



# City of Austin

P.O. Box 1088, Austin, TX 78767-1088

May 3, 2022

The Honorable Robert Nichols  
Chairman, Senate Committee on Transportation  
Texas Senate

## Re: City of Austin Comments on Traffic Safety Interim Charge

Chair Nichols and Members of the Senate Committee on Transportation:

Thank you for the opportunity to submit written comments on the Committee's Interim Charge concerning state transportation and road safety efforts. We appreciate the Committee's commitment to making Texas roadways safer and fully support the Texas Transportation Commission's bold goal to reduce the number of deaths on Texas roadways by half by the year 2035 and to zero by the year 2050.

With a growing number of other Texas cities, the City of Austin has committed to ending senseless traffic deaths and serious injuries, and it has dedicated tens of millions of dollars to improve roadway design to prevent further human losses. In Austin, between 2019 and 2021, over 290 people were killed in traffic-related crashes, and over 1400 suffered life-changing serious injuries.

Through a robust data analysis process, similar to TxDOT's methodology, the City has identified the roadways that represent the highest opportunity to reduce severe crashes. A recent analysis found that of non-freeway crashes, ~70% of our fatalities and serious injuries occur on just ~8% of our city's road network, including both City and TxDOT roadways. This is [Austin's High-Injury Network](#), which includes 13 [High-Injury Roadways](#) where we are focused on effective near-term improvements.

There are a variety of strategies that can be applied today that will help Texas improve road safety. The Texas Strategic Highway Safety Plan (SHSP), developed by TxDOT staff and partners, already includes many of these strategies and the ones listed here are intended to highlight and supplement that document. There are four key areas to address:

- Managing Speeds and Reducing Congestion
- Reducing Impaired Driving
- Improving Safety for People Walking, and
- Enhancing Penalties for Key Behaviors Causing Injury Crashes

*The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.*

## Managing Speeds and Reducing Congestion

Serious efforts to reduce the number of severe car crashes start with setting traffic speeds appropriate to the context of the roadway and all users of the right-of-way. If the speed of the vehicle is lower, avoiding collisions is more likely and the outcome of the crash will be less severe, particularly for people outside of vehicles. And an estimate from the Texas Transportation Institute is that up to 35% of traffic congestion can be attributed to traffic incidents, depending on the roadway type and distinction of urban or rural area. Lower operating speeds can help lead to fewer incidents which cause congestion.<sup>1</sup> Speed management strategies include amending state laws to enable speed limit setting methodologies and setting target speeds for all highways and streets to reflect the desired safety outcome.

### Strategies

1. Adjust Texas Transportation Code Section 545.356 to allow prima facie speeds lower than 25MPH for neighborhood-level streets and remove burdensome reporting requirements.
2. Encourage use of alternative speed setting methodologies, such as the Federal Highway Administration's USLIMITS2 or Safe System approaches, for determining appropriate speed limits.
3. Encourage state transportation agency staff to set target speeds based on data regarding the impact of speed on injury severity to inform designs of new and rehabilitated highways that produce safer outcomes.

## Reducing Impaired Driving

The Strategic Highway Safety Plan (SHSP) states that within Texas, "impaired driving was identified as a factor for 8,301 fatal crashes (39 percent of all fatal crashes)" between 2010 and 2016. However, this is likely under-reporting the scale of the problem as TxDOT crash analysis of available data show that almost half of the drivers killed in car crashes did not have a blood alcohol concentration (BAC) test performed on them, likely because many are single car/single victim crashes.<sup>2</sup>

### Strategies

1. Consider legislation to reduce the legally allowed BAC limit to .05% for all drivers.
  - a. The National Transportation Safety Board has advocated for a .05% BAC limit, stating that, "research on effectiveness of laws shows that lowering the BAC changes behavior at all BAC levels, ...so it is an effective intervention for preventing driving at both high and low BAC levels."<sup>3</sup>
  - b. The National Academies of Sciences, Engineering, and Medicine found that individuals' ability to operate a motor vehicle begins to deteriorate at BAC levels "well below 0.05%, increasing a driver's risk of being in a crash," and that "reducing the BAC law to 0.05% is an effective strategy..."<sup>4</sup>
  - c. The State of Utah lowered its BAC limit to 0.05% at the end of 2018. The National Highway Traffic Safety Administration found Utah's fatal crash rate dropped by 19.8% in 2019, the first year under the lower legal limit, and the fatality rate decreased by 18.3%. Even with fewer arrests in the first year of the law, people surveyed noted that a lower BAC limit caused them to plan ahead for a safe ride home.<sup>5</sup>
2. Expand when interlocking devices are required (Sec. 521.246) to include when anyone caused serious injury or death to another person in a car crash as related to a DWI conviction.

