

Docket Management Facility
United States Department of Transportation
1200 New Jersey Avenue SE
West Building Ground Floor, Room W12-140
Washington, DC 20590-0001

3 May 2023

Re: Docket No. DOT-NHTSA-2023-0002

To whom it may concern:

Thank you for the opportunity to provide feedback on this docket, pertaining to a Request for Comments on the draft Model Minimum Uniform Crash Criteria (MMUCC) Guideline, Sixth Edition. This conversation is critical to recognize, identify, mitigate, and recalibrate crash reporting systems that are cognizant of all road users, especially vulnerable road users.

We echo the comments shared by the League for American Bicyclists (League) and Salud America, where the MMUCC plays a critical role in creating consistent data on crashes in the United States to better understand trends and patterns in traffic safety and their relationship to user behavior and/or street design. This vital data helps decision makers make key policy and investment decisions and guides planners and engineers in developing solutions aimed at improving transportation safety. The USDOT adopted a Safe Systems Approach as part of its National Roadway Safety Strategy; its version of a Vision Zero statement, aiming towards zero deaths on America's roadway. However, the draft MMUCC raises several concerns that may undermine or weaken USDOT's Safe Systems Approach.

"Humans Make Mistakes. People will inevitably make mistakes and decisions that can lead or contribute to crashes, but the transportation system can be designed and operated to accommodate certain types and levels of human mistakes, and avoid death and serious injuries when a crash occurs."

The above statement is one of the key principles of USDOT's Safe Systems Approach. However the proposed MMUCC has guidelines that does not treat all road users equitably, and continues to blame people for crashes instead of reflecting on the design and operational changes to the transportation system that avoid deaths and serious injuries when crashes occur.

T4America is pleased to see interest in the MMUCC and other comments. We support and reiterate the following comments:

- Different Language for Drivers and Non-Motorists (from the [League of American Cyclists](#))
 - The proposed MMUCC treats the mistakes and actions of drivers differently than the mistakes and actions of other road users. In the proposed MMUCC, there are two analogous data elements that deal with human mistakes and actions:

- 1. “D10. Related Factors – Driver Level” lists more than thirty attributes, of which no more than four are to be selected for a crash. These attributes include mistakes, such as “overcorrecting,” and actions, such as “Fleeing/Evading Law Enforcement.”
- 2. “NM4. Non-Motorist Contributing Circumstance(s)” lists more than a dozen attributes, of which no more than two are to be selected for a crash. These attributes include mistakes, “Traveling Wrong Way” and actions, such as “Fleeing/Evading Law Enforcement.”
- The attributes that will be listed in crash forms are similar for these two data elements and the value of them is to understand the mistakes or actions of the people involved in the crash. However, the proposed language in the MMUCC treats the mistakes and actions of the driver as “factors related to the driver” rather than as actions or circumstances “that may have contributed to the crash” as it does for non-drivers. Consistency demands that both drivers and non-motorists have their actions treated the same way, rather than implying that the actions of non-motorists contribute to the crash while actions of drivers do not. To imply that non-motorist actions contribute to the crash, but the actions of drivers do not, blames the most vulnerable users of our roadways while not recognizing the responsibility of driver behavior in crashes. The League recommends using consistent terminology, with “related factors” being an adequate description that does not imply blame. The “related factors” language could also be used for the data element “V41. Contributing Circumstances, Motor Vehicle” for consistency.
- Victim Blaming Data Attributes (from the [League of American Cyclists](#))
 - Under the data element “NM4. Non-Motorist Contributing Circumstance(s)” there are three attributes that are unnecessarily victim blaming and which do not advance data collection that will inform the design and operation of a transportation system that avoids death and serious injury.
 - The data attribute “Dart/Dash” is not specific and implies a reckless action by the non-motorist. Consider rewording the attribute (“Non-motorist entering from off the roadway”) to be more objective versus passing judgment.
 - The data attribute “Not Visible (Dark Clothing, No Lighting, etc.)” is not specific and implies that a completely legal action - wearing dark clothing - may have caused a crash. Consider removing this attribute, since it serves no public policy purpose, since there is an attribute related to lighting conditions.
 - The data attribute “Improper Crossing of Roadway or Intersection (Jaywalking)” is not defined in the proposed MMUCC and unnecessarily perpetuates a term that does not have a purpose aside from victim blaming. Consider removing this attribute, for it doesn’t focus on street design and perpetuates auto-centric victim blaming on vulnerable road users.
- Expanding Demographic Data Collection (from the [Center for Policing Equity](#))
 - Expanding data collection to include demographic information and using language to explicitly include non-police crash investigators would assist researchers and organizations analyzing inequities in crash data.
 - NHTSA’s FIRST data currently provides demographic data for the driver striking and killing a person walking in less than .25% of fatal pedestrian crashes. The race/ethnicity of

