

Dear Secretary Lorenz:

We, the undersigned organizations, request the Kansas Department of Transportation (KDOT) implement the Bipartisan Infrastructure Law (BIL) in a way which meaningfully improves safe and accessible transportation for everyone, and especially Vulnerable Road Users (VRUs) - the people outside of cars who walk, bike, push strollers, and use wheelchairs. By fully funding, staffing, and implementing the Transportation Alternatives and Highway Safety Improvement Programs, KDOT will demonstrate that VRUs and their safety are a top priority.

As organizations which advocate for the people who walk and bike in our state, we encourage Kansas to follow the guidance from the Federal Highway Administration encouraging states to use these funds in a manner that builds “Complete Streets that are safe for all users and achieve safe, connected, and equitable on-and off-road networks”.

The newest NHTSA reports show that Kansas has reached crisis levels of crashes on our roads, especially crashes involving injuries and fatalities of people walking and bicycling. The new federal transportation law provides Kansas with the opportunity and funding to demonstrate its commitment to addressing this crisis and to strengthen the ongoing work to update the statewide active transportation plan.

As the state’s leading advocacy organizations that support walking, bicycling, Safe Routes to School, and more, we respectfully request that KDOT include the following recommendations as it implements the Bipartisan Infrastructure Law:

- First, we ask that Kansas implement a [Safe System](#) approach to all of its transportation investments. That means putting safety at the center of every transportation project.
- Second, as part of that strategy, we ask that KDOT build infrastructure with all users in mind, so that our roads, bridges, and transit infrastructure are safe for people walking, biking, rolling, taking transit, and driving.

This letter addresses four sections of the Bipartisan Infrastructure Law that are specifically relevant to VRUs. The requests below are a starting point and first step in considering VRUs in our transportation system. The sections include:

1. Surface Transportation Block Grant/Transportation Alternatives Set Aside (Sec. 11109)
2. Highway Safety Improvement Program (Sec. 11111)
3. Safe Routes to School (Sec. 11119)
4. Increasing Safe and Accessible Transportation Options (Sec. 11206)

Surface Transportation Block Grant/Transportation Alternatives (Sec. 11109)

- Implement TAP in a Timely Manner: Funding for the Transportation Alternatives Program (TAP) increased over 60 percent in the BIL. Additionally, the BIL makes

changes to a state's ability to transfer these funds to other uses: states may not transfer TAP funds before giving local governments the opportunity to apply for it.

- Use Safety Dollars/Flexible Spending Provisions to Help with Local Match.

Transportation Alternatives awards require a non-federal share (also known as “local match”), which can hinder local communities’ ability to access these valuable funds. The BIL includes two provisions to provide states with flexibility to help local governments make the local match. We encourage KDOT to utilize these new flexibilities to enable local communities to access this program.

1. The BIL allows states to use Highway Safety Improvement Program funds as the local match for Transportation Alternatives Program to help fix this problem.
2. The BIL also allows states to meet the local match by averaging the match across projects, so that across the program federal dollars meet the 80% requirement, but states can offer a higher federal match for projects in high need communities.
 - Kansas should offer HSIP dollars for local match for TAP safety projects on high-risk roads.
 - Kansas should also suballocate a small amount of HSIP to large metropolitan planning organizations to allow MPOs to use the funds for local match for similar projects.
 - Kansas should consider grouping projects together to lower the local match requirements in high need communities to ensure underserved communities get needed infrastructure.

- Offer Technical Assistance to Improve Access and Efficiency

The BIL allows states to use five percent of their Transportation Alternatives funds for staffing, to offer technical assistance to local governments applying for TAP grants, and to improve the efficiency of project delivery. The BIL also requires Kansas to offer robust technical assistance before transferring any Transportation Alternatives funding to other uses.

- We support KDOT using this five percent of Transportation Alternatives funding for staffing and technical assistance, if it results in better projects being built in a timely manner.
- Kansas should fully staff the Transportation Alternatives Program with a statewide manager responsible for implementing the program.
- Kansas should staff the Safe Routes to School program with a full-time statewide coordinator.
- Kansas should provide design assistance and preliminary engineering either through DOT staff or contracted out to external organizations or companies.

