The Honorable Anthony Foxx, Secretary  
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 number FHWA-2013-0020

Dear Secretary Foxx:

We appreciate the opportunity to comment on FHWA’s proposed national performance measures for the National Highway System (NHS), freight movements, and Congestion Mitigation and Air Quality (CMAQ). As mayors, we have made it a priority to move to a safe and sustainable transportation system in our cities. That means promoting affordable transportation options that reduce greenhouse gas emissions, encouraging active living, and improving air quality regardless of transportation mode. It means reducing crashes by slowing cars via street design and traffic calming. It means providing options for youth, seniors and others without access to a driver’s license or a car so they can fully participate in their communities. We know these things make our cities better places to live and promote both economic development and economic opportunity.

To safeguard public health and protect our planet, we must reform our transportation system to better account for the impact transportation projects have on climate and health. Currently, 26 percent of U.S. greenhouse gas emissions come from the transportation sector, and 84 percent of emissions in the transportation sector come from tailpipes. Including a carbon emission performance standard in the proposed congestion and air quality rule—a key component of President Obama’s plan to tackle climate change—must be part of the solution.

We appreciate your support of cities and our priorities, your leadership on increasing transportation options, and your focus on reducing disparities in the transportation system. It is surprising and disappointing that the proposed rule fails to recognize how critical multi-modal transportation and emissions reductions are to a 21st century transportation system. As written, the rule focuses exclusively on the movement of cars and trucks, and ignores other modes of transportation. Our cities are working to reduce reliance on the automobile, and this rule ignores—and will actively undercut—our efforts.

We have two primary concerns with FHWA’s proposed rule as written:

• That the various measures aimed at increasing traffic speeds are conflicting and will undermine our efforts to provide livable streets with multimodal transportation options, and

• That the final rule should include a measure of greenhouse gas emissions (including emissions avoided) in its measures of on-road mobile source emissions.

Traffic Speed, Delay and Congestion
You have poignantly and rightly described how our history of planning and building transportation facilities has often degraded communities. In an April presentation, you recalled how your own childhood home in Charlotte had suffered from the practice of prioritizing auto mobility over livability and place, in the form of expanded urban highways. “A new more convenient, high speed thoroughfare had been created,” you said. “But the way of life of another community had been destroyed.”
Sadly, a proposed rule, released within days of your presentation, perpetuates this practice. It would impose multiple and conflicting traffic-speed standards, in ways that undermine goals of connectivity and livability as expressed not only by US DOT and but also by many other state and local entities. The rule would push decision-makers to increase motor-vehicle speeds in urban and suburban contexts, by widening roadways or removing impedances, such as pedestrian crossings, traffic calming devices, density of land uses and transit vehicles.

Please consider the following comments and recommendations that would result in a rule more consistent with modern transportation goals and objectives.

1. The draft rule provides multiple, conflicting goals for traffic speed: as a measure of NHS performance, as a measure of freight performance, and as a measure of congestion for CMAQ purposes. As a result, many roadway segments will have multiple and conflicting thresholds for assessing traffic speed.

Recommendations for eliminating duplication and conflict:

a. Retain the NHS performance measure for day-to-day reliability for Interstate and non-Interstate facilities. This measure serves the useful purpose of helping assure travelers that their trip-making will be predictable over time, lessening costly uncertainty. Eliminate the second NHS measure that targets peak hour speeds. This second measure is simply a congestion measure by another name, conflicting with freight and “excessive delay” measures.

b. Similarly, retain the measure for truck travel-time reliability. Except in cases where truck-only facilities exist, eliminate the second freight measure, for uncongested mileage, which again is a duplicative congestion measure.

2. The draft rule provides for an “excessive delay” measure targeting congestion. While this is an appropriate response to the statute’s direction in regard to CMAQ-related measures, as drafted the rule would set inflexible and in many cases unrealistically high thresholds for what constitutes excessive delay. An exploration of federally provided NPMRDS data shows that many segments experience such speeds even times when traffic is free-flowing. In addition, state and local decision-makers have in many cases chosen to set design and posted speeds at or near levels the rule would consider as excessive delay. And by targeting vehicles without respect to travelers, the measure would count an express bus with 50 riders the same as 50 single-occupancy vehicles, skewing decision-making toward moving cars rather than people.

