Module 2: Foundations of Highway Safety Review

Module Objective

- Provide a brief overview of the major components of the Foundations of Highway Safety course to include:
  - How money gets to the States
  - Current funding authorizations
  - Steps in the funding process
  - Highway Safety Plan Content

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Introduction

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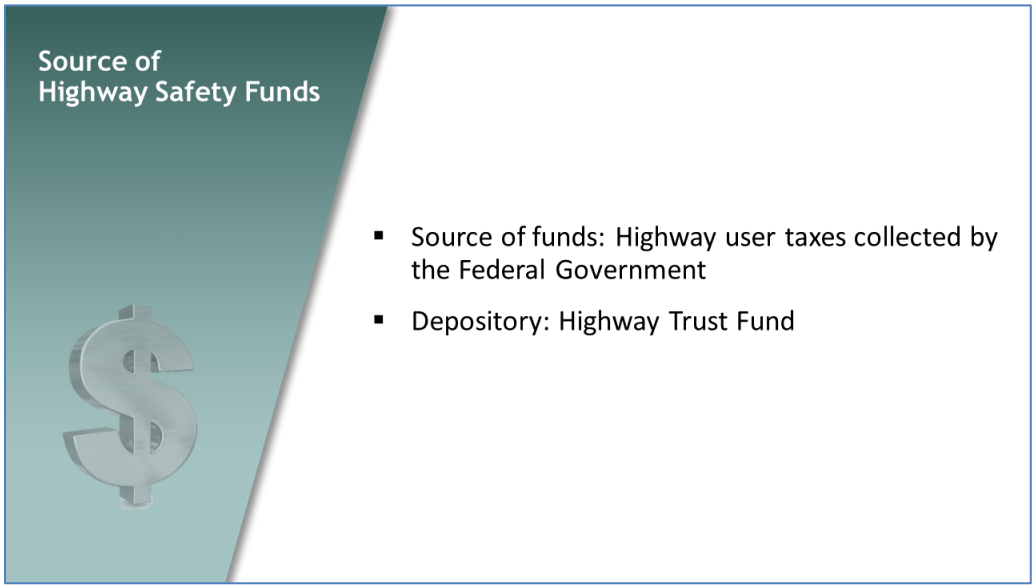
Module 2: Foundations of Highway Safety Review

Module Objective

Slide 2.

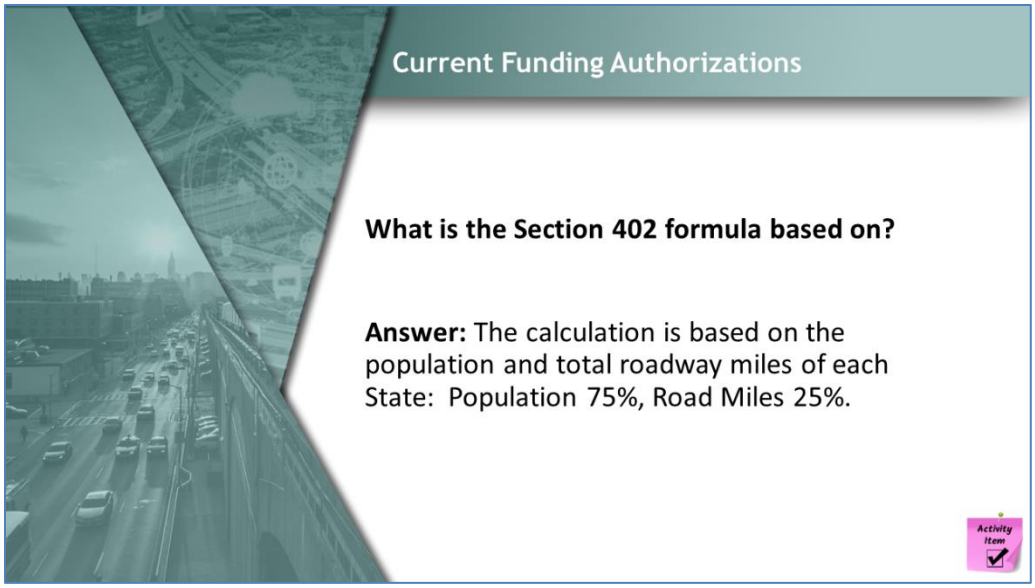
Source of Highway Safety Funds



Slide 3.

The funding for traffic safety projects begins at the gas pump. The Federal government collects excise taxes on gasoline at the pumps as well as taxes on tires and heavy vehicles travelling on roadways.

These funds are deposited into the Highway Trust Fund, which was established by Congress to account for all receipts from these taxes. Funds are allocated by Congress to the U.S. Department of Transportation and used for highway construction and related highway purposes and programs for traffic safety.



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NOTE: NHTSA funds are formula-based for Sections 402, 405, and 1906.

Activity Item

Questions:

1. What is the Section 402 formula based on?

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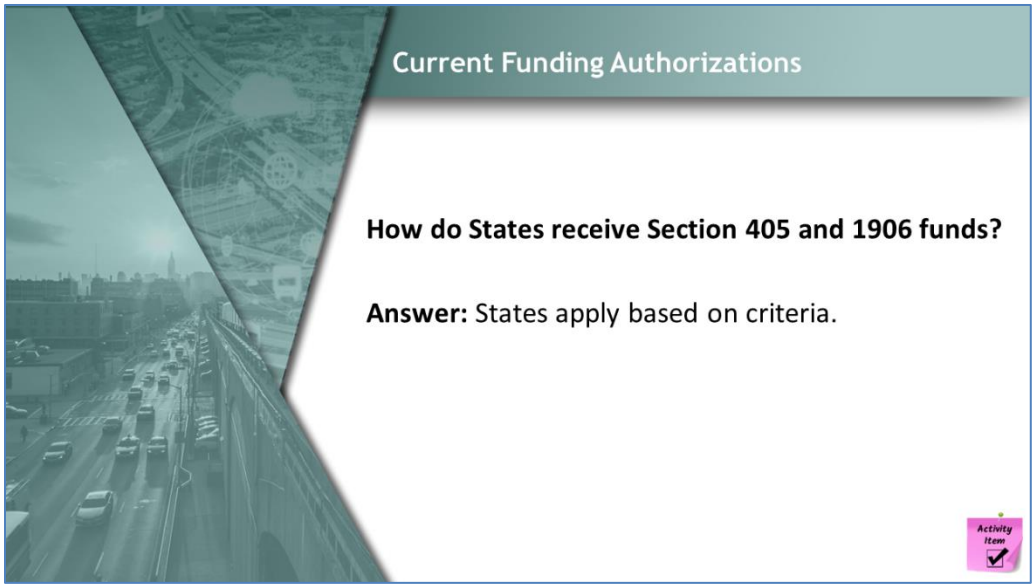

