



February 14, 2024

Regina Morgan  
Director, Office of Civil Rights  
National Highway Traffic Safety Administration  
Room W12-140  
1200 New Jersey Avenue SE, West Building  
Washington, DC 20503

RE: Docket No. NHTSA-2023-0061 Request for Comment: NHTSA's  
Nondiscrimination Compliance Program

Dear Ms. Morgan:

Thank you for the opportunity to provide input on NHTSA's new proposed [Nondiscrimination Guidelines](#) ("NDG").

The Governors Highway Safety Association (GHSA) is a national nonprofit association representing the State and territorial Highway Safety Offices (SHSOs). The SHSOs receive highway traffic safety grants from NHTSA to implement behavioral highway safety programs.

GHSA and NHTSA have a long-standing partnership to reduce the carnage on our nation's roads caused by avoidable traffic crashes. GHSA is a leading supporter of the U.S. Department of Transportation's National Roadway Safety Strategy (NRSS) and GHSA was recognized as a "First Mover" in safety by the Department.

An important part of these efforts is GHSA's organizational commitment to achieving more equitable outcomes in transportation safety. GHSA has been a national leader issuing guidance and recommendations for our industry on equity, including:

- On September 23, 2020, GHSA released a [statement](#) with recommendations to fight racism and discrimination in traffic enforcement.
- On June 22, 2021, GHSA released the first national [analysis](#) of its kind in 10 years showing the disparate impact of traffic crashes on different racial, ethnic and underserved communities.
- On August 31, 2021, GHSA released an independent set of ten substantive [recommendations](#) on how the traffic safety community can support more equitable outcomes for Black, Indigenous and People of Color (BIPOC).
- In December, 2021, GHSA released a [report](#) describing in detail how highway safety planners can effectively integrate behavioral approaches into the Safe System approach, including the consideration of equity-focused strategies.

- GHSA has urged many of its partners to more deeply incorporate equity and community engagement into safety programs, as well as reach more underserved communities. For example, GHSA has partnered with the National Road Safety Foundation to [award](#) \$75,000 in private sector grants to three States for safe youth active mobility programs. With the Ford Driving Skills for Life Program, GHSA is [supporting](#) teen driver safety programs to promote the safe mobility of non-motorized road users. GHSA and GM are also [partnering](#) with Youthcast Media Group (YMG) to train high school and college students from underserved communities, more than 95% of whom are youth of color, to write about and report on often overlooked health and social issues, such as traffic safety.
- At its December 2022 meeting, GHSA’s Executive Board approved the formation of a new [Equity and Engagement Committee](#) that is charged with directing the association’s engagement in this space and institutionalizing equity in everything that we do.
- GHSA has featured equity and engagement as leading topics at its GHSA Annual Meetings. At its 2023 Annual Meeting, GHSA [adopted](#) new policy to explicitly affirm GHSA’s focus on equity and the Safe System approach as guiding principles in the association’s work.

As NHTSA is aware, the SHSOs have also dedicated the last year to implementing new Public Participation and Engagement (PP&E) programs as part of NHTSA’s most recent [Final Rule](#) governing the agency’s highway traffic safety grant programs. States are making unprecedented investments in gathering meaningful public input on safety initiatives, especially among disadvantaged and underserved communities around the nation.

Never before has our safety partnership been more oriented towards achieving more equitable outcomes. As we consider additional efforts to combat discrimination in all its forms, we can affirm that the SHSOs consider equity to be top of mind.

NHTSA’s NDG proposal has two major components. First, in the future each State will take responsibility for creating its own multi-faceted nondiscrimination “plan” – a package of pre-award Federal civil rights compliance data and reporting (“pre-award data”) – that the State will submit to the agency for review and approval. Second, each State will be subject to periodic Nondiscrimination Compliance Reviews.

As conveyed in previous public statements, GHSA vehemently condemns racism and discrimination in all its forms. We welcome additional agency efforts to ensure that the States are fully compliant with Federal laws and policies to combat discrimination. We must also point out that this is occurring in an environment where States and subrecipients are already subject to considerable administrative burdens imposed by the agency that require cost and effort, and in some cases, threaten to curtail the implementation and overall effectiveness of highway safety programs. Any additional requirements should be appropriate for their purpose, non-duplicative of other requirements or submissions, and sensitive to the capabilities of NHTSA recipients and subrecipients. NHTSA describes the NCG as “guidelines,” not as a rule. The specific contents of NHTSA’s proposal imply that the agency does have at least some discretion to create standards that best fit our community.

GHSA also recognizes that other U.S. DOT modal agencies have their own have mature nondiscrimination programs with guidance, training and policy precedents that will likely inform NHTSA’s forthcoming NDG. For instance, the Federal Highway Administration’s (FHWA) [Title VI Program](#) has a dedicated webpage on the FHWA website with an ongoing reservoir of resources including citations of authority, FAQs, training for States, a model compliance program document, sample forms, checklists and other resources, and documents related to State compliance audits.

The Federal Motor Carrier Safety Administration (FMCSA) does not have a centralized web resource, but that agency’s Title VI Program offers many helpful resources to its grantees, including an annually updated Title VI Program Compliance Plan Checklist, sample Title VI program assurances, a template for public Title VI notices, sample policies for law enforcement related to enforcement and limited English proficiency, and other training offerings.

With this in mind, GHSA can offer extensive commentary, a number of recommendations and some key questions that NHTSA will need to resolve as the agency’s NDG takes shape.

### **Costs Related to Nondiscrimination Compliance**

NHTSA’s full proposal implies that States may need to create new processes, policies, positions and programs prior to the first reporting of pre-award data under the NDG. NHTSA must clarify how States can use Federal funding to support this data collection, future periodic compliance reviews, and the development and maintenance of a wide range of nondiscrimination practices. We urge the agency to provide States with flexibility to use program funding to support all of these requirements that impose potential new costs for States to implement highway safety programs.

Many nondiscrimination activities pertain to the implementation of program activities and should be supported with program funds. This includes the maintenance of nondiscrimination policies and complaint procedures that are implemented through highway safety programs and projects, the provision of accessibility considerations in program delivery and the oversight of subrecipients.

