

ANALYSIS OF FLORIDA'S HIGHWAY SAFETY PROGRAMS, PEDESTRIAN/BICYCLE SAFETY IMPROVEMENTS & RECOMMENDATIONS FOR ACTION

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Introduction

Two recent national reports — “Dangerous by Design” (by Transportation 4 America) and the “2010 Benchmarking Report” (by the Alliance for Biking and Walking) — highlighted that Florida is the most dangerous state in the country for pedestrians and cyclists. Separately, the National Highway Traffic Safety Administration (NHTSA) says Florida has ranked #1 in pedestrian fatality rates for the past two years, and #1 in bicycle fatality rates for the past six years. BikeWalkLee, along with many other groups throughout Florida, called upon Governor Crist and the Legislature to take action to address the epidemic of preventable deaths by vulnerable road users. One of the actions we requested our Legislative Delegation to take was to require the Florida Department of Transportation (FDOT) to allocate a “fair share” of its federal safety funds to pedestrian/bicycle safety projects, reflecting their share of all traffic fatalities (21%).

It is clear from analyzing FDOT’s data on spending federal safety funds for all road users, citizens and vulnerable road users are being shortchanged. A significant share of the funding provided to Florida for safety improvements has been diverted to protect FDOT’s highway road projects from obligation authority shortfalls. In addition, the state’s 2006 five-year strategic highway safety plan, which made vulnerable road users (pedestrians, cyclists and motorcyclists) one of its four focus areas, did not set workable performance measures. In addition, the plan is not driving FDOT’s spending on safety and there has been little follow-through or accountability for implementing the plan. The following analysis provides more background and a summary of where FDOT has spent its funds.

Available Funding: Background on Federal Highway Safety Programs

Highway Safety Improvement Program (HSIP)

As part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) transportation bill, HSIP was established in 2006 to reduce the number of traffic fatalities and serious injuries through infrastructure improvements, education, and enforcement. All public roads are eligible for HSIP funding; this includes all state, county, and local roads. Pedestrian and bicycle safety projects are eligible for HSIP funding, including bike lanes, bike parking, crosswalks, and signage. This program is administered by the Federal Highway Administration (FHWA). In the past five years, over \$6 billion in federal funds have been apportioned to HSIP, with Florida receiving \$365 million through 2010, or about \$73 million a year. There is no national data that shows how much of that money is dedicated to pedestrian and bicycle projects, so that information must be obtained from the state agency.

Section 402—State and Community Highway Safety Grant program

Section 402 is another federal safety program available for pedestrian and bicycle safety grants. Section 402 is the largest of several small grant programs that are part of each state’s highway safety performance plan. This 402 program provides funds for education, enforcement and research programs

designed to reduce traffic crashes, deaths, and injuries, and property damage. It focuses on changing behaviors rather than on infrastructure solutions, which is the focus of the HSIP program. Section 402 funds are administered by the Safety Office in Tallahassee; other state and local agencies, as well as nonprofits, can apply for these funds each year. In Florida, the bike/pedestrian dollars have been used primarily for helmet distribution programs and the development and distribution of public information materials about bike/pedestrian safety.

The 402 program is much smaller than HSIP: Approximately \$309 million is allocated nationally each year, with Florida receiving \$12 million to \$15 million/year. Unlike HSIP, the 402 program tracks the share of funds spent on bike/pedestrian projects each year.