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Activity Item

2. How do States receive Section 405 and 1906 funds?

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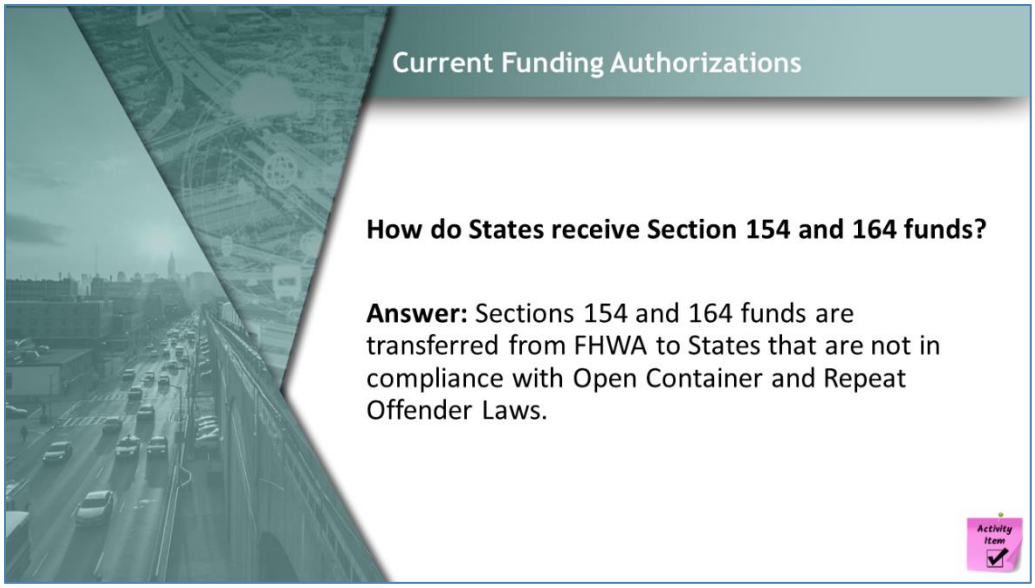

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Activity Item

3. How do States receive Section 154 and 164 funds?

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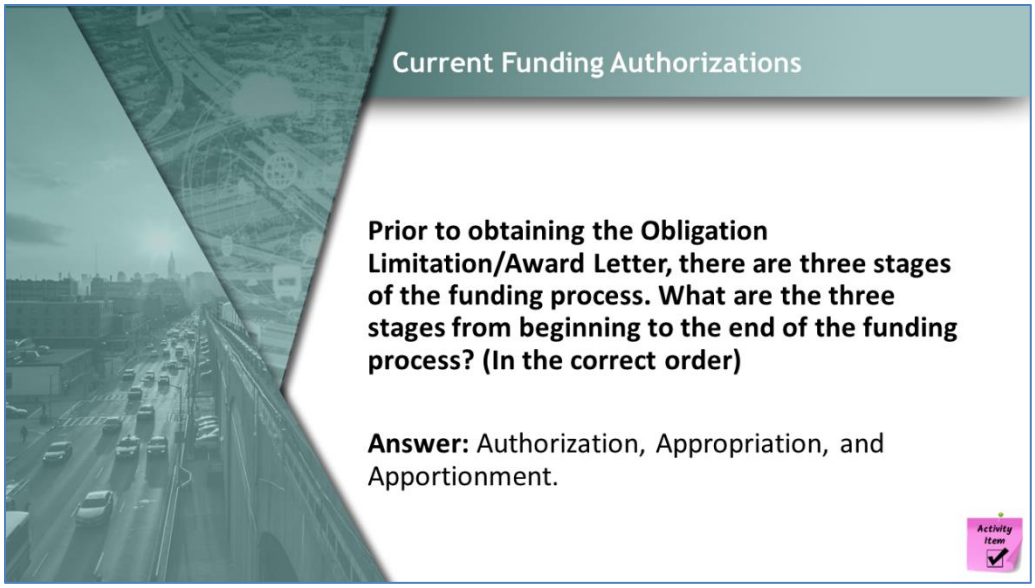

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Activity Item

4. Prior to obtaining the Obligation Limitation/Award Letter, there are three stages of the funding process. What are the three stages from beginning to the end of the funding process? (In the correct order)

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Authorization:

The first and most crucial step in funding the Federal Highway Safety Program is development of authorizing legislation. An Authorization is a Congressional action that establishes or continues Federal programs or agencies and establishes an upper limit on the amount of funds for the program(s). A program must have an authorization to receive an appropriation.

Congress may appropriate less than the amount authorized.

NOTE: In December 2021, the Bipartisan Infrastructure Law (BIL) was signed into law. Full implementation of BIL is anticipated in 2024.

Key Items of an Authorization:

- Identifies new funding ceiling
- Defines programs
- Provides required program criteria

Appropriation:

Appropriation is an annual congressional action that makes Federal funds available for obligation and expenditure with specific limitations as to amount, purpose, and duration. In most cases, it permits funds previously authorized to be obligated and payments made, but for the highway program operating under contract authority, the appropriation act specifies amounts of funds that will be made available for the Federal fiscal year (FY) to liquidate obligations.

Ideally appropriation occurs for an entire FY; however, in recent years, appropriations are for shorter periods of time, resulting in distribution of funds several times a year.

Regular Appropriation: Can be annual or multiple years.

Continuing Appropriation: When Congress fails to enact one or more of the regular appropriation bills by the start of the fiscal year, it typically provides an interim funding in the form of Continuing Resolution (CR) to avoid a government shutdown. A Continuing Resolution is Federal legislation that extends funding for Federal agencies, typically at the same funding levels that they had been previously funded, into a new fiscal year until new appropriations bills become law.

