

March 24, 2022

The Honorable Pete Buttigieg  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Dear Secretary Buttigieg:

We appreciate the U.S. Department of Transportation's (U.S. DOT) leadership in the development and recent release of a National Roadway Safety Strategy (NRSS). Our organizations collectively represent the men and women who design, build, repair and maintain the nation's transportation network, and we advocate for policies that help ensure they return home to their families safely each day.

We share the department's aspiration of zero traffic deaths and will work with you on the many reforms necessary to pursue that objective. While we are pleased the NRSS includes a goal of safer roadways, it did not feature robust information about the safety needs that arise as the infrastructure is being upgraded. As a result of the Infrastructure Investment and Jobs Act (IIJA), significantly more money will be spent to improve our national roadway infrastructure resulting in more work zones, meaning more workers will be exposed to the significant hazards from construction, repair, and maintenance activities. To address this safety challenge, we believe there are two opportunities to build on the NRSS that are already underway at U.S. DOT.

First, the Federal Highway Administration (FHWA) is nearing completion of a National Work Zone Safety Strategic Plan that addresses safety needs during construction operations well. It has been developed over the past nine months through a collaborative process involving the states, private sector, and research and educational institutions. **We urge U.S. DOT to incorporate the FHWA plan as a seventh principle of the NRSS.**

In a similar vein, the NRSS and IIJA place particular emphasis on the protection of "vulnerable users," who are at an increased danger of being injured or killed when using the transportation system. This is underscored by an increase in the percentage of pedestrian incidents, even before the most recent spike in roadway deaths that coincided with the COVID-19 pandemic.

Unfortunately, the term "vulnerable road users" is too often narrowly defined to exclude the thousands of workers on transportation improvement project sites. Imagine an environment where traffic is flying by at 65 m.p.h. just feet from your workspace. That is the perfect definition of vulnerable user. We are concerned about the health and safety risks of these workers, whose deaths and injuries are counted with other pedestrian deaths, as reported by the National Highway Traffic Safety Administration (NHTSA). Frequently, they are not recognized when strategies are being developed to protect vulnerable users, and in fact require a wholly different approach.

Before U.S. DOT publishes any further IIA-related guidance in this area, we make the following recommendations:

- When listing vulnerable road users (e.g., cyclists, persons with disabilities, pedestrians, etc.), include roadway construction workers within that description.
- Inasmuch as NHTSA includes workers in their category of “pedestrians” when reporting roadway injuries and fatalities, note specifically that workers are among those victims.
- When developing mitigation strategies to reduce the number of pedestrian deaths and injuries, create specific targets and plans to better protect roadway workers.

Should your team have any questions, please contact ARTBA Senior Vice President of Safety & Education Brad Sant at [bsant@artba.org](mailto:bsant@artba.org) or 202-683-1008, or NAPA Vice President, Environment, Health & Safety Howard Marks at [hmarks@asphaltpavement.org](mailto:hmarks@asphaltpavement.org). Thank you for your consideration of this critical matter.

Sincerely,



David C. Bauer  
President and CEO  
American Road and Transportation Builders  
Association



Howard Marks  
Vice President, Environment, Health and Safety  
National Asphalt Pavement Association