In 2023, NHTSA clarified that States can use Section 1906 Racial Profiling Data Collection Grant funding in support of some of the new IIJA requirements that States carry out community collaboration efforts and efforts to support data collection and analysis to ensure transparency, identify disparities in traffic enforcement, and inform traffic enforcement policies, procedures, and activities. As provided in 23 CFR 1300.35 (b) (3), States are to carry out and report on these activities in the Annual Report. This flexibility stems from the IIJA reform, as reflected in 23 CFR 1300.29 (d) (3), that expanded the use of funds for the Section 1906 grant program to include “developing and implementing programs, public outreach, and training to reduce the [disparate] impact of traffic stops.” We ask that NHTSA specifically address whether Section 1906 grant funding can also be used in support of nondiscrimination compliance activities, at least in relation to collaboration with law enforcement subrecipients.

Finally, GHSA notes that State Planning and Administration (P&A) funding is already being severely taxed by the extensive public engagement required to develop and carry out PP&E plans. Given the burden added to state planning in the IJA era, GHSA generally recommends that NHTSA increase the overall P&A threshold to allow more grant funding to be used to carry out the NDG and other planning activities.

## **Pre-Award Data Requirements**

### Timing

NHTSA proposed to require States to provide pre-award data once every three years. The NDG further states, “If a recipient's FFA term does not run a full three years, such a recipient will be obligated to provide pre-award compliance data again if they receive a subsequent award more than three years after the prior award.”

GHSA strongly urges the agency to unambiguously align pre-award data reporting with the submission of the Triennial Highway Safety Plans (THSP), which is the other major submission that States provide. The next THSP is due to the agency on July 1, 2026. We envision that the pre-award data would be enclosed with or within the THSP upon submission.

This would offer at least three benefits. First, the development, implementation and updating of a State’s NDG would be able to be more clearly timed and aligned with the State’s overall program and subrecipient partnerships as they are being developed. Second, NHTSA intends to use the pre-award data to “make a written determination as to whether the application is in compliance” prior to making its award. All aspects of each States’ full highway safety plan should be approved simultaneously or as contemporaneously as possible, instead of putting any plans on hold for a potentially long duration of time. Third, the PP&E planning developed for the THSP can be leveraged to fulfill any required data analysis for the NDG and referenced within the same overall submission.

The alignment of the pre-award data submission to the THSP will reinforce NHTSA’s oversight focus on the policies and processes of the State, and less on that of the individual subrecipients, which can change from year to year. States should not have to make any annual submissions under the NDG. We discuss this in greater detail below.

### Single Submission and Review

In the past year, NHTSA’s new Final Rule has required States to submit a whole new body of PP&E plans (see above) that has necessitated new review and approval processes from NHTSA. This experience presented many challenges.

NHTSA established a headquarters review team to review PP&E plans. This team was likely able to achieve a higher degree of national consistency. However, because feedback was filtered down through NHTSA’s regional system, the headquarters team in practice appeared to second-guess and sometimes contradict regional reviews of the same THSP content. States were in the position of submitting and resubmitting content for review but getting different feedback and needed to make multiple revisions.

The extensive back and forth over verbiage led to State perceptions that this process was more about arriving at a specific description of PP&E on the page rather than its real-world implementation.

Given the novel nature of this oversight for this grant program, we anticipate that NHTSA headquarters will coordinate the review of pre-award data. In this case, GHSA urges NHTSA to ensure that feedback and comments to States are consolidated into one consistent form before being provided directly back to submitting States. The review of different plan elements, including the core content, PP&E, and now this pre-award data, should be streamlined and consolidated. States should submit one application to the agency and have a single stream of communications regarding questions or remedies.

GHSA also requests that in any feedback provided to States, NHTSA delineates what comments are relevant for final approval or disapproval of the submission, and which comments reflect optional considerations.

If NHTSA intends to transition the review of pre-award data to its Regional Offices, the agency will need to train and empower its Regional Administrators to make authoritative determinations of compliance.

#### Scope of Reporting

The most important aspect of the proposed NDG will be to clearly define the scope of “Federal Financial Assistance (FFA) recipient” for the purpose of reporting. This is a critical point of clarification that will have implications for this full body of requirements.

The RFC briefly enumerates potential instances of FFA: “FFA includes grants and loans of Federal funds; the grant or donation of Federal property and interests in property; the detail of Federal personnel; the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property; and any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.” Alternatively, FHWA offers a more in-depth list of “Activities to Which This Part Applies” under [49 CFR Appendix A to Part 21](#). GHSA recommends that NHTSA articulate similar broader perspective for definition purposes when describing the final NDG requirements.

A critical conceptual question pertains to the location of the SHSO in State government, which differs from State to State. About half of the SHSOs sit in State Departments of Transportation. The remainder are in other State government departments, such as Departments of Public Safety, State Police, or Departments of Motor Vehicles, or exist as independent agencies. Most SHSOs are organizationally associated with a larger State department that is also a recipient of non-NHTSA FFA from the U.S. Department of Transportation, the U.S. Department of Justice, or other Federal agencies.

For the purpose of NHTSA’s NDG, GHSA urges the agency to clearly define “recipients” and “subrecipients” (including potentially contractors) and the applicability of NDG requirements through the lens of the SHSO being a pass-through entity and in many cases, as one small part of a larger, over-arching State agency.

NHTSA should clarify the applicability of NHTSA’s NDG to which specific operations of the overall recipient and subrecipient agencies. Generally, GHSA recommends that the reporting that SHSOs are responsible for should only apply to NHTSA grants made to the SHSOs under 23 CFR 1300 and the implementation of programs using those grants. For example, many of the SHSO’s subrecipients are law enforcement agencies that are already subject to Title VI oversight through other means. SHSOs fund activities that are only one small part of a law enforcement agency’s (or any subrecipient’s) overall program. SHSOs only have influence within the scope of their subrecipient grant agreements and activities. If a subrecipient were engaging in discriminatory activities in a separate program, it would be unreasonable and burdensome to require an SHSO to have substantive oversight and influence.

FFA received by other units of State government (other than the SHSO and perhaps in the same larger State agency) are also already subject to separate federal nondiscrimination compliance and reporting. Further, the SHSO may not be in a strong position to compel another unit of State government to provide necessary information about their own compliance for the benefit of the SHSO.

Among the Title VI resources offered by FHWA is [commentary](#) on the scope of Title VI responsibility. FHWA cites the Civil Rights Restoration Act of 1987 which “amended Title VI to provide that “programs” or “programs and activities” means “all of the operations of” any department, agency, or instrumentality of a state or local government, any part of which is extended federal assistance. To be clear, if a department of a state or local government receives federal assistance, all of the operations of that department would be covered by Title VI, but not all of the operations of the State or local government as a whole.”

