



Osborne testimony, July 23, 2024

Testimony for Beth Osborne
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Examining the Department of Transportation's Regulatory and Administrative Agenda
House Transportation & Infrastructure
Wednesday, July 23, 2024

Thank you, Chairman Crawford and Ranking Member Norton for inviting me to today's hearing. I am the director of [Transportation for America](#), the transportation arm of Smart Growth America. My team's mission is a transportation system that connects people to jobs and essential services by all modes of travel, no matter people's financial means or physical ability. We do our work through direct technical assistance, research and analysis of the existing transportation system, and policy advocacy. In my role, I also manage the [National Complete Streets Coalition](#), an [Arts & Culture](#) in transportation program, and a partnership with the University of Wisconsin's [State Smart Transportation Initiative](#).

My team is currently working with states and localities across the country that share our goals. That work includes reviewing procedures, standards, regulations and performance measures of state departments of transportation, from Florida to Michigan, to modernize them and ensure they are protective of all users. We also conduct trainings and assist states and localities in using low-cost, quick-build demonstration projects to test out new interventions for improving safety, most recently in [10 communities](#) in Alaska, California, Connecticut, and Tennessee.

We analyze trends in the transportation system and the results of our current investment approach to transportation. We use that information to identify and advocate for needed policy changes. Our analyses have found a sizable gap between what the taxpayers are promised by their elected leaders and what is delivered through the bipartisan surface transportation program: the current transportation funding system allows states to prioritize expansion over maintaining the roads they already have; utilize the same approach to roadway design that has made America's roads the most deadly in the developed world; and puts people farther away from the places they need to go, stymying access to opportunity.

Every time Congress begins its efforts to reauthorize the surface transportation program, we hear about the need to rebuild crumbling roads and bridges, improve roadway safety, and save people time by reducing congestion (as if there is no other way to do it).

Eventually Congress, on a bipartisan basis, puts substantially more money in the same structure of programs that has existed since 1991, and that bill is signed by presidents of both parties. Congress and the president compliment themselves and talk about how more money in the same programs that led to the current predicament will lead to different results.

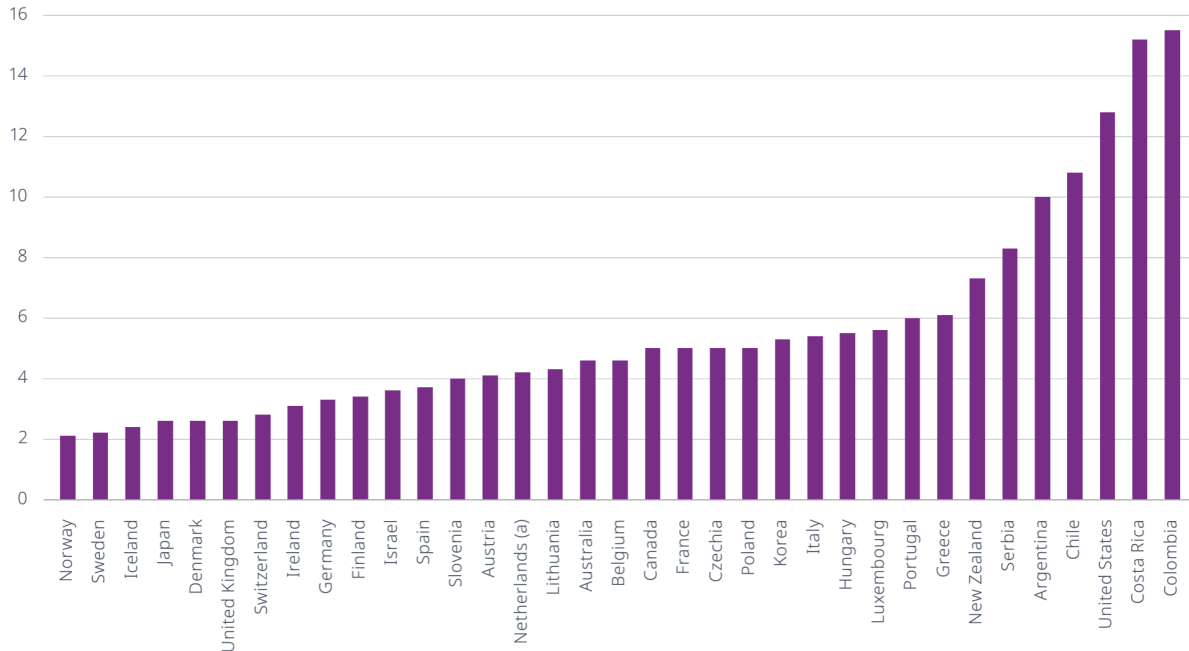
They don't. Five to seven years later, we start that process over, pointing to the same problems that were supposed to be fixed or at least improved by the last reauthorization. Our failure to address our stated goals is pointed to as the reason why more money is needed for the same programs—rinse and repeat—as if that's the best we can do for the taxpayer.