Implementation Efforts: The 2006 Florida Strategic Highway Safety Plan

Five-Year Strategic Highway Safety Plan

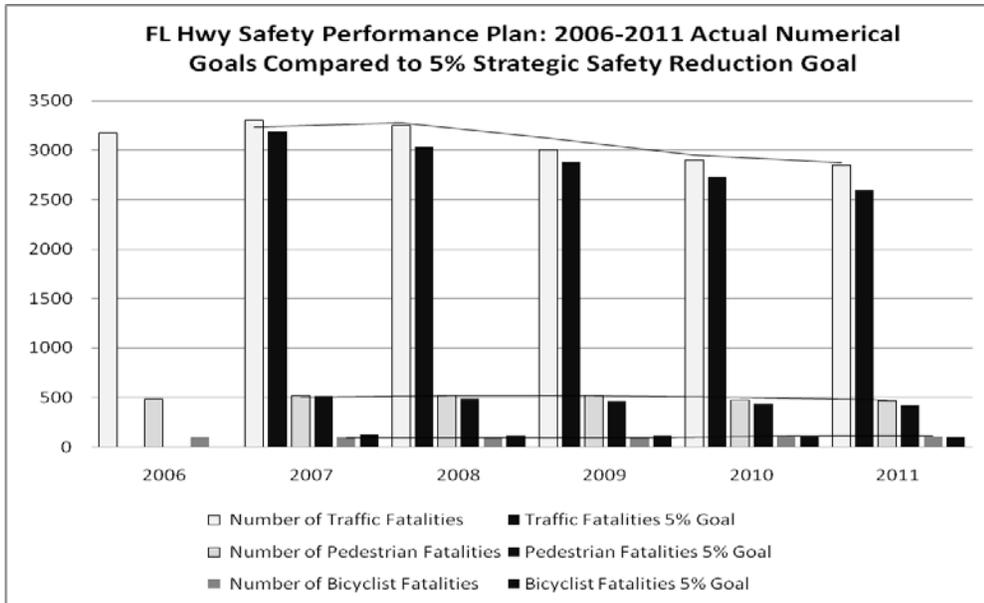
One of the requirements of FHWA is that states must have a five-year strategic highway safety plan in order to receive the federal highway safety funds. The 2006 Florida Strategic Highway Safety Plan, developed by FDOT in partnership with other state government agencies and organizations, was intended to be a road map to improve the safety of Florida roadways. It was designed to incorporate strategies to implement change and a plan for measuring and monitoring the state's progress. However, the only quantitative goal the state set was:

“To improve the safety of Florida’s surface transportation system by achieving a 5 percent annual reduction in the rate of fatalities and serious injuries beginning in 2007.”

In follow-up discussions with FDOT staff and review of additional documents, it became clear there was no distinction among automobile, bicycle, pedestrian, or motorcycle users. In addition, there were no separate performance measures for reducing the high rates of fatalities for vulnerable road users, either separately or collectively. The goal also does not distinguish between fatalities and serious injuries. Further problems are embedded in the way in which progress is measured. FDOT tracks the raw number of combined fatalities and serious injuries to determine whether they are meeting the 5% reduction goal. Instead, a meaningful measure would standardize the data by vehicle miles traveled or per capita. This would allow policy makers to set targets and goals that target the true nature of the problem.

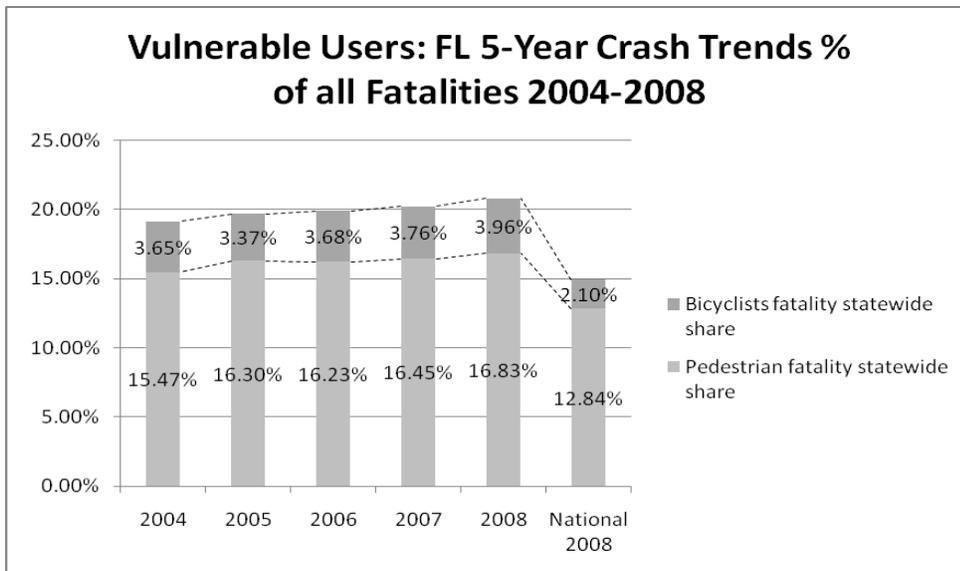
It was clear from reviewing FDOT's annual Highway Safety Performance Plan Annual Reports (table: Highway Safety Performance Plan—Performance Measures and Goals), that the numerical outyear goals were adjusted in 2007 to reflect 2006 actual fatalities absent any methodology to support these changes. Further, the safety goal was structured in a way to be achievable without policy or funding intervention. For example, the overall reduction in traffic fatalities and serious injuries that has occurred can be largely attributed to automobile safety improvements, the economic downturn, and the reduction in the number of miles driven.