Supplemental Appropriation: Supplemental appropriation provides budget authority in addition to activities funded in regular appropriation. They may also rescind budget authority that was previously provided.

Apportionment:

The division of Federal funds awarded to States, Territories and Indian Nations by NHTSA based upon the current authorization and related laws. The calculation of Section 402 funds is based on a statutory formula that uses population and roadway miles to determine each State's share.

Once there is an appropriation:

- NHTSA budget office prepares (SF-132) apportionment documents for the Office of the Secretary (OST) and OMB for approval
- OST reviews and approves the SF-132- apportionment for OMB approval
- OMB reviews and approves SF-132 apportionment for return to NHTSA and OST
- NHTSA Budget office prepares the Advice of Funds
- Based on Advice of funds, NHTSA Office of Grants Management and Operations (GMO) calculates amounts for distribution to the States
- GMO prepares apportionment and obligation limitation documents to notify States of 402 award amounts

Within 45 days of the HSP submission date (July 1), the State (the GR) receives two documents:

(1) a letter from their Regional Administrator regarding the status of the HSP; approved, approved with conditions, or disapproved. The State must have an approved HSP to receive section 402 funds.

(2) an award letter from the NHTSA Administrator (or deputy administrator as is the current case) that lists the sections of 405 the State qualified for, 1906 (if applicable) and the award amounts for each program (subject to appropriation).

Provides minimum limits for funding

- No State receives less than ¾ of 1% of the total apportionment for any year
- No Territory receives less than ¼ of 1% of the total apportionment for any year
- Bureau of Indian Affairs (BIA) receives no less than 2%
- Provide that funds may be earmarked for specific purposes

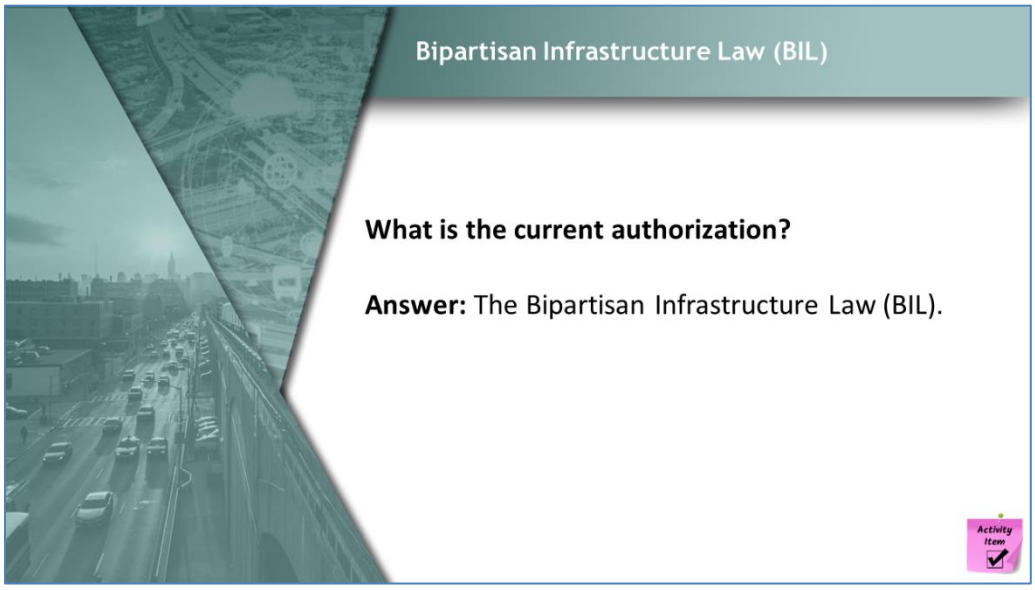
NOTE: Puerto Rico as a Commonwealth, is calculated as a State.

Limitation on Obligations Notice and Award Letters:

Limitation on Obligations: A **limitation on obligations** is a restriction, or "ceiling" on the amount of Federal assistance that may be promised (obligated) during a specified time period. This is a statutory budgetary control that does not affect the apportionment or allocation of funds. Rather, it controls the rate at which these funds may be used.

NHTSA sends out a limitation on obligation notice(s) for section 402 funds.

Bipartisan Infrastructure Law (BIL)



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Activity Item

Questions:

1. What is the current authorization?

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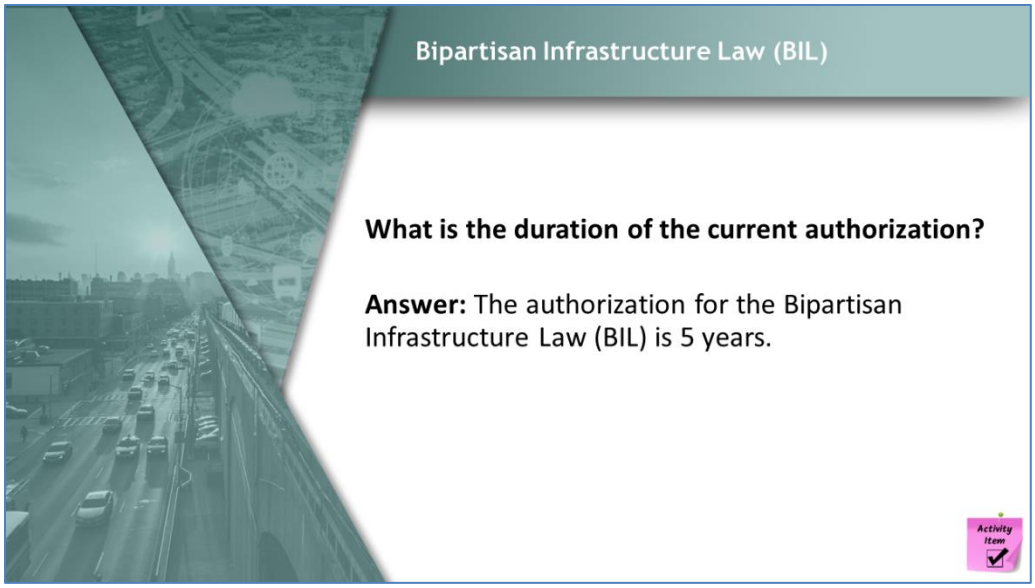