the striking driver is provided in only 160 crashes out of more than 73,000 fatal pedestrian crashes between 2007-2021.

- Vehicle Height Data Collection (from [Salud America](#))
 - Research shows the height of a vehicle, specifically the height of the vehicle part that makes initial contact with a person biking, walking, or otherwise outside of a vehicle when hit and the height of the top of the hood that allows or prevents a body from vaulting onto the hood of a vehicle has a large impact on the kinematics of a crash and the injuries that result. In a recent study by the Insurance Institute for Highway Safety, they found that the height of collision points resulted in “only cars caus[ing] injuries by vaulting bicyclists onto the vehicle’s roof and only SUVs caus[ing] injuries by running bicyclists over.”
 - No proposed MMUCC data element or attribute currently captures the height of the vehicle’s initial contact point (most likely to be the bumper) or height of the hood. Collecting this data could inform public policy by showing the increased injury severity in crashes with taller vehicles on a more widespread basis than allowed by existing data.
- Vehicle Speed (from [Salud America](#))
 - Speed being a critical factor in the outcome of crashes, it will be crucial to incorporate data collection guidance related to speed data elements, especially data in relation to the 85th percentile speed standard. (<https://salud.to/trafficsafety>).
- Incorporating newer modes of micromobility (from [NTSB](#))
 - The proposed attributes in data element NM9 will “likely satisfy Safety Recommendation H-22-26” to “include data elements for electric scooters and electric bicycles.”
- Crashes related to Vehicle Dooring (from the [Ohio Bicycle Federation](#))
 - The inclusion of a data element and/or guidance that relates to “dooring” the act of a driver or motor vehicle passenger improperly opening a motor vehicle door.
 - Forty two states have a law that requires a person to not open a motor vehicle door unless it is reasonably safe to do so. “Dooring” could be included as an attribute under “D10. Related Factors – Driver Level” with a description such as “opening door” where “opening door” means a driver or occupant opens a door and the crash occurs when a person or vehicle first contacts the opened door. “Dooring” could also be included through guidance about how to indicate dooring in the narrative or diagram of a crash. The structure of “C6. First Harmful Event” makes it a poor fit for indicating “dooring” as “non-motorist” is its own attribute under that data element.

As NHTSA reevaluates the MMUCC 6th edition draft, it will be crucial to reflect on the core purpose of our transportation system, which is to move all people, regardless of ability, without barriers within our communities. NHTSA will have to peel back historical context within their guidance and standards setting framework that has seen the automobile as the primary mode of transportation and human behavior (especially for those outside the vehicle) at fault for crashes and not street design.

We look forward to engaging in the conversation with your team in order to advance the state of the transportation planning practice to improve roadway safety, achieve the congressional intent and the efficacy of the federal transportation program that advances a holistic, equitably applied Safe Systems Approach. Thank you for your consideration of this feedback.



Beth Osborne
Director, Transportation for America



Benito Pérez
Policy Director, Transportation for America