



May 23, 2022

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
Docket Management Facility, M-30
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Docket No. NHTSA-2022-0036

Dear Secretary Buttigieg:

Thank you for allowing the National Safety Council (NSC) to respond to the National Highway Traffic Safety Administration (NHTSA) Request for Comment (RFC) on the forthcoming rulemaking process to implement changes to the Highway Safety Grant Program. The following comments look to address the questions outlined in the request for comment published on April 21, 2022.

NSC is America's leading nonprofit safety advocate and has been for over 100 years. As a mission-based organization, we work to eliminate the leading causes of preventable death and injury, focusing our efforts on the workplace, roadway and impairment. We create a culture of safety to keep people safer at work and beyond so they can live their fullest lives. Our more than 15,500 member companies represent 7 million employees at nearly 50,000 U.S. worksites.

We are facing a crisis on our roadways. On a typical day, we lose more than 100 people in motor vehicle crashes, and every year more than 4.5 million people are injured. Beyond the human toll, these deaths and injuries cost society more than \$473 billion,¹ including productivity losses, medical expenses, motor vehicle property damages and employer costs. Unfortunately, NSC data continue to suggest we are not doing enough to address roadway safety. NSC estimates 46,000 people lost their lives in 2021,² each one a loved one and valued community member, and these losses occurred in completely preventable crashes.

The Highway Safety Grant Program provides much-needed resources to address this crisis, encouraging programming, communications, and research to combat our deadly roadways, and NSC appreciates this opportunity to respond to the RFC to improve transparency of and engagement with the programs and the funding that supports our shared goals.

The National Safety Council's responses to selected questions in the RFC follow. We are happy to provide additional information as needed.

Sincerely,

A handwritten signature in black ink that reads "Lorraine M. Martin". The signature is written in a cursive, flowing style.

Lorraine M. Martin
President & CEO

¹ <https://injuryfacts.nsc.org/motor-vehicle/overview/introduction/>

² <https://injuryfacts.nsc.org/motor-vehicle/overview/preliminary-estimates/>

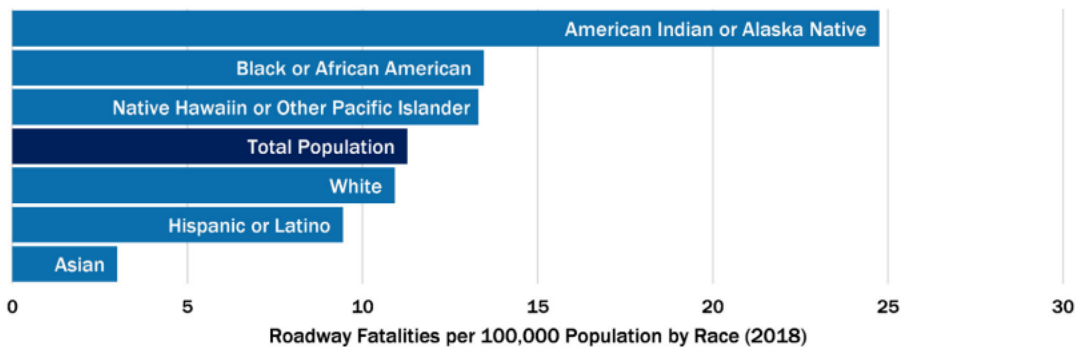
1. How can NHTSA, States, and their partners successfully implement NRSS and the SSA within the formula grant program to support the requirements in Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117-58)?; 2. What non-traditional partners and safety stakeholders can the States work with to implement NRSS and SSA?

The Highway Safety Grant Program provides important funding and support for programs that can successfully implement the strategies and tactics outlined in the National Roadway Safety Strategy, which are also aligned with the Safe System approach. There is also an opportunity in adopting a Safe Systems approach for States to expand the reach and scope of partners engaged through the Highway Safety Grant Programs. **All** stakeholders are required to reduce traffic fatalities and reach our shared goal of zero deaths. States should engage with nontraditional safety stakeholders, exploring individuals, organizations, and other entities that have a role to play in creating a Safe System.

