeding, or increasing motor vehicle volume would be required to add STEP-approved pedestrian crossings at existing unsignalized intersections.

⁷ Illinois DOT and Chicago DOT. 2023. "[Memorandum of Understanding to Collaborate on Traffic Safety Infrastructure](#)."

- **Reframe the *Manual on Uniform Traffic Control Devices (MUTCD)*** as a proactive, multimodal safety regulation. Cities maintain that the *MUTCD* continues to be the primary regulatory document preventing the implementation of safe streets elements on urban streets.

8. What changes to other FHWA regulations codified at Title 23, CFR are needed to equitably improve safety for people of all ages and abilities who use rural roadways, including in rural towns?

Standardize or require separated shared-use paths or equivalent facilities along NHS corridors in inhabited rural areas. Require shared-use paths or equivalent facilities within 25 miles of metropolitan area boundaries, and within 3 miles of micropolitan area boundaries. In and near rural towns, standardize maximum allowable design speeds and set detailed speed management guidance.

9. What, if any, elements of design are not adequately covered by the existing design standards in Part 625?

- Urban intersection design, which has progressed significantly in recent years.
- Access metrics are missing from the design standards in Part 625. Access metrics, such as measures of destinations reachable by transit+walking or transit+biking in a given time period on facilities that meet a specific safety or level of stress threshold, are increasingly used to operationalize the concept of destination access for performance-based planning. FHWA's work on this area with MPOs and states is promising and can be developed into a way of evaluating whether NHS projects (or regional plans as a whole) are in fact serving the need of creating complete networks for all users. These metrics are a way to operationalize equity in transportation planning by allowing real comparisons among the opportunities provided by the transportation systems to different population groups or geographic areas. Route Directness Indicators and LTS for pedestrian and bicycle trips are likewise applicable on a project-by-project basis.⁸
- **Guidance on target speeds for urban conditions.** For example, the 7th Edition of the AASHTO Green Book describes design speeds up to 45 mph as 'typical' for urban arterial streets (Section 7.3.2.1 Design Speed). While this may be true, it is important to provide guidance that reduces these speeds to levels that are survivable in the conflicts expected on such streets. See NACTO *City Limits*.
- **Pedestrian Level of Traffic Stress threshold and a Bicycle Level of Traffic Stress thresholds.** U.S. streets are in need of a pedestrian and bicycle facility standard. To meet this need, FHWA can adopt a Level of Traffic Stress threshold for walking or biking on all Federal-aid projects as well as all projects on the NHS. Following [the model used statewide by WSDOT](#), FHWA could adopt LTS 2 as the standard and require roadway owners using Federal-aid funds to meet Pedestrian/Bike LTS 2 or better. Replacing or building an LTS 3 condition or worse would require a design exception. While this standard should ideally apply to all non-freeway facilities, it may be necessary to restrict its application to urban and metropolitan areas. If rural areas are excepted from this standard, it is important to include small towns and micropolitan areas, as well as roads close enough to an urban area that urban growth might occur.
- Pedestrian and Bicycle crossing standards for NHS and Federal-aid streets. The FHWA STEP guide provides a good starting point, which can be adopted as a standard and enhanced with

⁸ Examples include [Access Across America](#) (University of Minnesota) and the [Transit Center Equity Dashboard](#).

provisions related to the acceptable distance between STEP-approved crossing points in various developmental contexts.

- Standard inclusion of **sidewalks and other pedestrian facilities or walking/biking/micromobility facilities** such as urban shared use paths. The existing adopted standards recommend sidewalks in some settings but do not consider them standard (e.g. Green Book 7, section 6.3.2.9). The lack of standards permit too much latitude to avoid making improvements to sidewalks even in urban and rapidly urbanizing settings.
- Standard inclusion of **bikeways**, especially urban and suburban separated bike lanes (protected bikeways/cycle tracks) or other facilities that meet the FHWA [Bikeway Selection Guide](#) or NACTO [Designing for All Ages and Abilities](#) requirements. The lack of Federal design and traffic control standards specific to separated bike lanes can easily result in the downgrading of bike projects, resulting in facilities insufficient to protect the traveling public or to achieve FHWA's goals. The NACTO *Urban Bikeway Design Guide*, Ohio DOT *Multimodal Design Guide*, and MassDOT *Planning and Design of Separated Bike Lanes* all address this issue.
- **Transit** system elements, including transit lanes, stops/stations, shelters, and safe design of streets to support transit access such as pedestrian and bike networks on non-limited access roads. As noted in the FHWA's Complete Streets report to Congress, these elements are discussed in depth in the NACTO [Transit Street Design Guide](#).
- The accessible, walkable, bikeable design of sidewalks and trails as they cross **driveways**.

10. What specific provisions of Part 625 present an obstacle to equitably improving safety for people outside of vehicles, and why?

As noted by FHWA in the Complete Streets report to Congress, the ambiguity of the provision that all designs for NHS projects, "adequately serve the existing and planned future traffic of the highway" leads many to assume that an increase in motor vehicle traffic volume is the primary issue to be addressed by design. FHWA and Congress have made it clear that they do not intend this interpretation, and should rewrite the clause to clearly explain the need to provide safe, quality facilities to all users.

The provision in 23 CFR 625.3(a)(4) specifying that states 'may' allow cities to use adopted guidance on Federal-aid projects is now out of date, as the IIJA explicitly and clearly provides that states shall permit cities to use FHWA-recognized guidance on non-NHS streets.

Another major obstacle to equitably improving safety for people outside of vehicles in the provisions of Part 625 is that the Standards, policies, and standard specifications listed do not provide detailed guidance on bicycle and pedestrian infrastructure. The Standards, policies, and standard specifications listed are also not freely available to the public, which prevents the public from meaningfully engaging with decision makers about the application of those standards. From their development to their publication to their use, the provided standards lack "just and fair inclusion" that might lead to equitably improving safety.

11. Are there additional documents that FHWA should incorporate by reference in Part 625 to better facilitate the context-sensitive design of streets that safely serve all users? Please identify the documents and describe why they should be referenced in the regulation.

- NACTO's [Urban Street Design Guide \(USDG\)](#) is an [FHWA-recognized](#) resource that provides concrete guidance for improving the safety and livability of urban streets for pedestrians, bicyclists, drivers, and transit users. It has been endorsed by dozens of cities, states, and

organizations, and is used in cities across the United States. It is important to note that since the *USDG* applies only to streets and not to high-speed or limited-access facilities, it is fully consistent with existing NHS standards and guidance such as the Controlling Criteria and the 7th Edition of AASHTO's *A Policy on Geometric Design of Highways and Streets*. Further, since the *USDG* serves as design guidance rather than traffic control guidance, its application is compliant with the *MUTCD*, which it references. ADAAG and PROWAG standards are also not in conflict with the *USDG*, and it directs readers to use the prevailing accessibility standard for their jurisdiction. NACTO has compiled detailed comparisons of the *USDG* to other standards in the past, and is happy to do so again if requested by FHWA.

- NACTO's [Urban Bikeway Design Guide](#) is an [FHWA-recognized](#) resource that provides concrete guidance for designing safer, more attractive, and sustainable streets that accommodate and encourage bicycling. The guide details the design of conventional marked bicycle lanes, with and without buffers, and provides extensive guidance for protected (separated) on-street bikeways. The designs presented in the guide have demonstrated success in the vast number of cities that have used them. They are fostering safer and more comfortable riding conditions which have attracted unprecedented numbers of bicyclists diverse in age, gender, disability status, race, ethnicity, income, skill level. Perhaps most importantly, the designs have proved effective in reducing car-bicycle conflicts and crashes as well as pedestrian injuries and even motor vehicle occupant injuries lowering both crash-related injury and death rates.
- NACTO's [Designing for All Ages and Abilities](#) and [Don't Give Up at the Intersection](#) guidance, addenda to the NACTO *Urban Bikeway Design Guide* that are also peer-reviewed provide detailed drawings and guidance on how to accommodate a broad range of users depending on street typology and context, and how to effectively continue bike infrastructure through intersections to keep people on bikes safe at our streets' riskiest junctures.
- NACTO's [Transit Street Design Guide](#) is the only resource of its kind that guides transit agencies and street departments to create safe, accessible streets that accommodate on-street transit. The *Transit Street Design Guide* is a blueprint for the future of mobility in cities, providing the key for unlocking street space and safely moving people to where they want, and need, to be.
- NACTO's [City Limits](#) guidance provides practitioners with guidance to reduce speed limits in urban areas in line with their Safe System goals. Specific examples included in this letter demonstrate that the 85th percentile methodology included in 23 CFR (via the *MUTCD*) is preventing practitioners from reducing speed limits on high-crash streets, and in some cases is causing delays and cost overruns. Rather than using existing speeds, the *City Limits* method details how to establish appropriate speed limits based on conflict-point density, anticipated activity levels, and the degree of separation or protection provided to all users. Adopting this methodology would streamline the process and allow practitioners to set speed limits in line with safety goals. The methodology can also be used to check the appropriateness of a design speed/target speed, given these same conditions.
- The following additional resources also provide contextual guidance for bike and pedestrian accommodations on urban and rural streets, and should also be incorporated by reference into Title 23 CFR 625 in order to authorize their use on the NHS and Federal-aid projects:
 - FHWA [Bikeway Selection Guide](#)
 - FHWA [Separated Bike Lane Planning & Design Guide](#).
 - FHWA [Achieving Multimodal Networks](#) guide.