If this is the case, an SHSO may be housed within a larger State agency that has already submitted a Title VI plan to a federal agency by virtue of being recipients of other FFA. Thus, the plan that the State agency has submitted attests to Title VI compliance on behalf of the entire agency, including the SHSO.

For example, FHWA [requires](#) State Transportation Agencies (STA) implementing Title VI to address many of the matters proposed in NHTSA’s NDG, including the designation of responsible staff, subrecipient oversight, data collection and analysis, complaint procedures, public notice, accessibility, and more.

Missouri’s State Highway Safety Office (SHSO), which is housed in the Missouri Department of Transportation (MoDOT) is already a part of the agency’s overall nondiscrimination compliance program. MoDOT already has a separate External Civil Rights Division that rigorously administers all programs related to non-discrimination, affirmative action, and equal opportunity, related to MoDOT contracting activities using Federal funds. Likewise, an SHSO may also be housed in agency that submits a nondiscrimination compliance plan to FMCSA for motor carrier safety grants that articulates that agency’s wider non-discrimination efforts that are likely very relevant for NHTSA’s NDG requirements.

GHSA proposes that SHSOs benefiting from a relationship with an over-arching department that is already carrying out or supporting NDG activities should be able to attest to this and receive credit for the purpose of NHTSA compliance.

Further, if Title VI reporting by one part of a State agency applies to all the activities of the State agency, including the SHSO, States should be able to submit that separate agency's Title VI Implementation Plan in lieu of separately prepared pre-award data as proposed by NHTSA. In other words, an STA's Title VI Implementation Plan prepared for the FHWA, which includes the SHSO's operations, attests to the SHSO's compliance with Title VI and should be acceptable by NHTSA as fulfilling the NDG. This is particularly relevant for U.S. DOT's aspiration to be "one DOT" and to minimize duplication and administrative burden for States applying for FFA from multiple modal administrations, as well for U.S. DOT itself.

#### Processes and Burdens

NHTSA asked for perspective on the processes and procedures required of staff who are preparing applications to obtain pre-award information.

We envision that SHSO staff will compile pre-award data concurrent with the triennial preparation of the THSP. This is a six- to nine- month process that typically begins in the fall and culminates on July 1 of the following year when the application is submitted. Staffing, burden hours and timelines will differ, sometimes dramatically from State to State, which have dramatically different resources available to fulfill this requirement.

SHSOs may need to engage other departments of overarching State departments, such as legal or civil rights departments. Some SHSOs may be situated in State agencies that already have nondiscrimination initiatives in place, which could significantly minimize administrative burdens. Other SHSOs may have to make significant investments to initiate new nondiscrimination efforts. State burdens will also likely be presented by subrecipient oversight, which is addressed in greater detail below.

The pre-award data posits the creation or existence of new State policies and practices. Once a State establishes these, they may not need to change frequently. In other words, the preparation of the first submission, as States fully adopt this program, may be the most burdensome, but burdens would hopefully decrease for future subsequent submissions.

In GHSA's consultations with its members, it is clear to us that SHSOs are just beginning to understand existing practices, future needs, and the burden of launching new initiatives to fulfill the NDG. Though we are grateful for the extended comment period, we anticipate a full sense of the burdens for States may not become fully apparent until after the public comment period ends.

### Reporting Elements

NHTSA presents a list of pre-award data elements. GHSA will comment on each element of reporting and then articulate a vision for the overall submission.

- 1. List of all pending civil rights lawsuits and administrative complaints (including basis and status) filed under Federal law against the applicant/recipient that allege discrimination based on race, color, national origin (including limited English proficiency), disability, age, or sex during the last three years;*
- 2. List of all civil rights lawsuits and administrative complaint investigations decided against the applicant/recipient within the last three years that alleged discrimination under Federal law based on race, color, national origin (including limited English proficiency), disability, age, or sex and provide a copy or copies of applicable decision(s) and describe all corrective action(s) taken;*

The NDG posits that SHSOs will have a procedure to accept and process administrative complaints from the public regarding non-discrimination. This should be manageable if it applies only to complaints made to the SHSOs about SHSO operations, chiefly the implementation of programs using NHTSA grants made to the SHSOs under 23 CFR 1300. The States would monitor their own administrative complaint systems, they would aggregate information about nature and disposition of complaints and include that in the pre-award data.

The tracking and reporting of lawsuits presents a more significant logistical challenge as SHSOs have no practical capability to closely track Federal court dockets and proceedings. In a sense, anyone can literally file a Federal lawsuit in any Federal court around the country. The only reasonable standard is that SHSOs would include such information that they become aware of. GHSA also asks for NHTSA's commitment that it will immediately notify applicable States if NHTSA becomes aware from Federal agency colleagues (such as the U.S. Department of Justice) of Federal legal actions filed against States that pertain to NHTSA-funded grant activities.

Because of the pass-through role of SHSOs, complaints or lawsuits levied directly at the SHSOs may be rare. NHTSA should anticipate that States may often report no complaints or lawsuits filed.

GHSA must comment on the contents of the reporting of civil rights lawsuits and administrative complaints, and NHTSA's oversight role. Lawsuits and administrative complaints are areas of acute sensitivity for State agencies and subrecipients. Any complaint received by an SHSO is to be processed and disposed of by the SHSO. Complaints or lawsuits also may inform subrecipient risk assessment and monitoring, as we discuss below.

GHSA urges NHTSA to take the approach led by other U.S. DOT modal agencies. It is not the role of NHTSA to oversee or advise on the substance of any complaints, lawsuits, or State legal proceedings. It is not NHTSA's role to direct or comment on the specifics of any investigations.



NHTSA’s role is to ensure that SHSOs have systems in place to properly manage complaints and lawsuits and are applying them consistent with State policies and Federal directives. As such, the reporting of lawsuits and administrative complaints to NHTSA should be of the nature of a log that briefly describes the nature of the event, its applicability to a protected class, and a brief description of how it was disposed of. We discuss this in greater detail below.

NHTSA should also clearly articulate its policy and plans to publicly share this information that States submit.

NHTSA should further articulate its commitment to the confidentiality of sensitive legal information and administrative processes. If pre-award data is to be made public, NHTSA should reassure recipients and subrecipients with perspective on how NHTSA will protect sensitive information. If possible, NHTSA should also direct States to limit or redact personal information about individuals and other confidential or legally protected information. NHTSA may also be able to avoid privacy concerns by limiting overall what States must provide to the agency.

