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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

MARY FRANCES REPKO, *DEMOCRATIC STAFF DIRECTOR*
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January 24, 2022

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington DC 20590

Dear Secretary Buttigieg:

Thank you for your leadership of the Department of Transportation over the past year. Working in close partnership with the Biden-Harris Administration and your department, we enacted the Infrastructure Investment and Jobs Act (IIJA, Public Law 117-58), a historic new bipartisan infrastructure law. This new law includes policy changes and new funding programs designed to improve safety outcomes on our nation's roads. As you work to implement IIJA, I write to ask you to prioritize the safety of all highway and road users.

The U.S. Department of Transportation's (USDOT's) mission statement directs the Department to ensure that our transportation system is the safest in the world. As part of achieving that goal, USDOT's Federal Highway Administration (FHWA) and National Highway Traffic Safety Administration (NHTSA) set safety standards for roadway infrastructure and vehicle designs. Additionally, these agencies provide billions of dollars every year to State Departments of Transportation and State Highway Safety Offices to support their efforts to improve traffic safety.

However, despite this work, the nation's transportation system is not the safest in the world. In fact, it is far from it: traffic fatalities are significantly higher in the U.S. than in most other high-income nations. In 2016, the World Health Organization found that the U.S. experienced 12.4 traffic fatalities per 100,000 population, while the average rate for all high-income nations is just 8.3 deaths per 100,000 population. In Canada, the rate is 5.8, or less than half that of the U.S.; in Ireland and the United Kingdom it is less than 3 fatalities per 100,000 inhabitants.

Moreover, in the last several years the U.S. traffic fatalities have increased. Early estimates from the first half of 2021 indicate that U.S. roadway fatalities increased by the highest amounts ever recorded in a 6-month period. According to statistics released by NHTSA, 20,160 people are estimated to have died in motor vehicle crashes during the first half of last year, which represents an 18.4 percent increase over the previous year. This is in addition to a surge of fatalities in 2020, when more than 42,000 deaths were recorded, which at the time was the highest total in 13 years. Speeding, road design, alcohol use, distraction, or a combination thereof, are persistent factors in these crashes. Vehicle designs, including for passenger vehicles

and motor carriers, also affect both the likelihood of crashes, and the severity of those crashes for both the vehicle occupants and non-occupants involved in a crash.

To address this persistent and growing safety challenge, IIJA significantly increased funding for safety programs. The funding for the Highway Safety Improvement Program was increased by 34 percent and the law creates a new Safe Streets for All program. The new law also places a greater emphasis on the protection of vulnerable road users, for whom traffic fatalities have increased the most steeply in recent years. I urge you to act quickly to implement those programs and to look for opportunities in new and existing law to address today's safety challenges.

As the department works to implement the IIJA, I hope you will look for all opportunities to improve safety and reverse current trends. I would particularly call attention to the following priorities:

Vehicle Safety for Non-Occupants

Fatalities of pedestrians and bicyclists are at the highest levels seen in 30 years, and now represent a third of all traffic fatalities. USDOT must take all opportunities to improve safety, including through vehicle standards that will reduce the severity of crashes with pedestrians and bicyclists. In 2015, NHTSA proposed pedestrian safety tests for its New Car Assessment Program (NCAP), but the regulation was not finalized. In a 2020 Pedestrian Safety report requested by my office, the Government Accountability Office (GAO) recommended that NHTSA decide whether to include pedestrian safety tests in NCAP.^[1] The same GAO report also noted that larger vehicle sizes have also contributed to the rise in non-occupant fatalities. The IIJA now mandates that NHTSA establish criteria for rating vehicles on pedestrian, cyclist, and other vulnerable road user safety. I urge the USDOT to work expeditiously to finalize this rule, and to consider whether vehicle size is appropriate to be included in that rating criteria, and to keep my office apprised of your progress.

Vulnerable Road User Safety

In addition to vehicle safety standards, infrastructure and road design are critical to ensuring the safety of bicyclists and pedestrians. The IIJA requires states to evaluate the safety of vulnerable road users, and plan roadway improvements to address safety gaps. As USDOT implements these provisions, the Department should improve the quality and availability of data related to vulnerable road user infrastructure, including travel data for non-motorized travelers, as well as data on how much each state spends on bike lane and sidewalk projects.

