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Docket Management Facility
U.S Department of Transportation
1200 New Jersey Avenue SE
West Building Ground Floor – Room W12-140
Washington, DC 20590-0001

RE: Docket No. NHTSA-2022-0036
RIN-2127-AM45
National Highway Traffic Safety Administration (NHTSA)

To whom it may concern:

On behalf of the New York State Department of Motor Vehicles and the Governor's Traffic Safety Committee (GTSC), we thank you for the opportunity to comment on the Uniform Procedures for State Highway Safety Grant programs. GTSC is the State Highway Safety Office in New York that manages and administers the NHTSA grants to reduce injuries and fatalities on our roadways. GTSC is very thankful for the continued congressional and agency support to our program and look forward to working with NHTSA as they implement changes to the Highway Safety Grant program in accordance with the Infrastructure Investment and Jobs Act.

GTSC fully supports the comments submitted to this docket by the Governor's Highway Safety Association (GHSA) and offers the following additional comments:

New Requirements for Triennial Highway Safety Plan, Annual Application & Annual Report

GTSC encourages NHTSA to ensure that the implementation of the new requirements for the Triennial Highway Safety Plan, Annual Application and Annual Report establishes a more streamlined reporting process. We hope that the new process will avoid duplication of content among the three submissions, reduce the administrative burden on jurisdictions, and encourage grant subrecipient participation. The creation of the Highway Safety Plan and Annual Report is labor-intensive, and we look forward to achieving the right balance between completing required reporting and implementing life-saving programs.

We strongly recommend against requiring states to provide granular detail at the project level in the Triennial Highway Safety Plan. We agree that the Triennial Highway Safety Plan should be required to describe programs, countermeasure strategies, performance targets, funding sources, and other necessary elements at the program level. We believe that project level detail is best provided throughout the year in the financial reporting process. Moreover, the Highway Safety Plan is due before the federal fiscal year (FFY) grant determinations are made in New York. This makes it difficult to include project level details in the Highway Safety Plan.

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Consistent & Clear Written Guidance

GTSC also encourages NHTSA to ensure that consistent guidance is provided to all State programs. NHTSA plays a vital role in providing clarity on regulations; continuing to provide high quality research, guidance, program best practices, and supporting materials; and exercising its convening powers to promote inter-disciplinary cooperation to tackle highway safety issues. Uniform and consistent written guidance relating to policy and regulations from NHTSA is crucial, so all states and territories operate using the same information.

Allow States Flexibility to Meet Goals for Data Collection & Public Participation

GTSC encourages NHTSA to set broad goals while allowing each state to meet these goals in a manner best suited for their state – particularly with respect to the two new Section 402 requirements regarding public participation and data-driven traffic safety enforcement programs established to foster community collaboration.

- States can face challenges meeting a prescriptive, universal requirement for traffic stop data collection. NHTSA should set high-level, long-term, process-oriented goals and provide States the flexibility to pursue those goals according to their capabilities. For example, while some states collect race/ethnicity data on crash/citation reports, not all states require this data collection. Each state will have methods to meet these requirements in their own fashion and we caution NHTSA about placing an overly prescriptive requirement on the states.
- The same is true for public participation requirements. New York has already begun a process to enhance public participation in the preparation of the Highway Safety Plan and has begun programs to reach deeper into underserved communities. New York’s methods may be different from those in other states, but we all seek to meet the intent of the legislation.

GTSC encourages NHTSA to allow flexibility in these areas to allow for creativity and innovation.

Performance Measures

GTSC is concerned the new requirement that performance targets must now “demonstrate constant or improved performance” will conflict with the requirement that they remain data driven. For example, every state strives for reductions in performance measures associated with injuries and fatalities. However, the dramatic rise in traffic fatalities over the past two years of the COVID-19 pandemic may naturally lead to data driven increased projections.

We recommend that NHTSA and FHWA meet with stakeholders such as GHSA and AASHTO to establish state target-setting procedures to reach agreement on the outcomes that NHTSA and FHWA would consider compliant for regulatory purposes.

Additional examples for discussion could include that:

- State highway safety offices play an important role in reducing injuries and fatalities through behavioral traffic safety programs but may lack full control over all factors that might impact rising fatalities – and ultimately the performance measures associated with traffic fatalities.
- The current practice of setting targets and measuring success using two-year old data can be complicated and it may be beneficial to re-examine.

Conclusion

In conclusion, the goal for NHTSA's upcoming rulemaking should be to:

- a. Aggressively promote the implementation of life-saving programs by removing program barriers
- b. Minimize administrative barriers and burdens
- c. Minimize ambiguity and promote consistency and clarity in regulatory requirements
- d. Partner with Highway Safety Offices to implement life saving programs while still fulfilling oversight responsibilities.

GTSC encourages NHTSA to provide as much flexibility as possible to the states to save as many lives as possible through innovation and outside of the box thinking. We need to continue implementing countermeasures that have proven effective while allowing states the flexibility to try new approaches to saving lives. We urge NHTSA to support practices that help us achieve the national goal of zero fatalities.

We applaud the goal of maximizing participation from grant sub-recipients. State Highway Safety Offices are beginning to see a retraction in program participation from sub-recipients and we need to protect against further retraction brought on by overly prescriptive requirements. We hope NHTSA will work with us to prevent any decline in the volume of safety programs that can be implemented.

It is imperative that NHTSA and the states work together to reinvigorate our traffic safety partners to remind them that their actions play a significant role in reducing injuries and fatalities, and that we depend upon them to make a difference through the critical relationships they have built in their communities.

GTSC thanks NHTSA for this opportunity to collaborate on such an important and lifesaving topic, we thank NHTSA for the critical funding awarded to the states and territories to help save lives and we look forward to strengthening our relationship and partnership.

Sincerely,



Charles R DeWeese
Assistant Commissioner

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