NSC, too, engages with a variety of stakeholders, and has already seen the benefits of adding diversity of thought and approach to our safety tactics, and we know others would realize benefits as well. These partnerships can include community organizations such as faith-based organizations, local housing associations, libraries, and more, and individuals can come from local leaders who may not hold an official office. NSC recommends that state safety offices research active and trusted community organizations and leaders and engage them to serve as engaged participants and trusted ambassadors for traffic safety initiatives. NHTSA should add requests for evaluation, information, and transparency on state partners and the subsequent programs with participation and other metrics quantified and tracked. This increased involvement can ensure messaging and programming produced by the Highway Safety Grant Programs is reflective of the communities they wish to inform.

3. How can the Sections 402, 405, and 1906 formula grant programs contribute to positive, equitable safety outcomes for all? How can states obtain meaningful public participation and engagement from affected communities, particularly those most significantly impacted by traffic crashes resulting in injuries and fatalities?; 4. How can the formula grant program require practices to ensure affected communities have a meaningful voice in the highway safety planning process?; 5. What varied data sources, in addition to crash-causation data, should States be required to consult as part of their Highway Safety Plan problem identification and planning processes to inform the degree to which traffic safety disparities exist on their roadways?

Research and data consistently show the burden of traffic violence is not felt equally across demographics including race, gender, and income. As cited in the National Roadway Safety Strategy³ and displayed below, decades of transportation policy and investment have had negative safety impacts, especially on communities of color who see a disproportionate number of traffic fatalities.



³ <https://www.transportation.gov/sites/dot.gov/files/2022-02/USDOT-National-Roadway-Safety-Strategy.pdf>

As stated in the introduction, State Highway Safety grant programs are some of the most effective and regular opportunities to engage the public on traffic safety issues. The once-in-a-lifetime opportunity presented by the combined efforts of IJJA and the National Roadway Safety Strategy is an opportunity to address these historic inequities. It is imperative that any initiatives with funding and scope to address roadway fatalities also work to reduce disparities in traffic safety. By addressing disparities in roadway safety, communities see not only reduced fatalities and injuries, but an increase in access and mobility independence. We must do things differently not only to address the current climbing traffic fatalities, but to also address where the system has previously failed.

When putting requirements or recommendations on community participation and engagement as part of the Highway Safety Grant Program, NHTSA should ensure it does so in a way that encourages as broad of representation as possible. Terms such as “community,” “engagement,” or “participation” should be defined in guidance in a way that encourages Highway Safety Grant Program participants to consider the communities most impacted by traffic violence. Participants should be required to be transparent in their reporting not only on the effectiveness of the programs but of those populations reached and served through their efforts.

States must obtain meaningful public participation and engagement from affected communities, particularly those most significantly impacted by traffic crashes resulting in injuries and fatalities through the Highway Safety Grant Program. Programming, engagement, and funding should be done in a way that addresses previous impacts of underinvestment or lack of engagement. This should be regularly tracked and reported on with preference given to those programs and efforts demonstrating the greatest success in communities who bear the greatest burden of traffic violence. To do so effectively, the Highway Safety Grant Programs needs to develop, create, and deliver context-appropriate solutions identified and established with community partners. However, NHTSA should not require this be done by state offices only and should encourage states to consider partnering or using trusted community organizations to effectively achieve participation and engagement. These partners should also be used to help evaluate and analyze the effectiveness of programming and messaging, as traditional state offices and partners may not inspire the same level of trust or confidence among participants. Any community organizations participating in this role, or another significant capacity, should be appropriately compensated for their time and efforts.