I am old enough to have participated in five such cycles. I've watched this cycle for longer than most people on this committee have been in Congress, except Ranking Member Norton. It is frustrating watching us enthusiastically spend hundreds of billions of dollars for poor results and never consider we need to try a different tack.

Our safety results are abysmal. According to the National Safety Council, roadway deaths decreased 2% in 2022—but that was following an 11% increase in 2021 and an 8% increase in 2020. In 2022, 46,027 people died in motor-vehicle crashes compared to 46,980 in 2021 and 42,338 in 2020.

The United States has the most dangerous roads of all the developed nations. According to the [International Transport Forum](#), an intergovernmental organization with 69 member countries from Albania to Uzbekistan, between 2012 and 2022, road deaths increased by 1.5% in the 35 countries with validated data. But then they actually include this sentence in their [roadway safety report](#): “If US data are excluded, overall road deaths in IRTAD countries fell by 14%.” The US is single-handedly dragging the performance of the developed world down on roadway safety.

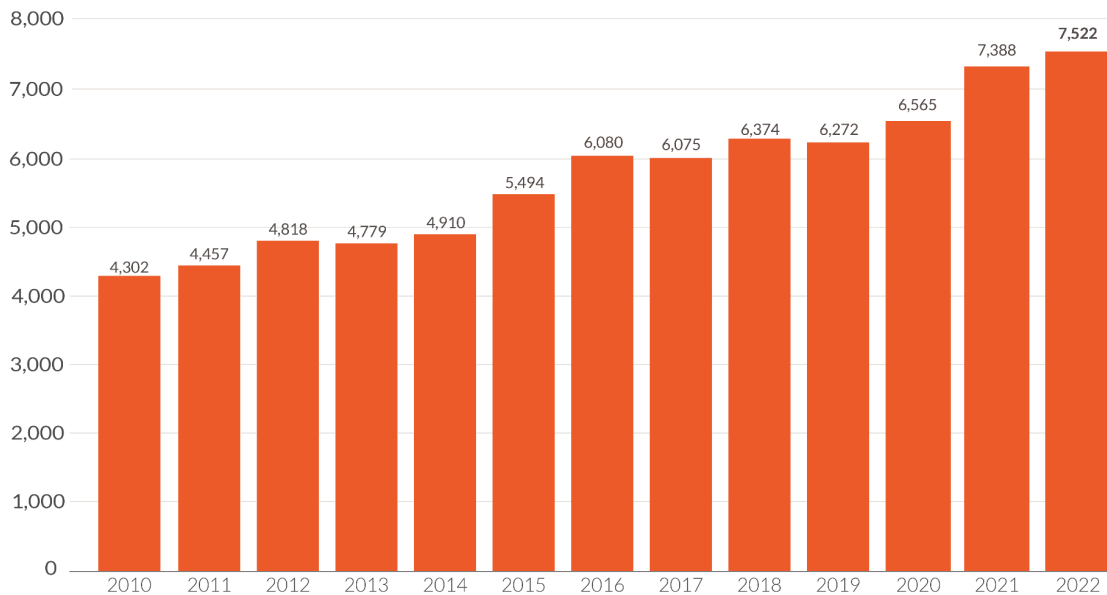
Figure 6:

Road fatalities per 100 000 inhabitants, 2022


Across those same countries, pedestrian fatalities decreased by 27.3%. But not in the United States. Our analysis of roadway danger for those walking on American roadways based on data from the National Highway Traffic Safety Administration, called [Dangerous by Design](#), found that pedestrian fatalities are up. In fact, there has been a 75 percent increase in the number of people struck and killed while walking since 2010. Danger outside of a vehicle is getting consistently worse: The share of all traffic deaths that were people outside of vehicles hit the highest share in 40 years. Those 7,522 deaths are roughly the equivalent to more than three Boeing 737s full of people falling from the sky every month for a year. Because of how we design our roads, danger for people walking goes up when driving is up and when driving is down.

