



August 19, 2016

The Honorable Anthony Foxx
Secretary
U.S. Department of Transportation
West Building, Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Federal Highway Administration; National Performance Management Measures: Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program; Notice and Request for Comment; FHWA Docket No. FHWA-2013-0054

Dear Secretary Foxx:

As an organization dedicated to promoting better health, including promoting injury prevention, we are pleased to comment on the proposed rule for the Congestion Mitigation and Air Quality Improvement Program. Trust for America's Health (TFAH) is a non-profit, non-partisan organization dedicated to saving lives by protecting the health of every community. We applaud the U.S. Department of Transportation (DOT) for moving forward with this important rulemaking. However, we would like to voice some concerns that the rule as it is currently written does not adequately take into account the needs of all transportation users.

Communities across the United States have passed Complete Streets policies — more than 975 in total – all with the aim of making streets safer and more convenient for everyone regardless of age, race, ability, or how they chose to travel. We know these issues are a priority for USDOT as well: *The Mayors' Challenge for Safer People, Safer Streets* demonstrates a clear commitment to keeping people safe on all modes of travel. Your *Ladders of Opportunity* program is another outstanding example of your leadership aimed at ensuring our transportation investments provide an equitable and accessible community for all Americans.

However, in light of your commitments to safety and opportunity, we are concerned by the proposed rulemaking to establish performance measures for the National Highway System (NHS), Freight Movement on the Interstate System, Congestion, and Air Quality Improvement Program. As proposed, this rule would require states and metropolitan planning organizations (MPOs) to measure vehicle speed and reliability in seven ways but would not account for operational or investment priorities for other transportation users, including bicyclists and pedestrians.

The proposed rule's overreliance on vehicle speed is misaligned with the statute, which requires states and MPOs to provide safe transportation options for all users of the NHS.¹ The proposed

¹ See section 1404(a)(1)(A)(i) of the Fixing America's Surface Transportation (FAST) Act; Public Law 114-94.

rule would also encourage states and MPOs to focus on removing vehicle delay in all communities, regardless of context. This would inevitably result in capacity expansion projects with higher posted speed limits even in communities where these options would be inappropriate. Wider roads and higher vehicle speeds undermine a community's economic vitality, result in more dangerous conditions for all users – especially for people walking and biking – and support the creation of new barriers that restrict access to opportunity. For example, car accidents involving a pedestrian are more than twice as likely to occur on streets without sidewalks, and more than 40 percent of fatalities occur on roads where no crosswalk was available.² According to TFAH's report, *The Facts Hurt 2015: A State-By-State Injury Prevention Policy Report*, traffic-calming measures (any transportation design to slow traffic) are one of the most effective policy options to encourage safe biking and walking.³

Keeping roads more accessible for pedestrians and cyclists will greatly benefit public health. According to TFAH's report, *The State of Obesity 2015: Better Policies for a Healthier America*, children and families are more active when they live in neighborhoods that have sidewalks, bicycle lanes, and safe streets. Residents in walkable communities are twice as likely to meet physical activity guidelines than their counterparts in less walkable areas. In general, states with the highest levels of bicycling and walking tend to have the lowest levels of obesity, high blood pressure and diabetes, and have the greatest percentage of adults who meet the recommended 30-plus minutes a day of physical activity.⁴

Therefore, we recommend that the final rule ensure all transportation users are provided safe and healthy access on our roadways by amending the NHS performance measures and Congestion Mitigation and Air Quality Improvement program traffic congestion measures so that they assess all transportation users including people driving, walking, bicycling, or taking transit. Specifically, we ask that you please address the following issues:

- Performance of the NHS: The current proposed measures focus on travel time for commercial vehicles, even though a significant portion of NHS roads are designed to carry cars, transit, bicyclists and pedestrians. We recommended adding a measure of reliability for people using the NHS system to bike, walk or access transit. For these people, reliability is measured by safety and accessibility.
- Traffic congestion: The measures for this section again focus on vehicle speeds and trip delays, even though shifting trips from cars to other transportation modes reduces congestion. We recommended adding a measure to track the percentage of trips taken by walking, biking and transit.
- Overall, to reduce the complexity and burden of tracking the data for these measures, we support reducing the number of duplicative measures on vehicle speed and travel time in order to add measures that better capture our multi-modal transportation system.

² "Safety." National Complete Streets Coalition. Smart Growth America, 2014. Web. 28 May 2014.

³ *The Facts Hurt 2015: A State-By-State Injury Prevention Policy Report* (Trust for America's Health and Robert Wood Johnson Foundation, 2015), p.33

⁴ *The State of Obesity 2015: Better Policies for a Healthier America* (Trust for America's Health and Robert Wood Johnson Foundation, 2015), p.66

- At its core, we believe the goal of our transportation system is to provide safe and healthy access to essential destinations such as jobs, education, food, and health care. Yet, this proposed rule carries forward outdated planning that has focused our transportation investments solely on moving vehicles through a community rather than to a community, and without regard for the impacts to the community. We strongly encourage you to add an accessibility performance measure to your final rule, along with an implementation schedule.

We value transportation investments that keep people safe, encourage health, and support economic opportunity for everyone. We know you share these values and hope you will improve the proposed rule to reflect these issues. We appreciate your work to deliver an equitable, healthy transportation system for the American people, and we look forward to working with you to finalize this important program before the end of this Administration.

Thank you for the opportunity to provide these comments on the proposed rule. If you have any questions, please do not hesitate to contact Jack Rayburn, Senior Government Relations Manager, Trust for America's Health (202-223-9870, x 28 or jrayburn@tfah.org).

Sincerely,

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

Richard Hamburg
Interim President and CEO
Trust for America' Health