

# Section 148: Older Drivers and Pedestrians Special Rule Final Guidance

## Date Issued

May 5, 2016, FHWA Office of Safety

## PURPOSE:

On July 6, 2012, the President signed into law the Moving Ahead for Progress in the 21st Century Act (MAP-21) (P.L. 112-141), which created a Special Rule for Older Drivers and Pedestrians. The Fixing America's Surface Transportation (FAST) Act (P.L. 114-94) continued that Special Rule. The purpose of this guidance is to clarify: 1) the circumstances in which the Highway Safety Improvement Program (HSIP) Special Rule applies to States; 2) which information States should report to the Federal Highway Administration (FHWA); and 3) how States should implement the Special Rule. This guidance supersedes guidance FHWA issued on February 13, 2013, related to the Older Drivers and Pedestrians Special Rule under MAP-21.

## STATUTORY REFERENCE:

23 U.S.C. 148(g)(2) provides:

If traffic fatalities and serious injuries per capita for drivers and pedestrians over the age of 65 in a State increases during the most recent 2-year period for which data are available, that State shall be required to include, in the subsequent Strategic Highway Safety Plan of the State, strategies to address the increases in those rates, taking into account the recommendations included in the publication of the Federal Highway Administration entitled 'Highway Design Handbook for Older Drivers and Pedestrians' (FHWA-RD-01-103), and dated May 2001, or as subsequently revised and updated.

In June 2014, FHWA revised and renamed its Handbook to incorporate new research findings and treatments to improve the safety of the transportation system for the aging population. Accordingly, for purposes of implementation of this Special Rule, States should refer to FHWA's Handbook for Designing Roadways for the Aging Population (FHWA-SA-14-103), available at: [http://safety.fhwa.dot.gov/older\\_users/handbook/aging\\_driver\\_handbook\\_2014\\_final%20.pdf](http://safety.fhwa.dot.gov/older_users/handbook/aging_driver_handbook_2014_final%20.pdf).

## DEFINITIONS:

The Department of Transportation has developed performance measures, as required in 23 U.S.C. 150(d), and provided the definition of "serious injury" as it relates to those measures. A serious injury is defined as any crash involving a motor vehicle traveling on a public roadway that is coded "Suspected Serious Injury (A)" using the KABCO injury classification scale (23 CFR 490.207(c)). States that do not currently use KABCO may use the National Highway Traffic Safety Administration (NHTSA) serious injuries conversion tables to determine the equivalent definition and attributes for their crash database. States will have 36 months to report serious injuries in accordance with the Model Minimum Uniform Crash Criteria (MMUCC) 4<sup>th</sup> Edition definition and attribute for "Suspected Serious Injury (A)" (23 CFR 490.207(c)). States should use existing reporting systems, crash data, and forms. States will not need to make any changes to their crash data systems based on this Special Rule.

## HOW TO DETERMINE WHETHER THE OLDER DRIVERS SPECIAL RULE APPLIES:



To determine whether the Special Rule applies in your State, you should consider older drivers and older pedestrians collectively. If the rate of traffic fatalities and serious injuries for drivers and pedestrians 65 years of age and older (hereafter referred to as “older drivers and pedestrians”) in a State increases during the most recent 2-year period, then the Older Drivers Special Rule applies.

Specifically, the State should—

- Add together the number of fatalities for older drivers and pedestrians from the Fatality Analysis Reporting System (FARS) Annual Report File and the number of serious injuries from a State’s data system for drivers and pedestrians 65 years of age and older;
- Divide that combined amount by the population of State residents that are 65 years of age or older; and
- Compare the two time periods of 5-year rolling average rates of fatalities and serious injuries using a 2-year spread, as described in Attachment 1.

This approach allows for data stability (by covering multiple years) while still providing a recent accurate trend (by using the most recent available data). Attachment 1 provides details of the calculation. Attachment 2 provides the latest population figures (65 years of age and older), in thousands, which States should use in making their own calculations. Beginning in 2017, FHWA anticipates providing updated population figures to the States by March 1 of each year.

When determining whether a rate has increased (and whether the Special Rule applies), a State should round to the nearest tenth of each of the two rates being compared. The Special Rule applies only if the increase is sufficiently large to show up at this level of rounding. For example:

The State of Lincoln’s 5-year average rate of fatalities and serious injuries per capita for older drivers and pedestrians was 202.12 for the period ending 2012 and 202.14 for the period ending 2014. Rounded to the nearest tenths, these rates are 202.1 and 202.1, respectively. Therefore the Special Rule would not apply to the State of Lincoln.

The State of Jefferson’s 5-year average rate of fatalities and serious injuries per capita for older drivers and pedestrians for the periods was 202.30 for the period ending 2012 and 202.39 for the period ending 2014. Rounded to the nearest tenths, these rates are 202.3 and 202.4, respectively. Therefore, the Special Rule would apply to the State of Jefferson.

## REPORTING TO FHWA

States must submit their annual HSIP reports to FHWA by August 31, per 23 U.S.C. 148(h)(2) and 23 CFR 924.15(a). In those reports, States should include the calculations described above, and should verify whether the Older Drivers and Pedestrians Special Rule applies in the State.

The chart below shows the two corresponding time periods of data to use relative to the HSIP report dates.

