STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

June 30, 2014

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

Dear Docket Clerk:

Re: Docket No. FHWA-2013-0020

The Connecticut Department of Transportation (Department) is pleased to provide comments on the Federal Highway Administration's (FHWA) "National Performance Management Measures; Highway Safety Improvement Program; Proposed Rule" (Safety Performance NPRM), published in the Federal Register on March 11, 2014.

Safety remains a top priority for the Department. Like many other state Department of Transportation (DOT) around the country, the Department is supportive of the MAP-21 safety provisions and is committed to developing and implementing data-driven safety programs that reduce fatalities and serious injuries on the U.S. transportation system.

In order to develop comments for this NPRM, the Department formed a safety working group comprised of management and staff representing a multitude of safety offices and other related offices around the Department. The safety working group met internally to review the safety performance NPRM soon after it was published on March 11, 2014 and met repeatedly afterwards to generate and prioritize preliminary comments to submit to the American Association of State Highway and Transportation Officials (AASHTO) midway through the NPRM commenting period.

The Department posted preliminary comments on the website and notified the Connecticut Metropolitan Planning Organizations (MPOs) and other groups that the comments were online in order to share information and collect their feedback.

Working through AASHTO, the Department interacted with other state DOTs around the country to share and discuss the areas of agreement and disagreement regarding various provisions of the safety performance NPRM. Many of the comments included here reflect the uniform agreement between AASHTO, other state DOTs and the Department. The structure of these comments is in response to the nine questions specifically asked by FHWA in the NPRM.

We appreciate the opportunity to provide comments and look forward to working with the FHWA in the implementation of the final rules. If you would like to discuss the issues raised in the letter, please contact Ms. Robbin Cabelus, Director, Bureau of Policy and Planning, at (860) 594-2051.

Sincerely,

James P. Redeker
Commissioner

FHWA REQUEST 1:

The FHWA considered these principles in this NPRM and encourages comments on the extent to which the approach to performance measures set forth in this NPRM supports the principles discussed below.

1. *Provide for a National Focus – focus the performance requirements on outcomes that can be reported at a national level.*
2. *Minimize the Number of Measures – identify only the most necessary measures that will be required for target establishment and progress reporting. Limit the number of measures to no more than two per area specified under 23 U.S.C. 150(c).*
3. *Ensure for Consistency – provide a sufficient level of consistency, nationally, in the establishment of measures, the process to set targets and report expectations, and the approach to assess progress so that transportation performance can be presented in a credible manner at a national level.*
4. *Phase in Requirements – allow for sufficient time to comply with new requirements and consider approaches to phase in new approaches to measuring, target establishment, and reporting performance.*
5. *Increase Accountability and Transparency – consider an approach that will provide the public and decision makers a better understanding of Federal transportation investment needs and return on investments.*
6. *Consider Risk – recognize that risks in the target establishment process are inherent, and that performance can be impacted by many factors outside the control of the entity required to establish the targets.*
7. *Understand that Priorities Differ – recognize that State DOTs and MPOs must establish targets across a wide range of performance areas, and that they will need to make performance trade-offs to establish priorities, which can be influenced by local and regional needs.*
8. *Recognize Fiscal Constraints – provide for an approach that encourages the optimal investment of Federal funds to maximize performance but recognize that, when operating with scarce resources, performance cannot always be improved.*
9. *Provide for Flexibility – recognize that the MAP-21 requirements are the first steps that will transform the Federal-aid highway program to a performance-based program and that State DOTs, MPOs, and other stakeholders will be learning a great deal as implementation occurs.*

CTDOT agrees with AASHTO that the nine guiding principles developed and considered by FHWA in the NPRM are appropriate and that the approaches set forth in the NPRM support these guiding principles. For CTDOT and many other state DOTs, "Provide for Flexibility" is the most important of FHWA's guiding principles. As CTDOT and other state DOTs move forward to implement all of the new performance management requirements, CTDOT requests that FHWA provide flexibility to states in target setting and ensuring the timing to phase in requirements is adequate.

