

# United States Senate

WASHINGTON, DC 20510

May 18, 2023

Shailen Bhatt  
Administrator  
Federal Highway Administration  
1200 New Jersey Ave., SE  
Washington, DC 20590

Dear Administrator Bhatt,

We are experiencing an unconscionable safety crisis in this country.

More than 42,000 Americans died in roadway deaths in 2021 – more than the entire population of State College, Pennsylvania, and a forty-year high. This number has grown every year, increasing 10% from 2020 even as driving *decreased* during the pandemic. No comparable nation sees this kind of death toll – some, using the “Vision Zero” safety framework, have actually reduced pedestrian deaths to zero.

These numbers are particularly unconscionable because experts know what to do to prevent these deaths, but many have chosen to ignore that guidance. These deaths are not unavoidable “accidents” when we know the engineering, education, and enforcement tools that would have stopped them. Streets that are designed to allow drivers to speed will result in speeding drivers. Roads with pedestrian crosswalks spread over a mile apart will result in unprotected pedestrians.

The Manual on Uniform Traffic Control Devices (MUTCD) is one piece of the traffic safety framework that is entirely under USDOT’s purview. The federal MUTCD has significant influence on safety standards nationally, and while state governments may adopt their own versions of the MUTCD, most simply adopt the federal version. An MUTCD oriented toward safety and equity can make a significant difference in traffic fatalities and public quality of life.

I was deeply disappointed to see that the draft 11<sup>th</sup> edition of the MUTCD did not reflect the administration’s stated goal of creating “a road system that is designed to protect its users.” The Federal Highway Administration (FHWA) should take a serious look at the significant, evidence-backed engagement with the comment process, instead of moving forward with a document that largely maintains the deadly status quo.

If FHWA is going to take additional time to finalize the MUTCD, the agency should use it to make needed changes. For one, the Infrastructure Investments and Jobs Act required the Department of Transportation to update the MUTCD to consider the needs of vulnerable road users; however, the IJJA was passed after the agency had already begun the rulemaking process for this MUTCD, so it is unclear how this requirement will be met. Additionally, the upcoming finalization of the Public Rights of Way Accessibility Guidelines will present another opportunity to update the MUTCD and bring it into harmony with new accessibility guidelines. I am also in support of changes that will improve overall safety, including:

- Removing guidance related to the 85<sup>th</sup> percentile rule, or the rule for determining speed limits where the posted speed limit should be within five miles per hour of the 85<sup>th</sup> percentile speed of free-flowing traffic
- Dramatically rethinking the Autonomous Vehicles chapter, which currently requires localities to completely redo their roads to align with AV technologies that are not fully developed or proven safe for public roadways
- Reforming signal and hybrid beacon warrants, particularly guidelines that require a high volume of people crossing a dangerous street or multiple serious injuries or deaths to justify installing signals or beacons for pedestrians
  - Adding a non-motorized network warrant, adopting basic guidelines regarding pedestrian crosswalk expectations, or incorporating guidance from the STEP guide about safe streets
- Removing restrictions on the use of colored paint for bike lanes, bus lanes, and crosswalks
- Updating bike lane positioning recommendations to reflect current best practice guidance documents
- Outlining a basic path to adoption to encourage ongoing, safe experimentation with new devices
- Incorporating guidance to clearly encourage the incorporation of bicycle infrastructure
- Incorporating language for the effective implementation of bus rapid transit, including the use of transit signals

How are we supposed to look our constituents in the eyes and say we are doing all that we can, when we know that there are opportunities we have left on the table? How can we face Latanya Byrd, a Philadelphian whose niece and three sons were killed as they crossed Roosevelt Boulevard? Or Susan Hicks, who was struck and pinned between vehicles while riding her bike on Forbes Avenue in Pittsburgh? Or the 79-year old pedestrian hit while crossing the street in Erie, or the woman and her dog struck in Wilkes-Barre, or the women struck by multiple vehicles in Harrisburg?

Please respond by June 19, 2023 with answers to the following questions:

1. What is FHWA's expected timeline to complete the 11<sup>th</sup> edition of the MUTCD?
2. What metrics is FHWA using to evaluate the comments in response to the draft version of the 11<sup>th</sup> edition of the MUTCD?
3. What determinations are going into decisions to not incorporate the changes recommended above?
4. What evidence does FHWA need to see to support the changes recommended above?

Thank you for your attention to this important subject. I look forward to working with you going forward.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

John Fetterman  
United States Senator