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February 11, 2015

Gregory G. Nadeau  
Acting Administrator, Federal Highway Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue S.E.  
Washington, DC 20590

Re: Docket No. FHWA-2014-0032-0001

Dear Acting Administrator Nadeau:

The American Association of State Highway and Transportation Officials (AASHTO) is pleased to provide comments on Federal Highway Administration's (FHWA) "Retrospective Regulatory Reviews: State Safety Plan Development and Reporting" Notice of Request for Comments (Docket Number FHWA-2014-0032-0001), published on November 28, 2014 in the Federal Register. Representing all 50 states, the District of Columbia, and Puerto Rico, AASHTO serves as a liaison between State Departments of Transportation (DOT) and the federal government.

AASHTO appreciates the extension of the commenting period that FHWA provided as stated in our letter dated December 10, 2014. With the time extension, AASHTO was able to prepare the attached comments that directly answer each of the six questions posed in the notice. In addition to the attached comments, AASHTO would like to emphasize the extensive comments it provided on the following NPRMs that are related to the questions posed by FHWA and NHTSA:

1. National Performance Management Measures; Highway Safety Improvement Program; Proposed Rule, published on March 11, 2014 with AASHTO comments submitted on May 15, 2014;
2. Highway Safety Improvement Program NPRM published on March 28, 2014 with AASHTO comments submitted on May 22, 2014; and
3. Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning; Proposed Rule, published on June 2, 2014 with AASHTO comments submitted on August 13, 2014.

Safety will always remain a top priority for AASHTO and for the State transportation agencies. AASHTO and its member departments are committed to developing and implementing data-driven safety programs that reduce fatalities and serious injuries on the U.S. transportation

system. In fact, since peaking in the 1970s, roadway fatalities have been reduced to record lows not experienced since the early part of the 20<sup>th</sup> century. State DOTs have been among the leaders making these reductions a reality, along with others in the driver behavior, law enforcement, emergency medical services, highway user, and highway construction communities.

We appreciate the opportunity to provide these comments and look forward to working with FHWA in the implementation of final rules that are in accord with our suggestions. If you would like to discuss the issues raised in this letter, please contact Kelly Hardy, AASHTO's Program Manager for Safety at (202) 624-5868 or Matthew Hardy, AASHTO's Program Director for Planning and Policy at (202) 624-3625.

Sincerely,



Bud Wright  
Executive Director

***1) How do State offices currently collect and report data to FHWA and NHTSA? Are any elements of these information collections or reports duplicative? If yes, what are those duplicative requirements and are there ways to streamline them?***

The format and content of the Federal Highway Administration (FHWA) Highway Safety Improvement Program (HSIP) annual report and the National Highway Traffic Safety Administration (NHTSA) Highway Safety Plan (HSP) and annual report are distinctly different. The HSIP report is focused solely on one funding program (FHWA HSIP funds) and typically assesses individual HSIP projects that encompass a range of projects from engineering to driver behavior, and their effectiveness in great detail. The HSIP annual report also carries with it a detailed description of the program, the structure of HSIP, and how it is managed within the state. The state's annual HSP and annual report that is submitted to NHTSA, however, typically deals only with the effectiveness of driver behavior programs to address the fourteen minimum set of performance measures. Thus, the data requirements are considerably different between the two annual reports as they are trying to tell distinctly different stories

There is some repetition between these two reports. Both reports describe parts of programs comprehensively in order to give the reader an accurate view of the programs. In addition, HSIP and HSP use some of the same aggregate crash data such as common elements that both FHWA and NHTSA request including number of fatalities, alcohol related data, motorcycle data and other vulnerable road user data. This data must be reported to both FHWA and NHTSA through the HSIP and HSP annual reports, respectfully. Fundamentally, however, the two reports serve different purposes and AASHTO believes that the two reports should remain separate and not be combined into one singular document.

The best way to streamline the reporting process would be to make the reporting periods and submission deadlines coordinated and similar for the FHWA and NHTSA. Both HSIP and HSP currently have different reporting periods and report deadlines. For example, HSPs are due to NHTSA by July 1 of each year with an annual report of progress due within 90 days after the end of the fiscal year (December 31). The HSP include the targets that were established for the safety performance measures with the annual report containing an assessment of making progress towards those targets. An HSIP progress report, meanwhile, will be due by August 31 of the year that describes the progress being made to implement the HSIP. Currently, the HSIP report includes HSIP projects that are let to construction in early August, while the report is due in late August. Development of these reports requires close coordination of both the State DOTs and State Highway Safety Offices (SHSOs). It would be useful if these plans and report deadlines were better coordinated.