State-level stakeholders should also be utilized in new and expanded roles to encourage improved engagement and participation within traffic safety. These partners should include, but not be limited to, state Departments of Transportation (DOT), state Departments of Health, state law enforcement entities, and state Emergency Management System offices. All of these organizations should be involved in the creation of state efforts to improve roadway safety. For example, a project in Milwaukee, WI works with law enforcement officers to identify locations where they know crashes and reckless driving regularly take place⁴ and provide insights on additional traffic patterns that might not be otherwise reported to State Highway Offices. This information is already collected and can as well as should be sought out to compile a complete picture of the traffic safety context of a community. Highway Safety Grant programs should also look to local or regional task forces that might already exist as an opportunity to discuss crashes. In Knoxville, TN, a cross-sector group meets regularly to dissect and identify causes of crashes taking place in the area.⁵ The information is collected in a dashboard and used to inform recommendations for interested stakeholders. This cross-sector approach allows for a comprehensive examination of crashes beyond the traditional crash reporting and can better serve to inform possible solutions.

In addition to traditional sources and types of information collected by Highway Safety Grant Programs to demonstrate their success, programs should identify ways to collect lived experience data and other

⁴ https://nsc-org.zoom.us/rec/play/UodjZogscUwAESaxnihSjRRDMsu0xyzjQ8L_D22boWxpFncA4N5eXXt3qd50Edu1oYsToiOmUMYDKwO.3ra0xivAS1IPzUJh?startTime=1621360818000

⁵ <https://knoxtpo.org/crashes/>

anecdotal evidence to influence resource allocation. Developing relationships with other community groups can help with capturing this information. Providing regular opportunities for information gathering should be done locally, held at locations and times easily accessible for community members, and done in a way that is reflective of the demographic make-up, including appropriate language services. Participants should be clearly informed as to how this information will be used, and those gathering the information should take steps to continue the dialogue and provide information on how it is reflected in future work. Participants should be compensated for their time and effort in some appropriate and available form. This information can be especially useful in being proactive on traffic safety. Near-miss and other data collected at the community level can provide important insights on problem areas before a devastating event takes place, and some community groups are already collecting these data points.

6. How can the triennial cycle best assess longer-term behavior modification progress and connect year-to-year activities in a meaningful way?; 7. How can the triennial HSP account for strategies that are proportionate to the State's highway safety challenges?; 8. What information is needed to ensure the HSP provides comprehensive, longer-term, and data-driven strategies to reduce roadway fatalities and serious injuries?

Highway Safety Plans (HSP) provide an opportunity for states to think strategically and holistically about how best to address roadway fatalities. These longer-term plans can provide states with the time and opportunity to effectively gauge the impact and reach of the funds used, as traffic safety improvements rarely happen in the short term. However, states should continue to be required to provide regular annual information on programs, including information on participants, use of funds, and updates on tracked metrics. These updates should be made regularly available to the public and demonstrate how they inform and are informed by the longer term triennial HSP.

It is important HSPs are done in a way that supports state-wide efforts to improve safety and accessibility and encourages participation of other stakeholders. While being a statewide, coordinated behavioral safety plan, the plan itself should take into account other plans and efforts that look at additional ways to reduce traffic fatalities in order to create a Safe System approach. In other words, while the triennial HSPs might capture the “Safer People” aspect of a Safe System approach, they will inform and influence the other aspects (i.e. Safer Roads, Safer Vehicles, etc.) and as such, should be developed in a way that takes this into account. One way this can be done is to require a comprehensive look at the traffic safety context within the state by incorporating insights from other stakeholders, including Departments of Public Health and Transportation, law enforcement officers, EMS and other first responders, state DOTs, and others.

Additionally, NHTSA should encourage states to find ways to better incorporate the viewpoints of multiple stakeholders in identifying key behavioral safety needs and the countermeasures deployed. By doing so, HSPs have the input and interest of multiple stakeholders, which will improve their capacity for successfully influencing change. States should not be alone in identifying and prioritizing highway safety challenges and proposing countermeasures to address these challenges.

Incorporated within the triennial HSPs and other reporting, NHTSA should require justification for use of continued and established practices. As knowledge and best practices evolve, HSPs must appropriately reflect these changes. For example, any funding of law enforcement in traffic safety should be required to demonstrate steps taken to do so in an equitable fashion without racial bias and which does not produce additional harm to the participating community. Funding for education and communications campaigns should use the latest research on what is most effective in terms of types of messaging and topics approached. For example, NSC would expect research such as the recent study on the dangers of highway display signs⁶ be incorporated in the planning for future use of funds to communicate traffic safety messages to the public.

