

VISION ZERO NETWORK

May 20, 2022

Re: Docket NHTSA-2022-0036, Uniform Procedures for State Highway Safety Grant Programs

Thank you for the opportunity to share input to the National Highway Traffic Safety Administration's (NHTSA) Highway Safety Programs, as shared in the Federal Register [Docket No. NHTSA-2022-0036]. We submit these comments on behalf of the Vision Zero Network, a nonprofit project working to advance the goal of Vision Zero – safe mobility for all – across the nation.

We commend the U.S. Department of Transportation's (U.S. DOT) commitment to the Safe System approach to roadway safety and goal of zero roadway fatalities, as laid out in the National Roadway Safety Strategy (NRSS). Ensuring NHTSA's Highway Safety Programs (HSP) align with and boost this approach and goal is of the utmost importance. Thank you for taking on this much-needed analysis and refresh of the work, especially at a time when U.S. roadway fatalities are at a tragic record-high.

The following reflections and suggestions are shared in the spirit of supporting U.S. DOT's worthy goal of safe mobility for all.

Overall, we see great need and opportunity for NHTSA's HSP to improve in the following three overarching areas: (1) in terms of effectiveness for promoting safe mobility, especially lacking for people outside of motor vehicles (walking, biking, etc.); children and seniors; people of color; and people in low-income communities; (2) ensuring equitable and just actions and outcomes, particularly for Black and Brown communities; and (3) providing greater transparency and accountability of (1) and (2). Focusing on these three overarching areas of need, we address questions laid out in the Federal Register.

Q1) How can NHTSA, States, and their partners successfully implement NRSS and the SSA within the formula grant program to support the requirements in Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117-58)?

We request that NHTSA, working with partners and safety stakeholders outside the agency, conduct a thorough review and analysis of its programs to measure effectiveness of roadway safety results. A framework for this has been outlined in FHWA's resource, "Integrating the Safe System Approach with the Highway Safety Improvement Program." (link: <https://safety.fhwa.dot.gov/hsip/docs/fhwas2018.pdf>)

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Within this effort, the Safe System lens, as laid out in the NRRS, should be applied to assess and reform those programs, practices, and messaging, many of which over-emphasize an individual-behavior approach, ignoring the underlying systems and policies in place which influence people's behavior (exs: roadway designs; land use; options for safe, accessible, affordable alternatives to motor vehicle dependence; inequities of the criminal justice system; and others).

As has been well-proven and is reinforced in the NRSS, to advance the zero roadway fatality goals and ensure more equitable outcomes, NHTSA and other leading agencies should modernize its definition of and approach to the close relationship between people's behavior and the systems/environments they move around in. As stated in the NRSS: "Safer People: Encourage safe, responsible behavior by people who use our roads and create conditions that prioritize their ability to reach their destination unharmed." (underlined emphasis added by VZN here).

Currently, too many NHTSA programs (and State programs funded and influenced by NHTSA) over-emphasize changing individual behavior without adequately recognizing and addressing the related systems, policies and environments that influence those behaviors (For examples, we'll share our recent post on this topic: <https://visionzeronetwork.org/acting-with-urgency-what-does-safer-people-mean/>).

We encourage fast action on the NRSS's stated priority: "Update Departmental safety messaging so that it is unified across the entire Department and reflects the Safe System Approach principle of human fragility."

Moving forward, NHTSA should adopt a public health-based, harm reduction approach to its efforts. This includes greater focus on proactive, preventative strategies to improve safety in the *systems* in which people move about, including stronger safety regulations on vehicles. NHTSA could do more to propel the goal of "Safer People" by catching up w/ European Union standards of its NCAP program and regulating vehicle size/weight and safety features, such as alcohol interlocks and pedestrian/bicycle detection systems, especially focused on improving safety for those outside vehicles (More in our recent post: <https://visionzeronetwork.org/what-is-the-road-to-safer-vehicles/>).

In shifting from the current approach, which is based on a reactive, retribution model, toward a proactive, preventative harm reduction approach, NHTSA has the opportunity – and, we suggest, the responsibility – to lead and serve as a model and influencer to States and other partners nationwide.