- FHWA [Small Town and Rural Multimodal Networks](#) guide
- NCHRP 1036: [Roadway Cross-Section Reallocation methodology](#)
- ITE's [Designing Walkable Urban Thoroughfares](#)
- Ohio DOT Multimodal Design Guide
- MassDOT Separated Bike Lane Planning & Design Guide
- Washington State DOT Design Bulletin on Designing for Level of Traffic Stress
- Washington State DOT Memo on Complete Streets Implementation
- Florida DOT's [Bikeway Design Standards](#)
- Florida DOT [Context Classification Guide](#)
- [San Francisco Better Streets Plan](#)
- The Public Right of Way Accessibility Guidelines should be incorporated by reference, along with pedestrian LTS and bicycle LTS guidance, to provide designers with specific parameters for ensuring accessibility.

12. Does Part 625 create any impediments to developing projects that meet the goals of your agency? If so, what goals are impeded, what are the impediments, and how would you suggest the regulation be revised?

Part 625 adopts by reference the 7th Edition of the AASHTO Green Book. While this edition advances several important topics, including the development of context zones, and future editions may also better address bike and pedestrian mobility, the Green Book is and is likely to remain a motor vehicle-focused design standard for U.S. streets. The Green Book is useful for non-town rural highway design and for freeway design, where consistency is key to the goal of reducing the risk of high-speed travel. However, U.S. design standards have always struggled with urban settings. If intermediate NCHRP products are any indication, the 8th Edition of the Green Book may also struggle in urban and urbanizing conditions, in particular with questions of the allocation of the right-of-way or when access is just as important as throughput. Simply put, long-distance private motor vehicle traffic trips are prioritized over more common local trips, even within the contextual functional class system. But safe access along and across roadways, including for drivers, is a primary role of all urban streets. This mismatch between standards and project goals presents problems for jurisdictions and practitioners attempting to use Federal funds to add or improve pedestrian, transit, or bicycle facilities on NHS and Federal-aid streets. Several specific barriers include:

- Lack of clear guidance that 10' -11' lanes are preferable in urban environments. Since previous editions actively recommended 12' lanes in nearly all conditions, which encourage speeding and have negative effects on all-user safety, there is a need for more specific guidance to use narrower lanes.
- "Clear zone" clauses, which recommend "removing roadside objects or making them crashworthy." This means removing trees, light poles, or anything along the side of the road that vehicles might crash into, therefore making pedestrians and those on the side of the road more vulnerable.
- Peak Hour, Traffic Capacity and Level of Service (LOS) practices. In the absence of positive guidance from FHWA interpreting what is meant by "adequate to serve existing and future traffic," the guidance provided in the adopted-by-reference Green Book standard remains an unfortunately widespread practice even in the design review process. The Green Book describes a typical method of projecting traffic 'growth' 10 to 20 years into the future, estimating the vehicle

demand at the busiest 15 minutes of the busiest hour of the average weekday, and attempting to design enough vehicle capacity that LOS D can be provided in urban and suburban areas—the equivalent of no more than 35-55 seconds of delay for each vehicle at a signalized intersection. This benchmark and the many practices associated with it, codified in the *Highway Capacity Manual*, is frequently taken as a maximum acceptable level of vehicle ‘delay.’ FHWA can go further to limit the application of vehicle-only LOS in urban areas.

The Green Books standards around Functional Class and Networks also create impediments to developing Complete Streets projects. Street network decisions have a close relationship with the viability of transit as well as the resilience and total capacity of the street network for drivers. Generally, closely-spaced grids support walking and transit as well as bicycling for transportation, and relatively more productivity per acre, while disconnected networks within widely-spaced arterial grids support the opposite.

Substantial evidence shows the advantage of using connected grids of small and medium-scale streets if urban or suburban densities are anticipated, rather than the conventional postwar one-mile-square arterial grid. While access management concepts are important, the notion that major streets should provide little to no access to destinations is not effective in urban settings. Instead, grid development or restoration should be the goal of Federally-funded projects in urban areas. This practice relieves the pressure of a single facility to provide all throughput for all modes. NCHRP 855 begins to address re-linking cul-de-sacs in the non-motorized network, but does not provide guidance on the creation of grids. Even if this is usually a county or municipal responsibility, state-oriented guidance must support this work.

Jurisdictions cannot now recreate successful existing streets or learn from design innovation without obtaining permission through a potentially very lengthy, multi-level design review process. Well-performing streets around the country have features considered substandard or not recommended by the Green Book, despite having significantly better safety performance outcomes than many facilities that do meet existing Green Book 7 standards. When participating in Federal-aid projects, cities and states alike face the conundrum that the new design meet such ‘standards,’ some of which stand in direct opposition to pedestrian and bicycle safety or the success of transit service. Unless the regulation jettisons the concept of a standard, it will be necessary for FHWA to adopt guidance that includes a variety of lower-speed, urban-area design options for every type of street, regardless of vehicle network role or functional classification.

Operationalizing innovation in guidance is not easy, but FHWA, NACTO, and the cities and states themselves all have methods at their disposal to add ‘developing standards’ or design features that are not yet part of the full standards and manuals. For example, FDOT issues ‘developmental standards’ as needed, between editions of their state design manual; many states issue technical memoranda addressing new design features or even policy requirements. FHWA does as well, and can use such memoranda to temporarily amend the NHS and Federal-aid highway design standards without resorting to a full rulemaking.

Safety Performance Assessment Applicability

13. For which current projects (i.e., by improvement type, funding program/level, facility type, etc.) are safety performance assessments or analyses conducted in your State?

N/A

14. To what extent is the safety performance assessed on non-HSIP funded projects?

Most cities that use performance assessments (such as road safety audits, basic crash data analysis, conflict observations, and excess speed measurements) apply these techniques regardless of the funding source of the project. More typically, they are applied to any project, regardless of type or funding source, on a high-injury corridor or at a high-injury intersection.

15. What policies or procedures on conducting project-specific safety performance assessments and analyses does your agency have? Provide examples and citations to relevant laws, regulations, policies, procedures, or other materials where possible.

A common feature of international Safe System Approach efforts is a strong emphasis on the need for slower speeds due to the reduced kinetic energy that comes with slower speeds. The FHWA has correctly made Safer Speeds one of its five objectives of the National Roadway Safety Strategy, but only ten states have an emphasis area on speeding/aggressive driving according to the FHWA's Strategic Highway Safety Plan database (<https://rspcb.safety.fhwa.dot.gov/shspsearch/statesearch.aspx>).

Even within states with an emphasis area on speeding, many prioritize education and enforcement over taking a holistic approach to speed management. It is very rare for jurisdictions to consider how much of their roadway network is higher speed or set goals to achieve the recommendation of the World Health Organization that calls for speeds of 20 miles per hour (mph) where people biking and walking regularly mix with motor vehicles. Prevailing attitudes and procedures in the United States embrace the 85th percentile approach to speed limit setting rather than an injury minimization approach, making it difficult or impossible to reduce speed limits to 20 mph in many states. Implicit and explicit barriers to lower speeds exist in many states, with explicit barriers to 20 mph speed limits existing in at least Vermont (23 Vermont Statutes Section 1007), Georgia (Georgia Code 40-6-182), Massachusetts (Massachusetts General Laws Part 1, Title 14, Chapter 90, Section 17C), and New Hampshire (New Hampshire Statutes Section 265:63).

Conducting a Safety Performance Assessment

16. What methods, tools, and types of safety performance assessments are used to analyze project-specific safety performance? What are the minimum data and analysis requirements that should be considered on how to conduct a safety performance assessment?