Finally, NHTSA should clarify for the benefit of the States that these requirements refer to complaints and lawsuits from the public, not legal actions from employees of the SHSO against the SHSO. These important considerations regarding employment discrimination are covered by other Federal and State laws and rules and imply a different range of considerations.

*3. List of all Federal civil rights compliance reviews of the applicant/recipient conducted by any Federal agency within the last three years, enclose copy or copies of the review(s) and any decision(s), order(s), or agreement(s) based on the review(s), and describe any corrective action(s) taken.*

Once NHTSA begins performing post-award compliance reviews with SHSOs, as it describes in the RFC, SHSOs should not have to re-submit in full these reviews, decisions, orders or agreements that NHTSA itself will be party to. NHTSA will already have all of this information. If anything, any such NHTSA review information could be briefly described in narrative if needed.

What NHTSA could require is that States submit a status report on any post-compliance review corrective action plan, as that would be relevant and timely for the purpose of the agency assessing a State’s NDG compliance at the time of submission.

NHTSA should also clarify that this overall requirement could refer to civil rights reviews of the SHSO by other Federal agencies besides NHTSA.

*4. Description of FFA applications pending in other Federal agencies and of other current FFA provided;*

GHSA recommends that NHTSA either strike this requirement or limit it to FFA received from NHTSA directly by the SHSO as a unit of State government. Neither FHWA or FMCSA require their recipients to summarize all pending FFA applications. If an SHSO sits in a U.S. DOT or DPS, other divisions of those agencies are recipients of a significant volume of other FFA from other Federal agencies, such as Federal aid highway grant funding from FHWA, motor carrier safety grant funding from FMCSA, grants from the Department of Justice, etc. It is unreasonable to expect SHSOs to report on this wider universe of FFA, which itself should be subject to separate nondiscrimination compliance oversight by the other applicable Federal agencies. Aggregating this information for the purpose of pre-award data in a manageable way would be difficult, burdensome and unnecessary. Finally, U.S. DOT itself should have mechanisms in place to determine what FFA across the department that State recipients have applied for, without the States having to file duplicative reports.

*5. Demographic information on the population served by the federally funded program or activity;*

Item (5) is duplicative of the rich demographic analysis that States already provide to NHTSA as part of the THSP, including that required to plan and carry out PP&E. Requiring duplicate submissions compounds the already severe administrative burdens that the agency imposes upon the States and subrecipients. NHTSA should either strike this requirement or provide that States may fulfill this requirement with other analysis that the States carry out in the preparation of the THSP.

The following requirements, items (6) through (8), imply that SHSOs will create these processes, policies, positions and programs prior to the first NDG reporting. NHTSA has a duty to provide guidance, training and technical assistance to States to create all of these considerations well in advance of the first reporting deadline. We discuss NHTSA support of the States in greater detail below.

*6. Description of the applicant's/recipient's discrimination complaint process;*  
*7. Statement affirming that staff has been designated to coordinate and carry out the responsibilities for compliance with Federal civil rights laws, and the name, title (e.g., Title VI Coordinator, ADA Coordinator), description of responsibilities, and contact information for such staff;*

GHSA recommends that NHTSA strikes this requirement, which presents an undue burden for the SHSOs specifically.

If an SHSO were to designate a staff member, the burden would typically would fall upon program management staff, the Director or the Governor's Representative. However, generally speaking, none of these individuals are civil rights professionals with training and expertise in civil rights laws, requirements, and processes.

Many SHSOs may not be in an agency with a civil rights or legal department that they can rely upon. It is one thing to have someone who takes the lead on mechanically aggregating data for NDG reporting; it is another for an SHSO to have someone on staff who can knowledgeably develop and implement policy and navigate civil rights issues.

If NHTSA's expectation is that SHSOs will hire a new staff member to fulfill this role, that would present an unreasonable burden for the States. In order to establish a new position in an SHSO, States must secure leadership, legislative and/or budget approval and navigate the limitations of the State civil service hiring process. This would be a lengthy process and not all States may be able to complete it prior to the first NDG submission, or ever.

Further, GHSA posits that having a single designated coordinator in an SHSO may not be the best way to ensure compliance with Federal civil rights laws. Rather, civil rights compliance is a whole-of-SHISO responsibility, involving most, if not all, staff members. All staff will be responsible for upholding SHSO policies. SHSOs generally have a team of program managers that collaborate and oversee different subrecipients and may arrange for different accessibility accommodations for different activities. The implementation of subrecipient risk assessment and monitoring is also carried out by multiple individuals.

Finally, the empowerment of existing staff will be a more successful way to encourage subrecipient cooperation with these overall requirements. Current staff have existing relationships with subrecipients and are better equipped to navigate complex and sensitive discussions about equity and civil rights compliance. For States to bring a new individual in, that subrecipients are not familiar with, who would then be responsible for probing subrecipient operations – this would be perceived by subrecipients as much more invasive and distrustful.

*8. Whether the applicant/recipient provides initial and continuing public notice of its nondiscrimination policy statement and, if so, whether (a) the methods of notice accommodate individuals with visual and/or hearing disabilities, (b) the notice is posted in a prominent place on the applicant's/recipient's website, in the offices or facilities or, for educational programs and activities, in appropriate periodicals and other written communications; and (c) the notice identifies a designated civil rights coordinator;*

Regarding these requirements, GHSA refers back to the discussion above regarding the role of the SHSO in State government. Some SHSOs may need to establish their own new discrimination complaint processes, designate an internal coordinator and create new, compliant public notices. However, an over-arching State department may already have in place department-wide considerations that serve an SHSO's program. NHTSA should provide a mechanism for States to articulate how those considerations meet NHTSA requirements.

For initial and continuing public notice of its nondiscrimination policy statement under *item (8)*, NHTSA should reinforce that this public notice can be either digital, in print or in-person. Other U.S. DOT modal agencies have made this accommodation depending on the circumstances of the recipient. For instance, FMCSA requires State licensing agency grantees (e.g. State DMVs) to have physical public notice because those licensing agencies have public facilities that members of the public regularly traffic. However, other grantees do not have public facilities and the agency has allowed those agencies to have digital or print notices only. SHSOs typically do have public facilities, depending on the nature of their place in State government. Many do not. Digital notifications should be accommodated in these instances. Accommodation for individuals with visual and/or hearing disabilities is discussed in greater detail below.