Recommendations for improving the excessive delay rule:

a. Threshold speeds must better account for context and state and local goals. A 35 mph threshold may be appropriate where the posted speed is 70 mph, but not where the posted speed is 35 mph. The rule should:
   i. Set the freeway threshold at 35 mph or 50 percent of the posted speed limit, whichever is lower.
   ii. Keep the threshold at 15 mph for surface facilities posted at greater than 30 mph but eliminate it for streets posted at 30 mph or less – places were state and local agencies and communities have decided that slower traffic speeds are desirable, and where even at free flow traffic may move at or below the proposed 15 mph threshold.

b. Replace the vehicle-hours standard for computing total delay with a standard based on person-hours. FHWA should provide default values for occupancy of cars, trucks and transit vehicles,
while allowing DOTs and MPOs to employ more precise measures, e.g. from transit ridership data, if they choose.

3. The draft rule’s focus on auto mobility is outmoded. Travelers care about how efficiently they can reach their destinations by the mode of their choice. Fast-moving traffic may spread land uses and increase miles of travel, actually increasing travel times and reducing the effective performance of the system. And traffic speed as a measure of success ignores many other costs and considerations for the traveler and the community. The explanatory text of the draft rule describes many of these drawbacks.

Recommendations for generally improving performance measures related to NHS, freight and congestion:

a. FHWA has purchased and made available to states and MPOs a mobility-oriented dataset, the aforementioned NPMRDS. For decision-makers to consider access to destinations, they need not only network speeds, but also “points of interest” data – homes, businesses, schools, parks, etc. – which are commercially available, as well as tools and standards to relate speed, modal network availability, and location. Such tools are also commercially available. FHWA should provide these tools, and assist in standard-setting, in the performance rulemaking, ultimately replacing simple speed-based measures with accessibility-based measures.

b. The NPMRDS not only indicates times and places where traffic has slowed, but also times and places where average speeds far exceed posted speed limits. In its performance rulemaking going forward, FHWA should address not only speeds that are too slow by a particular standard, but those that are faster than posted or target speeds.

In your recent presentation, you said that “While we cannot change the past, we can ensure that current and future transportation projects connect and strengthen communities, including areas that have, in the past, been on the wrong side of transportation decisions.” The NPRM falls short of that vision. Please consider making the changes recommended here.

Mobile Source Emissions
The impacts of climate change pose serious challenges for the life, health and welfare of our residents. The infrastructure of our cities is increasingly stressed by the changing climate and the extreme weather events that come with it. Cities recognize the urgency of reducing greenhouse gas emissions, and we are working diligently to reduce emissions where we can, but we cannot achieve the needed reductions on our own. Despite notable gains in fuel efficiency standards, GHG emissions from transportation have increased by 16 percent since 1990. This underscores the need to track greenhouse gas emissions as a transportation performance measure.

We are supportive of the current proposed measure for evaluating the air quality impact of CMAQ projects. The current measurements used in the CMAQ program for the most part do a good job of quantifying the air quality benefits of projects that reduce pollution by diverting people from driving into non-polluting walking or bicycling trips. But the emissions measure does not go far enough. We encourage USDOT to include a greenhouse gas emissions measure in the final rule.

Specifically, the proposed rule should require that states and MPOs set targets for reducing carbon emissions and develop implementation strategies to achieve those targets as part of their long-range transportation plans. This rule should require that local transportation agencies report on those strategies in each update of their transportation improvement program. This will help generate smarter
transportation policies in and around America’s cities, lowering GHG emissions and making cities cleaner and healthier.

Several MPO and state planning programs already assess GHG emissions and include strategies for reducing them. But without uniform data, which FHWA should provide, it will be challenging for federal, state, and local agencies faced with limited revenue, increased congestion, and growing demands for transportation to make informed, rigorous, and transparent long-range plans that tackle climate change.

Our cities are striving to provide sustainable transportation choices to the people who live, work, and travel in our cities, and a uniform GHG performance standard would demonstrate a long-term commitment to combating climate change at all levels of government.

Closing
We appreciate the opportunity to comment on the rule, and support the move to a performance-based transportation system. We share your goals of building an efficient, transportation system that connects, rather than divides communities, and of minimizing environmental harms. The changes we suggest would bring the proposed rule much more closely in line with those laudable goals.

Sincerely,