Words matter: We suggest these programs be re-branded to be more inclusive of non-highway safety. While not intentional, the regular "highway" terminology may not seem to give proper credence to local and county roads, and all road users. Ensuring that language, plans, actions, and decisions fully encompass all parts of a State, including local communities, helps show solidarity toward safety for all. For example, the

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Colorado DOT, in updating the 2014–2019 SHSP, explicitly retitled it the Strategic Transportation Safety Plan. The title change is accompanied by strategies that center safety for all modes on all roads. NHTSA (and FHWA) would set a good example by embracing this more inclusive, representatives language, as well.

Q2) What non-traditional partners and safety stakeholders can the States work with to implement NRSS and SSA?

There should be deeper, ongoing collaboration with public health professionals, including between NHTSA and the Centers for Disease Control (especially its divisions of injury prevention and healthy, active living and health equity).

This needs to extend beyond what seems, currently, to be one-off partnerships or symbolic “seats at the table” to develop into robust, shared workplans, goals and responsibilities for preventing a leading cause of preventable deaths and injuries in the U.S. Developing shared work plans and budgets and deliverables can boost this meaningful, more effective collaboration. And, NHTSA can fund and promote this same kind of collaboration at the State-levels.

The public health sector, with its commitment to research, evaluation, equity, and a population-level approach to analyzing traffic collisions, brings a necessary perspective to Vision Zero efforts. By integrating public health in Vision Zero efforts, many communities are bridging the gap between potential partners and building connections between transportation policy, safety projects, and health outcomes.

Another key partner that should be better integrated – and more meaningfully – into States’ safety planning work is local communities, including transportation, health, policy, and community leaders. Most current state-level programs function in a pro forma way, based on a template of the traditional E’s (education, enforcement, engineering, etc.), which should be updated to a Safe System framework. Within that, locals’ needs should be better prioritized. Examples include great focus on helping assist with speed management and advancing equity.

As recommended in FHWA’s “Integrating the Safe System Approach with the Highway Safety Improvement Program,” NHTSA should, re-align its own and states’ focus on speed management and roadway design changes, rather than relying only on education and enforcement strategies to address speeding emphasis areas. The report states: “This may include more emphasis on designing roads and setting speed limits systemically to achieve a target speed...”

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It continues: “Recognizing and refocusing protection of vulnerable users to serious injury and fatality due to kinetic energy transfer, such as pedestrians and bicyclists, in the SHSPs can help align this emphasis area category with Safe System principles.”

“The FHWA and States can work together to support research that investigates how speed limit setting and automated enforcement strategies can be used as an interim tool to help support a Safe System approach.

Given the significant and growing problem of high speeds, as recognized in so many local Vision Zero plans, this is a key area of need. For instance, many communities are struggling with questions of whether/how to use automated speed enforcement (ASE) to deter speeding. Though ASE have a proven track record of effectiveness, as documented by U.S. DOT and NTSB, there are valid questions and troubling perceptions related to ASE programs that need to be addressed.

And, on the topic of equity, we agree with and recommend action on the suggestions in FHWA’s “Integrating the Safe System Approach with the Highway Safety Improvement Program,” including, not limited to the following:

- “Clearly define equity in the SHSP and include equity considerations throughout the emphasis areas and strategies
- Incorporate equity considerations in implementation and assessment plans, such as goals related to safety improvements for populations that are traditionally underserved
- Investigate and document the impacts of traffic safety enforcement and traffic safety surveillance on minority communities
- Consider equity implications of traffic safety enforcement activities
- Develop restorative justice strategies to address harm done....”

In addition, NHTSA should provide trainings on how to integrate the Safe System approach for its own staff, as well as related State-level staff (including not only transportation, but also public health, law enforcement, and policy), regional, and local agency staff.

For example, the Colorado DOT delivers Whole System, Whole Safety workshops to the state transportation commission, local agencies, metropolitan planning organizations, and others. The training takes a systematic approach to safety—to help agencies and other stakeholders see their respective contributions to, responsibilities for, and influences on transportation safety.