Reference: Sec. 11119 Surface Transportation Block Grant (b) Set Aside (C) Improving Accessibility and Efficiency (7) Federal Share (B) flexible Financing

- Prioritizing High-Need Communities: To support compliance with the provision requiring states to prioritize projects based on their location and impact in high-need areas, KDOT should define high-need as:
 - Communities with higher levels of injuries and fatalities among VRUs (i.e. pedestrians, cyclists, transit users) relative to the state average,
 - Communities with higher-than-average levels of households without access to a car; and,
 - Communities with higher concentrations of people of color and low-income earners relative to the state average.

Research from Safe Routes Partnership includes examples of how states are considering high-need communities in awarding bicycle, pedestrian, and Safe Routes to School funds – see Appendix A.

Reference: Sec. 11109 Surface Transportation Block Grant (b)Set Aside (3) Eligible Projects (D) Prioritization

Highway Safety Improvement Program (Sec. 11111)

- Vulnerable Road User (VRU) Safety Assessment. The BIL requires states to perform a vulnerable road user safety assessment, mapping out all fatalities and serious injuries of non-motorists (VRUs), and using that data to determine dangerous corridors, roads and other high-risk areas. The state must then determine potential projects or programs to address those high-risk areas.
 - We ask that Kansas engage stakeholders, including bicycling and walking advocacy organizations, social equity, and civil rights advocates, advocates for people with disabilities, and public health partners, in the process to identify effective solutions to address these high-risk areas.
 - The easiest way to identify high crash corridors is through a map. We ask Kansas to provide a public map of fatalities and serious injuries, and the locations of high-risk corridors, and intersections.
- HSIP for Non-Infrastructure: The BIL once again allows states to use up to 10% of HSIP on non-infrastructure. We encourage KDOT to consider using this funding for:
 - bicycling education,
 - infrastructure demonstration projects,
 - bicycling and pedestrians counts, or
 - SRTS non-infrastructure, including funding for training volunteers and managers of Safe Routes to School programs.

Reference: Sec. 11111 (a) (11) (v) supports safe routes to school non-infrastructure-related activities described in section 208(g)(2)

Safe Routes to School (Sec. 11119)

- High School Eligibility: For the first time, the BIL expands Safe Routes to School eligibility to include high schools.
 - We encourage KDOT to make funds for Safe Routes to School projects and programs available to high schools, in addition to K-8 schools.
- We encourage KDOT to take advantage of flexibility within the Transportation Alternatives Program and Highway Safety Improvement Program to re-prioritize the safety of children and youth on their way to school by:
 - Funding a statewide Safe Routes to School coordinator, which can be funded with the five percent of Transportation Alternatives funds for technical assistance
 - Funding Safe Routes to School non-infrastructure (through TAP or HSIP), and funding Safe Routes to School programs and projects.

Increasing safe and accessible transportation options (Sec. 11206)

The BIL includes a requirement that states and metropolitan planning organizations (MPOs) set aside 2.5 percent of their State Planning and Research funds to first develop Complete Streets policies and standards, and then a Complete Streets prioritization plan. The BIL defines a Complete Streets prioritization plan as “*a specific list of Complete Streets projects to improve the safety, mobility, or accessibility of a street*”

This is a great opportunity for Kansas to adopt a Complete Streets policy and standards to ensure our roads are built with the safety and comfort of all users in mind

We ask that Kansas:

- Prioritize the development of a Complete Streets policy and standards by using tools and examples through the Federal Highway Administration Complete Streets Initiative, and through examples of other states.
- Announce the start and anticipated completion date on your website, and alert stakeholders.
- Train KDOT and MPO staff on the goals of the complete streets policy.
- Include a stakeholder process in the development of the policy.
- When writing the process develop standards to ensure any projects creating new capacity follow the policy and create safe access for all allowable users.
- Create a process for identifying projects needed to ensure existing roads can be brought up to standard.
- Encourage local municipalities to adopt Complete Streets policies in line with national best practices as identified by [Smart Growth America](#).

Thank you for your time and consideration. We look forward to working with you and your administration to ensure our state’s roads, bridges, transit and trails are safe for all users.

We will follow up next week to request a meeting. If you have any questions please feel free to reach out to Michael Kelley, policy director for BikeWalkKC, at michael.kelley@bikewalkkc.org.

Thank you,

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