Today, States report their spending on bicycle and pedestrian infrastructure through the FHWA's Financial Management Information System, however the accounting is often incomplete. Additionally, the data is inconsistent across State lines, because States use different methods of allocating the amount of roadway project costs that are attributable to the bicycle and pedestrian facility components. Consistency and accuracy of this data will become more important under the IIJA, which includes requirements for States with high vulnerable road user fatalities to spend a portion of Highway Safety Improvement Program funds on vulnerable road

^[1] https://www.gao.gov/products/gao-20-419#summary_recommend

user safety. Clear guidance for State reporting will be necessary to implement this provision in a fair and consistent manner.

Data on the extent of non-motorized travel is also limited, which creates challenges for transportation planning. FHWA advises States to use automatic traffic recorders to monitor travel volumes, however such devices typically only capture vehicle travel, and do not provide data on travel volumes of pedestrians, bicyclists, and other road users. A variety of new data-collection technologies are available that could provide States and Metropolitan Planning Organizations with high quality data on the traffic volumes of vulnerable road users, which would improve the ability of those agencies to provide safe accommodations. I would urge FHWA to provide States with guidance to enhance their collection of high quality and consistent travel data for vulnerable road users.

Vehicle Safety Technology

The IIJA also includes several other regulatory mandates for NHTSA, including performance standards relating to crash avoidance technology as well as automatic emergency braking. There are also other technologies that, if more widely deployed on vehicles, could help to prevent vehicle-related injuries and deaths, avoid collisions, and help vehicles communicate with each other. Advanced Driver Assistance Systems (ADAS) have the potential to help drivers avoid collisions with other vehicles, as well as pedestrians, bicyclists and other vulnerable road users. The National Transportation Safety Board (NTSB) has encouraged greater use of these technologies, however there are currently no federal performance standards to ensure that they meet minimum performance requirements. Connected Vehicle technologies also hold great promise in preventing crashes and fatalities by providing real time information to roadway users. NHTSA estimates that 615,000 motor vehicle crashes could be avoided using this technology. In January 2017, NHTSA issued a Notice of Proposed Rulemaking to enable this vehicle-to-vehicle communication on all light-duty vehicles, which did not advance through the rulemaking process.

I encourage you to consider rulemakings to facilitate the deployment of safety technology on all vehicles. In developing these rules, I would urge NHTSA to evaluate the implications for non-occupants and vulnerable road users, to ensure that all vehicle and traffic safety rules work together to protect all roadway users.

Truck Safety

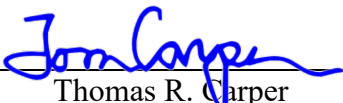
In 2015, NHTSA issued an advance notice of proposed rulemaking (ANPRM) regarding truck safety. The notice requested comments on a suite of possible amendments to the Federal Motor Vehicle Safety Standards (FMVSS), including changes to require rear impact guards to protect vehicles during collisions with trucks.^[2] This ANPRM also requested comments on a potential requirement to use retroreflective material on the rear and sides of the vehicles to improve the conspicuity of the vehicles to motorists. Unfortunately, no final rule has been issued, therefore I urge USDOT to revisit this unfinished rulemaking and look for opportunities to strengthen federal safety standards for the benefit of truckers as well as the other motorists and road users with whom trucks share the roads.

^[2] <https://www.regulations.gov/document/NHTSA-2015-0070-0001>

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You have often stated that roadway safety is one of your top priorities as Secretary of Transportation. I am eager to work with you in the months and years ahead to improve the safety of our transportation system for all road users. I look forward to hearing about the department's progress on the items discussed here. Should you wish to follow-up to discuss any of these items in greater detail, please do not hesitate to reach out to Rebecca Higgins on the Senate Environment & Public Works Committee, who can be reached at Rebecca_Higgins@epw.senate.gov.

Sincerely,



Thomas R. Carper
Chairman