**2) *Are there changes FHWA and NHTSA should make to the HSIP and the HSP reporting processes to reduce burdens from duplicative reporting requirements, improve safety outcomes, and promote greater coordination among State agencies responsible for highway safety, consistent with the underlying statutory authority of these two grant programs?***

AASHTO believes that coordination among State agencies occurs successfully through the HSP process and efforts. Changes to the process that States use to develop the HSIP and HSP annual reports are unlikely to have significant impact on these coordination efforts and successes, so no additional changes are recommended from a technical perspective.

However, AASHTO does recommend that NHTSA and FHWA make three changes from a logistical perspective. First, NHTSA and FHWA should consider biennial rather than annual reporting requirements for both the HSIP and HSP reports. The drafting and submission process for the annual reports is a very involved and time consuming process. By the time a State DOT or SHSO submits and received approval for their HSIP and HSP, it is nearly time to start the development of next year's report.

Second, AASHTO recommends that NHTSA develop an online reporting tool, which is currently available from FHWA for the HSIP report and many State DOTs currently use. An online reporting tool will benefit both federal and state agencies and could result in standardization of reporting elements, formats, etc. that may reduce the administrative burden on the reporting agencies.

Third, AASHTO recommends that because states may wish to share data, reports and surveys in the development of a State Highway Safety Plan (SHSP) and coordinating between the HSP and HSIP to determine potential safety improvement strategies, that clarity is provided to allow state's the privileges of 23 USC 409 in carrying out collaborative data sharing, analysis and evaluation.

**3) *Would States prefer to combine plans and reports for the HSIP and HSP into a single report for FHWA and NHTSA? Would States find a single report useful for these complementary but distinctly different programs?***

AASHTO recommends that the two plans and reports not be combined into a single report because the two reports and programs serve two different purposes as discussed in response to Question #1. There are three reasons for this recommendation. First, FHWA focuses on improving safety in spots or segments, and NHTSA focuses on driver behavior issues related to safety. FHWA funds can be rolled into multi-year obligations whereas NHTSA funds cannot. These inconsistencies would be challenging when attempting to produce a single report. Keeping the reports separate allows for development according to these separate requirements and timelines.

Second, combining the two reports would likely result in more coordination work as State DOTs may be responsible for producing a single document with content from multiple divisions, departments and agencies.

Finally, both NHTSA and FHWA review State plans for specific components addressing established regulatory requirements. The coordination necessary between FHWA and NHTSA to review a single plan would potentially increase overall review time, resulting in delays in program implementation. Additionally, a single plan would most likely either result in a very lengthy document to capture the results of the many funded projects or a streamlined document which could potentially restrict narratives and reduce non-regulatory reporting.

***4) Are there any State legal or organizational barriers to combining plans and reports for the HSIP and HSP to FHWA and NHTSA? To what extent does the location of the State recipient of the Federal funds from FHWA and NHTSA, within the State's organizational structure, add to or reduce the burdens of consolidated plan development or reporting?***

AASHTO has no specific comments regarding whether or not there are any legal or organizational barriers to combining plans and reports for the HSIP and HSP programs. The discussion that AASHTO staff had with State DOTs is that the barriers would center on organizational barriers rather than legal barriers. However, AASHTO encourages NHTSA and FHWA to review the individual State responses to this notice.

Regarding the burdens, AASHTO believes that combining the plans and reports would likely increase the burdens at both the State and Federal level due to the different focuses within each report: engineering projects versus behavioral programs.

***5) Are there SHSP requirements with higher costs than benefits? If so, what are those requirements and are there ways to improve them or should they be eliminated?***

In discussing the SHSP requirements with our member departments, AASHTO is unaware of any SHSP requirements that have greater costs than benefits. In general, the State DOTs were consistent in saying that the principles associated with the SHSP have been embraced and integrated within the DOTs both through a safety culture and the planning and programming processes.

Because of the successes that States have seen, AASHTO discourages promulgation of additional guidance on reporting that could disrupt the existing working arrangements and reporting systems currently in place. While AASHTO would not object to guidance that may *encourage* state agencies to collaborate and coordinate in the further development of their safety plans, AASHTO believes that any additional mandates to *require* the collaboration and coordination is unwarranted.

***6) Are there changes FHWA should make to the SHSP guidance to promote coordination among State agencies responsible for highway safety?***

AASHTO suggests that FHWA make no additional changes to the SHSP guidance beyond those already proposed through rulemaking. Continuing to change guidance and regulation is more burdensome on State agencies as they have to continually modify their approaches to developing, implementing and evaluating programs to accommodate these changes. Current guidance, especially the Toward Zero Deaths National program, does promote coordination among State agencies that address both transportation and safety issues. In fact, the coordination and collaboration that exists among the State agencies is enhanced by the current flexibility provided in the HSIP.