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Title: WHEREAS, according to data of reported crashes compiled by the Pennsylvania Department of Transportation, 4,099 pedestrians and 1,003 bicyclists were injured in crashes throughout the Commonwealth of Pennsylvania in 2019; and,

Sponsors: Erika Strassburger, Deborah L. Gross, Theresa Kail-Smith, All Members

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WHEREAS, according to data of reported crashes compiled by the Pennsylvania Department of Transportation, 4,099 pedestrians and 1,003 bicyclists were injured in crashes throughout the Commonwealth of Pennsylvania in 2019; and,

WHEREAS, as vehicle speed increases, the severity of injury and probability of death increases exponentially. The odds of death for a pedestrian struck at 20 MPH is 18%, with the odds of death increasing to 50% as the speed increases to 30 MPH, and 64% at 35 MPH, and;

WHEREAS, The City of Pittsburgh's newest department, the Department of Mobility and Infrastructure (DOMI), was established in 2017 to be responsible for the transportation of people and goods throughout the City of Pittsburgh, and for managing the operation of and access to the public right-of-way - sidewalks, curbs, streets, and bridges; and,

WHEREAS, DOMI has five mobility principles with the top goal being that no one dies or is seriously injured traveling on city streets. DOMI cannot prevent all crashes, however they can manage speed in such a way as to avoid crashes leading to fatalities; and,

WHEREAS, throughout the past three years of DOMI's existence, the Neighborhood Traffic Calming Program has increasingly become one of their most requested services by city residents. The program's goal is to reduce excessive motorist speeds on residential neighborhood streets and to increase the safety and comfort of residents and people travelling through the neighborhood by all modes; and,

WHEREAS, DOMI has been implementing various traffic calming and pedestrian safety measures through this program including neighborways, installing speed humps and high visibility crosswalks, creating pedestrian refuge islands, and more; and,

WHEREAS, DOMI can create safer streets by reducing speed limits on certain streets within the City of Pittsburgh. However, the setting of speed limits is governed by the Pennsylvania Motor Vehicle Code, Title 75, Chapter 212 § 212.108 states that, “The speed limit should be within 5 miles per hour of the average 85th percentile speed or the safe-running speed on the section of highway”; and,

WHEREAS, the 85th percentile rule gathers the speeds of motorists over a certain period of time and sets the speed limit at the point where 85 percent of motorists drive at or below this level, essentially allowing the motorist’s behavior to determine the speed limit; and,

WHEREAS, for example, if the posted speed limit on a city street is 35 MPH and traffic studies show that at least 85% of drivers are going at or below 38 MPH in that 35 MPH zone, the 85th percentile rule requires the speed limit to be rounded to the nearest interval of five, meaning the new speed limit would be 40 MPH, and;

WHEREAS, the 85th percentile rule is not appropriate for the urban environment in many parts of the City of Pittsburgh. It privileges driver behavior and assumes that drivers will act safely and responsibly. Additionally, it does not consider different road users such as pedestrians and bicyclists, and;

WHEREAS, allowing motorists to essentially set their own speed through this rule is detrimental to our goals of safety and protection of residents utilizing all modes of transportation; and,

WHEREAS, the National Association of City Transportation Officials (NACTO) recommended an overhaul of how speed is managed on streets in the United States to replace the 85th percentile rule with three main methods: (1) setting default speed limits, (2) designating slow zones, and (3) setting corridor speed limits using a safe speed study; and,

WHEREAS, these methods outlined by NACTO have the ability to be used simultaneously. Each method is context-sensitive, allowing cities to evaluate who is using the streets and how people are using them - ranging from people walking or biking to those taking transit or visiting a school; and,

WHEREAS, the City of Pittsburgh remains committed to ensuring that pedestrians, bikers, drivers, and those utilizing all forms of transportation feel safe on our streets; and,

WHEREAS, the ability to reduce motorists speed through speed limit setting and enforcement is a much needed tool for ensuring safer streets and therefore meeting DOMI’s goal of ensuring no one dies on our city streets; and,

WHEREAS, the United States Department of Transportation Federal Highway Administration’s (FHWA) Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) has a Notice of Proposed Amendments public comment period available currently until May 14th, 2021 through the Federal Register. The MUTCD is recognized as the national standard for traffic control devices used on all public roads; and,

WHEREAS, the FHWA’s proposed amendments to the MUTCD will reorganize and revise material on how speed limits are determined. This is the first comprehensive update in more than 10 years to advance traffic operations and safety in states and cities nationwide, and the FHWA is requesting feedback regarding the usage of the 85th percentile speed as a consideration in setting speed limits regardless of the type of roadway.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby urge the Pennsylvania State House and Senate to grant more local control for the operation of the right-of-way, to eliminate the utilization of the 85th percentile rule in speed setting, and to utilize the National Association of City Transportation Officials' Safe Speed Study in determining speed limits on urban, city streets.

BE IT FURTHER RESOLVED, that a copy of this Will of Council shall be sent to the Allegheny County delegation of the Pennsylvania State House and Senate, the chairs and minority chairs of the State House and Senate Transportation Committees, Governor Tom Wolf, and Pennsylvania Secretary of Transportation Yassmin Gramian, as well as registered as public comment through the Federal Register for the proposed amendments to the United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Control Devices for Streets and Highways.