(The most dangerous Congressional Districts can be found [here](#).)

75 percent increase in the deaths of people walking since 2010

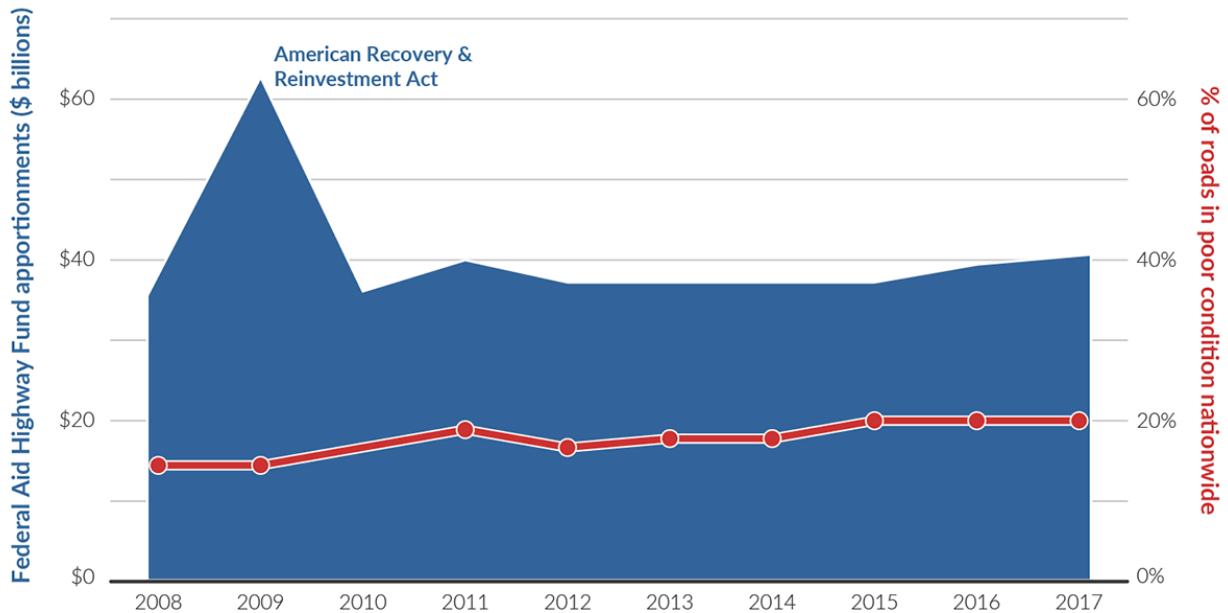


U.S. pedestrian deaths (2010-2022)

What about repairing our crumbling roads and bridges? The last time we looked at the state of repair of our roads, we found that while more money is being spent, it is not necessarily going to repair. In our report with Taxpayers for Common Sense, [Repair Priorities](#), we found that states were spending as much on roadway expansion as repair and, as a result, between 2009 and 2017, the percentage of the roads nationwide in poor condition increased from 14 to 20 percent.

These investments in expansion don't just redirect funds away from much-needed investments in repair; they continually grow our annual spending needs, widening the gap. Every new lane-mile of road costs approximately \$24,000 per year to preserve in a state of good repair. By expanding roads, we are borrowing against the future. But the failure to invest in existing infrastructure and the decision to build more roads we can't afford to maintain are held up as reasons to take more money from the taxpayer (or increase the national debt).

Percentage of roads in poor condition vs. federal appropriations



REPAIR PRIORITIES 2019



The Washington Post took a look at the issue in 2021 and found the same trend continuing: [“Infrastructure plan calls for fixing the nation’s existing roads. Some states are still focused on expansion.”](#) Thankfully, they were able to get the Federal Highway Administration to give them significantly more current data than they made available to the public and to us. My organization is looking at the spending under the IIJA and finding that these same spending trends continue into today. We will release our full findings in September, but our [preliminary findings](#) have already been made public.