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Activity Item

2. What is the duration of the current authorization?

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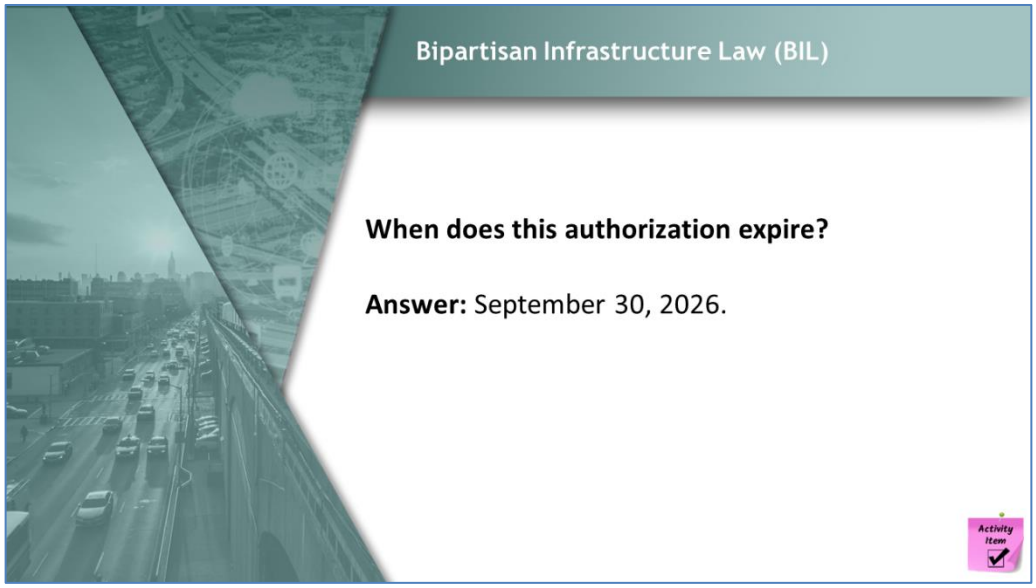

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Activity Item

3. When does this authorization expire?

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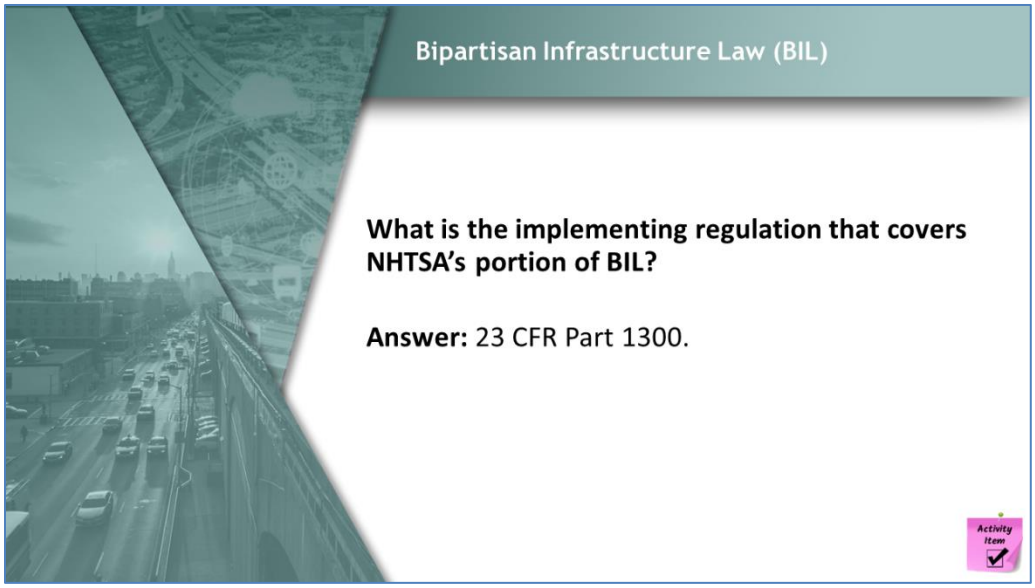

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Activity Item

4. What is the implementing regulation that covers NHTSA's portion of BIL?

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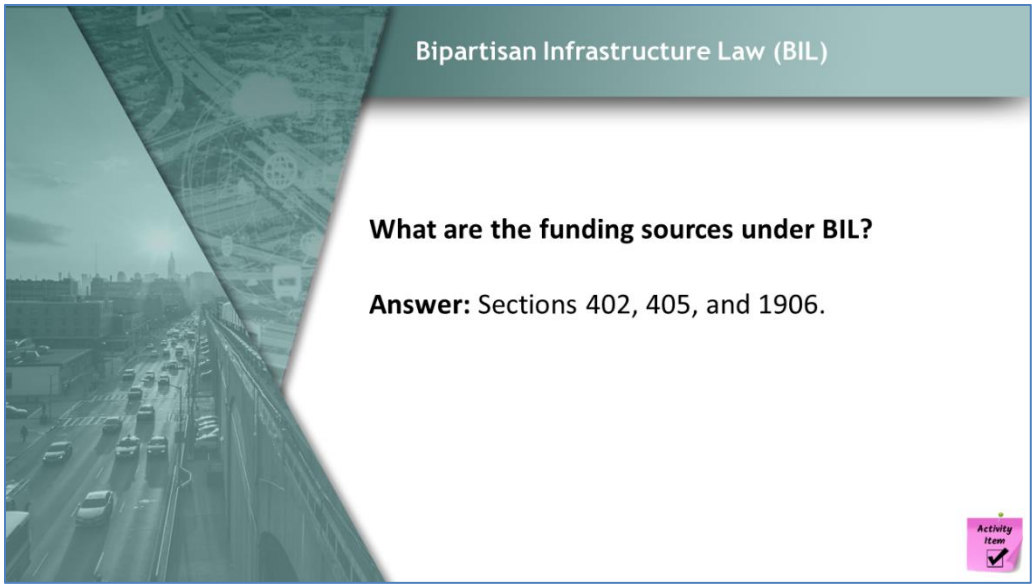

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Activity Item

5. What are the funding sources under BIL?

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A Final Rule is promulgated by a Federal agency after the public has had an opportunity to comment on the proposed rule in the Federal Register.

