

October 28, 2022

Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue SE, Room W12-140  
Washington, DC 20590-0001  
RE: Docket Number – NHTSA- 2022-0036  
Docket Name- Uniform Procedures for State Highway Safety Grant Programs  
Docket RIN – 2127-AM45

To whom it may concern:

The NHTSA Notice of Proposed Rulemaking listed above proposes revised uniform procedures implementing State highway safety grant programs, as a result of enactment of the Infrastructure Investment and Jobs Act (IIJA, also referred to as the Bipartisan Infrastructure Law or BIL). It also reorganizes, streamlines and updates some grant requirements. This letter is in response to the agency's request for comments on the proposed rule. We thank you for the opportunity for Responsibility.org to provide comments.

Our concern in this NPRM is in relation to § 1300.23 impaired driving countermeasures grants; specifically, § 1300.23 (j) Use of grant funds. (Please note highlighted text)

(j) *Use of grant funds* (1) *Eligible uses*. Except as provided in paragraphs (j)(2) through (6) of this section, a State may use grant funds awarded under [23 U.S.C. 405\(d\)](#) only for the following programs:

(i) High-visibility enforcement efforts;

(ii) Hiring a full-time or part-time impaired driving coordinator of the State's activities to address the enforcement and adjudication of laws regarding driving while impaired by alcohol, drugs or the combination of alcohol and drugs;

(iii) Court support of impaired driving prevention efforts, including—

(A) Hiring criminal justice professionals, including law enforcement officers, prosecutors, traffic safety resource prosecutors, judges, judicial outreach liaisons, and probation officers;

(B) Training and education of those professionals to assist the professionals in preventing impaired driving and handling impaired driving cases, including by providing compensation to a law enforcement officer to carry out **safety grant activities** to replace a law enforcement officer who is receiving drug recognition expert training or participating as an instructor in that drug recognition expert training; or...

While Responsibility.org is strongly in favor of this provision allowing grant funds to be utilized for law enforcement officers to replace an officer who is receiving drug recognition expert training or participating as an instructor in drug recognition expert training, we are equally opposed to the requirement that the funding can only be utilized to carry out **safety grant activities**.

We are in a time in the United States with the highest total of traffic related fatal crashes, since NHTSA began collecting data. Law enforcement agencies around the country are facing an unprecedented exodus out of the profession and agencies are struggling to fill multiple open vacancies. This is particularly difficult with jurisdictions with minimum staffing requirements. Traffic units have been disbanded in most states and jurisdictions and for those agencies attempting to get their officers trained to address the significant increases in multiple substance impaired driving. Additionally, DUI arrests are down around the country with a deemphasis on enforcement, resulting in significantly higher fatalities and unnecessary victims. Law enforcement executives struggle to meet the demands of current staffing levels, minimum staffing, and ensuring their community has officers who can address drugged drivers. It is our belief that the intent of the statutory requirement of this provision is to help support law enforcement agencies with the resources they need to provide critical training to the officers, without restrictive limitations, while still being afforded the opportunity to respond to calls for service in their jurisdictions. The ultimate focus of this work is public safety.

States are significantly increasing the number of trained Drug Recognition Experts which requires states to utilize DRE instructors. SHSO's must rely on law enforcement officers to train as the SHSO does not have the expertise to serve as instructors. Each 3-week DRE school requires multiple instructors as well. State Highway Safety Office DRE Coordinators struggle to obtain law enforcement instructors for multiple classes because law enforcement leaders cannot afford to have these officers removed from their daily policing duties. Likewise, police executives cannot afford to send their officers to DRE training without the ability to backfill these officers for the 3-week training as a DRE. We urge NHTSA to reassess the legislative intent authorizing the use of grant funds to allow for backfills to include both safety and non-safety grant activities so that states can adequately increase trained DRE's to assist in removing drug impaired drivers from our roadways and reduce serious injuries and fatalities.

Our second concern relates to the ignition interlock incentive grant program contained in § 1300.23 (g) "Grants to States with alcohol-ignition interlock laws". Responsibility.org hopes that NHTSA is not inferring that a state must possess all three of the criteria qualifications to receive the 405(d) funding and instead is agreeing that the third criterion has multiple components, and a state must possess all of the components of ONLY the third criterion. Currently, no state would qualify for 405(d) funding if it were required to achieve all of the criteria qualifications.

Thank you for the ability to provide comments to this docket and Responsibility.org stands ready to assist NHTSA in our joint mission to eliminate impaired driving crashes, injuries, and fatalities.

Sincerely,

Darrin T. Grondel  
Vice President of Traffic Safety and Government Relations