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Dockets Operations
U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building, Ground Floor W12-140
Washington, DC 20590-0001

RE: Uniform Procedures for State Highway Safety Grant Programs [Docket No. NHTSA-2022-0036; RIN 2127-AM45]

The American Association of Motor Vehicle Administrators (AAMVA) welcomes the opportunity to comment on revised procedures implementing State highway safety grant programs as a result of the statutory changes embodied in the Bipartisan Infrastructure Law (BIL). The changes to state grant programs undertaken as a result of the bill's passage are extensive and important. As the country continues to face a roadway safety crisis, the changes to state highway safety programs, which represent some of the most direct influences on public safety, are extremely consequential. In response to the Notice of Proposed Rulemaking (NPRM), AAMVA offers the following comments for consideration:

A. Rulemaking Process

AAMVA endorses the sentiment that NHTSA should ensure fidelity to the spirit and letter of the Congressional directives in minimizing administrative burden on the states and provide maximum flexibility in the use of funds. Too often the management of the grant program takes precedence over the delivery of public benefit and program goals. AAMVA encourages NHTSA to explore and identify those areas where there are duplicative grant application and processing requirements might be more genially applied in the transition to a triennial plan.

AAMVA supports the GHSA requests on regulatory sequencing and timing of the rulemaking. The transition period for application of safety programming will have a tremendous impact on the ability of a state to make the appropriate budgetary plans and incorporate their safety program needs during the time of transition between annual and triennial plan durations.

C. National Roadway Safety Strategy and the Safe Systems Approach

AAMVA emphasizes the key role that data will play in developing and maintaining safety successes as the National Roadway Safety Strategy (NRSS) and Safe Systems Approach (SSA) continues along the path of implementation. Data has long been at the core of identification and addressing safety issues. NHTSA rightly cites that data can also assist with first identifying, and then reducing the role that human mistakes play in negative traffic outcomes and in recognizing the vulnerability of road users.

Grant program flexibility to incorporate and integrate data practices and data modernization efforts will be instrumental in achieving the goals of the NRSS. While NHTSA identifies that this NPRM is not directly connected to the NRSS rollout, AAMVA cites the need for NHTSA consideration of the data focus in terms of program flexibility and continued availability of funding for data support and modernization programs. Part of realizing safety goals will be the ability to move safety programs away from manual processing of safety data from form submissions and into a space where data can be exchanged between safety stakeholders fluidly and without interruption. AAMVA urges the continued availability of data processing and data improvement funding as central to safety programs.

AAMVA joins the list of safety advocates that encourage dedicated NHTSA resources to assist states in the implementation of the NRSS and the SSA. Global safety approaches are effective in working towards common goals, but also lend themselves to differences in interpretation that may be best resolved prior to safety program commitments. While flexibility will be central in application of the NRSS and the SSA, it would be helpful to have central resourcing on questions of application of state safety programs in achieving the goals of the NRSS and SSA through federal guidance and support.

D. Transparency

AAMVA has long worked towards uniformity in data for safety purposes. However, there is a difference in aligning data for recognized safety elements and formatting a standardized template that would capture all elements of a safety program. Experience lends that while essential elements might be captured by a template, any opportunity to provide relative information to something as important and all-encompassing as safety programs may be difficult to identify through this rulemaking. While the goal of transparency and comparison may lend itself to future analysis, it may require more than a standardized form to make an effective comparison for state programs. Understanding that there may be a natural sequence of events that make comparison possible, AAMVA encourages the first step of establishing the electronic grant management system and then addressing the need for cross-jurisdictional comparison template. The changes made through this NPRM are complex and sufficient enough to warrant time for the states to adjust to this new process and adapt to a future electronic submission process before the requirements to conform to required data elements be imposed.

III. General Provisions

III. Triennial Highway Safety Plan and Annual Grant Application (Subpart B)

AAMVA is generally supportive of the transition to a triennial Highway Safety Plan that identifies highway safety problems, establishes performance measures and targets, describes the State's countermeasure strategies for programming funds to achieve its performance targets, and reports on the State's progress in achieving the targets set in the prior HSP. The annual grant application and report establishes an important role in describing how safety program progress aligns with the triennial HSP, including any plans for adjustment to State countermeasure strategies to meet targets. While NHTSA seeks consistency in transitioning from the annual HSP requirement and the triennial HSP requirement, there will be an adjustment for States as they align their annual submissions with longer-term HSP planning. AAMVA encourages NHTSA to front-end available support and flexibility in addressing safety program projections during this transition period. On pages 56763 and 56764, NHTSA provides response to many comments that may inform the need for both support and flexibility in this transition period – from understanding the timing implications to the applicability of new intersecting statutory requirements, States will welcome support in transition to the triennial framework.