The Final Rule, 23 CFR Part 1300, was published in the Federal Register on February 6, 2023 with an effective date of March 8, 2023. The preamble of the final rule responds to the public comments received during the comment period for the IFR.

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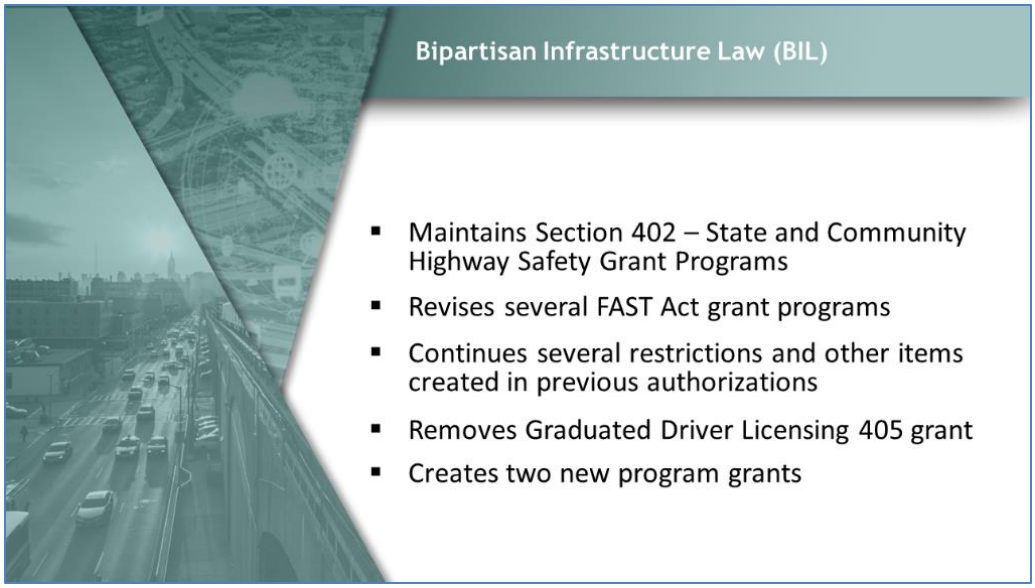

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NOTE: Many requirements from previous authorizations remain under BIL

Establishes data driven enforcement program/plan.

Requires coordination of the Triennial HSP with the Strategic Highway Safety Plan (SHSP) and the Highway Safety Improvement Program (HSIP).

Requires States participate in at least three impaired driving and occupant protection high visibility enforcement campaigns. (Title 23 § 31106 (1) and Appendix A to Part 1300 – Certifications and Assurances)

Allows States to use grant funds in cooperation with neighboring States for highway safety purposes. Beneficial to States that share a common media market, enforcement corridors and program needs (Section 402(c)).

Provides exception to prohibition against using Section 402 funds for activities carried out under 23 USC Part 403 (research). States may use Section 402 funds to supplement Section 403 demonstration projects (Section 402(g)).

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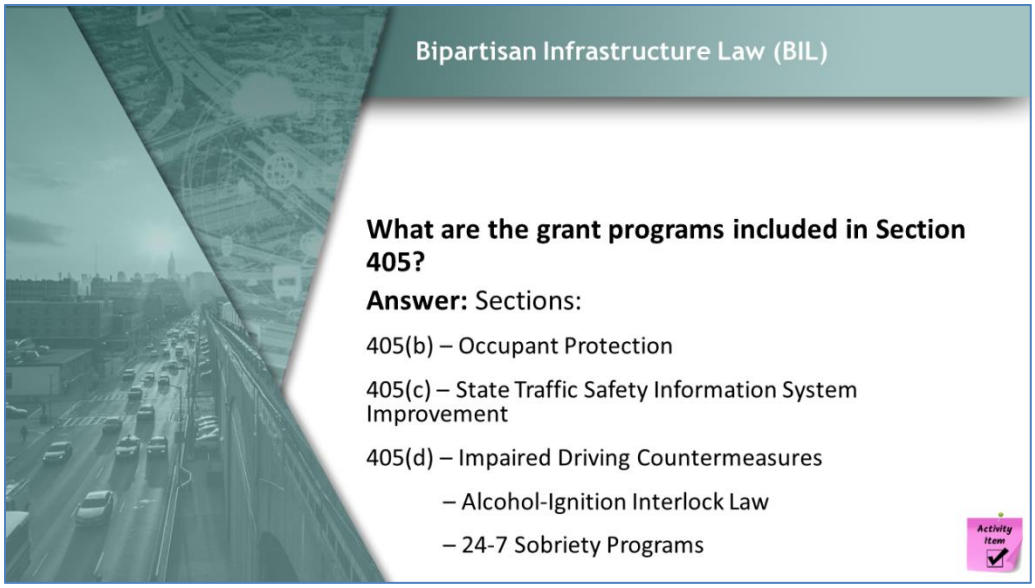

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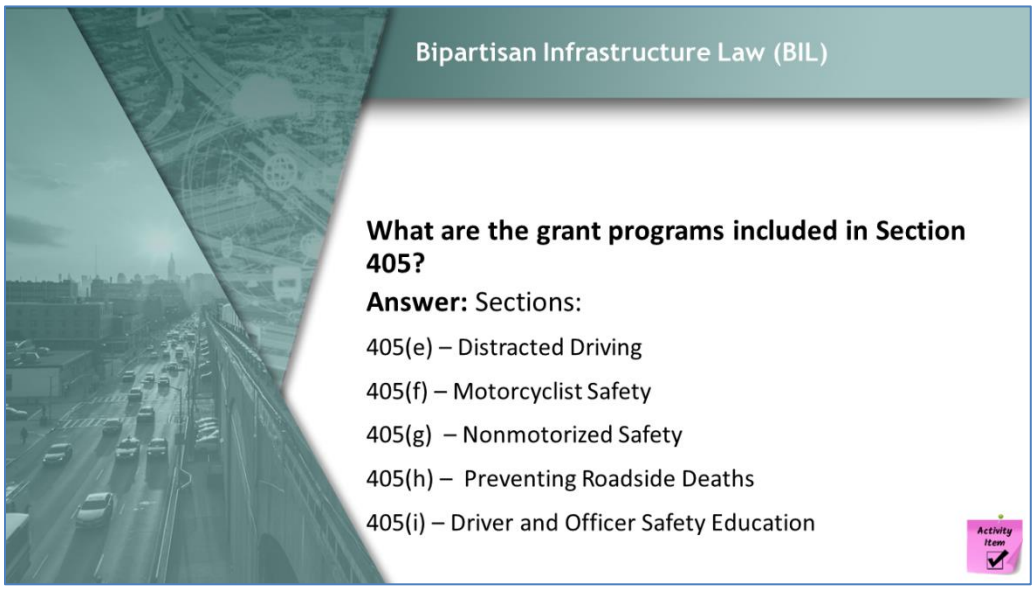