Methodologies currently in use include:

- The [City Limits method](#), which provides an actionable, easy system of categorization of streets based on their activity levels, density of conflict points, and degree of separation/protection of modes and movements along the street and at conflict points. Rather than attempting to predict exact crash rates, this tool uses the known relationship between crash injury outcomes, conflict types, and speeds to provide a method for speed limit (and target speed) setting based on the Safe System Approach.
- Crash Modification Factor-based analysis. Limits include a lack of research on cumulative effects or interaction among design features; FHWA has flagged this concern in the Complete Streets report to Congress.

- Examples include the [SAFID chart](#) in intersection selection; primarily written for rural and lower-density urban conditions where land acquisition is possible, but its principles are also applied to urban street redesign projects using a 'narrow segment, wide node' method. Most of these designs prohibit or block some or all left turns at the primary intersections, a technique also applicable in many urban settings.
- 5-year crash data when evaluating before-after safety improvements on a specific project or across a city (See, for example: **Fort Collins, Colorado's** [Safety in the City](#) report)
- Conflict counts, which have become significantly more feasible as video analysis and detection have progressed.
- High-end speeding/percent of drivers exceeding the target speed by 5-10 mph or more.
- Detailed crash review for fatal and serious injury crashes, on specific streets or across a city (See, for example: **Chicago's** [High Crash Corridor Framework Plan](#), which prioritizes projects according to high-crash intersections; and **Portland, Oregon's** [High Crash Network \(HCN\)](#), which is also used to prioritize projects)
- Severity / risk evaluation for corridor alternatives
- HSM modeling is in use in some cities. However, the assumptions in the HSM method make it difficult to apply to existing urban-core and urban neighborhood streets.
- Before-after vehicle speeds and volumes.
- Quantitative stakeholder input, including on-street intercept surveys.
- Qualitative stakeholder input on usability, including formal qualitative research such as focus groups.

Detailed example from **Milwaukee, Wisconsin**: [Wisconsin DOT uses a Safety Certification Process \(SCP\)](#) adopted from AASHTO Highway Safety Manual (HSM) analysis methods and an economic appraisal process on federally funded projects located on state highway routes within the boundaries of the City of Milwaukee. WisDOT's SCP uses network screening tools to identify locations that experience more crashes than similar sites; therefore, they have a higher potential for safety improvement. These "safety sites of promise" are then subject to a crash vetting process, predictive crash modeling, and economic appraisal (benefit-cost) methodologies, to identify and evaluate design alternatives. Additionally, The City of Milwaukee is developing a Complete Streets Handbook, which will include process and policy improvements around project evaluation, including safety performance. For most projects (other than routine maintenance), the City will collect and evaluate before/after crash data, with a focus on severe crashes (K and A) and crashes involving people walking and biking. On transformative investments or corridor projects the City also collects and evaluates motor vehicle speed data to measure speed decreases.

17. With whom do States engage (i.e. counties, cities, MPOs, rural planning organizations, and other political subdivisions) when assessing safety performance? How do States engage the public or use the safety performance assessment results to communicate to the public using inclusive and representative processes?

N/A

18. How are safety performance assessments integrated into the overall project development cycle? At which stage(s) of the project development process (e.g. planning and programming, environmental analysis, design, operations and maintenance) are project-specific safety performance

assessments conducted? Are evaluations conducted after the project has been implemented?

Responses may include examples of projects where safety performance assessments were conducted and how they informed the final project deliverables.

One example is [New York City DOT's Safety Treatment Evaluation \(2005-2018\)](#), which shows injury and KSI reductions for many safety treatments including: Road Diets, Protected Bike Lanes, Pedestrian Islands, Curb and Sidewalk Extensions, and LPIs

19. How is safety performance assessed or considered at the system level planning or early transportation project identification/prioritization stage? How is network screening used to inform project decisionmaking?

The identification of high-injury corridors (often referred to as a high-injury network or HIN) has greatly assisted cities and other jurisdictions in prioritizing their limited safety improvement funds and, just as importantly, in coordinating the efforts of many distinct areas of practice ranging from signal engineering to geometric design. These corridor-based and sometimes neighborhood-based high-injury areas are especially important since agencies need to apply their resurfacing and markings efforts and signal operations work to these high-injury corridors. Notably, these are not lists in ranked order of which street will be improved first, but rather serve to make specific streets eligible for additional attention. Some cities prioritize the HIN in all project decisions, such that bicycle network projects or signal retiming projects are more likely to move forward if they are also on a high-injury corridor. Some cities also use their high-injury maps to screen the many public requests for street improvements that cities receive. For example, a city might prioritize the high-injury network in its speed hump program or its markings refurbishment program, and when receiving requests for such work, they would prioritize those streets on the HIN.

In most cases a simple metric can be used to identify the HIN. Severe injuries & fatalities per mile of street is a common measure. It is also often helpful to screen for streets with a high pedestrian/non-motorized injury rate per mile of street. The street mileage denominator is used in place of VMT or person-miles traveled because the goal is to reduce the total injury 'production,' rather than attempt to equalize risk to an average. Especially in the absence of real systemwide exposure data for people walking or biking, it is important to avoid using trips as a denominator. Additionally, streets are typically not compared within classifications or categories, but are compared to all streets within a city. This method is more consistent with a Safe System Approach because it avoids 'excusing' or ignoring streets that might produce slightly fewer injuries than other arterial streets but generate far more injuries than local streets.

Safety Performance Assessment Process Evaluation and Outcomes

20. What indicators or measures have been used to determine the effectiveness of safety performance assessments?

N/A

21. To what extent is the safety performance assessment or analysis used to inform project decisionmaking? How is safety performance weighted in relation to factors such as environmental impact or traffic congestion? Are there requirements to include countermeasures or evaluation of alternative designs that are expected to improve safety performance? If yes, please provide examples

of the requirements or projects where the safety performance assessment led to the implementation of countermeasures and strategies that improved safety performance.

Using a high-injury network prioritization program, many cities have substantially redirected their resources toward safety projects, and have directed maintenance resources to those streets. Please see responses by cities for further detail.

22. How is safety performance evaluated after the project is implemented? To what extent are countermeasures, alternative designs, or strategies to improve safety performance replicated on other projects, based on past project evaluations?

The use of timely, inexpensive data types allows agencies to assess performance in nearly real time, rapidly communicate results, and quickly learn from projects - even applying lessons to projects that will be implemented later in the same year. Several best practices in before-after safety evaluation have emerged, and more will surely be developed as experience grows. These include:

- Excess speed or high-end speeding, which can be defined as the daily number (not percent) of drivers exceeding the target speed by at least 10 mph. (e.g., 35+ mph on a street whose appropriate target speed is 25 mph.) This number is focused on measuring one of the core risk factors for a street. It is more easily understood by the public and easier for practitioners to compare from one project to another than measure the change in 85th percentile speeds, since target speeds vary from one site to another.⁹
- Total injuries and injuries by person type, comparing at least one year after implementation to three years before implementation.

Safety Performance Assessment Implementation Considerations

23. What challenges or concerns does your agency see with possible Federal requirements for safety performance assessments on certain Federal-aid projects?

- FHWA should require that state transportation departments report year-over-year safety performance targets that decrease the number of people killed or seriously injured each year and the number of people killed or seriously injured per 100,000 residents, in each mode and demographic group. FHWA should not permit increases in KSI or risk per person as a goal. Every project should have a requirement to use fair performance measures (e.g., if a projection is made of future capacity / traffic / delay, projection of future crashes / severe injuries / deaths should also be made).
- Intersection Level of Service is still widely used when assessing lane reassignment or road diets, but numerous city practitioners have indicated that it should not be. Vehicle volume is also still a "make or break" metric for projects that would reduce vehicle capacity.
- While Crash Modification Factors can be valuable, there is an over-reliance on them in the screening and prioritization process. In part due to longstanding imbalance of the allocation or research funds through NCHRP, there are many fewer CMFs applicable to urban core conditions than to the better-funded and easier-to-study freeway and suburban roadway environments.

⁹ NACTO. 2020. "[Changes in High-End Speeding](#)." *City Limits*.

- CMFs are also not available for bus boarding islands and certain other improvements that likely have similar benefits to other treatments, such as bulbouts. Cities have expressed interest in applying for grants that include CMFs in their scoring system.
- States should collect race/ethnicity data for crashes to enable cities to look into equity impacts within crash data; while MMUCC revisions might support this change, states will need support to implement it accurately.

24. What challenges or concerns does your agency see with possible Federal requirements for implementing cost-effective safety improvements resulting from safety performance assessments?