FHWA REQUEST 2:

The DOT requests comments on how the Department could address separate nonmotorized performance measures. The DOT requests input on the extent to which States and MPOs currently collect and report non-motorized data (fatality, serious injury, miles traveled) and the reliability and accuracy of such data, and how States and MPOs consider such data in their safety programs and in selecting investments. The DOT also invites the public to suggest ways to most efficiently track, report, and use performance measures to improve safety.

CTDOT recommends that USDOT, AASHTO and GHSA address the development of separate non-motorized performance measures as a separate national coordinated process with the states. In this process, Vehicle Miles Traveled (VMT) should not play a role in determining rates of non-motorized fatalities and serious injuries on public roadways. VMT is not a good indicator of bike and pedestrian utilization of the network.

CTDOT agrees with AASHTO that there are generally three sets of data that would be needed to report on non-motorized users below is an assessment of CTDOT's readiness in these areas:

Crashes:

In Connecticut, bike and pedestrian accident data is reported if a motor vehicle is involved and a police officer writes up the accident and submits a report. Near misses and non-roadway incidents are not included in the data. Although non-motorized fatalities that occur on roadways are reported with high accuracy, non-motorized serious injuries are not. However, some agencies may collect non-motorist accidents (i.e. bike on bike, bike on tree, or bike on pedestrian, etc.) on the new MMUCC 4 PR1 form.

At this time, the ability for Connecticut to establish a baseline of reliable rates for non-motorized fatalities and serious injuries is limited due to lack of data for statewide bicycle and pedestrian miles traveled.

Volumes:

CTDOT does not currently conduct any systemic data collection for non-motorized users. We do however gather some data. For example: when turning movement counts are required, CTDOT requests that bikes and pedestrians are also counted. Additionally, CTDOT recently acquired video intersection counters which will be used to count bikes and pedestrians. There are a few other very limited data sources. These include the annual National Bicycle and Pedestrian Documentation Project. However this data is limited to select sites and the CTDOT has no oversight or participation in this effort[1]. The City of New Haven has some point-in-time data for non-motorized users documented in their parking study.

The current lack of data represents one of the Departments greatest challenges to the Bicycle and Pedestrian program, it impacts the Department's ability to prioritize, find funding, and improve safety systematically.

The number one data need is base volumes of cyclist and pedestrians.

Based on current fiscal/person power constraints, CTDOT has a limited ability to perform turning movement counts specifically for bicycle and pedestrians. Additional means of getting necessary data include requiring Major Traffic Generators to submit bicycle and pedestrian counts at all turning movement count locations. An additional avenue would be to use funding for automatic counters to be installed on all major river crossings where bike and pedestrian traffic is channelized into a separated path (bridges mostly), and to fund several mobile counting units.

[1] – The Harford MPO (CRCOG) participates in the annual survey

Facilities:
The CTDOT does not currently collect bike lane miles data. There are few existing bike lane miles on state routes and there is no reporting mechanism/requirement set up for local municipalities to report this information to CTDOT. However of all the uncollected data this might be the easiest to collect. This data could be reported annually by the MPO's.

Multi-use trails miles data quality is limited.

CTDOT finds it challenging to collect local and private bike facility data, but this could be included in the bike map update.

Sidewalk network data is pretty unobtainable. Some towns may have up to date networks in GIS, but we don't have that information at the state level.

FHWA REQUEST 3:
Stakeholders are encouraged to comment on whether a 3-, 4- or 5-year rolling average should be required for the HSIP performance measures. Stakeholders are also encouraged to comment on whether the use of moving averages is appropriate to predict future metrics.

The CTDOT Highway Safety Office (HSO) currently reports goals to NHTSA using a 3-year moving average. However, CTDOT has agreed to start using a 5-year moving average. CTDOT supports the use of 5-year moving averages for both the HSIP performance measures and NHTSA performance measures. A 5-year moving average is preferable to allow for annual fluctuations in crash data. The use of moving averages to set goals places less of a burden on the State to effect significant change over shorter periods of time. States should have the flexibility to use absolute numbers if they are proven stable enough to use by testing the R value, or variance of the trend line (e.g. the R-value or variance is low thus the data is stable).