⁶ <https://www.science.org/doi/10.1126/science.abm3427>

9. What data elements should States submit to NHTSA in their annual grant application to allow for full transparency in the use of funds?; 10. What types of data can be included in the annual grant application to ensure that projects are being funded in areas that include those of most significant need? 11. Should these measures be revised? If so, what changes are needed? 12. Section 24102 of the Bipartisan Infrastructure Law requires performance targets “that demonstrate constant or improved performance.” What information should NHTSA consider in implementing this requirement? 13. What should be provided in the Annual Report to ensure performance target progress is assessed and that projects funded in the past fiscal year contributed to meeting performance targets? 14. How can the Annual Report best inform future HSPs?

An effective Highway Safety Grant Program has clear, transparent, and necessary application reporting processes in place. Interested stakeholders should be able to access regularly updated information about specific use of funds at the state level in a clear, easy-to-use format. Preferably, this would be done in a consistent way across states so programs and use of funds could be compared regionally and nationally. NHTSA should take this opportunity to collect complete and uniform data and make it available to the public to demonstrate the success of the program.

For example, states should be required to submit a variety of data as part of their grant application to allow for transparency and demonstrate how they are addressing the needs of communities across the state. This should be done in coordination with and combination of the additional reporting and transparency required for annual and triennial public online reporting in the final Infrastructure and Investment Jobs Act,⁷ a measure the National Safety Council supported and was pleased to see in the final legislation. These data can include user demographic information and satisfaction, short and long-term impact of the program, discussion as to how community engagement informed the proposed use of funds, discussion as to how the states propose to work with non-state stakeholders to deliver on use of the funds, and how much of the funding will be used for direct programmatic elements of the proposed efforts. At the very least, recipients of funds should be required to report the same type of information required by federal grantees including financial data (i.e. expenses paid), compliance data (i.e. reporting on regulations followed and met), and project data (i.e. progress and community impact).⁸ Proposed projects should be able to demonstrate how the current application builds on previous efforts, incorporating new and updated thinking and not simply relying on reproducing previous years’ efforts. Finally, any successful application should be able to clearly make the case as to how the proposed use of funds contribute to the state’s broader Safe Systems approach.

Performance measures should be regularly evaluated and updated to reflect best practices and current thinking on the type of data demonstrating a successful project. Any and all performance measures that are captured should be clearly and regularly communicated to the public in a way that is easily translated by the public. NHTSA should take care to monitor a state’s ability and encourage states to address gaps in capturing feedback by all stakeholders.

We can no longer accept that merely tracking fatalities and injuries is a means of tracking a program’s success. We must also require states to publicly communicate on how they are engaging the community, using funds to support direct programming, and how their programming works to address existing disparities and contribute to a Safe Systems approach. States should be required to set target performance measures demonstrating safety improvements and reduction in fatalities and injuries, not set performance measures as some do now.⁹

⁷ <https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf>

⁸ <https://www.grants.gov/learn-grants/grant-reporting.html>

⁹ <https://smartgrowthamerica.org/state-safety-targets-show-need-for-congress-to-further-prioritize-safety/>



Annual reports should be made regularly available to the public for comment. These comments should be collected by State Highway Offices (SHO) and incorporated into the triennial HSPs and other plans as means of improvement for long-term effectiveness. SHOs should be required to demonstrate reasons as to why they continue programs that prove to be unsuccessful or cause unintentional harm to communities. SHOs should be required to be informed of the latest research and information on best practices and have their annual activities and use of funds reflect this knowledge.

There is great potential in the Highway Safety Grant Program currently not being realized. By using this opportunity to improve community engagement, data collection and tracking, and communicating about the funded programs, NHTSA has the capability to leverage these funds to address the current crisis on our nation's roads.