



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

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October 21, 2022

Barbara Sauers
Associate Administrator, Regional Operations and Program Delivery
National Highway Traffic Safety Administration (NHTSA)
U.S. Department of Transportation
1200 New Jersey Ave., S.E.
Washington DC 20590

Dear Ms. Sauers,

The State of Connecticut Highway Safety Office (CT HSO) is pleased to submit comments on the National Highway Traffic Safety Administration's (NHTSA) Notice of Proposed Rulemaking on the "Uniform Procedures for State Highway Safety Grant Programs," published in the Federal Register on September 15, 2022 (Rule). CT HSO fully supports the positions set forth by the Governors Highway Safety Association (GHSA) and shares its concern that much of the proposed Rule would place additional administrative burdens on the states and deprive governors of their prerogative of where to center roadway safety policy within state government. We offer the following comments for consideration.

Any new requirements for the Triennial Highway Safety Plan (Triennial HSP), Performance Plan, and Annual Report should be limited to what is directed in federal law, as amended by the Bipartisan Infrastructure Law (BIL). Additional requirements would likely create significant administrative burdens and inefficiencies which would both complicate states' efforts, discourage grant subrecipient participation, and/or duplicate required content among the Triennial HSP, Performance Plan, and the Annual Report. The content in these three submissions should be distinct from one another and should not significantly overlap. To require otherwise would be inefficient and place an undue burden on the states.

The Triennial HSP should focus on programs, countermeasure strategies, performance targets, funding, types of projects that a state plans to conduct, and other elements at the *program* level. The Performance Plan should be limited to *project*-level information such as an identification of each subrecipient, a classification of the project under a Triennial HSP program area, and information to form the basis of vouchers (i.e. the project agreement number, subrecipient, amount of Federal funds by funding source, and the eligible use of funds). Any updated data analysis should be required only in the Triennial HSP and not again in each Annual Application.

NHTSA should consider altering the process to apply for a Highway Safety Plan amendment, possibly by raising the funding thresholds or through other substantive changes which would streamline the process. As the process stands now, Highway Safety

Plan amendments place significant administrative burdens on the states and NHTSA, and often take months from their initial submission dates to be approved. CT HSO encourages the implementation of any measures which would streamline the amendment process and allow the states to better focus on the efficient allocation of funds to its partners and projects.

In subsection 1300.13(a), CT HSO opposes the restriction against applying media (even when approved via active voice by a political subdivision) to the 40% share to local requirement. NHTSA's "Countermeasures That Work" publication clearly indicates that high visibility enforcement coupled with a highly publicized media campaign is more effective than implementing only one of those efforts alone. Local police departments and organizations routinely engage and express their interest with CT HSO's media campaigns through participation in task forces. Post-media surveys, as well as enforcement citation data, demonstrates the correlation between a robust media campaign and High Visibility Enforcement which decreases serious injuries and fatal crashes. NHTSA and state HSOs recognize the importance of this partnership, so CT HSO believes NHTSA should not simultaneously prohibit this collaboration from counting towards the share to local requirement, especially so when locals clearly have an active interest and participation in this process.

Regarding the proposed requirement that performance targets "demonstrate constant or improved performance" while remaining data-driven: NHTSA and FHWA should collaborate with GHSA and the American Association of State Highway and Transportation Officials (AASHTO) to establish cohesive state target-setting procedures and outcomes that both agencies will consider compliant for regulatory purposes. Due to the COVID pandemic, the past years have skewed data-based performance measure trend lines, and NHTSA should either allow states to reset realistic goals based on this recent and applicable data or remove penalizations for performance measures that are based on outdated data that no longer represents current trends.

In order to align with the U.S. DOT National Roadway Safety Strategy, CT HSO recommends NHTSA afford states more flexibility to align their programs with the Safe System Approach. This could include removing barriers to funding non-traditional partners, allowing states to diversify the countermeasures they use, and avoiding penalties for states that set aggressive performance targets.

The new requirement in subsection 1300.11(b)(4) to document the reasons for choosing *any* countermeasure not identified in "Countermeasures That Work" that is rated a '3' or higher will place additional administrative burdens on the states. Documentation was previously only required for "innovative countermeasure strategies" not found in the NHTSA's "Countermeasures That Work." States already make efforts to identify projects based on the best available data, and this new requirement will further limit states' abilities to work with new and unique partners which is paramount to reaching the demographic groups that are disproportionately impacted by fatalities and injuries.

CT HSO is concerned with the language in subsection 1300.4 regarding the employing agency of the Governor's Representative for Highway Safety (GRHS). The CT Governor's

Office has historically designated a GRHS that is best suited to carry out NHTSA's mission and has determined that a designee at the Connecticut Department of Transportation, as the center for all roadway safety efforts in the State of Connecticut, is most appropriate. The proposed language indicates that the GRHS may not be employed by a subrecipient of HSO grant funds, of which CTDOT indeed is. CT HSO initiates grants written in-house to procure media and other projects, making itself a subrecipient by default. Having the GRHS located within the same agency allows for efficiencies in coordination and oversight that would be lost if forced to be housed within another state agency. This current configuration, with both the CT HSO and GRHS embedded within CTDOT, promotes synergy not just with CT HSO itself, but also cooperatively across other transportation planning, engineering and operations teams within the Connecticut Department of Transportation. This allows for a comprehensive approach to safety that can embrace and enforce the Safe Systems Approach across the entire state. CT HSO does not believe that this creates a conflict of interest, and strongly urges NHTSA to reconsider this prohibition.

CT HSO suggests consideration of alternative means to fund equity partnerships that do not involve funding on a reimbursable basis. Many potential partners which can best aid us in reaching vulnerable communities cannot participate in reimbursable programs because they do not have such funds readily available. Assistance from NHTSA in restructuring the funding process to allow qualified partners to receive funding up-front is a necessary element in reaching this shared goal. CT HSO encourages and appeals to NHTSA to provide support to the states to remodel the current reimbursable-based process so the funds can be made available to potential recipients at the outset of projects.

The requirement in subsection 1300.35(b)(1) to include zip codes in reporting efforts on project location data potentially poses a challenge for reporting data as it relates to grants administered to institutions such as hospitals and universities that operate activities across multiple locations throughout the state. Including the zip codes of applicants/project data may not accurately capture a program that a hospital (as the "applicant") is administering across the state to underserved communities, using those funds. While we understand and agree with the value of this data, NHTSA should consider allowing states to report zip codes where project activity is taking place, not only the location of the applicant.

CT HSO encourages NHTSA to administer the Rule in a way that encourages the efficient administration of the processes it promulgates, so both the states and their community partners can maximize use of the funds, and effectively and efficiently combat the alarming rise in fatalities and injuries for our citizens.

Sincerely,

Garrett T. Eucalitto
Deputy Commissioner
Connecticut Department of Transportation