

DEPARTMENT OF TRANSPORTATION

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June 30, 2014

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

RE: Docket No. FHWA-2013-0020
Federal Register Number: 2014-05152
Request for Comments: National Performance Management Measures; Highway Safety
Improvement Program

To Whom It May Concern:

The California Department of Transportation respectfully submits the enclosed comments on the National Performance Management Measures; Highway Safety Improvement Program Notice of Proposed Rulemaking issued by the Federal Highway Administration on March 11, 2013.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Malcolm Dougherty".

MALCOLM DOUGHERTY
Director, California Department of Transportation

Enclosure

**California Department of Transportation's Comments on the
Federal Highway Administration's Notice of Proposed Rulemaking on the
Highway Safety Improvement Program Performance Measures**

June 30, 2014

1. The California Department of Transportation (Caltrans) generally supports the four safety performance measures. However, these measures may not be the most appropriate metric for measuring safety performance for bicyclists and pedestrians. As the U.S. moves towards a more multi-modal approach to meeting its citizens transportation needs, it may be useful seek safety data for these forms of transportation in the future in order to identify their unique issues.
2. The safety performance measures are for all public roads. Approximately 90 percent of California's public roads are on the local roadway system and 10 percent are on the state highway system. More than half of California's roadway fatalities (60 percent) occur on the local roadway system where there are significant data gaps. These holes include lack of roadway inventory data and exposure data, such as roadway features, traffic volumes and road miles. Addressing these data gaps will take significant time and financial resources at both the State and local levels. Support from the federal government, in the form of adequate funding, time, and flexibility, would be greatly appreciated.
3. The rulemaking refers to State Departments of Transportation (DOTs) and Metropolitan Planning Organizations (MPOs) establishing performance targets and reporting, but there is no mention how Native American Tribal Governments will be included in the development of these targets or how they will help in working toward the meeting of these goals. It is important to recognize that Tribal Governments have transportation programs that may be impacted by these performance measures and how they are used to determine investment of safety funds.
4. A national definition is proposed for a "suspected serious injury" as defined in the Model Minimum Uniform Crash Criteria (MMUCC). This would need to be adopted within 18 months from the effective date of the finalized rulemaking. California's definition is from the California Highway Patrol's Statewide Integrated Traffic Records System (CHP/SWITRS). In a joint letter dated March 25, 2013, to Division Administrator Vince Mammano from the California Office of Traffic Safety, California Department of Motor Vehicles, CHP, and Caltrans (see attached), California outlined the effectiveness of its current definition and its concerns over the consequences should the definition crafted under MAP-21 be significantly different. Upon review, Caltrans believes that, while the MMUCC's definition does not match word for word with the State's definition, they are effectively the same. California will need verification from the Federal Highway Administration (FHWA) that California's definition meets their requirements. Should

California's definition not be approved, a myriad of changes will be needed which will easily take twice the 18 months currently allotted to achieve. State legislative changes may be required, and information technology and program changes will be required across state and local governments and the court system. This will entail a significant fiscal impact.

5. The rulemaking recommends that states, by 2020, determine serious injuries using a hospital records injury outcome reporting system that links injury outcomes from medical records to crash reports. In California, this is already under discussion by the California Traffic Records Coordinating Committee. However, significant resources would be needed to establish links between these data systems. Achieving this by 2020 will be difficult. Caltrans recommends the date be extended to 2025.
6. Tribal Health Clinics need to be considered as eligible sources of data when states start working to use hospital records injury outcome reporting systems to link injury outcomes from medical records to crash reports.
7. The rulemaking proposes that fatality-related measures will use data from the Fatality Analysis Reporting System (FARS) and serious injury related measures will use data from the Statewide Integrated Traffic Records System (SWITRS). The fatalities in FARS and SWITRS do not always match. There is significant lag in reporting collisions and finalizing the data in both of these databases. There is a need to improve the timeliness and quality of reporting local collision data, and ensure that corrections are included in SWITRS and all other collision databases. The time lag would impact California's ability to establish meaningful targets. Caltrans asks the FHWA to consider whether its regulations gives it the flexibility to work with states as they strive to build effective databases.
8. The State Highway Safety Plan, Highway Safety Improvement Program, and Strategic Highway Safety Plan performance measures should be the same. The California Office of Traffic Safety and Caltrans need to report these in their annual Highway Safety Plan and Highway Safety Improvement Program reports. Caltrans supports uniform targets and measures for safety programs and plans that include behavioral and infrastructure countermeasures and strategies to reduce roadway fatalities and serious injuries on all public roadways.
9. All MPOs are required to establish targets for their region in coordination with the State DOTs, no later than 180 days after the date the State DOT establishes their safety targets. MPOs and Tribal Governments would need to do this each time the State DOT establishes a target. This will require resources, data expertise, and substantial coordination effort. The 180 day time frame allowed is too short for this. We suggest also including representation from Regional Transportation Planning Agencies (RTPAs) and non-MPO, rural RTPAs to establish targets for these areas.

