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October 27, 2022

Reference: Docket No. NHTSA-2022-0036 RIN-2127-AM45

Thank you for seeking input on the NPRM for Docket ID NHTSA-2022-0036-0058. The Nevada Office of Traffic Safety has worked closely with the Governor’s Highway Safety Association to offer comments to the proposed draft regulations related to new traffic safety program language contained in the Bipartisan Infrastructure Law. We support GHSA and the elements they outline in their response to the NPRM.

State Highway Safety Offices are engaged daily in effective implementation of traffic safety programs while meeting federal and state guidelines. The Nevada Office of Traffic Safety is deeply invested in the success of these programs and cares about our communities and roadway users. We understand that renewed effort and new approaches are vital to meeting our shared mission and are excited by the commitment shown by Congress in the Bipartisan Infrastructure Law and NHTSA to this work. Balancing the time and effort needed for effective program implementation with necessary regulatory compliance is a substantial exercise for any Highway Safety Office and we ask you give genuine consideration to streamlining requirements and supporting state work, specifically as follows:

* Proposed Rules p. 56800, 1300.13 Planning and Administration costs – We request NHTSA increase the percent of allowable P&A from 15% to 18% in support of the additional program and administrative work needed to facilitate new BIL programs and requirements. 402 funds are formula based with states like Nevada receiving a smaller amount while still needing to provide services to a large geographic area and to cover duties in all program areas. Nevada’s largest urban area, Las Vegas, is 8 hours by car from the state capitol where government offices are required to be located. To serve Las Vegas properly, and as we move into stronger community engagement models, we find it necessary to maintain two office locations. Other states with major cities separate from the state capitol likely have major “satellite” operations. We streamline administrative costs and functions between locations however we find current P&A limits to be restraining to our ability to maximize productivity, particularly considering rising costs and a competitive employment market.
* Proposed Rules p. 56800-56801, 1300.13 A problematic road or unsafe area may have multiple city, county, tribal or MPO jurisdictions. Requiring the State to document requests from political subdivisions that includes extensive information such as problem ID, media placement recommendations, etc. shifts significant planning burdens to local entities that may be unwilling to assume them and for which the State has no ability to enforce. Similarly, the proposed local benefit documentation, such as meeting minutes for planning meetings and written acceptance by local entities, would unreasonably compound the paperwork that the Highway Safety Office and NHTSA must process, as well as attempt to verify or audit this information to an unknown standard. The Highway Safety Office should be able to allocate resources based on data-driven problem identification, working with its partners to fund their efforts to address community safety without the need to create burdensome “proof”.
* Proposed Rules p. 56798, 1300.11 Public participation and engagement – While recognizing the value and importance of meaningful public participation, we feel that the detail of the proposed regulatory language reaches too far down into administrative recordkeeping requirements to provide NHTSA with data points that may or may not satisfy an arbitrary public engagement definition. It is unclear how NHTSA intends to meaningfully assess, for the purpose of compliance, the extensive lists of types of engagement, issues discussed, mechanisms of engagement, participant names, organizations, and zip codes. Long experience with NHTSA oversight suggests that this requirement might only generate perpetual additional questions and NHTSA pressure to achieve an unidentified or wholly subjective standard of acceptability. This overreaching language creates a sense that NHTSA is suspicious or skeptical that state highway safety offices are willing or capable of working meaningfully and with full intention to engage the citizens they serve. It is appropriate that states develop a public engagement plan that includes performance measures, strategies for achievement and projected activities but it serves no reasonable purpose to compare minute details of such a plan. This type of language was rolled back from the requirements for Traffic Records Coordinating Committees presumably with this in mind.

Thank you for your consideration of my input, along with other stakeholders, and I appreciate the opportunity to participate in this important work.

Sincerely,

Amy Davey

Amy Davey, Administrator

Nevada Office of Traffic Safety