We hear that the country must build more roads and expand roadways in spite of our lack of willingness to pay to keep them up because of the terrible congestion on our roadways. But our “solution” to congestion does not work. The United States has spent decades and hundreds of billions of dollars widening and building new highways. We added 30,511 new freeway lane-miles of road in the largest 100 urbanized areas between 1993 and 2017, an increase of 42 percent. That rate of freeway expansion significantly outstripped the 32 percent growth in population in those regions over the same time period. Yet this strategy has utterly failed to solve the problem at hand—delay is up in those urbanized areas by a staggering 144 percent— as we show in our report, [The Congestion Con](#). Congestion is

worse in all 100 cities, whether the population has increased or decreased, regardless of how much new roadway capacity was built.

Freeway capacity grew faster than population, yet delay exploded



What we are doing makes travel more expensive in terms of the actual cost of transportation and in terms of the amount of time needed to travel. Our focus on more and more highways has pushed development further out and spread it further apart. This makes trips longer so that even if they are faster, it is at best, a wash. In an [analysis](#) Transportation for America did with Third Way, we found household trips for commuting and other necessary tasks in 2017 were significantly longer on average than they were in 2001, 10 percent longer in urban areas and 12 percent in rural areas.



Average driving distance by trip purpose in rural areas

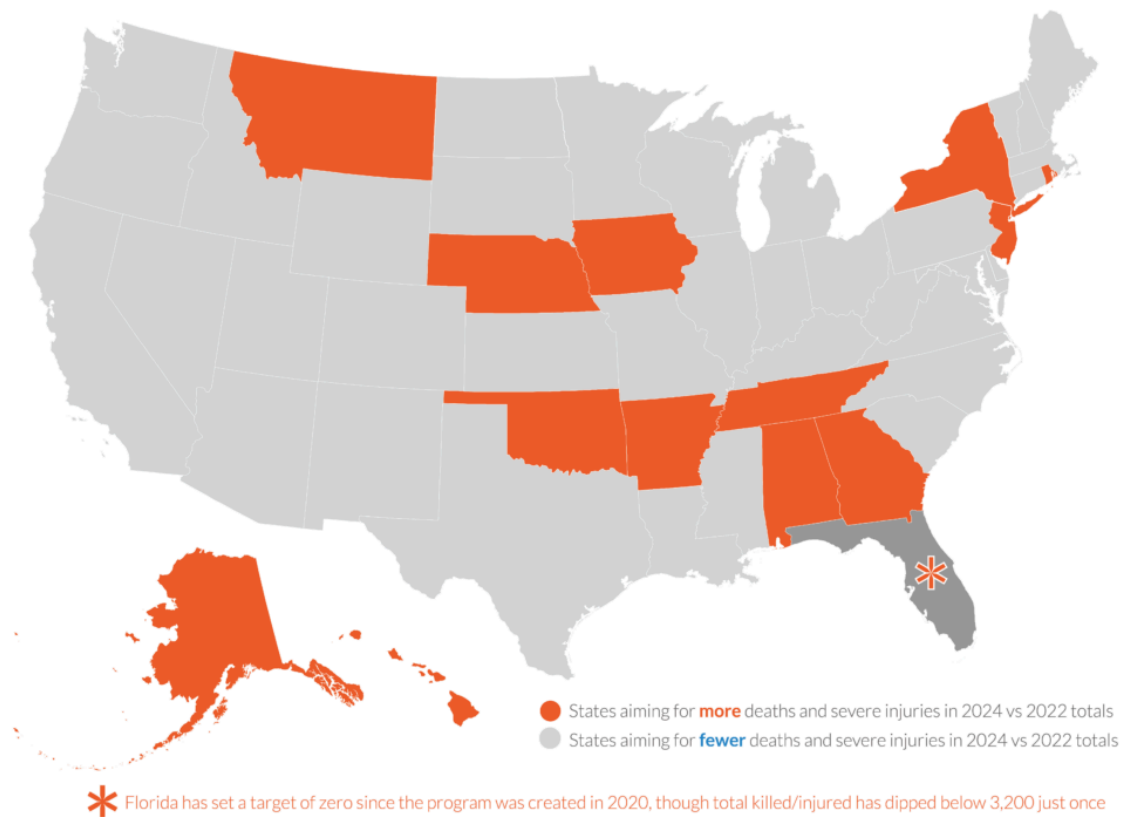
While rural trips have increased in length, rural travel per capita has not—which means people in rural America are likely giving up some trips. People have a finite budget for travel in terms of money and time.