Examples of strategies designated in the Washington State plan include providing traffic safety agencies and partners with training on cultural competence, multicultural engagement, and multicultural communications; identifying and recruiting ambassadors who represent their communities and can assist State agencies overcome language or

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cultural barriers; and engaging in open, deliberate dialogue about inclusion to turn intention for equitable outcomes into action.

Q3) How can the Sections 402, 405, and 1906 formula grant programs contribute to positive, equitable safety outcomes for all? How can states obtain meaningful public participation and engagement from affected communities, particularly those most significantly impacted by traffic crashes resulting in injuries and fatalities?

There is growing concern that some of the efforts supported by NHTSA funding undermine public safety and racial equity, both of which have been declared priorities for U.S. DOT and President Biden’s Administration.

We share comments from the letter submitted February 14, 2022 to Secretary Buttigieg and Attorney General Garland by 71 organizations requesting significant reform of NHTSA’s support of some policing strategies, including pretextual stops and stops that do not implicate traffic safety.

As the 2/14/22 letter states:

“Although perhaps well intentioned, these programs are harmful and misguided. When implemented, programs like DDACTS cause a spike in traffic stops.¹² These stops bring with them myriad risks: the disruption of a person’s daily affairs, policing for profit, overcriminalization of already marginalized groups, and even policing killings. In addition, by teaching police to use traffic stops as a crime fighting tactic, your programs also encourage police to engage in pretextual policing.”

“While promoting stops and pretextual enforcement, DOT funding comes with little guidance to avoid the well-established harms of police traffic enforcement—from racial inequities in stops, searches, and citations, to uses of force and police killings.¹⁷ In fact, neither DDACTS nor DOT funding generally even require the data collection that might allow communities to assess these harms.”

“Nor are there any independent, rigorous social science evaluations that demonstrate the long-term safety impact of using pretextual traffic stops to fight crime. In fact, there is substantial evidence that a crime-fighting approach based on traffic stops is ineffective.”

To be clear, Vision Zero Network is not advocating to eliminate enforcement from roadway safety work, as has been incorrectly interpreted by some. Instead, we believe, as do a growing number of safety leaders across the nation, that the role of

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enforcement needs to be assessed and re-aligned to be based on effectiveness and equity outcomes. The role police play should be reformed and right-sized to be effective and equitable. (More in our post: <https://visionzeronetwork.org/its-time-to-evolve-beyond-the-es-approach-to-traffic-safety/>)

What NHTSA considers “education” and “enforcement” work eligible for 402 and 405 funding should be broadened to integrate these urgent equity concerns. It is time to move beyond the current, very limited interpretations of “education” and “enforcement” to broaden to additional areas.

Examples include, but are not limited to, the following:

- **Meaningful community engagement**, including educating the general public on the benefits of Safe System components, such as lower speeds, Complete Streets, and increasing walking/biking/transit/non-auto trips in their communities, especially as policy and project changes are proposed and pursued. NHTSA funds could compliment FHWA-supported (and other related) infrastructure changes by providing accompanying public education on the benefits of such changes as lower speed limits, bus-only lanes, implementation of bike networks, pedestrian-priority spaces, and elements of FHWA’s proven countermeasures list.
- **Community-driven planning processes** that invest resources *in the communities* where roadway safety is most lacking, including compensating respected, local community groups and leaders to help make transportation safety policies and messaging more culturally relevant and engaging. (For example: <https://visionzeronetwork.org/building-capacity-empowering-people-critical-part-of-vision-zero/>).
- **Education/Safe System training of key influencers**, such as local, regional, state, and federal policymakers and media and community leaders and industry leaders. Rather than investing NHTSA’s “education” funding into campaigns that have questionable long-term effectiveness and are commonly seen as dangerous victim-blaming (Examples and research here: <https://visionzeronetwork.org/distracted-pedestrians-distracting-from-the-real-issues/>).
- **Education promoting safe, sustainable mobility options, particularly amongst young people whose travel habits are less fully formed.** What was once Drivers Ed could evolve into a multi-modal training focusing on safety, health, climate change priorities, etc.
- **Investment in grassroots safety advocacy promoting Safe System policies and practices.** At the local level, it is common that vocal opposition to change can stall or kill policy or design changes that are proven to increase safe mobility. Local decisionmakers often urge safety advocates to “get out and organize to build awareness and buy-in for safety changes amongst the public.” But it must

be recognized that under-funded, small teams of volunteers and advocacy organizations need resources to take on these important public awareness efforts.

