



STATE OF WASHINGTON

WASHINGTON TRAFFIC SAFETY COMMISSION

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May 23, 2022

To: National Highway Traffic Safety Administration

Re: Document ID: NHTSA-2022-0036-0001

From: Shelly Baldwin, Director, Washington Traffic Safety Commission (Washington's Highway Safety Office)

ACTION: WTSC Response to NHTSA's Request for Comments

I want to express our sincere thanks to NHTSA for holding these public listening sessions and accepting written public comments prior to drafting rules for implementing the Infrastructure Investment and Jobs Act. Dr. Staci Hoff provided public comments on behalf of the Washington Traffic Safety Commission on Thursday, May 5 public hearing.

Again, I wish to specifically iterate our support for comments provided by Russ Martin with the Governor's Highway Safety Association, Mike Hanson with the Minnesota Highway Safety Office, and Dr. Barbara Rooney with the California Highway Safety Office.

Speaking for my team, we are grateful for the Infrastructure Investment and Jobs Act and for US DOT's National Roadside Safety Strategy. Washington State adopted the goal of zero deaths and serious injuries in 2000, the first state to do so. We appreciate that the National Roadside Safety Strategy recognizes traffic death as unacceptable and preventable. We embrace the safe system approach, the focus on building a proactive traffic safety culture, and the emphasis on equity.

We want to express our hope for greater progress in two areas – traffic safety culture and performance measures; and provide comments on the National Roadside Safety Strategy; Reducing Disparities and Increasing Community Participation; Triennial Highway Safety Plan; and the Annual Grant Application.

We agree with the National Roadside Safety Strategy statement which reads: "Reaching zero will require U.S. DOT to work with the entire roadway transportation community and the American people to lead a significant cultural shift that treats

roadway deaths as unacceptable and preventable.” The WTSC believes it is past time for a shift in our traffic safety messaging.

The Washington Traffic Safety Commission urges NHTSA to consider research using a cultural-based framework to achieve behavioral change. We suggest incorporating the work of the Traffic Safety Culture Transportation Pooled Fund Program. This program, housed at the Montana Department of Transportation, is a cooperative and coordinated effort amongst state highway safety agencies and stakeholders to develop tools and countermeasures for growing a positive safety culture to achieve significant and sustainable reductions in crash fatalities and serious injuries. Such transformation would not only support traffic safety goals by reducing risky behaviors and increasing protective behaviors, but it would also increase public acceptance of traffic safety supportive policies.

National Roadway Safety Strategy

NHTSA should provide training to Highway Safety Offices on the Safe System Approach. Training should discuss what changes should be considered in approaches as Highway Safety Offices adopt safe system principles. These changes might include a change in new traffic safety messaging to focus on shared responsibility and the proactive steps all of us can take to improve safety on our roads.

NHTSA should encourage decision-making based on the safe system approach principles and informed by data. (Values-based, data-informed decision making.)

HSOs should identify which principles are being supported as HSOs build their spending plans. NHTSA should accept SSA principles as a reason for choosing strategies.

HSOs should train partners on the SSA and possible changes to strategic planning processes in order to shift thinking to SSA.

Washington State has a long history of bringing a large group of partners and stakeholders who impact traffic safety together, united under our vision of zero traffic deaths and serious injuries. We are looking forward to expanding our reach deeper with these partners, such as through systematic outreach to hospitals and medical personnel, or by working closely with our state’s community prevention and wellness initiative school-based groups.

Reducing Disparities and Increasing Community Participation

Washington regularly engages dozens of stakeholders through standing committees and councils, but participation is too often limited to public employees or employees of nonprofit agencies who can compensate them for these activities. The voices missing are often those of average road users and those who have been impacted by serious

and fatal crashes. We believe a new approach is needed to work with communities that may be under-served and/or over-represented in our crash statistics and programs. In order to accomplish this, we would like to work with a community-based non-profit to build a core group of members of the public who have been traditionally underrepresented as traffic safety stakeholders. These members would have lived experience within the following groups:

- People impacted by serious injury or fatal crashes
- Tribal members
- Individuals with disabilities
- Individuals from low-income households and census tracts
- Individuals from rural areas and regions east of the Cascades
- BIPOC communities
- People whose first language is not English
- Students and young drivers, 16-25
- Seniors and senior drivers, 70+

Remove barriers to funding non-traditional partners.