The below graph illustrates that the overall 5% goal for reducing traffic fatalities masks what is happening to the fatalities of vulnerable users.

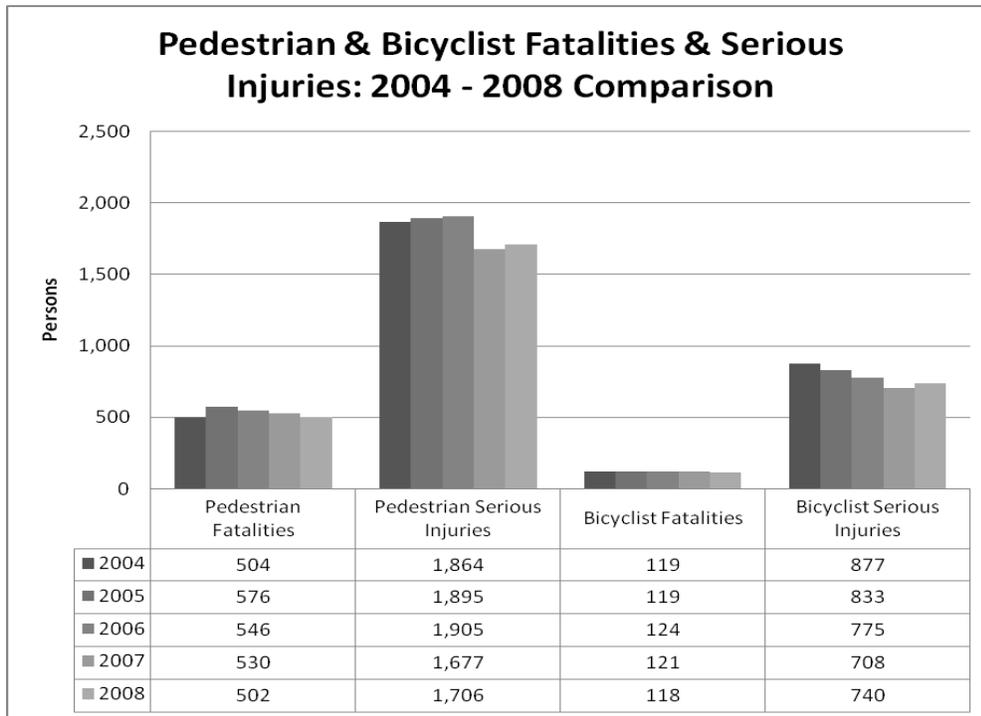


Measuring Results

The small amount of funding for pedestrian and bicycle improvements has not worked to reduce fatalities or serious injuries when Florida is compared to the national average. FDOT's Crash Trends Analysis Table is a useful tool, which tracks the proportion of fatalities and serious injuries for each travel mode (automobile, pedestrian, bicycle, and motorcycle). In 2008 pedestrian fatalities were 16.8% of the total, and bicycle fatalities were 4.0% of the total. This far exceeded the national average, which was 12.8% for pedestrians and 2.1% for bicyclists. Florida's share of pedestrian fatalities was 27% higher than the nation; the bicycle fatality rate was 90% higher than the national. When combining fatalities and serious injuries, FDOT reports that 11.5% of statewide fatalities and serious injuries are pedestrians and bicyclists.



