



June 30, 2014

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**Re: Notice of Proposed Rulemaking  
Federal Highway Administration  
Docket Number: FHWA-2013-0020  
National Performance Management Measures; Highway Safety Improvement Program**

To Whom It May Concern:

The California State Association of Counties (CSAC) writes to offer the following comments on the proposed rulemaking to establish performance measures and standards for the Highway Safety Improvement Program (HSIP). Founded in 1895, CSAC is the unified voice on behalf of all 58 of California's counties. The primary purpose of the association is to represent county government before the California Legislature, administrative agencies, and the federal government. To fulfil this purpose, CSAC works very closely with the County Engineers Association of California (CEAC), specifically on transportation infrastructure policy, financing, and funding.

California's counties and cities own and operate approximately 140,000 miles of roadways – about 80% of the state's centerline road mileage. Safety issues are critical for local agencies in California, as 60% of fatalities occur on local facilities, despite the fact that these facilities carry a proportionately lower share of total vehicle miles traveled. Furthermore, the rate of fatalities in non-urbanized areas in California is nearly four times as high as in urbanized areas. Accordingly, CSAC supports a data-driven approach to improving highway safety on all public roads that focus on performance, accountability and transparency.

While CSAC supports a data-driven approach to safety planning, we have concerns regarding the timeframe and cost for the collection of the data and data gaps that currently exist which present challenges to meeting the new performance targets. The rulemaking should clarify the funding sources available to plan and implement the collection of this data. The aggressive deadline for setting statewide targets, MPO targets, and collection of the data should also consider the breadth of California's local system and the significant collaboration that will be necessary to complete this requirement.

#### **IV. Performance Measure Analysis**

##### **A. Selection of Measures for the HSIP Program**

FHWA is proposing one consistent measure for each of the four mandated areas: number of fatalities, rate of fatalities, number of serious injuries, and rate of serious injuries. CSAC finds that the proposed measures are the most clear on concise measures of safety and should be the focus of HSIP investments. While counties believe it is important to recognize the additional vulnerability of pedestrians and cyclists, separate measures are not warranted as counties currently have data available to isolate pedestrian and bicycle collisions. Further, the proposed rulemaking does not preclude a state or individual jurisdictions from establishing additional measures where appropriate. The current process in California for implementation of the State Highway Safety Plan and implementation of HSIP funds ensures that funds are only allocated to projects if the appropriate fix as been identified, i.e. if there is a high incidence of bicycle or pedestrian collisions, a project would have to be bicycle or pedestrian focused to receive funding.

#### **V. Section by Section Discussion of the General Information and Proposed HSIP Performance Measure Section 490.205: Definitions**

Counties recognize that FHWA needs to establish a timeframe for data collection and analysis for which to quantify progress on the four mandated performance measures that recognizes the diversity of safety trends

across all states. FHWA specifically requested feedback on options for multi-year rolling averages (3-, 4-, and 5-year) which help reduce short-term fluctuations and highlight long-term trends in overall safety performance. CSAC supports using a moving average to predict future metrics however, California counties support using a 3-year or 4-year rolling average. In California, changes in data collection methods could have an effect on historic data. A shorter rolling average would minimize serious downward trends, resulting in a lag before a serious problem could be identified. Other factors in the proposed rulemaking (70% confidence, no requirement to meet all four criteria) provide the factor of safety to protect against single year anomalies in the data. A 3- or 4-year rolling average is the best way to quickly identify serious downward trends.

#### **Section 490.209: Establishment of Performance Targets**

The proposed rulemaking allows states to “establish different targets for urbanized and non-urbanized areas.” CSAC suggests that FHWA amend this provision to read that states can “establish **additional** performance targets...” All areas should be required to monitor the same four consistent measurements as the same baseline data is needed to meet the requirements of the rulemaking and MAP-21. Additional, not different, measurements may be appropriate depending on the unique circumstances in a jurisdiction.

FHWA proposes that Metropolitan Planning Organizations (MPOs) establish targets to address the performance measures each time the state reports targets in their annual State Highway Safety Implementation Plan report. Moreover, FHWA recommends that states and MPOs have a shared vision for future safety performance in order for there to be a jointly owned target establishment process. CSAC supports additional coordination between states and MPOs but wants to emphasize that in California, counties and cities are responsible for the actual implementation of safety projects on the local system. As such, counties need an affirmative and strong role in the target setting process that recognizes and that reflects the partnership extends beyond the regional level.

#### **Section 490.211: Determining Whether a State DOT has Made Significant Progress toward Achieving Performance Targets**

CSAC believes that states should strive to meet all four requirement performance targets. The proposed rulemaking would only require states to meet two of the four performance targets, however, which we believe would allow a state to ignore particularly low results in urban areas (number of fatalities and serious injuries) and in rural areas (fatality and serious injury rate) if the targets are met for the other area. Furthermore, the penalty for not meeting the targets is not necessarily onerous enough to incentivize meeting all required targets. Consistent with CSAC’s focus on safety, we suggest requiring spending on safety to be the rule, not the exception. A state should only be allowed to use safety funding on non-safety projects after demonstrating reductions in for all four targets.

Thank you for considering these views. Should you have questions regarding our testimony or if CSAC can be of further assistance, please contact Kiana Buss, CSAC Legislative Representative, at (916) 327-7500 ext. 566, [kbuss@counties.org](mailto:kbuss@counties.org).

Sincerely,



Kiana Buss  
Legislative Representative