10. According to the rulemaking, State DOTs need to establish and report their safety targets and progress in their annual Highway Safety Improvement Program report. MPOs would report their progress on targets to State DOTs annually, in a method to be agreed upon between them. The State DOT will not be required to report MPO target progress in their annual report, but the State DOT should have it ready and available if asked by FHWA to provide. MPOs would report progress on their targets in the System Performance Report as part of their transportation plan. This will require resources and substantial coordination effort. Since many State DOTs are using the Highway Safety Improvement Program On-Line Reporting Tool, will it include sections/questions to report safety targets and progress? Or will State DOTs be required to submit a separate hard copy report to report on safety targets and progress?
11. MPOs have 180 days after State DOTs targets are set to either adopt state targets or develop their own targets. If MPOs set their own targets, what is their baseline? Do MPOs, at minimum, need to meet the state target?
12. If State DOTs have not made significant progress on their Highway Safety Improvement Program safety targets, they must dedicate a specified amount of its obligation limitation to safety projects and prepare an annual implementation plan. Will this annual implementation plan be included in the Online Reporting Tool or will a separate Annual Implementation Plan be required?
13. Given that States and MPOs are allowed to set different targets, what happens to funding when one makes their target and not the other? It would not seem to be good policy to limit the flexibility of an MPO that is excelling in its performance measures because the State is not, or vice versa. This is particularly an issue for a large and diverse state with multiple MPOs like California. Clarity on how consequences would play out in this situation would be helpful.
14. Data-driven decision-making is a very useful tool for addressing the problems and planning issues that governments face. However, this approach relies heavily on having good data. Collecting good data is both expensive and time-consuming. Caltrans feels that FHWA has significantly overestimated the condition of State DOT's current data systems. Performance measures built on current data will not paint a realistic picture of what is actually happening. If the federal government wants the performance measure system laid out under MAP-21 to be effective, it must support the effort with adequate funding and allow States more time to develop complete and effective data systems before they are hit with sanctions. The proposed rulemakings that have currently been released by FHWA do not provide a realistic timeframe for states to develop the systems required.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

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March 25, 2013

File No: 1.9486.A9491.063.2013-60

Mr. Vince Mammano
Division Administrator
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Dear Mr. Mammano:

We commend the passage of the surface transportation reauthorization bill known as the Moving Ahead for Progress in the 21st Century Act, or MAP-21, which supports the aggressive safety agenda of the United States Department of Transportation. As you know, traffic safety is paramount to economic growth, goods movement, and quality of life in California. Although the goals and strategies of MAP-21 are aimed at reducing traffic injuries and deaths, we are concerned about how the national definition of "serious injuries" will be defined in comparison to the California definition.

The safety performance measures required under the MAP-21 Highway Safety Improvement Program include the number of traffic fatalities as well as the number of serious injuries. Currently, the California safety performance measures are fatalities and fatalities per million vehicle miles traveled. To comply with MAP-21, California will be required to revise its safety performance measures to include serious injuries. However, MAP-21 does not provide a national definition for serious injuries.

California definitions and classifications of traffic collisions are located in Highway Patrol Manual 110.5, Collision Investigation Manual (CIM), Chapter 2, Definitions and Classifications of Collisions, the primary authoritative reference for reporting and coding of collisions in California. All definitions used in the CIM were developed in collaboration with state and local traffic safety organizations and are in compliance with the American National Standards Manual on Classification of Motor Vehicle Traffic Accidents. A serious (or severe) injury is defined in the CIM as:

An injury, other than a fatal injury, that includes the following:

- (1) Broken or fractured bones.
- (2) Dislocated or distorted limbs.
- (3) Severe lacerations.
- (4) Skull, spinal, chest or abdominal injuries that go beyond "Other Visible."
- (5) Unconsciousness at or when taken from the collision scene.
- (6) Severe burns.



Mr. Vince Mammano
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Any applicable traffic collision injury meeting the above definition as determined by the investigating officer is coded as serious (or severe) injury in the California Highway Patrol (CHP) Statewide Integrated Traffic Records System (SWITRS) collision database. Over 500 police and sheriff departments and over 100 CHP field offices enter traffic collision data into the SWITRS database, and the CHP receives over 2,000 collision reports daily for processing.

Should the definition of serious injuries in MAP-21 be different from the California definition, significant consequences could result: (1) California would be required to change all reporting requirements statewide; (2) every law enforcement officer in the state would require retraining; and (3) the state would lose vast amounts of important historical serious injury data, thereby affecting the state's ability to identify problem locations that would benefit from MAP-21 resources. All of these concerns would be detrimental to ongoing traffic safety efforts, as well as time consuming and costly in these times of severe fiscal constraints.

It is important to note that injury severity definitions must be concise enough to be determined by a nonmedically trained officer at the scene of a collision. The California definition of serious injuries has been validated by the California Emergency Medical Services Authority (EMSA). The EMSA conducted the Crash Medical Outcomes Data (CMOD) Project which compared hospital data to SWITRS data. With the California definition of serious injury applied, the CMOD Project found SWITRS data accurately compares to records in hospitals and emergency departments as well as death data. This information helps traffic safety and injury prevention communities better understand how to prevent motorists from being injured and killed in traffic collisions on California roadways.

It is for the above reasons we ask that you take into consideration our concerns and allow us to use our definition of serious injuries as it relates to the MAP-21 rulemaking for setting traffic safety performance measures. We would also like to offer our assistance and participate in any ongoing discussions or working groups in helping construct the national definition for serious injuries.

Sincerely,




J. A. FARROW, Commissioner
California Highway Patrol



CHRISTOPHER J. MURPHY, Director
California Office of Traffic Safety



MALCOLM DOUGHERTY, Director
California Department of Transportation



JEAN SHIOMOTO, Chief Deputy Director
California Department of Motor Vehicles