If you have come this far with me, you may be wondering what this has to do with regulation. The point is that the federal spending and what we get for it is not regulated nor is there much oversight. There is very little transparency into where funding is allocated and there is rarely a report on whether a project delivered any of the benefits that were promised.

Just to analyze federal awards and what they're being spent on without a massive team, my team had to use AI to get through the federal spending information and, even then, we found that some states' reporting on their spending was very hard to understand. State reporting on their own spending is often even harder to parse.

Yet when the Federal Highway Administrator writes an unenforceable internal memo suggesting that the agency encourage states to use their authority to repair existing infrastructure and reduce emissions, some on Capitol Hill get very, very upset. If USDOT includes in their performance management regulation that states must set targets to reduce their greenhouse gas emissions (something most of them claim will happen in their environmental documents for individual projects), there is a lawsuit fighting it. This is in spite of the fact that there is no penalty for failing to hit a target the states set for themselves.

Actually, that is the case across the board. States get the same amount of money if they produce great results or terrible results, whether they hit their targets or not. As we point out in [Dangerous by Design](#), 13 states have set targets for more people to be killed or injured while walking. There is no penalty for this, even if they exceed their elevated targets.



Where USDOT and FHWA do regulate, it often stifles innovation and stands in the way of efficiency, quality of life, public health, and the economy. And yet, this gets little-to-no attention on Capitol Hill. When we work with our partners at the state and local level, the street design engineers regularly cite federal rules and standards as the reason they cannot narrow lane widths, add color in the roadway, or slow traffic speeds. The current default approach to determining whether a new pedestrian crossing should be added requires a certain number of people to jaywalk to prove demand. If pedestrians proving the need for a crossing are hit, they will likely get blamed for jaywalking. It would be like requiring people to swim across a river to justify a bridge and then blaming people who drown or need a rescue.

This strange relationship with safety can be seen everywhere. Elected leaders and those running transportation agencies love to say that safety is their highest priority. We talk about the safe systems approach, which requires education, enforcement, and design changes. Design change should be at the top of that list. However, just designing the roadway to make going the speed limit feel most comfortable is hard to do. We have standards that insist on adding wiggle room in case people exceed the speed limit, which is

exactly what they do when that wiggle room is provided. Wider lanes and roads with building set back sends a strong message for drivers to go faster.

Two interesting things in this space. First, our procedure for designing roadways and speed limits results in raising speed limits if enough people speed. So, if we design the roadway for people who might speed and they do, we will raise the speed limit for them. Second, while this design is considered auto-centric, it is actually quite hostile to drivers, and we all know it on some level. Everyone knows of roads that feel like you should be able to drive faster than the speed limit allows, We even have a term for that: a speed trap.

If we designed our roadways to get the behavior we wanted, we would not need as much education on how to use them or rely as heavily on enforcement. Instead of addressing design failures, we blame drivers and pedestrians for their behavior—drivers for going above the speed limit but adhering to the design speed of the roadway, and pedestrians for crossing where there is no marked crossing because they haven't crossed enough there to prove the need for one.

Congress and USDOT have relied more heavily on regulating vehicle design, commercial drivers, and supporting police enforcement. There is a group that chafes at all of these options. Each group will tell us to trust roadway designers, vehicle designers, and drivers. That is what we have been doing. That's why our results are so bad, why we are being shown up by Chile, Serbia, and Hungary.

If safety is a priority (not even the top priority) then everyone is going to have to be a part of it, and that will mean having some constraints and inconveniences. DOTs will need to update roadway design approaches, vehicle manufacturers will have to design safer vehicles and drivers will have to be more attentive and drive more slowly. That means, we cannot just say why one idea is wrong. We need to talk about what we are going to do to get better results for the taxpayer and traveling public.

I thank you for your time and look forward to the committee discussion and questions.