In order to attract and retain a consistent group of people who are not otherwise compensated for the activity of working on traffic safety issues, the organizing non-profit would need to pay them. NHTSA could help states work with these non-traditional partners by specifying rules around these contracts and individual reimbursements. Washington recently passed a law to change the historical prohibitions on compensating members of the public who participate in workgroups, committees, and commissions. Under the new law, which is part of the Revised Code of Washington Chapter 43.03.220, individuals can receive stipends of up to \$200 per day and reimbursement for travel and child or senior care necessary to facilitate their involvement. Without these additional supports, committees, councils, and other groups who advise the state on traffic safety are unlikely to represent the cultural, socioeconomic, and other demographic diversity of the general population.

The focus should be on facilitating practices to ensure meaningful voice, regardless of any requirements. Permitting funds to be used for working with nonprofit community organizations and/or compensating individuals from underrepresented communities directly will address the need more effectively and cost-effectively than would additional requirements.

As States undertake this task, States will have different data sets to consult. Requirements for consulting data should be very flexible to allow for the differences in each State.

Triennial Highway Safety Plan

The intent of a Triennial Highway Safety Plan should be to reduce paperwork and burden on highway safety offices. The triennial Highway Safety Plan, the Highway

Safety Plan, and the Annual Report should work together to provide needed information without redundancy. For example, the triennial should be about the connection between the data and the reason for the chosen strategies; the Highway Safety Plan should provide project and activity information and the Annual Report should provide results.

We believe it would be helpful for NHTSA to adopt a model of behavior change. WTSC has adopted the behavior change framework of the Center for Health and Safety of Montana State University. This framework posits that behavior is a product of values, a mix of beliefs that shape attitudes, and perceived norms. So, measures of beliefs, knowledge, and perceived norms can be considered intermediate outcomes or early indicators of behavior change. The WTSC has adopted a practice of creating theories of change for each of the countermeasures that it recommends for grant funding. A theory of change requires a clear statement of assumptions as well as a description of how we think a strategy will influence behavior. Our change model is that behavior is heavily influenced by a mix of beliefs, skills, and knowledge. Therefore, if we can influence those intermediate outcomes (beliefs, skills, and knowledge) then we can affect behavior. WTSC connects theories of change to day-to-day activities by creating logic models that translates the theory of change to a contractual scope of work. We strive to create measurable outcomes based on the theory of change/intermediate outcomes in those scopes of work that help us evaluate the effectiveness of the project which creates an avenue to modify the project/theory based on results and shift the scope of work each year to respond as we learn more about the impact of the strategy.

For NHTSA to use the triennial HSP to account for strategies proportionate to the State's highway safety challenge, NHTSA will need to change the way that it evaluates highway safety challenges and adopts a model that acknowledges the factors that shape human behavior and then adopts a funding model that reflects this philosophy.

NHTSA determines the size of a state's highway safety challenges by the number of crashes it experiences. This is evidenced by the performance measures all of which are focused on crashes or the outcomes of crashes. This ignores the myriad of factors that influence crashes and crash outcomes – the vast majority of which are outside the purview of a highway safety office (economic ups and down, the popularity of large SUVs, fuel prices, consumer confidence, availability of substance use treatment, underinvestment in lower-income neighborhoods, capacity of the court system, etc). WTSC's approach is that crashes are the results of human behavior shaped by many factors such as values, beliefs, and perceived norms. NHTSA's own research acknowledges this in the guide "Strategies to Address Shared Risk and Protective Factors for Driver Safety" which recognizes how factors like emotional intelligence can work to increase or decrease the risk of being involved in a crash. A ramification of this research is that strategies that affect a single factor (like increasing emotional intelligence) can affect multiple crash factors and affect them disproportionately.

Another issue that limits the ability of the HSP to proportionately account for challenges is the funding model currently in use. Much of the funding received by highway safety