The term "rolling average" should be replaced with the more traditional "moving average" and defined as the sum of the value of the current year and the values of a predefined number of previous years divided by the number of years involved.

FHWA REQUEST 4:
The FHWA solicits comment on whether some other injury classification and coding system would be more appropriate.

Like AASHTO, CTDOT is supportive of the transition for States in using the MMUCC definitions. CTDOT will be MMUCC compliant in January 2015. CTDOT also supports AASHTO's position that FHWA should grant states the flexibility of at least 36 months (18 months longer than what's currently proposed) to transition to the MMUCC 4th edition if they have not already planned to or are still early in the process of switching. This flexibility will give states more time to make the change without placing an undue financial burden on States faced with limited resources. CTDOT also agrees with AASHTO that the MMUCC 4th Edition be established in the regulation such that State DOTs are not out of compliance once the next edition is available.

Like AASHTO, CTDOT is supportive of linking medical records to crash reports for better data. CTDOT agrees with AASHTO that the use of a system like Crash Outcome Days Evaluation System (CODES) that links collision and medical records to identify serious crash injury data has both benefits and drawbacks. CTDOT agrees with AASHTO that the benefits will likely be better data and CTDOT agrees with AASHTO that the drawbacks are likely longer delays in reporting (up to 3 years), possibly a loss of some data due to records not matching or Health Insurance Privacy and Portability Act (HIPPA) limitations, and a lack of dedicated funding.

However, unlike AASHTO, CTDOT's position is that the state will still be able to meet USDOT's 2020 recommendation, linking hospital records to crash reports. It is important to note that this may not be true in every state and therefore, CTDOT supports AASHTO's position for flexibility with the timeline requirements on this matter.

CTDOT supports the Office of EMS, as it prepares to implement a data linkage project, beginning in October 2014; including crash, emergency department, EMS, hospital, insurance and other traffic records data.

In January 2015 CTDOT will begin to collect KABCO. The new PR1 form that police officers fill out at the crash scenes will collect EMS Information including the following MMUCC elements: Transport to First Medical Facility, EMS Company Name, EMS Run Number, Intended Receiving Facility, etc. With these elements collected in addition to the person's name, CTDOT should be able to link to hospital records, if they are available.

In Connecticut, hospital records belong to the State hospital association and will need to be forwarded to the Department of Health under a data sharing agreement for linkage purposes. Under a previous CODES grant, linkage between crash and medical outcome data has been attained. Overall, however, police officers should still attempt to collect serious injury data in the field through better data collection protocols at the scene. This would complement serious injury data coming from hospitals which while possibly more accurate could also be dated. In addition, unless States are capturing EMS run numbers on the crash report, States would need to use the same standards for probabilistic linkage and imputation analysis to determine serious injury counts. In general, the safety performance NPRM is relying too heavily on the availability of hospital injury data without having a backup system in place that can be made better with additional training of police officers.

FHWA REQUEST 5:

The current time lag (time period between the end of the calendar year in which the data were collected to the date the data is available in the national system for the final FARS and HPMS data) is approximately 24 months. The DOT seeks comments on whether this time lag is an issue, any impacts it may have on a State DOT's ability to establish targets, and any suggestions that can help address this issue.

Reliance on final FARS data is problematic given the extended delays in receiving the final FARS file. The 24-month lag in final FARS data presents an immense challenge for the Highway Safety planning

process both in determining targets and measuring progress. One of the biggest concerns for the CTDOT is target setting.

CTDOT agrees with AASHTO and suggests that States be allowed to use early FARS numbers entered into the system or certify their own fatality reporting systems for use as planning tools in the setting of performance targets. CTDOT also agrees with AASHTO in that states should be allowed to base all measures on the most recent HPMS data available. Preliminary FARS and HPMS data will suffice in most cases. It is important for states to get credit for progress made. It is also important for states to be establishing their safety targets using the same standardized process and data sets as other states.