Requirements to implement cost-effective safety improvements, like other potentially beneficial requirements, may present procedural challenges on pass-through Federal-aid projects. For example, adding left or right turn lanes at unsignalized intersections are considered a safety countermeasure, but have the effect of making pedestrian crossings much more difficult. Converting a two-way-left-turn lane to a median with pedestrian refuges or prohibiting left turns also have large CMFs, and are typically more appropriate in an urban environment. FHWA would need to provide expertise, ideally both in the form of written guidance and in personnel, to oversee such a requirement.

25. What benefits does your agency see with possible Federal requirements for safety performance assessments on certain Federal-aid projects where safety may not be the sole motivation for the project? What benefits does your agency see for any Federal requirements for cost-effective safety improvements resulting from the assessments?

As most cities that use safety performance assessments already use them regardless of funding sources, a Federal requirement that also specifically directs that states provide planning funding and HSIP funding to cities to implement these assessments would have substantial benefits by expanding the number and quality of assessments that cities can conduct. Data collection, systematic observation, and site visits are not without cost, and being able to hire staff who can do these assessments is crucial. Without a requirement to assess safety there is no entry point for safety planning in many state-led projects. A requirement would go a long way to enable this.

26. What criteria, thresholds, characteristics, or other factors should States consider when determining when to conduct a project-specific safety performance assessment or analysis for projects on the Federal-aid highway system?

N/A

27. What additional resources (i.e. staff, guidance, tools, budget, etc.) would be necessary to adequately assess the expected safety performance of Federal-aid projects?

- Update Basic MIRE data elements to include sidewalks, bikeways, ped crossings, etc. <https://www.ecfr.gov/current/title-23/chapter-I/subchapter-E/part-490/subpart-B>
- Adopt a Pedestrian Level of Traffic Stress threshold and a Bicycle Level of Traffic Stress threshold for all Federal-aid projects. U.S. streets are in need of a pedestrian and bicycle facility standard. To meet this need, FHWA can adopt a Level of Traffic Stress threshold for walking or biking. Following [the model used statewide by WSDOT](#), FHWA could adopt LTS 2 as the standard and require roadway owners using Federal-aid funds to meet Pedestrian/Bike LTS 2 or

better. Replacing or building an LTS 3 condition or worse would require a design exception. While this standard should ideally apply to all non-freeway facilities, it may be necessary to restrict its application to urban and metropolitan areas. If rural areas are excepted from this standard, it is important to include both small towns and micropolitan areas, as well as roads close enough to an urban area that urban growth might occur.

- Adopt Destination Access as a system performance measurement.



**Memo in Support of the Building Safer Streets Act
November 6, 2023**

Families for Safe Streets (FSS) submits this memo in support of Senator Fetterman's Building Safer Streets Act. This legislation is so important to our thousands of Families for Safe Streets' members who know all too well the need for this life-saving bill.

FSS was founded in 2014 by the families of loved ones who were killed or injured in crashes in New York City and is now a growing national movement. Our mission is to confront the preventable epidemic of traffic violence by advocating for life-saving changes and providing support to those who have been impacted by crashes. Together, we transform our grief by telling our personal stories of trauma and loss in order to make our streets safe for everyone — because no death or life-altering injury in a traffic crash is acceptable. These are preventable crashes — not "accidents" — and the problems that cause these crashes have proven solutions.

On-street fatalities have reached the highest level in 41 years, and they increased during the pandemic despite an overall decrease in driving. Older residents, children, and people with disabilities are all more likely to be killed or injured in preventable on-road incidents. Though these deaths rarely make headlines, the thousands of lives we lose due to unsafe streets is unacceptable. Unsafe, poorly designed streets are also a significant barrier to economic revitalization, particularly in smaller cities and towns.

Yet instead of implementing proven solutions, we continue to spend money on the status quo. Many smaller communities want to engage in good street reforms, but lack the staff capacity and funding to undertake planning and fight for exceptions. This is especially true in rural towns, which merit specific designs and lack the capacity to negotiate for modified street designs that would fit their local contexts.


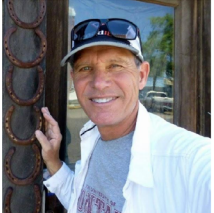
The Building Safer Streets Act would bring street design standards into the 21st century and make way for innovative, locally-sensitive street designs and improvements. It would remove regulatory roadblocks that prevent towns, counties, and other localities from designing streets that save lives. It would also

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Families for Safe Streets (FSS) confronts the epidemic of traffic violence by advocating for life-saving changes and providing support to those who have been impacted by crashes. Comprised of individuals who have been injured or lost loved ones, FSS was founded in 2014 in New York City and is growing as a national movement with chapters across the country.

make proven safe design practices an option for more than just the places with the time, money, and staffing necessary to get special permissions.

Below are some of the stories of our members. We urge Congress to pass this critical legislation so that more families do not know our pain.

<p>A teenager speeding in his large SUV broadsided Susan Hering's cycling husband, Bill, in San Diego. The impact threw Bill 150 feet into the air, killing him, and crushing his bike. A respected CPA by profession, Bill was a lifelong outdoorsman and adventurer who enjoyed bicycling throughout the West, but especially in the mountains near his chosen home in Durango, Colorado. One of his greatest joys was sharing these passions with his children.</p>	
<p>On January 12, 2022, Marcia's husband, Paul Moore was crossing a busy street on his recumbent bike. He was in the crosswalk with a green light when the driver of a large Dodge Ram 4x4 pickup turning right hit and killed him. Paul was an experienced rider but that was no match for the Dodge Ram. Paul loved to travel and lived abroad in Japan, where he met his wife, before settling down in his native California where he taught English at Kerman High School for 24 years. He left behind a devastated family including a wife of 26 years, a 17-year-old son, a 92-year-old mother, and two sisters. "Our lives have been changed forever. The tragedy is crushing. The images of him are forever etched in our memories," said Marcia.</p>	 

The driver of a Ford F-150 hit and killed Deborah Hsiung's 7-year-old son Aidan Tam, who was crossing the street with his family in Pasadena, California. Aidan was in a crosswalk with the light, when the driver struck him. He was rushed to the hospital but succumbed to multiple traumatic injuries shortly after the crash. Aidan was a bubbly child whose favorite drink was bubble tea, so every year his family asks everyone to drink bubble tea in his memory on his death anniversary.



Michelle DuBarry lost her 1-year old son Seamus. An elderly man making a right turn through a crosswalk struck her husband and her son in what police called a "misapplication of pedals" crash, in which the driver mistook the accelerator for the brake. Her husband was thrown 20 feet into oncoming traffic but sustained only minor injuries. Their son's stroller was pinned to a telephone pole. He was rushed by ambulance to a hospital where he endured two surgeries and a night in intensive care before succumbing to his injuries. Twenty-seven hours after arriving at the hospital, Michelle walked out with a bandaged, shell-shocked husband, a manila envelope full of grief pamphlets, and five tufts of wispy blonde curls tied neatly with purple ribbons and tucked into tiny envelopes — mementos the nurses had prepared for them while they filled out organ donation paperwork.



Last photo of Seamus

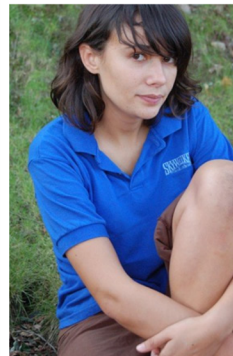
A speeding MTA bus driver, making a left-hand turn killed Debbie and Harold Kahn's 22-year-old son, Seth. The driver hit, ran over, and killed Seth while he was in the crosswalk. Seth was a student at the Fashion Institute of Technology and wanted to be a toy designer. He was an incredibly creative and talented young man and was already designing holiday display windows for Manhattan's most exclusive stores. He was killed just a few days after his favorite holiday, Halloween. Seth was their only child.



The driver of a commercial van was speeding in front of Amy Cohen and Gary Eckstein's home in Brooklyn, NY. The driver struck and killed their 12-year-old son, Sammy. Sammy was in 8th grade and had stopped off for a snack after school before walking to soccer practice in the park across the street. He had left later than usual for practice because he wanted to study for an exam to get into one of NYC's competitive high schools. He was bright, athletic, and a natural born leader. He was killed just weeks before his Bar Mitzvah, which they marked without him by reading the speech he had written.



Stephen Bingham and Francoise Blusseau lost their daughter Sylvia in a preventable traffic crash. The driver of a box truck made an un signaled sharp right turn after entering an intersection in downtown Cleveland, Ohio, as if intending to go straight. Sylvia was on his right – likely in the driver's blind spot – and was knocked down. The truck had no protective side guard between the front and rear axle, so the 25,000-pound truck crushed Sylvia to death under its rear wheels. Bad road maintenance contributed to her inability to take evasive action. Sylvia had just graduated from college and had moved to Cleveland for her new AmeriCorps VISTA job helping low-income women access well-paying jobs.