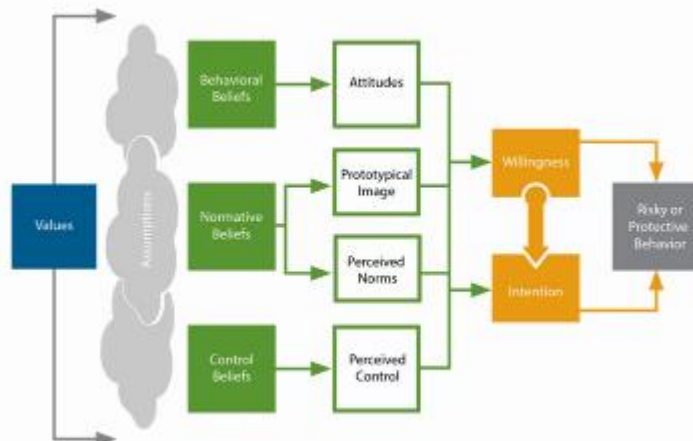
offices is limited in the scope of its uses. This automatically limits the state's ability to use those funds strategically. WTSC's experience has been that the designated use of funds often ignores the root causes of traffic safety problems. For example, 405H funds are limited to "(1) Training of law enforcement officials on State laws applicable to pedestrian and bicycle safety; (2) Enforcement mobilizations and campaigns designed to enforce State traffic laws applicable to pedestrian and bicycle safety; or (3) Public education and awareness programs designed to inform motorists, pedestrians, and bicyclists of State traffic laws applicable to pedestrian and bicycle safety." These limitations presuppose that in the case of pedestrian and bicycle safety that the cause of crashes is a lack of knowledge of the state's bicycle and safety laws. Rarely is behavior the result of a lack of knowledge. WTSC's data shows that a high number of pedestrian-vehicle crashes involve impaired pedestrians. This phenomenon is likely linked to a whole host of complex demographic factors ignored by NHTSA's funding model.

NHTSA should look beyond a change in fatalities and serious injuries as the sole measure of success to ensure the HSP provides comprehensive, longer-term, and data-driven strategies to reduce roadway fatalities and serious injuries.

The HSP should be based on data that is based on a behavior change framework.

WTSC has adopted the behavior change approach of the Center for Health and Safety of Montana State University. See the diagram below.

This framework posits that behavior is a product of values, a mix of beliefs that shape attitudes, and perceived norms. So, measures of beliefs, knowledge, and perceived norms can be early indicators of behavior change. WTSC is pursuing measures of changes in these intermediate outcomes as early indicators of behavior change. If NHTSA adopted a similar approach, it would help HSOs more accurately determine if their work is having the desired effect.



Annual Grant Application

As for data elements within the annual grant application, we think it makes sense for states to submit data to NHTSA in the Triennial Highway Safety Plan, not the HSP, that demonstrates that they have conducted a careful analysis of the traffic safety problems in their state and then thoughtfully chosen strategies designed to address the specific behaviors that are the root cause of those problems. This analysis should be included in

the HSP only if the highway safety office adopts a new strategy that was not included in the triennial plan.

The data included in the annual grant application should be the project and activity level data.

If the annual grant application becomes a place for states to identify projects and activities, then the link from the strategy to the project should be sufficient for NHTSA to understand the problem or opportunity that the project is designed to address. Additionally, WTSC believes that “need” as currently defined by NHTSA as solely where crashes are occurring is flawed. A proactive approach would indicate that NHTSA adopts a more comprehensive model that considers the factors that shape human behavior which would help more accurately assess a state’s effectiveness in allocating resources.

NHTSA has suggested that zip codes be used as a measure of how the state is targeting high-priority areas. We would like to point out that this approach would not work in all cases or would not work easily. For example, where grant funding is spent by a statewide entity (like a state patrol agency), it would be more challenging and time-consuming to accurately account for the zip codes in which patrol occurred.

Performance Measures

In the area of Performance Target Setting, we are happy that the US DOT applauds “those who have already committed to zero roadway fatalities and serious injuries and understand that no one will achieve this goal alone.” We hope that states who embrace the goal of zero traffic deaths will no longer be punished with additional administrative burdens for planning targets designed to reach that goal, even during times of increasing fatalities.

Washington Traffic Safety Commission welcomes the upcoming partner discussion between NHTSA and GHSA to examine the current performance measurement system and very much hopes to be a part of that working group. Knowing that not one approach alone will reach the goal of zero traffic deaths, we urge that meeting include a discussion about the funding for and influence of highway safety offices in reducing fatalities and injuries, specifically addressing the following questions:

- What are the anticipated outputs for model behavioral traffic safety programs that NHTSA recommends and encourages states to fund? What are the performance measures that directly relate to these anticipated outputs?
- What is the theory of change or the logic model for the path between short-term gains achieved with behavioral traffic safety program outputs and a reduction in traffic death and serious injuries?

- How can highway safety offices demonstrate excellent performance in achieving these short-term outcomes as part of the pathway to zero deaths and serious injuries?
- Can these anticipated program outputs be used for data-driven performance targets that will “demonstrate constant or improved performance” of behavioral traffic safety programming and investment?