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Questions:

1. What are the grant programs included in Section 405?

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- Section 405 – National Priority Safety Program Grants
  - ✓ § 405(b) – Occupant Protection
  - ✓ §405(c) – State Traffic Safety Information System Improvement,
  - ✓ §405(d) – Impaired Driving Countermeasures
  - ✓ §405(e) – Distracted Driving
  - ✓ §405(f) – Motorcyclist Safety
  - ✓ §405(g) – Nonmotorized Safety
  - ✓ §405(h) – Preventing Roadside Deaths
  - ✓ §405(i) – Driver and Officer Safety Education

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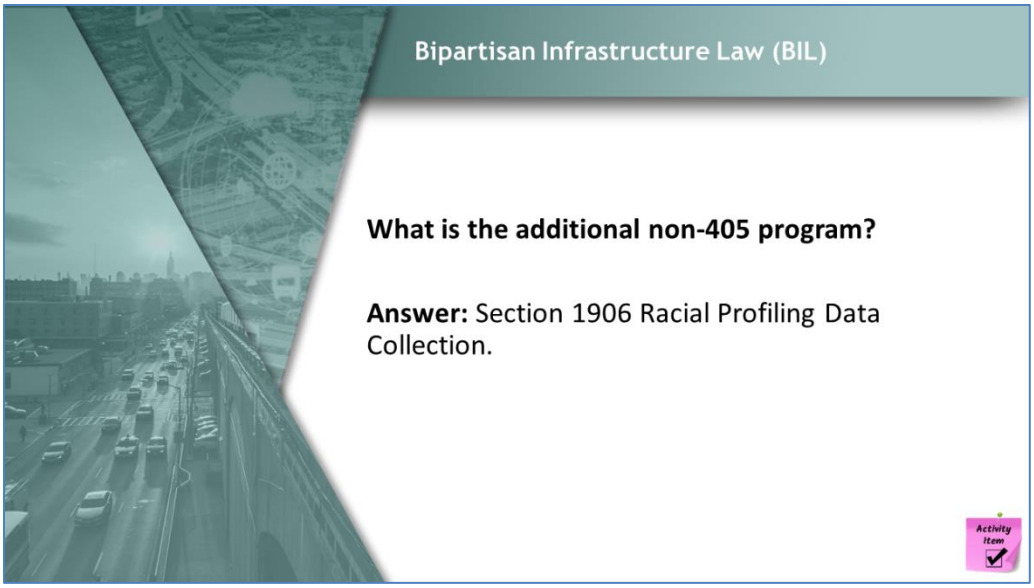

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Activity Item

2. What is the additional non-405 program?

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- Section 1906 – Racial Profiling Data Collection

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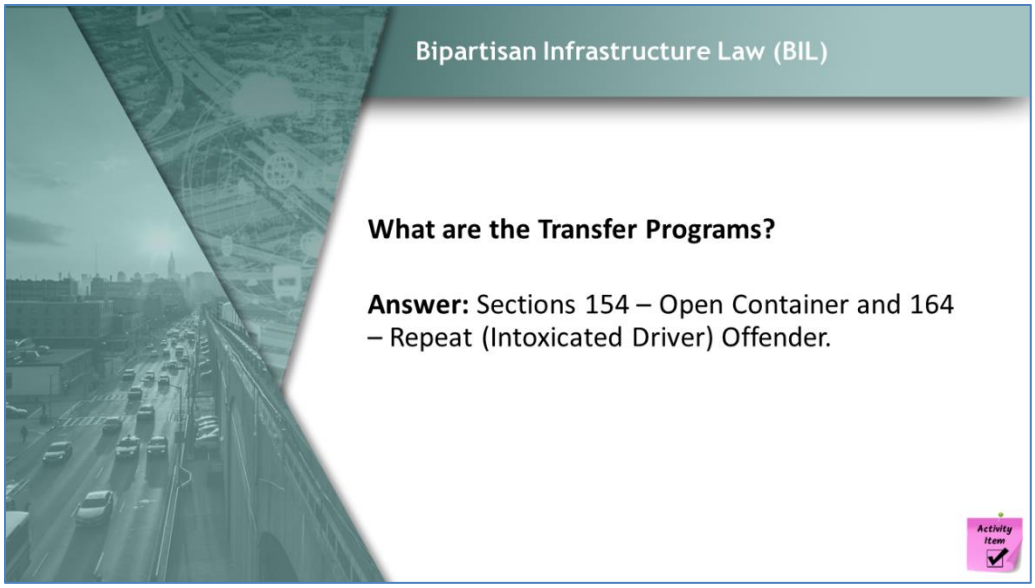

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Activity Item

3. What are the Transfer Programs?

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- Section 154 – Open Container
- Section 164 – Repeat (Intoxicated Driver) Offender