The below graph looks at the trends in pedestrian and bicycle fatalities and serious injuries from 2004 to 2008. The downward trends for all traffic fatalities and serious injuries aren't reflected in the pedestrian and bicycle trends, as shown below:



While both the number of pedestrian fatalities and bicycle fatalities are almost the same in 2008 as they were in 2004 (502 and 118, respectively), the three intervening years saw increases before returning to the 2004 levels. Overall traffic fatalities also saw an increase in 2005 and 2006, to return to 2004 levels in 2007 and to finally fall by over 7% between 2007 and 2008. The number of overall traffic serious injuries dropped by 20% over the five years. (See "Florida Five Year Crash Trends" table.)

Improving Performance

Clearly, if Florida is to overcome its status as the most dangerous state for pedestrians and cyclists, it must set goals, establish quantifiable performance measures, develop strategies, measure progress, and hold itself accountable to the public for achieving these goals. Sufficient resources should be invested to at least bring Florida up to par with the national average of the share of all traffic fatalities that are pedestrian/bicycle.

Although the Strategic Plan did not set goals for vulnerable users, FDOT's Highway Safety Performance Plan Annual Report for FY 2009 included 5-year performance measures and goals for each of the vulnerable user groups, consistent with the FHWA's new reporting requirements. In the future, FDOT should establish separate performance measures for reducing the fatalities and for reducing serious injuries of each vulnerable road user group and be held accountable for results against those specific measures.

With the continuing high levels and high rates of fatalities for all vulnerable users, both in comparison to Florida's goals and to Florida's poor standing nationally, Florida should be using all the federal highway

safety funds it receives to help reduce these fatalities by making an aggressive effort to improve the safety of vulnerable users.

Underutilization of its HSIP Funds

As the graph below illustrates, FDOT has done just the opposite. Rather than fully using the federal funds that were allocated to reduce traffic fatalities and serious injuries, the agency has chosen to meet its FHWA “obligating constraints” by diverting the majority of HSIP federal safety funds to protect funding for the highway work program. Each year, FDOT receives an allocation/apportionment from USDOT for each statutory formula program. Then the annual congressional appropriations bill sets the limit on how much of that can be obligated each year. The annual obligation authority is always a bit less than the apportionment level, in the range of 5-10% less each year.

What FDOT appears to have done each year, from 2006 to 2009, was the following: Rather than apply the obligation authority constraint proportionally to each of the five FHWA programs, they protected the 5-year highway work program from any reductions. FDOT took the shortfall out of HSIP (and possibly other programs outside of the highway work program).^{*} In 2009 the amount for HSIP was further reduced by a federal one-time statutory rescission, which disproportionately hit those programs, such as HSIP and Transportation Enhancements (TE—a program primarily for pedestrian and bicycle facilities) that had unobligated balances.