NHTSA should also again specifically clarify here that for the purpose of reporting *items (6) through (8)* that the discrimination complaint mechanisms and public notices about the State’s nondiscrimination processes pertain to publicly-facing initiatives. These do not pertain to complaints, policies or processes to protect discrimination-related legal rights of SHSO employees against the SHSO. These important considerations are covered by other Federal and State laws and rules.

NHTSA should specify for States if it will be seeking that SHSOs craft policies that contain specific elements. For example, other U.S. DOT modal agencies have asked that State policies explicitly reference relevant Federal legal authorities, or specifically list protected classes (e.g. race, color, national origin (including limited English proficiency), disability, age or sex). NHTSA should articulate key elements it will be seeking to avoid confusion and delay when it is reviewing future State submissions.

9. *Whether the applicant/recipient has a written policy/procedure for individuals with disabilities to request reasonable accommodations to access benefits and services;*  
 10. *Whether the applicant/recipient has a written policy/procedure for providing meaningful access to benefits and services for persons with limited English proficiency;*  
 and

*Policies and Procedures:* GHSA envisions that States can direct NHTSA to such applicable written policies and procedures. Some SHSOs likely already have such policies and procedures in place or are carrying out the policies of a larger State agency.

*Current Practices:* The States’ current PP&E plans are required to include a description of the States’s accessibility measures. Several States have already been exploring the delivery of non-English highway safety programming, not just in pursuit of equity or accessibility goals but in order to achieve better safety outcomes in limited English communities. NHTSA seems to imply that such measures may no longer just be optional. Rather, a State has a legal duty to have a mechanism to assess its entire body of programming to determine and fulfill any and all local accessibility needs.

Much of the discussion of accessibility in the context of State highway safety programs has been difficult to parse and the agency’s accessibility suggestions have sometimes seemed haphazard. For example, for the purpose of PP&E, it was sometimes unclear whether States had to provide or ensure certain accessibility measures, such as wheelchair access, in every public interaction, or just interactions where they reasonably expect it might be needed.

*U.S. DOT LEP Policy:* U.S. DOT has issued [Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient \(LEP\) Persons](#), that could apply to SHSOs but it does not explicitly indicate so and seems to be geared more towards other kinds of U.S. DOT FFA. NHTSA directed the States to U.S. DOT and FHWA LEP resources during its January 17 webinar. The FHWA policy outlines a “four factor” test to assess language needs and reasonable steps to accommodate.

The policy does acknowledge both that a one-size-fits-all approach would not be appropriate and that grantees cannot provide all accessibility, language or otherwise, considerations all the time. Indeed, SHSOs interact with the public in a number of different ways that would seem to suggest different accessibility standards. For example, all SHSOs provide information about State highway safety programs on a public website. States can and do provide built-in web translation options and can design websites for accessibility to individuals with disabilities. These policies and practices are often managed by a larger, over-arching State agency. As described above, some SHSOs may incidentally have public facilities but these are generally not major channels of direct interaction between SHSOs and the public. SHSO staff manage programs and generally have minimal direct interactions with members of the public.

However, the one major exception might be that all SHSOs carry out PP&E initiatives to gather public input into highway safety planning. This involves direct programmatic interaction with members of communities impacted by safety programs. The States’ PP&E plans describe the accessibility measures that States are undertaking as part of this public outreach. NHTSA should avoid requiring States to submit accessibility information that is already being reported. Finally, States support targeted program activities in communities, mostly carried out by subrecipients, and support mass media campaigns on the population level.

NHTSA and the SHSOs have had little to no discussion about U.S. DOT’s existing LEP policies. The many examples provided in the Department’s LEP resources do not clearly present their applicability to all SHSO operations, as described above.

The Policy’s “four factor test” provides that recipients would assess (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the recipient to people’s lives; and (4) the resources available to the recipient and costs.

*(1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee;*

States could use of data to determine the LEP makeup of impacted populations. NHTSA would ideally provide additional guidance on how States can fulfill this requirement. It may be holistically through data analysis already carried out during the PP&E process. Or NHTSA could describe other helpful resources available. For instance, FHWA directs users to the U.S. Census Bureau’s [Data.Census.Gov](https://data.census.gov), which can offer LEP data. The U.S. DOJ FCS offers its own “[Language Map App](#)”, an interactive mapping tool that appears to be based on U.S. Census data.

*(2) The frequency with which LEP individuals come in contact with the program;*

This presents a potentially difficult and costly task to determine what LEP individuals come into contact with grant-supported programs. SHSO programs can be statewide and diffuse. A grant-supported event may only come to a community once a year. Enforcement campaigns may be time-limited or more around the state and lead to direct interactions with only a limited and unpredictable sample of drivers who may be stopped. Mass media campaigns are delivered to large, diverse populations in media markets through mass media like television, radio, roadway signage and social media.

This is in contrast to the recipient activities that Policy was clearly designed for – the planning and implementation of transportation infrastructure projects and services.

*(3) The nature and importance of the program, activity, or service provided by the recipient to people’s lives;*

This is another standard that could be ambiguously applied to typical SHSO programming. SHSO programs are of course important and valuable to society and to the lives of beneficiaries, but in a different way than currently contemplated by DOT’s Policy. SHSOs do not offer compulsory activities, provide forms and specific government services for individual members of the public like a state licensing agency. SHSOs generally have few public-facing facilities. SHSO messaging to the public pertains to traffic safety, long-term behavior changes and ultimately saving lives, but its relevance to drivers is different from that of a traffic control device that might immediately, physically prevent a crash from occurring.

*(4) The resources available to the recipient and costs.*

Unlike State DOTs that are well-resourced, SHSOs have extremely limited funding and staff. The smallest individual annual State federal aid highway allocation alone is greater than all of NHTSA’s annual traffic safety grants to all of the States combined. U.S. DOT’s policy states that “Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets.”

The efforts thus far that SHSOs have engaged in to provide translation or interpretation services have shown that these can be costly endeavors.

GHSA anticipates that many states will document resource limitations to explain barriers to offering LEP services, especially if NHTSA is restrictive on how States can fund these efforts (as discussed above).

The capacity of many typical SHSO subrecipients to carry out this analysis for the purpose of applying and implementing for their individual State grant is even more limited. As discussed in greater detail below, this will likely create a strong disincentive to participate in NHTSA-funded programs.

U.S. DOT’s Policy also describes a “Safe Harbor” standard that would demonstrate “strong evidence of compliance” for written translation of necessary materials:

“(a) The DOT recipient provides written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

(b) If there are fewer than 50 persons in a language group that reaches the 5% trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.”