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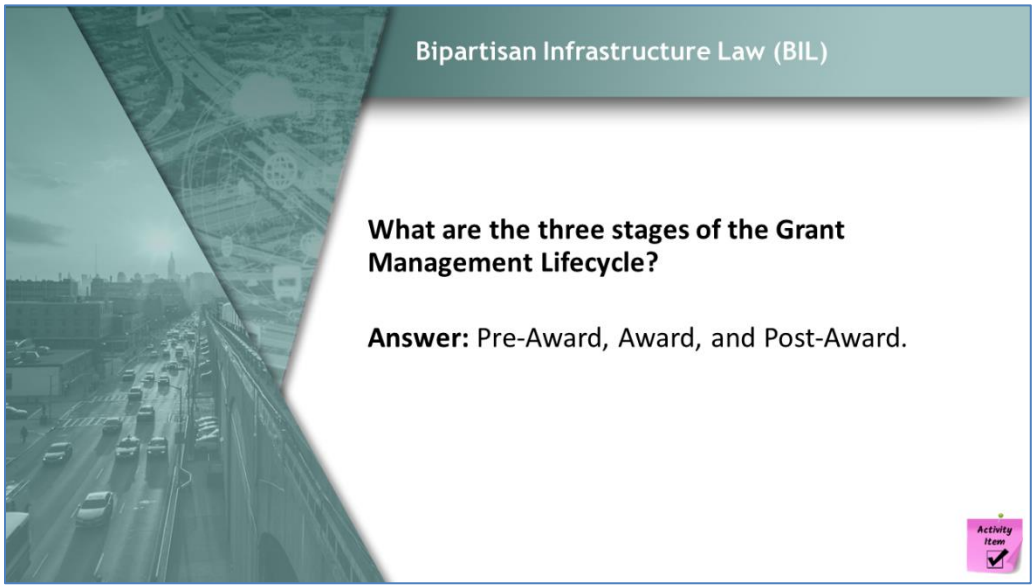
Grants Management Lifecycle



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Question:

1. What are the three stages of the Grant Management Lifecycle?

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There are three stages to the grants management lifecycle. The activities that NHTSA and the SHSO conduct in each phase although similar, can be different. This module is primarily focused on the SHSO activities in the pre-award stage.

High level overview of Grants Management Lifecycle.

Pre-award Phase: State prepares and submits the annual grant application and the 405 grant documents.

The Regional Offices and headquarters technical review panels review their respective parts of the application and make determinations.

Award Phase: When the review process is completed, NHTSA notifies the States of the Annual Grant Application approval status and of the 405 and 1906 grants they qualified for. NHTSA obligates funds to States.

(Continued on next page)

Post award Phase: Implementation, Reporting, and Closeout. State and local projects are implemented, risk assessments conducted, monitoring activities conducted and projects tracked, vouchers and reports submitted and reviewed. Financial reconciliation and Annual Report (closeout).

NOTE: Use of data is critical to this entire process.

Highway Safety Plan Content

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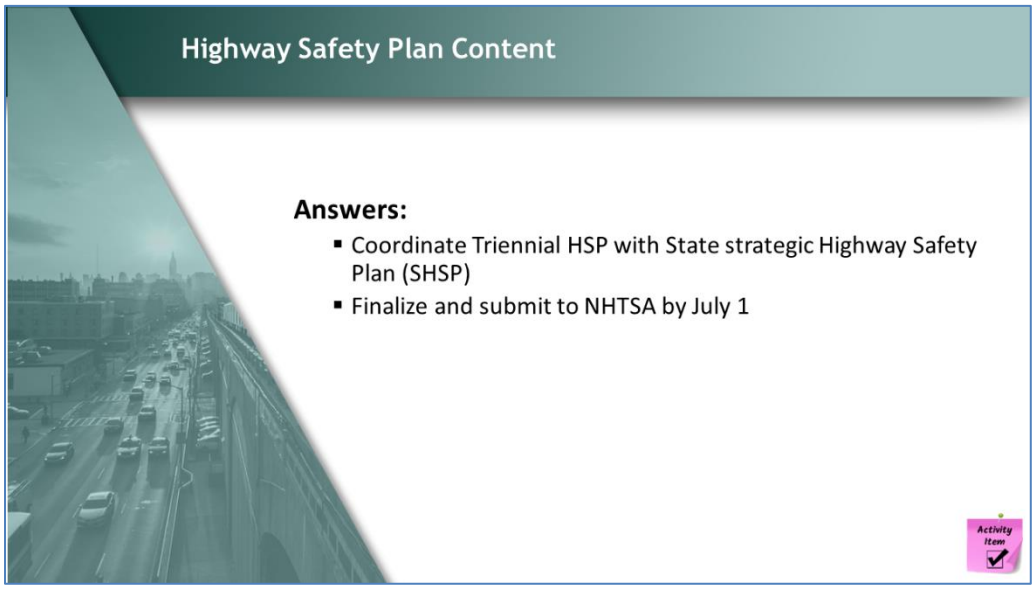

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Activity Item

Question:

1. What steps are included in the Triennial Highway Safety Plan Content?

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Highway safety planning process and problem identification.

(i) Description of the processes, data sources and information used by the State in its highway safety planning (i.e., problem identification, public participation and engagement, performance measures, and countermeasure strategies); and

(ii) Description and analysis of the State's overall highway safety problems as identified through an analysis of data, including but not limited to fatality, injury, enforcement, judicial, geospatial and sociodemographic data.

Public participation and engagement.

(i) Triennial HSP engagement planning. Description of the State's public participation and engagement planning efforts in the highway safety planning process and program, including— (A) A statement of the State's starting goals for the public engagement efforts, including how the public engagement efforts will contribute to the development of the State's highway safety program, including countermeasure strategies for programming funds;

(B) Identification of the affected and potentially affected communities, including particular emphasis on underserved communities and communities overrepresented in the data, (i.e., what communities did the State identify at the outset of the process) and a description of how those communities were identified;

(ii) Triennial HSP engagement outcomes. A narrative description of the outcomes of the State's engagement efforts in the highway safety planning process, including— (A) The steps taken by the State to produce meaningful engagement with affected communities, including— (1) Engagement opportunities conducted and a description of how those opportunities were designed to reach the communities identified in paragraph (b)(2)(i)(B) of this section;

(2) Accessibility measures implemented by the State in its outreach efforts and in conducting engagement opportunities; (B) The results of the engagement opportunities conducted, including— (1) A description of attendees and participants, and, to the extent feasible, whether those participants are members of the affected communities identified in paragraph (2)(i)(B); (2) A summary of the issues covered; and (C) How the affected communities' comments and views have been incorporated into the development of the triennial HSP.

(iii) Ongoing engagement planning. A description of the public participation and engagement efforts in the State highway safety program that the State plans to undertake during the three-year period covered by the triennial HSP, including— (A) A statement of the State's goals for the public engagement efforts; (B) Identification of the affected and potentially affected communities, including particular emphasis on underserved communities and communities overrepresented in the data (i.e., what communities did the State identify at the outset of the process), and a description of how those communities were identified; (C) The steps the State plans to take to reach and engage those communities, including accessibility measures implemented by the State in its outreach efforts and in conducting engagement opportunities; and (D) How the affected communities' comments and views will be incorporated into the decision-making process.