One example of one community's effective efforts to help humanize traffic safety issues and build community understanding of safety issues is the City of San Francisco's support of the local nonprofit Families for Safe Streets (FSS) project. The City's grant funding supports media and public speaking trainings for FSS members, who work for safety improvements on behalf of loved ones injured and killed in crashes and those directly affected by their loss. The group, with chapters across the nation, has become a powerful voice for safety, advancing many of U.S. DOT's Safe System strategies and goals.

- **Support of non-punitive, more equitable programs as alternatives to some traditional enforcement strategies**, including funding restorative justice programs, and pilots of more alternatives to fines/fees and criminalization strategies (An example in NYC: <https://visionzeronetwork.org/restorative-justice-strategies-for-safe-streets/>).
- **More and better research** of which strategies within the realms of education and enforcement are truly effective and equitable, for long-term results (see item above).
- **Funding support and encouragement to State transportation safety offices to assess equity outcomes of enforcement work and to pilot alternatives. This includes** stakeholder engagement processes and pilot programs of non-police-led traffic stops (examples: removing low-level, non-dangerous actions (such as expired tags or broken taillights); automated speed enforcement programs replacing stops; replacing some stops with non-armed, civilians).

In addition, we recognize that NHTSA's 1906 program offers funds for data collection, though the program is under-subscribed to and should be further promoted and encouraged by NHTSA. In addition, as we hear from some State leaders, the program does not go far enough, in that it focuses on data collection and analysis, but not necessarily incentivizing making actual changes to policies and practices, testing new approaches, and evaluating impacts. The latter is sorely needed.

Q4) How can the formula grant program require practices to ensure affected communities have a meaningful voice in the highway safety planning process?

Q5) What varied data sources, in addition to crash-causation data, should States be required to consult as part of their Highway Safety Plan problem identification and planning processes to inform the degree to which traffic safety disparities exist on their roadways?

Q9) What data elements should States submit to NHTSA in their annual grant application to allow for full transparency in the use of funds?

Q10) What types of data can be included in the annual grant application to ensure that projects are being funded in areas that include those of most significant need?

In general, NHTSA (and State-level) safety reports are difficult to read and comprehend. These could be presented in much more accessible formats and explained using language that engages non-technical safety professionals.

NHTSA can play a role in humanizing this critical issue. Messaging matters.

RE: Performance Measures

Q11) Should these measures be revised? If so, what changes are needed?

Q12) Section 24102 of the Bipartisan Infrastructure Law requires performance targets “that demonstrate constant or improved performance.” What information should NHTSA consider in implementing this requirement?

Q13) What should be provided in the Annual Report to ensure performance target progress is assessed and that projects funded in the past fiscal year contributed to meeting performance targets?

Q14) How can the Annual Report best inform future HSPs?

In general, performance measures for safety should be *promoting and encouraging* stronger safety measures. Toward that end, States should not be allowed to set “safety goals” that do not decrease traffic deaths and injuries. As stated in this March 2022 Washington Post article, States and regions should not be considered to make “significant progress” as *more people* are dying and being severely injured in roadway crashes (<https://www.washingtonpost.com/transportation/2022/03/17/infrastructure-spending-states-roads-bridges/>).

In addition, the performance measures should reflect steps taken, funding spent, and progress (or not) specifically toward addressing traffic safety for those communities

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most disproportionately impacted – children, seniors, people walking/biking/outside of vehicles, low-income communities, and people of color.

Thank you for the opportunity to share feedback. We appreciate NHTSA's and partner agencies' commitment to safe mobility, and we look forward to collaborating toward the shared goal of zero roadway fatalities.

A handwritten signature in black ink, appearing to read "Leah Shahum". The signature is fluid and cursive, with a long horizontal flourish at the end.

Sincerely,
Leah Shahum
Executive Director