This is a helpful rubric for recipients to understand their obligations. However, ambiguity remains on how SHSOs should classify “vital documents” for translation. By some standards, such vital documents would be the most important to provide accessibility for. The Federal Coordination and Compliance Section (U.S. DOJ FCS) in the Civil Rights Division of the United States Department of Justice describes “vital documents” as documents that contain information that is critical for obtaining Federal services and/or benefits or is required by law. The examples given are very personal, such as applications, consent and complaint forms; notices of rights and disciplinary action; notices of language assistance; written tests; and letters or notices that require a response from the beneficiary or client. However, SHSOs carry out population-level highway safety programming that reaches many different audiences in sometimes unpredictable ways.

GHSA does not raise these issues to argue against accessibility but rather to point out lack of clarity on how all SHSOs might reasonably apply these standards to their unique operations, as well as the reality of SHSOs having limited resources available to dedicate to accessibility. An approach of referring NHTSA recipients to guidance largely designed for FHWA recipients will be inadequate to ensure whether, when and what accessibility is required in any given circumstance.

*State Duties:* In light of all of this, GHSA’s first recommendation is that NHTSA defer to the States to determine their own policies and procedures for accessibility. This approach would minimize State burdens and NHTSA’s oversight burdens. If NHTSA envisions applying a more uniform standard to assess State compliance, NHTSA needs to more clearly explain what that would entail.

*11. Whether applicant/recipient has a plan to ensure Federal civil rights compliance in subrecipient programs, if any, including subrecipient compliance reviews.*

*Administrative Burdens:* On its face, requiring SHSOs to develop and implement subrecipient compliance programs presents a significant administrative burden for recipients, subrecipients and NHTSA. Over the decades, GHSA has worked with NHTSA on behalf of the States to streamline the delivery of highway safety resources to communities in need. This has included working to consolidate the number of grants and their associated deadlines, simplifying eligibility requirements and expanding allowable use. Even today, the complex requirements demanded from Federal subgrantees already serve as a strong disincentive for many potential partners to participate in highway safety programs.

The administrative burden especially impacts less-resourced community and non-profit organizations that are key to implementing local community-oriented safety projects, fully implementing the Safe System approach to highway safety, and providing highway safety services to underserved and disadvantaged communities.

We will not mince words. Subrecipients are already abandoning participation in traffic safety programs specifically because of the high burden of Federal reporting and compliance. NHTSA is proposing to compound these burdens with new requirements. GHSA warns placing additional administrative burdens on subrecipients will have unintended and unwanted consequences.

GHSA will also share that States are now facing a higher bar to comply with the requirement that 40 percent of Section 402 funding be expended by political subdivisions of the State, as provided under 23 CFR 1300.13 (b). States and NHTSA, in a sense, rely on law enforcement and other local, often smaller agencies, to participate in highway safety programs to meet the minimum. The departure of these partners will undermine the ability of States to meet this threshold.

Finally, sources at other U.S. DOT modal agencies have conveyed the experience of their Title VI programs and that achieving full subrecipient compliance is not a “light switch” that can be instantly turned on. Efforts for State agencies to set up their own new nondiscrimination programs, to potentially bring aboard new staff, to onboard subrecipients and to fully implement a comprehensive subrecipient monitoring program have taken years of intentional effort by all stakeholders.



*Nature of NHTSA, Recipient and Subrecipient Reporting Chain:* The U.S. DOT has already explained during a December 12, 2023 training webinar that SHSOs will not be required to submit subrecipient information as part of the pre-award data.

GHSA proposes a more comprehensive articulation of these dynamics. Consistent with practices at other U.S. DOT modal agencies, the SHSO as the grant recipient should maintain its direct relationship with NHTSA for NDG compliance. SHSOs will report pre-award data and participate in nondiscrimination compliance reviews (discussed in greater detail below). SHSOs should then have a subrecipient nondiscrimination compliance plan that applies to all subrecipients and describe this plan to NHTSA as part of the States' triennial pre-award data submission.

However, the State subrecipient oversight plan will not necessarily have details about the circumstances of individual subrecipients' activities, because each State's lineup of subrecipients changes on an annual basis. In year two of the triennial period, a year-one subrecipient's project may have ended and the State may have brought aboard a new subrecipient partner.

Thus, subrecipients should not have a direct reporting relationship to NHTSA for the NDG. The shifting line-up of subrecipients will comply with SHSO oversight and likely make NDG-related reporting to the SHSOs, consistent with the SHSO's subrecipient monitoring plan. SHSOs will keep this information on file for NHTSA review as part of a nondiscrimination compliance review or otherwise.

*Subrecipient Nondiscrimination Compliance Elements:* GHSA urges NHTSA to keep any requirements for subrecipient compliance oversight as simple and straightforward as possible. We recommend adopting baseline elements such as those described in an FHWA training resource [Title VI Essentials](#) and similar guidance from other U.S. DOT modal agencies.

- Each State shall certify that it has a subrecipient nondiscrimination compliance program. This program shall include:
  - A nondiscrimination risk assessment and monitoring process incorporated into the SHSOs' Policies and Procedures Manual. GHSA envisions that the intention would be to incorporate nondiscrimination into existing subrecipient oversight mechanisms.
  - A statement of policy on subrecipient compliance and procedures and consequences for subrecipient non-compliance.
- Each State shall require subrecipients and contractors to submit annual signed nondiscrimination assurances and insert relevant nondiscrimination language into all contracts and agreements. GHSA envisions that this could be added to the current process of establishing subrecipient project agreements and contracts.
- Each State shall require subrecipients and contractors to allow access to data, records and information regarding nondiscrimination compliance, upon request, except for information that is legally protected from disclosure.

States may create and impose additional elements or requirements for subrecipients, but that should be the purview of the States, not NHTSA.

*Contractors:* NHTSA should clarify how subrecipient compliance applies to SHSO contractors. For example, in its training resource [Title VI Essentials](#), FHWA explains how nondiscrimination rules apply to contractors and that rather than having an extensive program as with subrecipients, nondiscrimination can be enforced with contractors through contract remedies and assurances.

Optional NDG Template

In addition to the designated elements of the NDG, GHSA recommends that NHTSA provide an optional master template for pre award data reporting, in the spirit of the templates provided by [FHWA](#) and [FMCSA](#). This template should not be codified in regulation. Rather, it should be a separate guidance document that can be updated more frequently. Indeed, FMCSA updates its template as often as annually.

