

United States Senate

WASHINGTON, DC 20510

July 18, 2018

The Honorable Elaine Chao
Secretary
United States Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Dear Secretary Chao:

I write today to bring your attention to a recent report in the *Detroit Free Press* regarding the impact of vehicle design on pedestrian safety, and to urge you to take prompt and comprehensive action to address rising pedestrian fatalities.

According to the National Highway Traffic Safety Administration (NHTSA), 5,987 pedestrians were killed in traffic crashes in the United States in 2016. This represented a nine percent increase over the year prior, and marked the highest single-year pedestrian fatality total on record since 1990. These numbers represent significant impacts on some of our most vulnerable populations, including the deaths of 1,156 seniors and of 245 children under the age of 15.

Unfortunately, the data show that 2016 is not an outlier. Over the last ten years, pedestrian fatalities have gone up 27.4 percent, and the pedestrian share of overall traffic fatalities has risen from 11 percent to 16 percent. This epidemic of pedestrian deaths is a nationwide challenge. Of areas with a population of at least 200,000, those facing the highest rate of pedestrian deaths include major urban centers like Detroit, Phoenix, and Miami, along with mid-size metropolitan areas like Newark, Baton Rouge, and Birmingham.

While pedestrian fatalities have many contributing factors, a recent report in the *Detroit Free Press* sheds light on a particular challenge to pedestrian safety—the vehicle design of sport-utility vehicles (SUVs). Between 2009 and 2016, the Insurance Institute for Highway Safety found an 81 percent increase in single-vehicle pedestrian fatalities involving SUVs. This trend was also observed in a 2015 report by NHTSA, who noted that pedestrians were 2-3 times more likely to be killed when struck by an SUV or pickup truck than by a passenger car. As SUVs continue to grow in popularity, pedestrians and drivers alike deserve to know that both automakers and public officials are doing everything in their power to improve the safety of these vehicles.

Through its New Car Assessment Program (NCAP), NHTSA conducts tests to determine the safety and crashworthiness of new vehicles, and makes this information available to the public. This testing and transparency has significant impacts on the safety of vehicle design—both by providing thorough and independent crash test data to automobile manufacturers, and by giving consumers the information they need to purchase the safest possible vehicles. Through its

NCAP program, NHTSA has the ability to address emerging safety challenges, including the disparate impacts SUVs have on pedestrian safety.

In the past, NHTSA has considered making changes to NCAP specifically designed to improve pedestrian safety. On December 16, 2015, NHTSA issued a request for comments on proposed revisions to NCAP, including a discussion on potential changes to improve pedestrian safety. In the notice, NHTSA stated that "The agency believes that a crashworthiness pedestrian safety program in NCAP is necessary to stimulate improvements in pedestrian crashworthiness in new light vehicles sold in the United States and ultimately reduce pedestrian fatalities and injuries from vehicle crashes in the United States." The notice went on to state that reductions in pedestrian fatalities in Europe and Japan had likely come in part due to implementation of similar standards.

Yet two and half years later, these changes have not been implemented, and pedestrian fatalities continue to climb. As one means to address this crisis, I ask that NHTSA work to promptly update NCAP to include new pedestrian safety standards. A new pedestrian safety component of NCAP can address emerging problem areas, like the role of SUV design in pedestrian safety, along with the broader challenge of pedestrian-vehicle collisions generally.


Recognizing that vehicle design is only one contributing factor to traffic fatalities, I ask that you consider a Department-wide approach to pedestrian safety. This could include working to enhance and update DOT's guidance and technical assistance on methods for improving safety for all users, including complete streets practices, smarter roadway design, and traffic calming. A comprehensive approach should also include targeted use of the Department's discretionary authority, including through its Better Utilizing Investment to Leverage Development (BUILD) grants (formerly known as TIGER grants) to support investments in pedestrian safety.

As public officials, we must do everything in our power to reduce these preventable deaths, and make our roads safe for all users. No matter our preferred mode of transportation, we are all pedestrians at one point or another, and we all share a stake in making our roadways safer for all users. Thank you for your consideration of these requests.

Sincerely,



Robert Menendez
United States Senator



Cory A. Booker
United States Senator