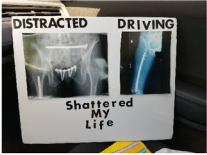





Julie Mitchell's 21-year-old son Dylan was riding his bicycle to work in San Francisco where he had landed a coveted apprenticeship as an electrician. The driver of a garbage truck in front of him made a wide right turn without signaling and struck Dylan who was proceeding straight through the intersection. Dylan Mitchell was a star athlete who was an inspiration to his younger brothers and friends. He was just starting his career following in the footsteps of four generations of electricians in his family. "I was in fourth grade when Dylan was killed," said Dylan's brother Matteo. "He was my role model. He looked after me. There are so many things I miss about Dylan every single day. Our family will never be the same."



In 2006, Mary Beth Kelly and her husband Dr. Carl Henry Nacht were cycling together when a driver of an NYPD tow truck failed to yield at the intersection they were crossing where they had the right of way. The driver did not signal, despite the fact that he was turning. He died three days after the crash from his injuries leaving her two children without their father. He was a husband, a loving father, a beloved physician, a marathon runner and a soul of the community that he served.



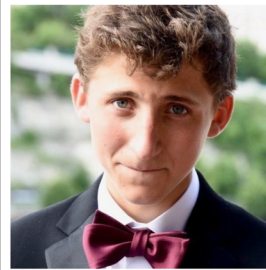
<p>Eugene Green, the 48 year-old brother of Yolanda Green-Samuel, was killed in 2014. Green stepped off a bus in Miami Gardens, grabbed his bicycle and was struck as he was riding. The bus's video camera captured the fatal crash preceded by a black four-door Volkswagen zooming by that is believed to be the car that hit and killed Eugene. A police officer who was at a red light witnessed the crash, but stayed at the scene to help Eugene. Unfortunately, it was not enough to save his life.</p>	
<p>In 2012, the driver of a tractor trailer truck took a right hand turn from the left lane of a two lane road in downtown Boston and killed Dustin Weigl's brother, Christopher who was biking. Christopher was traveling straight in a designated bike lane through a green light and was following all of the rules of the road. Despite being extra careful after his brother's death, Dustin himself was also hit by a left-turning SUV while biking in November 2021 in Westborough, MA.</p>	
<p>Diane Gonzalez was riding her motorcycle on a two lane road. On a curve, a teenage driver of a 2015 Volvo S60 who was looking down at his phone, drifted out of his lane and drove into Diane head-on. Diane's injuries included a concussion which she still suffers from, pelvic fracture, broken femur and sacrum broken in two places. Diane now has titanium on her pelvic bone, two screws through her sacrum, a femur rod and post-concussion syndrome. The injuries were life-altering for Diane.</p>	 

<p>A distracted, unlicensed, 18-year-old was speeding in his SUV when he killed Jeri Lynch's 16-year-old son, Conor and then fled the scene. Conor was a triathlete as well as an accomplished skier, surfer and basketball player. Conor is survived by his younger brothers Riley and Parker who remember him as the finest and most protective big brother they could have had.</p>	
<p>In 2020, a speeding and distracted driver in Tennessee hit and killed Charles Isbell and Janeesa Perkins' 13-year old son Nate while he was out skateboarding on Halloween. Nate was an eighth grader at Rock Springs Middle School. He excelled at playing electric and acoustic guitar. "We miss him, and it's just been very hard on our family," said his father Chuck Isbell. "Nate was my only child and my world," said his mother.</p>	
<p>A young man was street racing in Southern California when he crashed and killed 16-year-old Valentina, daughter of Lili Trujillo, while he was giving her a ride home. The driver, a 17-year old man, was driving a Mustang when a driver of another car challenged him to race. The Mustang blew through a red light, striking an SUV in the intersection. In this horrific crash five people were injured and one did not survive: Valentina. Valentina was in high school and was an aspiring fashion designer who never got to fulfill her dream.</p>	

On June 5, 2013, a speeding driver going 54 mph on a 40 mph road struck Joe Martinez's only child Paul as he was crossing the street. Paul was rushed to the hospital and fought valiantly to live, but, after one hour during which a team of ER trauma doctors tried desperately to save his young life, he succumbed to his injuries. Joe and his family had been waiting and praying for a miracle but instead, after kissing his son for the last time and hugging his lifeless body, Joe left the hospital with blood on his face and on his clothes.



The driver of a Dodge Ram pick-up truck, illegally hauling an overloaded flatbed trailer, crossed the center line and killed 18-year-old Henry and injured his mother, Sarah Risser. They were driving a 2014 Subaru Forester on a rural road in Wisconsin. All passenger airbags were deployed but the force of the impact was too much. Henry died at the scene. Henry was a freshman at Bowdoin College, a gifted musician, competitive rower, and thrived in the outdoors.



On the morning of November 28, 2017, 24-year-old Emily Fredricks was riding her bicycle to her job as a French pastry chef at Le Cheri in Philadelphia when the driver of a sanitation truck made a right hook into her, killing her. She was traveling in a bike lane but it was unprotected. She was a creative and promising pastry chef who had moved to Philadelphia for her dream job just months before she was killed. The driver did not use a turn signal, was wearing ear buds, did not yield to Emily, dash cam video showed he was not paying attention, he also had a passenger that did not make sure he was paying attention. Emily had made the selfless decision to be an organ donor on her license. After her death, she donated her corneas, bone and skin.



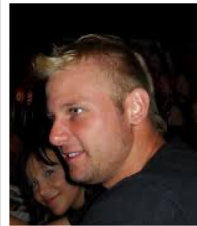
Dr. Jim Jones was walking across a road near his home in Napa Valley, California when a 19-year-old driver of a Ford pick-up truck struck him. The driver was speeding and talking to his girlfriend on his cell phone. When Dr. Jones reached the intersection, he looked to his right but turned his steering wheel to the left, crashing into Jim and propelling him into the air. He landed on his head and then was dragged by the truck. His family was told he would not survive, but fortunately he did and is considered one of the "lucky ones". However, he lives with a traumatic brain injury and has a titanium rod as a spinal brace.



Sherry Chapman's son Ryan was killed when the intoxicated teen driver of the car in which he was riding as a passenger lost control and crashed in Hebron, Connecticut. Ryan, who shares a birthday with his mom, celebrated his 19th birthday just 19 days prior to his death. He was an apprentice electrician with a promising future who loved the outdoors, excelled in water and winter sports, and had a comedic wit that often left his friends and family bowled over in stitches. Driver monitoring systems might well have saved Ryan's life.



The cousin of Kate Fefelova, Kirill Siptak, was riding his bicycle on September 30, 2019 in Pearland, TX when the driver of a GMC-Yukon SUV, speeding early in the morning when it was still dark, hit and killed Kirill, and then fled the scene. The crash happened on a rural road with a 40 mph speed limit.



Gina LaBlanc's 18-year-old son Kyle stepped off the sidewalk into the bike lane when the driver of a tow truck hit him from behind under an overpass near their home in San Jose, California. The driver was traveling too fast for the dark and wet conditions of the roadway with an unprotected bicycle lane. Kyle suffered a fatal head injury. Kyle was a "techie" and loved building computers from scratch then networking them all together. He built his first electrical circuit when he was five and dreamed of one day working for Google. "I miss his energy," said LaBlanc, a nurse who quit her job at Valley Medical Center after her son died there. "He was funny and brilliant. His loss has left a huge hole in my life and living without him is a daily painful struggle. We're not supposed to outlive our children. It hurts every day and it'll never stop hurting."




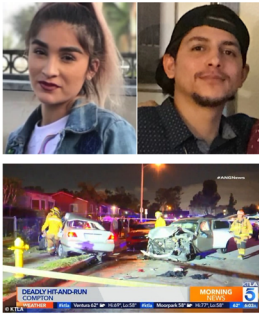


A 17-year old distracted driver veered into the breakdown lane and killed 61-year-old Howard Stein as he was securing a load on his truck on the side of Rte. 2 in Acton, Massachusetts. The young driver was programming her GPS on a large infotainment in-car screen that allowed the driver to make changes while the car was in motion. Howard was Emily Stein's father. She was 29 and pregnant at the time of the crash in April 2011. Howard was a teacher, master carpenter, a fine woodworker, and an enthusiast of life.



