

Appendix C

Traffic Crash and Safety Data Information Protection

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The National Environmental Policy Act (NEPA), 42 USC Sections 4321-4370f, requires that this analysis of the proposed project must consider and discuss its effects and impacts on mankind, and its effects and impacts on plants, animals, resources, and the natural world in general. One of the key elements to be discussed in any NEPA analysis of a proposed highway project is its effects and impacts on the safety of those who use those highways. However, Congress has recognized that even while this document summarizes and presents traffic crash and safety information for the general information and benefit of the public, pursuant to federal law, some people may attempt to use the information to establish federal, state, or local liability in lawsuits arising from highway crashes. Congress has enacted a law, 23 USC Section 409, which prohibits the discovery or use of highway crash and safety data, developed under federal law to make highway safety improvements, in litigation seeking damages for crashes and occurrences on these highways. Congress's rationale is obvious: the safety data was compiled and collected at their request, to help prevent future crashes, injuries and death on our nation's highways. If that information can be used in expensive damage suits, then the millions of dollars that litigation may cost the Missouri Department of Transportation (MoDOT) and local governments will not be available for their use to make Missouri's highways safer.

Traffic crash statistics and safety data are compiled, presented and summarized in portions of this NEPA document. Where noted in an introductory footnote to a segment of this document, the discussion, reports, lists, tables, diagrams, and data presented throughout that chapter, unit, section or subsection was compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential crash sites or hazardous roadway conditions pursuant tables, diagrams and data are not subject to discovery, and they are prohibited by federal law (USC Section 409) from being admitted into evidence in a federal or state court proceeding, or from being considered for other purposes, in any action for damages arising from an occurrence on the highways, intersections, or interchanges discussed in this document.