We are all striving for zero traffic deaths and serious injuries. True performance targets for evaluating the efforts of state highway safety offices should be able to withstand recessions, gas prices, increased or decreased vehicle miles traveled, pandemics, and other big economic and societal changes that influence the number of traffic deaths. Washington, like many other states, is experiencing an unprecedented rapid increase in serious crashes. Meaningful performance measures would reflect the incredible partner and community response that has already mobilized in Washington against this alarming trend and loss of life, in addition to the programming that was already in place.

We believe that the current core fatality measures should be changed. These measures ignore the myriad of factors that influence crashes and crash outcomes – the vast majority of which are outside the purview of a highway safety office focusing on behavior change programs. Even when NHTSA and GHSA collaborated in 2008 to release Traffic Safety Performance Measures for States and Federal Agencies (DOT HS 811 025), it was acknowledged then that “[Behavior measures] provide the link between specific activities and outcomes by assessing whether activities have influenced behavior. Behavior measures help States assess the effectiveness of their specific activities in a timely manner; this in turn allows them to allocate scarce resources efficiently.” (pg 4).

The needs related to performance measures at the time of the 2008 report really centered on a need for state-to-state consistency for national performance monitoring. This has been achieved and more and more states are even relying on their own crash data for more timely access to current crash trends. While the WTSC believes that the current core outcome measures should be monitored and reported toward the ultimate outcome of zero deaths and serious injuries, putting full responsibility for these outcomes on SHSOs is inaccurate and misplaced. In addition, all the core fatality measures are provided by NHTSA from the FARS data, so NHTSA already monitors these metrics at the state and national levels. Therefore, NHTSA should revisit the recommendations regarding behavior measures that have long been acknowledged as the true barometer of SHSO efforts. The WTSC encourages NHTSA to consider similar efforts to collect national and state-level measures of behavior change, such as the CDC Behavioral Risk Factor Surveillance Survey model and AAA Annual Traffic Safety Culture Survey.

We would also like to provide specific comments regarding the C-5: Alcohol-Impaired Driving Fatalities measure. NHTSA bases this number on an estimate resulting from a statistical method called multiple imputation. While this method is acceptable for

generating reliable national-level estimates, it is unclear how reliable the state-level estimates are. The result of this statistical method is released as a state-level whole number of fatalities, which often conflicts with non-imputed estimates produced and shared by the state.

An advantage of the multiple imputation method identified by NHTSA is the ability to compute standard errors and confidence intervals. If this is the advantage, it is unclear why this number is largely communicated as a discrete count rather than a statistically imputed estimate complete with a confidence interval and standard error. Because the method has been validated for national estimates, the omission of confidence intervals and standard errors with the state-level estimates is even more problematic. Furthermore, an estimate that is largely influenced by changes in the amount of missing data rather than trends reported by law enforcement is not an appropriate performance measure for SHSOs.

Section 24102 of the Bipartisan Infrastructure Law requires performance targets “that demonstrate constant or improved performance.” We believe that SHSOs are absolutely capable of demonstrating constant or improved performance...for outcomes in which the programming is meant to achieve. The SHSO effort alone should not be solely responsible for demonstrating constant and improved performance in ultimate fatality and injury reductions. That effort requires everyone. Performance targets must be related to the immediate anticipated outcomes that can be isolated to the individual efforts of SHSOs, and SHSOs must understand the role these short-term and intermediate outcomes play in the ecosystem of the Safe Systems Approach.

What is reported in the Annual Report will be driven by the performance measures identified by NHTSA and GHSA. “[Behavior measures] provide the link between specific activities and outcomes by assessing whether activities have influenced behavior. Behavior measures help States assess the effectiveness of their specific activities in a timely manner; this, in turn, allows them to allocate scarce resources efficiently.” NHTSA should not make states pull data from the NHTSA FARS websites, then report that information back to NHTSA in a report. Performance targets must be related to the immediate anticipated outcomes that can be isolated to the individual efforts of SHSOs.

The Annual Report will best inform future HSPs when the appropriate performance measures are in place to accurately assess specific efforts of a SHSO. This is when the performance targets become more meaningful. With measures and targets reflective of the specific activities being performed, SHSOs will be better informed to allocate resources to the projects having positive short- and intermediate-term outcomes.

The Annual Report should highlight activities and programming related to what is working, what could be improved, and what should be discontinued altogether. Thank you again for the opportunity to share this feedback with you today and we support NHTSA’s and all our partners’ efforts to eliminate traffic death and serious injury.