In 2008, Jacy Good's life was forever altered when a driver in a minivan, who was distracted by a hands-free phone call, turned left through a red-light. The driver of a 18-wheeled semi truck that swerved to miss the minivan hit her family's 1990 station wagon – killing her parents and leaving her with a brain injury and physical paralysis. Her father slammed on the brakes, but nothing her dad could have done would have prevented the collision. The crash happened only hours after Jacy's college graduation. The family was halfway back to her childhood home in Lancaster, Pennsylvania. She had landed a dream job



<p>through AmeriCorps to be a team leader for Habitat For Humanity but never got to pursue that dream.</p>	
<p>A reckless driver of an F-150 truck, going approximately 75 mph, with the incorrect tire size to make his car go faster – struck the compact car of Wanda – 64-year-old mother of Janine Fletcher-Thomas, killing her. Wanda was driving at the speed limit. She was a loving and selfless mother, grandmother, sister, aunt, friend, and nurse. Helping others brought her tremendous joy, but her greatest happiness came from her children and grandsons. Wanda loved to spoil them with love, attention, hugs, kisses, and gifts.</p>	
<p>On June 25, 2020, the driver of a big rig in Wilmington, California rear-ended and killed Jasmine Waddle's 22-year-old daughter, Chyna, who was pregnant at the time. The crash killed Chyna instantly, who was a passenger in the car as well as the driver of her car.</p>	
<p>Lori Argumedo's niece Bethany Holung was killed in a traffic crash in Compton, California, and her nephew was left in critical condition. The driver of an Infinity SUV was street racing on a residential street and blew through a stop sign going an estimated 100 mph, crashing into Bethany's small Honda Civic and killing her. Bethany is survived by her 6-year-old daughter.</p>	



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**Statement for the Record of
The American Society of Civil Engineers
on
"Understanding Roadway Safety: Examining the Causes of Roadway Safety
Challenges and Possible Interventions"
Subcommittee on Transportation and Infrastructure
Committee on Environment and Public Works
U.S. Senate**

November 7, 2023

Introduction

The American Society of Civil Engineers (ASCE) appreciates the opportunity to submit a statement to the Senate Committee on Environment and Public Works' Subcommittee on Transportation and Infrastructure regarding "Understanding Roadway Safety: Examining the Causes of Roadway Safety Challenges and Possible Interventions."

Safety is a fundamental principle of civil engineers' work. As the nation's oldest engineering society, ASCE represents the professionals who design, construct, inspect, and maintain roadway systems. ASCE supports policies that account for the safety of all system users throughout a project's life cycle. Additionally, ASCE advocates for a sustained effort to reduce traffic crashes through improvements to all aspects of highway system performance. We commend the subcommittee for holding a hearing on this important subject, and we appreciate the opportunity to share input.

ASCE's 2021 Report Card for America's Infrastructure

Every four years, ASCE publishes its Report Card for America's Infrastructure¹, which grades the nation's major infrastructure categories using an "A" to "F" school report card format. The most recent report card, released in March 2021, evaluated 17 categories of infrastructure and reflected an overall "C-" grade. Roads earned a "D" on the report card², which recognized that the increasing volume of traffic has contributed to growing wear and tear on our nation's roadways, presenting negative implications for safety and the economy. To raise this grade, ASCE recommends increasing funding from all levels of government and the private sector to address the condition and operations of the roadway system to maintain a state of good repair and ensure safety for all users.

Safety trends

Safety remains a pressing issue on our nation's roadways. The National Highway Traffic Safety Administration (NHTSA) estimates 42,795 people died in motor vehicle traffic crashes last year, representing a slight decrease of .3% from the 42,939 fatalities reported in 2021³. This fall, NHTSA released early estimates indicating 19,515 people died in crashes in the first half of 2023⁴. This figure marks a 3.3% decrease compared to the 20,190 fatalities that occurred in the first half of 2022. While these estimates indicate traffic fatalities have declined for the fifth quarter in a row, the number of deaths that take place on our nation's roadways is still too high. ASCE supports Vision Zero, which is based on the tenet that traffic fatalities can be prevented and that even one traffic-related death is too many⁵.

¹ [America's Infrastructure Report Card 2021 | GPA: C-](#)

² [Road Infrastructure | ASCE's 2021 Infrastructure Report Card](#)

³ [Crash Stats: Early Estimate of Motor Vehicle Traffic Fatalities in 2022 \(dot.gov\)](#)

⁴ [Crash Stats: Early Estimate of Motor Vehicle Traffic Fatalities For the First Half \(January-June\) of 2023 \(dot.gov\)](#)

⁵ [Policy statement 552 - Vision Zero | ASCE](#)

Safe roadway systems reduce loss of life, facilitate the movement of goods, and keep the American economy competitive. ASCE supports a sustained effort to reduce traffic crashes and related fatalities, injuries, and property damage⁶. Among other measures, highway safety programs should include:

- A safe environment for all users of the highway system;
- Increased public awareness of safety issues and encouragement of responsible behavior among all users of the highways;
- Implementation of effective engineering, research, education, and enforcement strategies to improve highway safety;
- Continued understanding of rapidly evolving vehicle characteristics and their impact on infrastructure and safety;
- Increased flexibility in federal-aid funding programs for high-priority highway safety improvement programs;
- Legislation that reduces distracted and impaired driving and increases driver penalties for all violations, including speeding in work zones.

Promotion of industry-driven standards

ASCE engages in setting standards on a large scale and can serve as a useful source of technical information for lawmakers and other government partners. ASCE standards provide technical guidelines for promoting safety, reliability, productivity, and efficiency in the civil engineering profession. Accredited by the American National Standards Institute (ANSI), ASCE has a rigorous and formal process overseen by the Codes and Standards Committee (CSC). Standards are created or updated by a balanced volunteer standards committee, followed by a public review period. These standards are adopted by state and local jurisdictions and used in the designing of projects around the world.

One particular standard that can offer sound guidance for transportation engineering and roadway safety is ASCE 58, Structural Design of Interlocking Concrete Pavement for Municipal Streets and Roadways (ASCE/T&DI/ICPI 58-16)⁷, which establishes guidelines for developing appropriate pavement structures for various traffic and subgrade conditions. This standard provides preparatory information for design, key design elements, design tables for pavement equivalent structural design, construction considerations, applicable standards, definitions, and best practices.

⁶ [Policy statement 367 - Highway safety | ASCE](#)

⁷ [Structural Design of Interlocking Concrete Pavement for Municipal Streets and Roadways | Books \(ascelibrary.org\)](#)

Implications of technology

Technology can also play a role in improving roadway safety by filling in the gaps of human performance. According to a Human Factors for Connected Vehicles study by NHTSA⁸, connected vehicle technologies have the potential to address up to 82% of crash scenarios with unimpaired drivers. These technologies could save a significant number of lives and prevent crash-related injuries, helping avoid tens of thousands of crashes each year.

There are several areas where technology can complement human performance and improve safety and mobility. For example:

- Technological improvements can provide stability control, automatic braking, all-wheel drive, steering by wire, traction control, collision avoidance, blind spot warning systems, lane control, and automatic cruise control.
- Infotainment systems linked to cell phone technologies (e.g., Bluetooth and voice activated commands) in vehicles can reduce distracted driving (e.g., from texting, looking down at a phone for directions, searching for an address, etc.).
- Automated vehicles (AV) possess hardware and software collectively capable of performing some aspects of safety-critical control functions (e.g., steering, throttle, and braking) without direct driver input. AV may use vehicle sensors, cameras, GPS, and telecommunications to obtain information to make decisions regarding safety critical situations and act appropriately by effectuating control at some level. In this way, the AV infrastructure and the roadway infrastructure are interdependent.

ASCE supports multi-modal, multi-disciplinary, and systems approaches to Intelligent Transportation Systems (ITS), which can be a cost-effective means to improve safety, optimize transportation control, performance, and operation, minimize congestion, and increase security while providing real time information to aid in route and travel mode choice and planning. Additionally, ASCE supports the planning and integration of connected and automated vehicles (CAV) as part of a unified transportation infrastructure system. It is recommended that industry work cooperatively with federal, state, and local governmental agencies to establish national standards for the planning, design, deployment, and maintenance of transportation infrastructure and operating systems needed to support CAV deployment, including protections for data privacy.

Conclusion

ASCE thanks the subcommittee for hearing from transportation experts on the important subject of roadway safety.

⁸ [812068-humanfactorsconnectedvehicles.pdf \(nhtsa.gov\)](#)

Improving safety on America's roadways is critically important. A safe, reliable network of roads protects lives and facilitates a healthy economy. ASCE stands ready to assist Congress and industry leaders in addressing this subject.