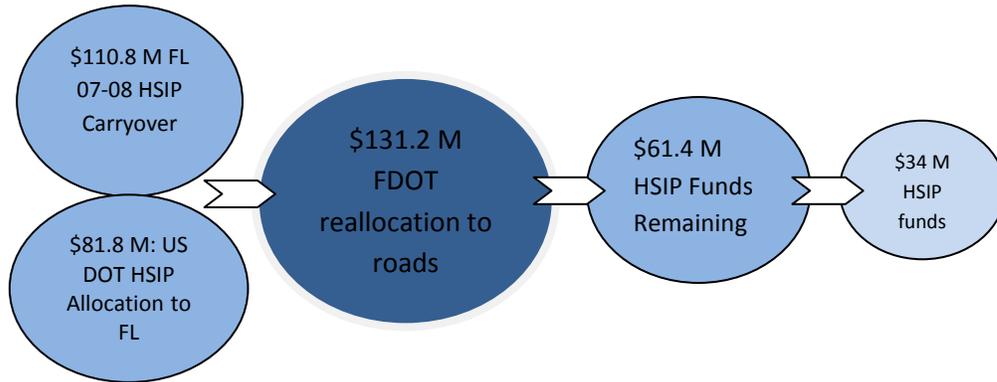
The graph below, based on updated data from FDOT^{**}, shows what happened to the HSIP funds in 2009. FDOT diverted over two-thirds of the \$131 million of HSIP funds available to cover overall FDOT “obligating constraints”. Of the remaining \$61.4 million available to the safety program, only \$34 million was obligated into safety projects. In total, only 18% of the HSIP funds available to Florida for safety improvement projects were actually spent for the intended purpose. Only an estimated \$3.4 million went to pedestrian/bicycle safety projects.^{* **}

^{*}Note: the statute (Title 23, Section 104) gives states the authority to transfer up to 50% of the amount apportioned in any of the five core programs for use in other core programs. However, according to USDOT staff, few states use this flexibility to transfer funds out of the safety program.

^{**}Data supplied by FDOT staff on Feb. 18, 2010, differs from the data found in FDOT’s annual HSIP reports to FHWA (2006, 2007, and 2008), and appears to be updates and/or corrections.

^{***}The 10% estimate for pedestrian/bicycle projects comes from the 2008 Annual Report for HSIP program, Table 2: 2008 HSIP Construction Project Listing. Although this list contains more than one year of projects, the share of the total that is pedestrian/bicyclist was 10%.

What Happened to Florida's HSIP Funds in 2009?



According to the FDOT data provided Feb. 18, 2010, from 2006-2009, a total of \$354 million has been diverted from the HSIP program over the past four years, and only \$193 million was actually obligated for HSIP safety improvement projects. FY 2010 is the first year that FDOT gave HSIP its proportional share of the obligating constraint (-9%), and is the first year that most of the HSIP funds are actually being spent on safety improvement projects.

Florida's administration of HSIP program

In addition to the overall funding level issues, Florida's HSIP program has been designed and managed in a way that diminishes its potential to improve the safety of all road users. First, it appears that Florida's criteria, guidelines, and process for selecting safety projects for funding may be too narrowly designed, effectively disqualifying many needed projects. For example, one of the criteria for funding is a rigorous cost/benefit analysis, which looks for high volume crashes as a way to maximize the benefits. Since most pedestrian crashes at a specific location are few in relation to the number of vehicle crashes, they are essentially disqualified. In addition, safety improvements are limited primarily to improving safety at intersections, even though the majority of pedestrian fatalities/serious injuries don't occur at intersections.

In addition to the guidelines, the way these funds are administered needs to be re-examined. The funds are allocated to the FDOT districts for distribution. However, there is no connection between the district and the local Metropolitan Planning Organization (MPO) on safety. FDOT created Community Traffic Safety Teams (CTST) to identify safety problem areas; however, after some initial funding for staff support, the CTST (at least in Lee County) was left with an ad hoc volunteer process and no staff resources.

The CTST develops a safety action list, based on safety complaints from citizens which the team investigates, and then recommends to local jurisdictions whether they think action is needed. At that point, the issue is referred to that agency to decide whether to take any action. If that local agency wants to pursue federal funding, they must navigate the FDOT district's process, which has no formal application process or clear criteria. In many cases, local agencies forgo seeking federal safety funds because of the time-consuming paperwork required for these projects. The CTST has no mechanism to propose solutions or seek funding through the MPO process or directly to FDOT. The idea that FDOT couldn't find any more safety projects to fund, given the enormity of the problems, indicates that the process needs to be overhauled so that safety improvements can be made.

