



April 18, 2011

Mr. Robert S. Rivkin
General Counsel
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590-0001

RE: Support for Guidance on “Due Consideration” of Bicyclists and Pedestrians for Regulatory Review (Docket No. DOT-OST-2011-002)

Dear Mr. Rivkin,

America Walks is a national organization working to make America a great place for walking. We do this by working collaboratively with partners at the local, state, and national level to share knowledge, advance policies and implement effective campaigns to promote safe, convenient and accessible walking conditions for all. We are pleased to respond to the call for comments regarding DOT’s regulatory review process.

Title 23 USC Section 217(g) requires considering the needs of pedestrians and bicyclists in federally funded projects. A 2007 guidance issued by the Department interprets this requirement to mean that bicycle and pedestrian facilities should be included by default unless there is a very compelling reason not to. The Department Secretary’s recent policy statement emphasizing that bicyclists and pedestrians should be served equally with motor vehicles continues this policy emphasis, and is to be applauded as a common sense response to public demands for safer, more inviting accommodations for “active” transportation. America Walks strongly supports the current DOT guidance and encourages strengthening it.

While we recognize that State DOT’s sometimes consider this burdensome, these same agencies, and their counterparts at the local level, have a long history of routinely ignoring the needs of anyone not travelling inside a motor vehicle, despite the fact that one-third of Americans cannot or choose not to drive. In our experience, most public traffic engineering professionals have little if any training in the design of pedestrian facilities, beyond the most minimal features that may or may not actually serve their intended purpose.

- This circumstance has given rise to a virtual epidemic of pedestrian injuries and fatalities.
- Potential pedestrians who are discouraged by the lack of adequate facilities for their needs experience a troublesome state of sedentary behavior and its attendant health consequences.
- Disabled citizens are also limited in their travel options since very few communities have a complete network of adequate facilities meeting their needs.

- As the American Public Health Association, the Federal Centers for Disease Control and Prevention, and many others have noted, every transportation project is also a public health project, whether or not the project designers are aware of or acknowledge this.

For these reasons, America Walks urges strengthening requirements for providing adequate pedestrian facilities in all federally funded projects.

One example is the triggering of requirements to install curb ramps when an “alteration” is undertaken. It is clear that affected agencies are illegally avoiding this requirement, which undermines both the spirit and intent of the Americans with Disabilities Act and related regulations. DOT should consider requiring each state to set, and meet, publicly-reviewed goals for installing universal design (ADA) elements and maintain sidewalks in usable condition, and make the further receipt of federal funds contingent on meeting these goals.

In addition to strengthening requirements to provide and maintain pedestrian facilities, DOT should expand pedestrian design training opportunities for state DOT staff and their partners at the local level.

Public Meetings 23 CFR part 450.210. America Walks strongly supports the current regulation that: “to the maximum extent practicable ensure that public meetings are held at convenient and accessible locations and times.” These meetings can be the only time that the disabled and other pedestrians can be effectively heard, and hear each other. This method of educating the public and hearing from it is very effective, when the involved agency carries it out in good faith.

Thank you for the opportunity for America Walks to comment.

Sincerely,

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