Report Date for Older Driver Special Rule	5-Year Moving Average of Fatalities and Serious Injuries for Drivers and Pedestrians 65 years of age and older.
August 31, 2016	2008-2012 to 2010-2014
August 31, 2017	2009-2013 to 2011-2015

August 31, 2018	2010-2014 to 2012-2016
August 31, 2019	2011-2015 to 2013-2017
August 31, 2020	2012-2016 to 2014-2018

**STATE IMPLEMENTATION OF THE SPECIAL RULE**

If a State determines that the Special Rule applies, the State must include, in its subsequent SHSP, strategies to address the increase in the older driver and older pedestrian fatal and serious injuries rate. In considering possible strategies, FHWA encourages States to take into account the treatments listed in the 2014 FHWA publication, “Handbook for Designing Roadways for the Aging Population” and any subsequently revised and updated versions. The State also should conduct a secondary analysis to determine whether the increase is attributable to driver fatalities and injuries, pedestrian fatalities and injuries, or a combination of the two. This helps a State determine whether the emphasis on safety programs and countermeasures should be focused on drivers and/or pedestrians.

## ATTACHMENT 1: DETAILS OF CALCULATION

Calculate Rate of **Fatal (F) and Serious Injuries (SI) per capita for Drivers and Pedestrians 65 years of age and older** for year ending in 2014 (2014, 2013, 2012, 2011, 2010) and 2012 (2012, 2011, 2010, 2009, 2008).

For purposes of this calculation, the term “Annual rate, year XXXX” (or “AR, year XXXX”) means the following:

$$\frac{F + SI \text{ for drivers and pedestrians 65 years of age and older, year XXXX}}{\text{Pop. of drivers and pedestrians 65 years of age or older, year XXXX}}$$

### 1. Calculate Rate for 2014

Calculate the following to two decimal places, then round to the nearest tenth:

$$\frac{AR, 2014 + AR, 2013 + AR, 2012 + AR, 2011 + AR, 2010}{5}$$

### 2. Calculate Rate for 2012:

Calculate the following to two decimal places, then round to the nearest tenth:

$$\frac{AR, 2012 + AR, 2011 + AR, 2010 + AR, 2009 + AR, 2008}{5}$$

### 3. Compare Rate for 2014 to Rate for 2012

If the rate for 2014 (under step #1) exceeds the rate for 2012 (under step #2), then the Special Rule applies.

**ATTACHMENT 2: POPULATION OF 65 YEARS AND OLDER (IN THOUSANDS)**

<b>STATE</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Alabama	639	649	658	674	700	722	747
Alaska	48	52	55	58	62	66	70
Arizona	864	867	887	923	971	1,019	1,071
Arkansas	404	413	420	429	441	454	465
California	4,116	4,143	4,269	4,398	4,599	4,794	4,990
Colorado	512	534	552	575	611	645	680
Connecticut	477	487	508	515	532	545	556
Delaware	121	126	129	134	141	147	154
District of Columbia	71	70	69	70	72	74	74
Florida	3,183	3,199	3,273	3,359	3,509	3,644	3,791
Georgia	983	1,011	1,034	1,076	1,139	1,191	1,249
Hawaii	190	189	198	203	210	220	228
Idaho	182	185	197	204	211	223	235
Illinois	1,572	1,596	1,615	1,643	1,696	1,740	1,788
Indiana	813	828	843	856	889	916	941
Iowa	444	444	453	458	470	480	491
Kansas	367	367	379	382	394	406	418
Kentucky	563	570	580	594	614	636	653
Louisiana	539	554	560	571	598	607	631
Maine	199	205	211	217	226	236	243
Maryland	679	691	710	732	763	794	822
Massachusetts	870	894	906	922	961	990	1,016
Michigan	1,301	1,338	1,366	1,388	1,443	1,487	1,531
Minnesota	651	669	687	701	730	755	778
Mississippi	369	375	383	387	403	414	427
Missouri	802	822	843	855	884	908	932
Montana	136	141	147	151	159	165	170
Nebraska	240	241	248	250	257	265	271
Nevada	295	307	327	340	359	381	401
New Hampshire	169	178	180	185	194	203	209

<b>STATE</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>New Jersey</b>	1,150	1,169	1,191	1,207	1,250	1,284	1,312
<b>New Mexico</b>	262	265	275	283	294	307	318
<b>New York</b>	2,605	2,617	2,624	2,665	2,759	2,830	2,896
<b>North Carolina</b>	1,133	1,189	1,240	1,276	1,347	1,405	1,461
<b>North Dakota</b>	94	95	98	98	101	103	105
<b>Ohio</b>	1,572	1,601	1,626	1,648	1,708	1,752	1,797
<b>Oklahoma</b>	491	495	510	517	536	548	562
<b>Oregon</b>	504	515	535	553	582	605	634
<b>Pennsylvania</b>	1,908	1,945	1,966	1,982	2,042	2,090	2,134
<b>Rhode Island</b>	150	152	152	154	159	163	167
<b>South Carolina</b>	595	619	635	655	695	725	762
<b>South Dakota</b>	116	117	118	120	121	125	129
<b>Tennessee</b>	816	836	860	879	921	950	987
<b>Texas</b>	2,467	2,535	2,619	2,708	2,838	2,967	3,096
<b>Utah</b>	245	251	251	258	272	283	295
<b>Vermont</b>	87	89	91	94	98	103	107
<b>Virginia</b>	936	955	980	1,010	1,062	1,105	1,147
<b>Washington</b>	783	801	830	861	908	951	993
<b>West Virginia</b>	285	287	299	301	311	320	329
<b>Wisconsin</b>	748	760	780	792	824	849	876
<b>Wyoming</b>	66	67	70	72	75	78	80

U.S. Census American Community Survey 1-Year Estimates for population 65 and older. Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey (ACS) website (<http://www.census.gov/acs/www>) in the Data and Documentation section. Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the ACS website in the Methodology section at <http://www.census.gov/programs-surveys/acs/methodology.html>. Although the ACS produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, States, counties, cities and towns and estimates of housing units for States and counties.