Florida's Use of its Section 402 Funds

Florida's Highway Safety Performance Plan, which focuses on behavioral changes by road users, has fared better in terms of actually receiving the funds allocated by NHTSA for this propose. As illustrated in the following table, the share of these funds being spent on pedestrian/bicycle projects fluctuates from year to year but has generally been on the decline. In total, the entire state of Florida spends only about \$1 million per year on programs to change the behavior of road users to make the roadways safer for pedestrians and cyclists.

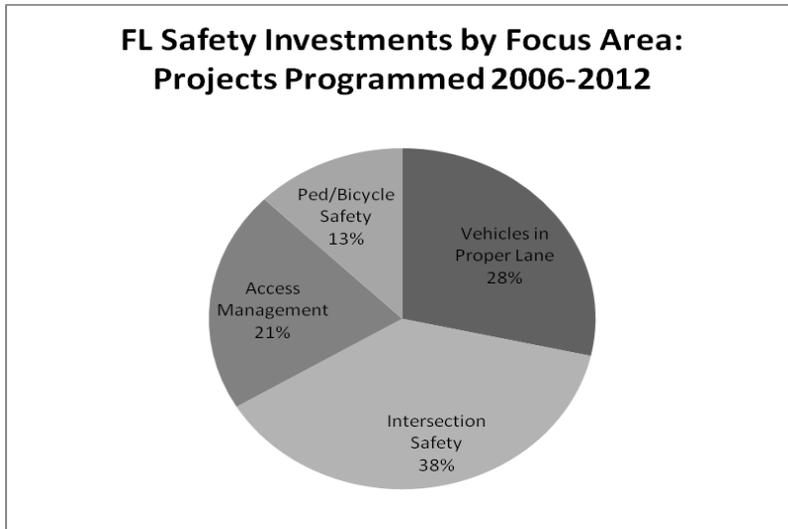
Pedestrian/Bicycle Funding in Florida Annual Highway Safety Performance Plan

Fiscal Year	% of Performance Plan	Dollars in thousands
2006	7.23%	\$1,740
2007	4.61%	\$1,175
2008	3.28%	\$ 744
2009	2.93%	\$ 934
2010	3.69%	\$1,031

Source: Florida Annual Highway Safety Performance Plans, 2006-2010

Florida's Overall Investment in Road Safety

According to FDOT's 2008 Annual Report to FHWA on the HSIP Program (p. 27), the Department's overall 6-year Adopted Work Program for 2006-2012 includes a total of \$230 M for safety projects in the four focus areas of the state's strategic safety plan. The graph below shows the distribution of those funds by focus area.



The annual reports for 2006 and 2007 showed a similar amount invested for safety projects related to the state's strategic safety plan, with comparable distribution by focus area. According to these reports, an estimated 13% of all of FDOT's safety investments is spent each year on reducing fatalities and serious injuries of pedestrians and bicyclists.

What is surprising is that only \$230 million over the 6 year period (an average of \$38 M/year) was invested in safety projects aimed at addressing the four focus areas of the state's strategic safety plan.

FDOT's 6-year Adopted Work Program (2006-2012) contains \$63.9 billion for road projects, which means that only 0.36% of all of FDOT resources are dedicated to meeting the safety goals set out in the state's strategic safety plan.

The annual HSIP reports include a table (Table 1) which shows that approximately \$307 million a year is spent by FDOT on safety-related programs, which means that only about 10% of the overall "safety funding" is targeted to the four focus areas in the strategic plan—one of which is vulnerable users, e.g., pedestrians and cyclists. If the strategic plan were driving safety investments, one would expect the ratio to be the opposite, with 90% rather than 10% of the resources targeted to these four areas.

On February 18th FDOT staff provided "updated data" that shows that from FY 2006-2010, Florida spent a total of \$2 billion on safety (approximately \$418 million/year)—which is 36% more than was reported in federal HSIP reports (approximately \$307 million/year). No explanation was provided as to what is counted in the new figures and the data does not show how much of these "safety funds" were targeted to each of the four focus areas in the strategic safety plan. In comparison to its 5-year Work Program, using FDOT's new data, 5% of its resources have been spent on safety over the past five years. However, it appears from the HSIP reports that only about 10% of overall "safety funds" actually were linked to the goals and priorities of the strategic safety plan.