Heavier Trucks Endanger Motorists and Damage Infrastructure

Prepared by CABT, May 2023

Certain business interests are lobbying Congress to raise federal truck weight limits from 80,000 pounds to 91,000 pounds. Congress has consistently rejected any increase in national truck weight limits because of concerns for public safety and infrastructure damage. In 2015, the House voted on a bipartisan basis to maintain the federal limits.¹ Heavier truck proponents are yet again lobbying for a 91,000-pound truck pilot program (H.R. 3372) configuration. The objective is clear: nationwide operation of heavier trucks.

In 2016, the U.S. Department of Transportation (USDOT) delivered its three-year Comprehensive Truck Size and Weight Limits Study Report requested by Congress. That report found that heavier trucks had serious safety problems and would impose additional costs to our highway infrastructure. The Department recommended that Congress not approve any heavier trucks.²

Heavier Trucks Have Dramatically Higher Crash Rates

The 2016 USDOT study found that heavier trucks with six axles—both 91,000-pound and 97,000-pound configurations—had higher crash rates in the three states where there was sufficient data³:

Washington	-	47 percent higher crash rates for six-axle trucks up to 91,000 pounds
Idaho	-	99 percent higher crash rates for six-axle trucks up to 97,000 pounds
Michigan	-	400 percent higher crash rates for six-axle trucks up to 97,000 pounds

The Problems with Heavier Trucks

More severe crashes. The severity of a crash is determined by the velocity and mass of a vehicle. If its weight increases, so does the potential severity of a crash. Any increase in crash severity increases the likelihood of injuries becoming more serious or resulting in fatalities.

More likely to roll over. Heavier trucks tend to have a higher center of gravity because the additional weight is often stacked vertically. Raising the center of gravity increases the risk of rollovers.⁴

Increased wear and tear. Increasing the weight of trucks causes additional wear and tear on key safety components. The 2016 USDOT study found that trucks weighing over 80,000 pounds had higher overall out-of-service (OOS) rates and **18 percent higher brake violation rates** compared to those at or below 80,000 pounds.⁵ This is especially important because a 2016 study by the Insurance Institute for Highway Safety found that trucks with any out-of-service violation are **362 percent more likely to be involved in a crash.**⁶

¹ On Nov. 3, 2015, an amendment offered by Rep. Reid Ribble (R-Wis.) to the Transportation Reauthorization Act was defeated on a bipartisan vote, 236 to 187

² USDOT; 2016. *Comprehensive Truck Size and Weight Limits Study, Final Report to Congress*

³ Ibid.

⁴ USDOT; 2000. *Comprehensive Truck Size and Weight Study*

⁵ USDOT; 2016. *Comprehensive Truck Size and Weight Limits Study, Final Report to Congress*

⁶ Insurance Institute for Highway Safety; 2016. *Crash Risk Factors for Interstate Large Trucks in North Carolina*

Heavier Trucks Would Cause Significant Infrastructure Damage

USDOT found in its 2016 study that thousands of Interstate and other National Highway System bridges could not accommodate heavier trucks.⁷ These bridges would need to be reinforced or replaced, costing billions of dollars. USDOT estimates the 91,000-pound, six-axle configuration would negatively affect more than 4,800 bridges, costing \$1.1 billion. Their examination did not include local bridges, which are generally built to lower standards and would be less capable of handling heavier trucks.

“Pilot Project” for Heavier Trucks Means Experimenting with Motorists

A “pilot project” for heavier trucks is also unworkable because of the uncertainty of its safety and infrastructure outcomes. So-called “pilot projects” amount to little more than experimenting with heavier trucks on public roads and bridges with motorists. The information they seek is the number of crashes, injuries and fatalities caused by heavier trucks, and the damage caused to the nation’s bridges over which they would run. As discussed below, USDOT has recommended better ways of obtaining this information without further endangering motorists or damaging our infrastructure.

Heavier Trucks Bad for the Environment

Proponents of heavier trucks claim significant environmental benefits but rely on the false premise that bigger trucks mean fewer trucks. A recent study⁸ found that heavier trucks will in fact mean more trucks on our nation’s roads, setting back efforts to reduce emissions in the battle against climate change.

The single biggest contributor to climate change is carbon emissions and research has shown heavier trucks would dramatically increase CO₂ into the atmosphere. A study found that proposals for heavier trucks could lead to an increase of as much as 17.49 billion truck vehicle miles traveled (VMT), resulting in an additional 3.53 billion gallons of fuel burned and 37.49 million tons of carbon emissions.⁹

A Safe Alternative

If proponents are serious about collecting more comprehensive information about the impacts of heavier trucks, they should support the comprehensive research plans initiated by USDOT¹⁰ and the Transportation Research Board.¹¹ Improving the collection of crash and travel data in the states where heavier trucks already operate is the logical next step as opposed to expanding the operation of more dangerous trucks. Specific recommendations include the following:

- Reinststitute the collection of higher-quality, impartial data nationwide (i.e., TIFA and VIUS), including VMT, and implement a uniform crash report form that accurately collects the number of trailers and axles, truck weight and length, and road type where the crash occurred.
- Collect and analyze data on the impacts of bigger-truck operations on local roads and bridges.
- Conduct off-road operational tests of bigger-truck configurations, fully evaluating vehicle dynamics in real-world conditions.

⁷ USDOT; 2016. *Comprehensive Truck Size and Weight Limits Study, Final Report to Congress*

⁸ Burton, Mark; June 2020. *Estimating the Rail-to-Truck Traffic Diversions Attributable to Increased Truck Size and Weight*. Marshall University, Appalachian Transportation Institute

⁹ Mingo, Roger D; December 2020. *Another Look at FHWA’s Analysis of Twin 33 and Six-axle Single Combination Vehicles in the 2015 Comprehensive Truck Size and Weight Study*

¹⁰ USDOT; 2016. *Comprehensive Truck Size and Weight Limits Study, Final Report to Congress*

¹¹ Transportation Research Board; 2019. *Research to Support Evaluation of Truck Size and Weight Regulations*



STATEMENT FOR THE RECORD

AMERICAN TRAFFIC SAFETY SERVICES ASSOCIATION

REGARDING

**UNDERSTANDING ROADWAY SAFETY: EXAMINING THE CAUSES OF
ROADWAY SAFETY CHALLENGES AND POSSIBLE SOLUTIONS**

BEFORE THE

**SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

NOVEMBER 7, 2023

American Traffic Safety Services Association
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The American Traffic Safety Services Association (ATSSA) appreciates the opportunity to submit this Statement for the Record to the Senate Committee on Environment and Public Works Subcommittee on Transportation and Infrastructure (Subcommittee) regarding the hearing entitled *“Understanding Roadway Safety: Examining the Causes of Roadway Safety Challenges and Possible Solutions.”* Given the importance of roadway safety, we commend the Subcommittee for its focus on this critical issue.

Incorporated in 1970, ATSSA is an international trade association with over 1,500 members who are focused on advancing roadway safety. ATSSA 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. As a leader in roadway safety infrastructure, ATSSA was the first non-governmental organization to adopt a Towards Zero Deaths vision and ATSSA members are committed to making zero fatalities a reality nationwide.

Tragically, reaching zero fatalities remains a serious challenge. From 2016 to 2019, some progress was made to reduce the roadway fatality and serious injury rates.¹ But we have now watched those improvements diminish. Despite the best efforts of ATSSA members, the broader construction industry, state departments of transportation (state DOTs) and local transportation agencies, the United States has been experiencing high levels of fatalities and serious injuries over recent years. Earlier this year, the National Highway Traffic Safety Administration (NHTSA) estimated that almost 43,000 people died on roadways across the country in 2022.²

ATSSA worked closely with this Committee during the development of the Infrastructure Investment and Jobs Act (IIJA) in 2021. The work that both the full Committee, and this Subcommittee, did during that process is greatly appreciated by ATSSA and its members, and ATSSA thanks you for the work to enhance safety on our roadways. Now that we are roughly two years after enactment of the IIJA, ATSSA appreciates the opportunity to provide the Subcommittee with an overview of the important roadway safety infrastructure programs in the legislation.

Highway Safety Improvement Program

The Highway Safety Improvement Program (HSIP) is a critical component to achieving the goal of Towards Zero Deaths. Created in the SAFETA-LU legislation in 2005, it is a federal formula program that provides dedicated safety funds annually to each state DOT. The IIJA importantly increased funding for the HSIP by providing \$15.6 billion over five years, plus an additional \$1.2 billion for rail-highway grade crossings. Having a dedicated funding stream for roadway safety

¹ National Highway Traffic Safety Administration, *Overview of Motor Vehicle Crashes in 2020*, <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813266>

² National Highway Traffic Safety Administration, *Early Estimate of Motor Vehicle Traffic Fatalities in 2022*, <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813428>

has been critical to addressing safety needs and continuing this program at robust funding levels is a priority of ATSSA in the future.