NHTSA cites that "it has never been so important for States to carry out strong, data-driven and performance-based highway safety programs." AAMVA concurs, but also urges NHTSA to understand that there are certainly non-conventional data sources that will be both explored and augmented as a result of the changes to the safety programs contemplated under the NPRM. Some of those data sources will take time to mature and evolve but may be essential to both the identification of safety needs and the support of safety programs outlined in the triennial HSP. These evolving capabilities must be supported and accommodated in the transition to the triennial plan, and there must be a certain amount of latitude granted for the development of new data sources and approaches as they are established and refined.

2. Highway Safety Planning Process and Problem Identification

AAMVA supports the NHTSA commitment "to ensure that States have the needed flexibility to assess data to determine the problems within their borders, the agency declines to specify problem areas for consideration outside those mandated by Congress." States have unique safety needs, and maximum flexibility in application of the states

needs to the safety program will be essential as the HSP transition to longer projections. Being overly prescriptive in application may detract from the overall safety benefits of a longer HSP. AAMVA additionally supports the NHTSA position that State requirements in progress assessments through the annual report is sufficient through 23 CFR 1300.35.

3. Public Participation and Engagement [23 CFR 1300.11(b)(2)]

AAMVA supports NHTSA's commitment to implementing the statutory requirements of public participation and engagement in a manner that reflects the importance of the requirement while recognizing variations between States. Given those variations, NHTSA's application of a concerted effort benchmark and the state use of the problem identification process should be sufficient to facilitate public participation in the manner best suited to the needs of the State and its communities. AAMVA also supports GHSA's contention that volume of comments is an inaccurate and unreliable benchmark for public engagement. As States look to implement these new requirements, AAMVA requests NHTSA afford both guidance in achieving the requirements and flexibility in what satisfactorily achieves the standard of concerted efforts in appropriately engaging the public.

4. Performance Plan [23 CFR 1300/11(b)(3)]

The setting and achieving of performance targets are a difficult task for many jurisdictions. In many States, the change in performance targets is represented by minimal changes to the data, so the achievement of directed safety goals is not always clear representation of changes a State should consider in its highway safety programs. AAMVA concurs with GHSA sentiment on how State Highway Safety Offices (SHSO) have limited control over all aspects of performance measures. As they state, and AAMVA concurs, SHSO are in practice mostly focused on preventing the behavioral causes of crashes, while other factors such as engineering, public health, public safety, and enforcement may contribute to other aspects of shared performance measures. The shared performance measures – fatalities per 100M VMT – reflect efforts to prevent all crash types, but also demonstrate a limitation in which SHSO may be evaluated against outcomes in which they have limited control. Further consideration of appropriate benchmarks may be warranted such that any administrative requirements resulting from aggressive or aspirational performance measures be considered in the most holistic manner possible. AAMVA was encouraged to see NHTSA's commitment to convene meetings with stakeholders and GHSA to update the minimum performance measures in advance of the FY 2027 triennial HSP submission date.

AAMVA appreciates the ability to simply state that a countermeasure strategy for programming funds is "on track."

D. State Traffic Safety Information System Improvements Grants [23 CFR 1300.22]

AAMVA is pleased to see NHTSA's continued support for the traffic safety information system improvements grant program and emphasizes that as state modernization efforts are onboarded, this program will become increasingly vital to the long-term capabilities of identifying and addressing safety priorities. Some of those capabilities are currently underway, but the movement towards data freshness and systemic modernization across integrated safety partners takes time and constant commitment. State certification of a traffic records coordinating committee is welcome as is the certification of a strategic plan. One aspect of the improvements to this essential program that remains elusive, however, is the requirement that States must submit documentation demonstrating a quantitative improvement in relation to a significant data program attribute of a core highway safety database. AAMVA requests clarity on how a previously unavailable data contribution may be quantified as a contributing element to a program that have previously excluded that data, and whether there may be exceptions or general guidance on how to address incorporating new, more diverse, data to augment safety programs.

1300.11(1)(b)(2) - Public Participation and Engagement

States will be well underway with their highway safety planning process by the time NHTSA promulgates a final rule relative to the requirements of public participation and engagement as part of the state's safety planning efforts. As provided, states would currently be responsible for planning and reporting on engagement efforts that have not

been fully explained or defined. AAMVA requests that NHTSA relax or relieve states from non-descriptive requirements associated with this provision until after the first triennial HSP period.

1300.11(b)(5) Performance Report

NHTSA proposes that the performance report included in the triennial HSP be given the same level of detail as in the annual report. AAMVA recommends that the contents of the Triennial HSP, Annual Grant Applications, and Annual Report be as non-duplicative as possible in order to best reduce the administrative burden placed on application.

AAMVA thanks NHTSA for its continued commitment to safety and looks forward to helping inform the best path forward for the transition to a triennial highway safety plan.

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