## Improving Safety for People Walking

Even with significantly reduced roadway activity for most of 2020, the number of pedestrian fatalities in Texas

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<sup>1</sup> <https://static.tti.tamu.edu/tti.tamu.edu/documents/TTI-2021-2.pdf>

<sup>2</sup> Texas Department of Transportation. BAC Tests on Fatally Injured Drivers 2019. [http://ftp.dot.state.tx.us/pub/txdot-info/trf/crash\\_statistics/2019/36.pdf](http://ftp.dot.state.tx.us/pub/txdot-info/trf/crash_statistics/2019/36.pdf)

<sup>3</sup> The National Transportation Safety Board. ".05 BAC Safety Briefing Facts" (February 2017) at <https://www.nts.gov/news/speeches/T-Bella-Dinh-Zarr/Documents/05BAC-Safety-Briefing-Facts.pdf>

<sup>4</sup> National Academies of Sciences, Engineering, and Medicine. 2018. Getting to Zero Alcohol-Impaired Driving Fatalities: A Comprehensive Approach to a Persistent Problem. Washington, DC: The National Academies Press. <https://doi.org/10.17226/24951>

<sup>5</sup> <https://www.nhtsa.gov/press-releases/utah-lower-impaired-driving-law-study>

increased from 661 in 2019 to 717 in 2020; 56 more people were killed while walking in 2020. Preliminary data for the first six months of 2021 estimates 375 people walking were killed in Texas, putting 2021 totals on track to far exceed 2020 numbers. We need to ensure that roadway operating speeds are appropriate for the context of the roadway and surrounding area, that frequent and safe crossings exist, and that high-speed vehicles and pedestrians are separated in time and space.

*Strategies*

1. The speed of a vehicle is critically important for likelihood of survival in a crash between a person walking and a person driving a vehicle. Allowing more flexibility with reduced regulatory hurdles to set prima facie and other speed limits using widely accepted standards, including speed limits lower than 20MPH when context appropriate, will have a net positive effect for improving safety for people walking as well.
2. Ensure State highways and roadways provide safe, frequent crossings (i.e. maximum acceptable distance of ½ mile) for pedestrians through project design and funding requirements.
3. Require TxDOT design manuals to require pedestrian pathways and/or multipurpose trails adjacent to non-freeway state roadways and highways, including frontage roads, where those roadways pass through urban areas, towns, or communities meeting minimum thresholds of people living and working there. Require state and local construction projects to provide safe, alternative pedestrian routing during closures of pedestrian pathways (formal or informal) when roads are being maintained, constructed, or reconstructed.

**Enhancing Penalties for Key Behaviors Causing Injury Crashes**

Texas Transportation Code Section 542.4045 currently includes higher fine amounts for failure to yield right-of-way when that driver behavior is proven in court, and accepted by a judge and/or jury, to have caused a crash which results in injuries or serious injuries of another person involved. This approach serves to apply a penalty after the behavior has already occurred and is proven. One approach is to expand this section of code to include the types of risky driver behaviors that have often led to severe crashes.

*Strategy*

Consider legislation to impose higher fines for speeding- and distracted driving-related behaviors to Texas Transportation Code Section 542.4045 when a driver’s behavior, after proven in court, is shown to have caused a crash that results in the serious injury or death of another person.

**Conclusion**

Thank you for the opportunity to provide input and feedback on this critically important topic. Through various strategies that can be achieved through legislation or dedicated funding, we can address the primary concern of speed management to reduce crash severity along with the various environmental and behavioral issues that contribute to this public health and public safety challenge. Making a bold statement that the safety of pedestrians and other non-motorized users of the State roadway system is a priority for TxDOT, and prioritizing those areas of the roadway network where pedestrians are probable (urban areas, towns, communities), would continue to strengthen the resolve of the State to achieve our shared goal of saving lives.

Sincerely,



Robert Spillar, P.E.  
Director, Austin Transportation Department  
City of Austin