The template should present each reporting element to be completed by the State in logical order. Within the template, GHSA recommends a combination of reporting formats. Some elements lend themselves to a pre-determined format, while others lend themselves to either a narrative or another format to be determined by the State.

Regarding the reporting of civil rights lawsuits and administrative complaints (under the Reporting Elements items (1) and (2)), GHSA recommends that NHTSA offer an optional template chart similar to such reporting to other U.S. DOT modal agencies by other State agencies subject to these requirements. The format should reflect the key elements required but also encourage the brief log-like nature of this reporting. For example, such a chart may look like:

For the period of XXX through XXX					
	Date of Initiation (Month, Day, Year)	Summary (including basis/nature of complaint, and applicable protected class)	Status	Action(s) Taken (including date of investigation/legal process, nature and date of final disposition)	Additional Narrative (Optional)
Civil Rights Investigations					
1. (None)					
Civil Rights Lawsuits					
1.					
Civil Rights Complaints					
1.					

Regarding the reporting of Federal civil rights compliance reviews under item (3), GHSA recommends that NHTSA offer a similar optional template chart as above. Within this chart, the SHSO can reference decisions, orders or agreements that NHTSA is a party to. They can optionally include them as attachments but would need to include any such documents that NHTSA is not a party to. It may also be easier to include an updated corrective action plan as an attachment:

For the period of XXX through XXX					
	Date of Review (Month, Day, Year)	Decisions, Orders or Agreement Based on the Review	Corrective Action(s) Taken	Additional Narrative (Optional)	Copy of the Review Enclosed
Federal Civil Rights Compliance Reviews					
1. (None)					Y/N
2.					

For the description of the SHSOs' discrimination complaint process under *item (6)*, the SHSO can describe its process in narrative, include links to any online complaint resources, and/or include a complaint form as an attachment. FMCSA's FY 2024 Title VI Program Compliance Checklist describes how that agency seeks a description of steps taken by State staff to process an incoming complaint, plan and carry out an investigation, and resolve the complaint.

### Compliance Standards

We discuss above many aspects of the NDG that will impose clear cost and administrative burdens on the States and particularly State recipient agencies that are not already involved in nondiscrimination compliance in some way. Smaller SHSOs or SHSOs that exist as existing agencies may simply have no way to immediately fulfill all requirements in NHTSA's NDG.

Unlike FHWA and its grantees that manage billion-dollar grants and sub-grants and have the resources to fund new staff, practices and resources, SHSOs are managing much smaller grants. Even today, no SHSO has the resources to support all of the roadway safety projects available, not to mention the mandatory spending that is already mandated by NHTSA. FMCSA grants are typically concentrated among motor carrier safety units, but SHSOs offer grants to a wider constellation of state, local and private sector partners of all sizes: community, nonprofit, educational and advocacy organizations; law enforcement and criminal justice agencies; public health agencies; emergency medicine providers; communications and marketing providers; and academic institutions.

Like the SHSO, typical SHSO subgrantees are similarly less-resourced, and they may not have the capability to carry out all of the nondiscrimination compliance activities that NHTSA is contemplating for the State level.

SHSO programs and projects are just of a different nature. As NHTSA clearly has discretion to frame the NDG to its recipients, as have other modal agencies, NHTSA should consider three mitigating strategies that may be helpful for States to ease administrative burdens and provide a more achievable transition to full compliance over time.

First, NHTSA should establish a general resource threshold for the States to recognize that certain nondiscrimination activities may be out of reach for some. Specific examples include the establishment of a new position for a qualified individual to coordinate nondiscrimination activities, or costly efforts to determine accessibility needs and provide them. Smaller SHSOs or subrecipients with minimal funding and staff would have a more limited and achievable set of requirements.

Second, NHTSA should stage the timeline for compliance to provide States with more time to set up the necessary plan elements. For instance, the first pre-award data reporting could be limited to elements that are most achievable at SHSO level, such as reporting the status of lawsuits and complaints, establishing a complaint process, and public notice of nondiscrimination policies. The second and subsequent pre-award data reporting could include the remaining, more challenging elements, such as those related to accessibility and subrecipient compliance.

Third, NHTSA should allow a mechanism for a State to be considered compliant if it can demonstrate that it is taking meaningful intermediate steps towards implementation, such as by providing a planning document that the State has adopted with action steps taken or planned to be taken towards implementing the element in question. This might be specifically appropriate for the following pre-award elements:

- *6. Description of the applicant's/recipient's discrimination complaint process;*
- *7. Statement affirming that staff has been designated to coordinate and carry out the responsibilities for compliance with Federal civil rights laws, and the name, title ( e.g., Title VI Coordinator, ADA Coordinator), description of responsibilities, and contact information for such staff;*
  - (if this will be a requirement, insofar as a State may need to create a new position, which may be time-intensive process)
- *8. Whether the applicant/recipient provides initial and continuing public notice of its nondiscrimination policy statement and, if so, whether (a) the methods of notice accommodate individuals with visual and/or hearing disabilities, (b) the notice is posted in a prominent place on the applicant's/recipient's website, in the offices or facilities or, for educational programs and activities, in appropriate periodicals and other written communications; and (c) the notice identifies a designated civil rights coordinator;*
- *9. Whether the applicant/recipient has a written policy/procedure for individuals with disabilities to request reasonable accommodations to access benefits and services;*
- *10. Whether the applicant/recipient has a written policy/procedure for providing meaningful access to benefits and services for persons with limited English proficiency; and*

- *11. Whether applicant/recipient has a plan to ensure Federal civil rights compliance in subrecipient programs, if any, including subrecipient compliance reviews.*
  - (in the spirit of launching a State’s subrecipient oversight plan in a staged process over time)

### **Nondiscrimination Compliance Review (NCRs)**

The SHSOs currently participate in triennial Management Reviews (MRs) under 23 USC 412. An MR consists of an audit of a SHSO’s organization and staffing, program management, financial management, files and other systems and processes to improve and strengthen highway safety office practices. MRs are carried out by NHTSA staff. The MR process also involves the issuance of Findings and the need for Corrective Action Plans.

GHSA proposes that NHTSA consider incorporating the NCR as a component of the triennial MR. If the NCR can be carried out within the current MR framework, that would help consolidate these NHTSA reviews of State activities and streamline logistical considerations in both. Scheduling two separate audits would create more scheduling burdens for both States and NHTSA and impose greater costs.