ATSSA remains concerned that while traffic fatalities continue to rise, both the IIJA and previous transportation authorizations allow states to transfer their HSIP funds to other core Federal-aid highway programs. We understand that this is not something likely to change before the expiration of the IIJA. However, Congress should encourage states to address safety issues and consider ensuring that congressionally approved safety funds are being used for safety projects. In addition, ATSSA urges Congress to continue to develop processes to ensure that limited HSIP funds are available to local communities to address their roadway safety needs.

Work Zone Safety

Vulnerable road users (VRUs) are a critical focus area in the IIJA. However, often overlooked VRUs are workers in roadway work zones. According to the National Work Zone Safety Information Clearinghouse, there were 874 fatalities in roadway work zones in 2021, up from 857 in 2020 and 845 in 2019.³ Although the majority of these fatalities are vehicle occupants, over 100 roadway workers are killed annually in these crashes. In fact, just earlier this year, there was a horrific work zone crash in Maryland that killed six workers.

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. The Virginia Department of Transportation (VDOT), Virginia Tech Transportation Institute (VTTI), Audi and others are working on a pilot project that alerts drivers when they are entering a work zone and alerts roadway workers when a vehicle is nearby.⁴

Safe Streets and Roads for All Program

The IIJA also includes the Safe Streets and Roads for All Program. This discretionary grant program provides approximately \$1 billion each year to metropolitan planning organizations, local and Tribal governments to help prevent roadway deaths and serious injuries – and in fact the U.S. Department of Transportation (USDOT) just recently announced 235 grant awards for fiscal year 2023.

As the name of this 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 will be an important tool for communities looking to address and improve safety outcomes.

³ National Work Zone Safety Information Clearinghouse: <https://workzonesafety.org/work-zone-data/>

⁴ Audi of America: <https://media.audiusa.com/en-us/releases/494>

Rural Road Safety

As we look to improve roadway safety, it is important to remember the roadway safety needs of rural areas across the country. According to the Bureau of Transportation Statistics, 19 percent of Americans live in rural areas, yet 43 percent of all roadway fatalities occur on rural roads. This means the fatality rate on rural roads is nearly two times greater than of that on urban roads. Additionally, the fatality rate on rural interstates increased 15 percent over 2020 statistics.⁵ The rural road network carries not just passenger vehicle traffic, but according to the U.S. Department of Transportation, nearly 50 percent of all truck vehicle miles traveled occur on rural roadways.⁶ This combination creates its own unique safety challenges.

The IJA includes 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 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.

During the pandemic, there was a noticeable increase in risky driving behavior due in part to higher driving speeds – especially in rural areas. One countermeasure that has proven to be effective at dramatically decreasing the distance needed to stop a speeding vehicle is high friction surface treatments (HFST). This is an aggregate application on top of the pavement which increases the friction of the roadway and can help prevent a vehicle from losing control when speed is a factor. Typically used at intersections and dangerous curves, HFST is proven to reduce stopping distances and reduce wet crashes by 83 percent and total crashes by 57 percent.⁷

The use of cable barrier, especially on a systemic basis, can dramatically reduce crashes and fatalities. When installed in the median of a divided highway, this application can decrease crossover crashes and fatalities. According to the Federal Highway Administration (FHWA), 8 percent of fatalities on divided highways result from head-on crashes. When median barrier is installed on rural, four-lane roadways, it has resulted in a 97 percent reduction in cross-median crashes.⁸

ATSSA members work closely with state DOTs on rural roadway safety issues. We strongly believe that state DOTs are critical to assisting local governments in effectively deploying much-needed safety countermeasures. Often rural roads are owned by local governments, who may not have the technical expertise and resources to combat safety challenges. Therefore, state DOTs are important partners, and we encourage a collaborative approach to addressing safety needs. Because HSIP funds can be used on all public roads, not just state-owned ones, this kind

⁵ Bureau of Transportation Statistics: <https://www.bts.gov/rural>

⁶ U.S. Department of Transportation: <https://www.transportation.gov/rural>

⁷ Federal Highway Administration: https://safety.fhwa.dot.gov/roadway_dept/pavement_friction/high_friction/

⁸ Federal Highway Administration: https://safety.fhwa.dot.gov/provencountermeasures/median_barrier.cfm#psc-footnote

of collaboration will bring people together to tackle rising fatalities at both the state and local level.

Connected and Autonomous Vehicles

ATSSA is a leading construction industry association focused on connected and automated vehicles (CAV). We recognize that the future will include this kind of technology and the time is now to be working collaboratively on developing a transportation network that is ready for deployment of these vehicles.

To perform effectively, CAV systems require adequate pavement markings, traffic signs and upgraded traffic signals to be able to safely move passengers. Updating the transportation system with these kinds of improvements will not only prepare us for the future but can be helpful to the driving public today. For example, recent studies have indicated that wider pavement markings are beneficial to CAVs, as well as older human drivers. Additionally, CAVs and drivers today benefit from contrasted pavement markings, especially in areas of glare. These are simple safety improvements that can be deployed now, and they have the dual effect of making roads safer for human drivers as well as CAVs.

Studies aggregated by the FHWA have indicated that if lane departure warning systems, which rely on pavement markings, were deployed in all vehicles, 13-22 percent of driver fatalities could have been prevented.⁹ However, these types of vehicle safety improvements strongly rely on investments in roadway safety infrastructure.

According to data collected by the FHWA, wider edge lines can reduce non-intersection, fatal, and injury crashes on rural, two-lane roads by up to 37 percent; reduce fatal and injury crashes on rural freeways by up to 22 percent; and according to a 2018 Idaho Transportation Department study, wider edge lines have a benefit cost ratio of 25:1.¹⁰ Additionally, ongoing studies strongly suggest that 6-inch wide pavement markings are better detected by CAVs than traditional 4-inch wide markings.¹¹

These are examples of not only the issues that we all face in preparing for the technology of the future, but are also examples of where the construction industry, vehicle and technology manufacturers, state DOTs and local governments can work together to solve a mutual challenge. It is important that the roadway safety infrastructure industry – like ATSSA - is at the table to help address and mitigate these challenges.

⁹ Federal Highway Administration: <https://www.fhwa.dot.gov/publications/research/safety/18035/18035.pdf>

¹⁰ Federal Highway Administration: <https://safety.fhwa.dot.gov/provencountermeasures/wider-edge-lines.cfm#psc-footnote>

¹¹ Federal Highway Administration: <https://www.fhwa.dot.gov/publications/research/safety/18035/18035.pdf>

Conclusion

The continued increase of traffic fatalities in the U.S. is incredibly tragic. This nation is at an inflection point regarding roadway safety and we need to attack the problem from all angles. The ability to achieve *Towards Zero Deaths* is going to take collaboration from safety stakeholders and investments at the federal, state, tribal, and local level. ATSSA confirms our commitment to getting the job done. It will take funding, innovation, a willingness to learn from one another, and the ability to look at improving roadway safety as a collective challenge. ATSSA members are ready to do what we do best — roll up our sleeves and get to work.


NEWS RELEASE

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Office of Public Affairs

November 7, 2023

Law Enforcement Organizations Call for Greater Truck Parking Capacity

In conjunction with the U.S. Senate Transportation and Infrastructure Subcommittee's hearing [Examining the Causes of Roadway Safety Challenges and Possible Interventions](#), the following law enforcement organizations issued this joint statement in support of expanding truck parking capacity on our nation's roadways:

"The national shortage of truck parking capacity is a serious safety issue that concerns the entire motoring public. Investment in infrastructure is a proven means to improving highway safety. Congress can play a constructive role by dedicating federal resources to expand truck parking capacity so that the nation's professional truck drivers have greater access to safe and authorized parking options."

National Sheriffs' Association
International Association of Chiefs of Police
Commercial Vehicle Safety Alliance
ATA Law Enforcement Advisory Board
Arizona State Troopers Association
St. Johns (Florida) Sheriff's Office
Colorado State Patrol
Tennessee Highway Patrol
Washington State Patrol
North Dakota Highway Patrol



Senator KELLY. Senators will be allowed to submit written questions for the record until 4 p.m. on Tuesday, November 28th, which is 2 weeks from today. We will compile those questions, and send them to our witnesses, who will be asked to reply by Tuesday, December 12th.

With that, the hearing is adjourned.

[Whereupon, at 4:10 p.m., the hearing was adjourned.]