CTDOT encourages the expansion of Fast FARS to match with the performance measures that states are required to set targets for. CTDOT recommends the creation of a national FARS conference to address the data lag issues with FARS.

FHWA REQUEST 6:

Many differences in target setting boundaries could exist that would require State DOTs and MPOs to coordinate on quantifiable targets between them using the proposed target setting requirements in this section. As part of the coordination process, State DOTs and MPOs are encouraged to consider how the data will be reported. The FHWA is seeking comment on alternative approaches that could be considered to effectively implement the coordination requirements of MAP-21 (e.g., 23 U.S.C. 134(h)(2)(B)(i)(I) and 23 U.S.C. 150(d)(2) considering the need for coordination required under 23 U.S.C. 134(h)(2)(B)(i)(II) and 23 U.S.C. 135(d)(2)(B)(i)(II).)

CTDOT supports AASHTO's position that since State DOT's are responsible and held accountable for both the reporting of the data and for achieving significant progress, State DOTs should be provided with the needed flexibility to coordinate with the individual MPOs within their state.

CTDOT believes the safety target setting coordination required in MAP-21 between states, MPOs and other stakeholders would best be achieved by coordinating with the leadership of those most closely involved with the development of the Strategic Highway Safety Plan (SHSP).

CTDOT also proposes the use of existing Local Technical Assistance Programs (LTAPs) around the country as an alternative approach to effectively implement some of the coordination requirements of MAP-21 between State DOTs and local officials. In Connecticut the LTAP Center is based at the University of Connecticut (UCONN) which provides education and technical assistance to members of Connecticut's Transportation and Public Safety Community, on transportation related issues.

FHWA REQUEST 7:

Stakeholders are encouraged to comment on the appropriateness of the trend line methodology proposed for the significant progress analysis.

The trend line methodology sounds reasonable. State Highway Safety goals/targets reported to NHTSA are already based off trend line analysis. Under NHTSA/GHSA guidance States can project goals/targets out to any number of years. This should be made standard under the safety performance NPRM. The impact of performance goal/target assessments on setting goals/targets should be analyzed. States will set

goals/targets very close to trend line projections to achieve "success" rather than basing targets on projected countermeasure effectiveness.

FHWA REQUEST 8:

The FHWA seeks comment on whether the underlying methodology of the prediction interval is appropriate.

The underlying methodology of the prediction interval sounds reasonable. However, gaming the prediction intervals could become a problem and care should be taken to avoid the consequences of excessive intervention in program countermeasure selection from the outside. States not attaining their targets should be able to provide other underlying data to show that progress is being made (e.g. in specific areas of the State, observation or reported behavior measures).

FHWA REQUEST 9:

The FHWA seeks comment on whether 50 percent is the appropriate threshold for determining if a State has overall achieved or made significant progress toward achieving its performance targets.

CTDOT views the 50% threshold to be reasonable but would want to be able to adjust the percentage if we see that weak incremental goals are being too easily achieved or if too many States have set aggressive goals that cannot be attained.

CTDOT agrees with AASHTO's position that FHWA should work with the State DOTs to explore other types of evaluation methodologies for determining if significant progress has been made that would encompass both qualitative and quantitative components and would not rely solely on quantitative, historical crash data trends. For example, in order to identify making significant progress, an evaluation of each State's safety programs could consider both qualitative (leading) and quantitative (lagging) indicators. Leading indicators would be the actions taken by a state to reduce severe crashes and the lagging indicators are the outcome of those actions such as reduced fatal and serious injury crashes. Using only the number of crashes over a ten year period, every state will be evaluated on a target that is highly impacted by a regression of the mean phenomenon, which is well documented in traffic statistics. However, if FHWA is wedded to the use of relying on historical trend data, then additional types of line fits or methods should be considered to evaluate what qualifies as determining significant progress.