If the NCR cannot be carried out as part of the MR, GHSA urges NHTSA to pro-actively dissociate the NCR from the MR so that no State would face both reviews in the same year. The MR is still one of the most complex tasks that an SHSO can undertake. The correct implementation of the new NCR will be a demanding experience. The imposition of two sets of logistical considerations in so close a timeframe would present an unreasonable burden for States.

NHTSA should publicly post its NCR schedule on an annual basis like the agency currently does for MRs and like many other Federal agencies do for other NCRs.

NHTSA asks a set of questions about how to manage a State that has been issued a Finding in an NCR.

- 1. What factors should NHTSA consider in developing a compliance timeline for a finding of deficiency?*
- 2. Is there a minimum time period for which NHTSA should monitor a recipient after a finding of deficiency?*
- 3. How frequently should NHTSA require progress reports from a recipient who is undertaking corrective action following a finding of deficiency?*

NHTSA’s current [Management Review Guidelines](#) set a workable compliance timeline that should be adopted for the NCR, especially if the two processes are merged. Following an MR, the SHSO and NHTSA jointly develop a Corrective Action Plan and a schedule to report on progress at least every three months. NHTSA Regional Offices are instructed to monitor the status of open recommended actions semi-annually. Any unresolved actions can be considered in the following MR.

The MR Guidelines also detail a timeline for important review benchmarks, such as the development and sharing of draft and final reports and SHSOs responses. GHSA must point out that NHTSA itself has failed to meet some of these deadlines for some recent MRs, suggesting that perhaps this and any similar considerations for NCRs should be revisited and potentially adjusted to better allow the necessary time for completion given the finite resources that States and NHTSA can bring to bear to carry out these reviews.

### **Implementation and Additional Considerations**

1. *What promising practices are NHTSA recipients—larger and smaller recipients, and national organizations— using to:*
  - a. *Engage traditionally underserved communities, and how is the effectiveness assessed?*
  - b. *Review policies and practices to ensure that programs and activities do not result in disparate impacts based on race, color, national origin (including limited English proficiency), disability, age, or sex?*
  - c. *Ensure that individuals and communities with limited English proficiency have meaningful access to the recipient’s programs and activities?*
  - d. *Ensure effective communication with individuals with communication related disabilities (e.g., visual, auditory)?*
  - e. *Ensure that facilities are free from physical barriers to access for individuals with disabilities?*
  - f. *Ensure that subrecipients comply with Federal civil rights laws?*

Regarding this full series of questions, we defer to other respondents to the RFC that may provide examples. GHSA anticipates that asking these questions here will yield an incomplete sense of the national landscape.

A rigorous, comprehensive survey of existing and best practices is a worthwhile endeavor. We strongly encourage NHTSA to create a separate project to develop more complete answers to how SHSOs can carry out these various purposes, which would have self-evident value to promote best practices.

States have already communicated detailed plans to NHTSA, in the form of PP&E plans, on how they are engaging new and underserved communities. Further, States are required to describe how PP&E is influencing the planning of State highway safety programs, which will be a long-term, ongoing project.

2. *What factors should NHTSA consider when tailoring compliance information, requirements, and guidelines to each recipient type (e.g., type of funding, award size)?*

GHSA addresses this question in greater detail above.

3. *Should NHTSA require and collect any additional pre-award Federal civil rights compliance information not discussed above or included in applicable funding notices prior to awarding FFA? If so, what is that information and how should NHTSA collect it?*

NHTSA should limit pre-award Federal civil rights compliance information to that required by law. The NDG is a new set of requirements that potentially imposes significant burdens on the States. Separate PP&E implementation and reporting has also just begun.

4. *What considerations and benchmarks (e.g., formula grant application deadlines, budgetary phases) should NHTSA incorporate into the implementation timeline for its Nondiscrimination Guidelines?*

As described above, GHSA recommends that NHTSA align pre-award data reporting with the submission of the Triennial Highway Safety Plans (THSP), which is the other major submission that States provide. The next THSP is due to the agency on July 1, 2026.

GHSA supports NHTSA’s proposal to publish draft guidelines for additional comment before publishing final guidance.

NHTSA should publish its final NDG no later than December 31, 2024, and dedicate calendar year 2025 to training and technical assistance to the States to prepare them for the first submission. Or to phrase it another way, NHTSA should provide States the time to prepare for the NDG that we were unable to provide for reporting the first PP&E plans in 2023.

5. *What specific subject matter technical assistance and trainings would help to ensure that recipients fulfill their Federal civil rights obligations?*
6. *What additional supports (e.g., webinars, internet-accessible information on NHTSA’s web page, subject-specific resource lists, factsheets, checklists, templates, sample notices and forms, illustrative analysis) will assist applicants and recipients in fulfilling the requirements of NHTSA’s proposed Nondiscrimination Guidelines?*

Other U.S. DOT modal agencies provide helpful resources on nondiscrimination compliance for their own recipients. For example, FHWA’s Title VI Program has a [landing page](#) where the agency lists all applicable legal authorities, FHWA guidance documents, forms and other helpful links, an implementation toolkit, information about technical assistance available, presentation slides from key training, and an archive of civil rights case decisions, letters of finding, voluntary agreements and dismissals. FTA similarly has a landing page with legal authorities, guidance, compliance reviews, and other helpful information. U.S. DOJ’s [landing page](#) features applicable legal authorities, Title VI materials, limited English proficiency materials and external links.

There would be significant value in developing and providing NDG checklists for States, a model State NDG policy or template for submission (as described above), as well as templates for key elements such as a sample public notice on nondiscrimination policy and a sample grant and contract assurance for State use with subrecipients and contractors. As discussed above, States would also benefit from clarification on standards for accessibility and limited English proficiency services.

GHSA envisions a rigorous training regimen once the NDG rule is finalized. NHTSA should socialize these new requirements with the SHSOs on the regional level, with GHSA's Executive Board and at the annual gathering of the SHSOs at the GHSA Annual Meeting. GHSA recommends an ongoing virtual training series beginning with a webinar or series of webinars on the initial requirements, and an annual refresher training. NHTSA could also identify current best practices specifically among the SHSOs.

As alluded to above, NHTSA should create a landing webpage for its NDG program and host all relevant materials for SHSOs to access asynchronously.

GHSA repeats its recommendation for NHTSA to also invest in a separate project to aggregate and identify best practices on NDG implementation.

GHSA appreciates the opportunity to submit comments and looks forward to collaborating with NHTSA to reduce crashes, deaths and injuries on our nation's roads.

Regards,



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