Whether FDOT's safety spending is 0.36% or 5% of its total resources, it is not enough. Further, the state's strategic safety plan should be driving its investments, which it clearly is not. In a state that is one of the most dangerous for all road users (especially vulnerable road users), safety does not appear to be a top priority.

Recommendations for Action

A greater commitment to safety by Florida elected officials and agency leaders is needed. The priority to safety must be reflected in the resources dedicated to improving safety and the funds should be targeted to achieving the goals and focus areas of the state's strategic safety plan. While the U.S. Department of Transportation encourages states to use these federal safety funds to leverage other resources and to supplement these funds with additional resources from other federal and state highway funds, the opposite is occurring in Florida—the federal safety dollars are being diverted to supplement funding for road construction projects.

Several specific recommendations come out of this analysis.

The need for legislative language to bring more resources to reducing pedestrian/bicycle fatalities is reinforced by this report. We would now recommend two components to this language:

- FDOT must be required to allocate all the HSIP funds (both the annual federal allocation and any balance forward from previous years) for safety improvement projects, ending the practice of using HSIP to meet FDOT "obligating constraints." HSIP should not bear more than its proportional share of any obligation authority shortfall or rescission. At the federal level, there are proposals to double the investment in safety programs in the upcoming surface transportation legislation. Before that occurs, Florida must have policies and mechanisms in place to ensure that federal funds intended for highway safety are actually spent on safety.

- Safety projects for pedestrians and bicyclists should receive their fair share of both HSIP and Section 402 safety funds. Since these users made up 21% of all traffic fatalities in Florida (2008), 21% of these funds should be targeted to pedestrian/bicycle safety improvement projects.
 - HSIP: Currently, approximately \$3.4 million/year is going for pedestrian/bicycle safety projects. With both of these recommendations, that figure should be closer to \$33.2 million, or 10 times the current spending.
 - Section 402: Currently, approximately \$1million/year is going to pedestrian/bicycle projects. With this recommendation, the number would triple to about \$3 million.

In some states, targeting of HSIP resources is already happening. For example, Virginia’s ranking on pedestrian and bicycle safety is around the national average; and they set aside 10% of their HSIP funding for pedestrian and bicycle projects. At the federal level, as part of the federal reauthorization of the transportation legislation, Congress is considering targeting 13% of the HSIP for pedestrian and bicycle safety projects. This reflects the national share of all traffic fatalities that are pedestrians and bicyclists.

In addition to these legislative language proposals, it would be useful to build more accountability into the process so elected officials are kept abreast of the goals FDOT is establishing to address roadway safety problems, to track progress, and to hold them accountable for results. A process of annual reports to the Legislature and oversight hearings would contribute to more transparency and accountability. Reinstating a state-level Bicycle/Pedestrian Advisory Board that would make recommendations to elected officials and FDOT is also a way to provide more accountability.

The 2006 Florida Strategic Highway Safety Plan is now on the last year of its 5-year cycle. The governor and FDOT should be encouraged to consider having another Florida Safety Summit. Most importantly, the next 5-year strategic plan should have a strong commitment to transparency and accountability to ensure that the plan is implemented and that it results in making our roadways much safer for all users. When this plan is developed, it is important that goals are established to reduce the share of all traffic fatalities that are pedestrians and bicyclists by at least 50 percent, which would bring Florida in line with the national average.

Finally, FDOT should be required to provide the public with easily accessible and updated information on all transportation projects, activities, plans, reports, and outcomes. This is best done on the FDOT website. The public should know where its transportation dollars are going, and what progress the state is making in improving the safety for all road users.

Sources:

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U.S. Code, Title 23, Chapter 1, Section 104.