Performance plan.

(i) List of data driven, quantifiable and measurable highway safety performance targets, as laid out in paragraphs (b)(3)(ii) and (iii) of this section, that demonstrate constant or improved performance over the three-year period covered by the triennial HSP and based on highway safety program areas identified by the State during the planning process conducted under paragraph (b)(1) of this section.

(ii) All performance measures developed by NHTSA in collaboration with the Governors Highway Safety Association (''Traffic Safety Performance Measures for States and Federal Agencies'' (DOT HS 811 025)), as revised in accordance with 23 U.S.C. 402(k)(5) and published in the Federal Register, which must be used as minimum measures in developing the performance targets identified in paragraph (b)(3)(i) of this section, provided that— (A) At least one performance measure and performance target that is data-driven shall be provided for each program area identified by the State during the planning process conducted under paragraph (b)(1) of this section that enables the State to track progress toward meeting the quantifiable annual target; (B) For each program area performance measure, the State shall provide— (1) Documentation of the current safety levels, based on the most currently available data;

(2) Quantifiable performance targets that show constant or improved performance compared to the safety levels provided under paragraph (b)(3)(ii)(B)(1) of this section, and extend through the final year covered by the triennial HSP, with annual benchmarks to assist States in tracking progress; and (3) Justification for each performance target that explains how the target is data-driven, including a discussion of the factors that influenced the performance target selection; and (C) State HSP performance targets are identical to the State DOT targets for common performance measures (fatality, fatality rate, and serious injuries) reported in the HSIP annual report, as coordinated through the State SHSP.

(iii) Additional performance measures not included under paragraph (b)(3)(ii) of this section. For program areas identified by the State where performance measures have not been jointly developed (e.g., risky drivers, vulnerable road users, etc.) and for which States are using highway safety program grant funds, the State shall develop its own performance measures and performance targets that are data-driven, and shall provide the same information as required under paragraph (b)(3)(ii) of this section.

Countermeasure strategy for programming funds.

For each program area identified by the State during the planning process conducted under paragraph (b)(1) of this section, a description of the countermeasure strategies that will guide the State's program implementation and annual project selection in order to achieve specific performance targets described in paragraph (b)(3) of this section, including, at a minimum—

(i) The problem identified during the planning process described in paragraph (b)(1) of this section that the countermeasure strategy addresses and a description of the link between the problem identification and the countermeasure strategy;

(ii) A list of the countermeasures that the State will implement, including— (A) For countermeasures rated 3 or more stars in Countermeasures That Work, recommended in a NHTSA facilitated program assessment report, or included in the Uniform Guidelines for State Highway Safety Programs, provide the citation to the countermeasure in the most recent edition of Countermeasures That Work; or (B) For all other countermeasures, provide justification supporting the countermeasure, including available data, data analysis, research, evaluation and/or substantive anecdotal evidence, that supports the effectiveness of the proposed countermeasure strategy;

(iii) Identification of the performance target(s) the countermeasure strategy will address, along with an explanation of the link between the effectiveness of the countermeasure strategy and the performance target;

(iv) A description of any Federal funds that the State plans to use to carry out the countermeasure strategy including, at a minimum, the funding source(s) (e.g., Section 402, Section 405(b), etc.) and an estimated allocation of funds;

(v) A description of considerations the State will use to determine what projects to fund to implement the countermeasure strategy, including, as applicable, public engagement, traffic safety data, affected communities, impacted locations, solicitation of proposals; and

(vi) A description of the manner in which the countermeasure strategy was informed by the uniform guidelines issued in accordance with 23 U.S.C. 402(a)(2) and, if applicable, NHTSA facilitated programmatic assessments.

Performance report.
A report on the State's progress towards meeting State performance targets from the most recently submitted triennial HSP, based on the most currently available data, including—

(i) An explanation of the extent to which the State's progress in achieving those targets aligns with the triennial HSP; and

(ii) A description of how the countermeasure strategies implemented during the triennial period contributed to meeting the State's highway safety performance targets.

Website Resource

RESOURCE: 23 CFR §1300.11

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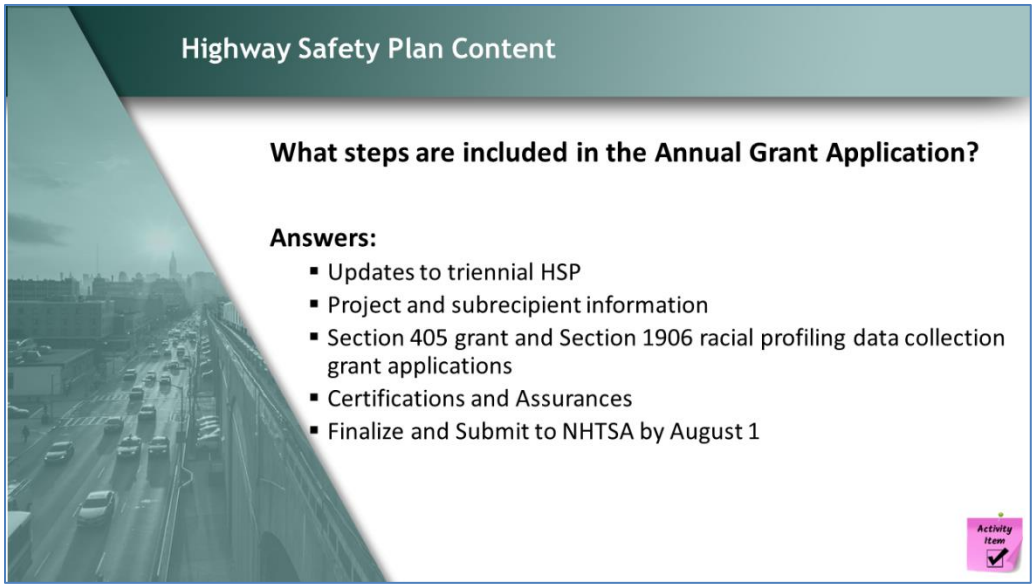

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Question:

1. What steps are included in the Annual Grant Application?

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Updates to triennial HSP.

Any updates, as necessary, to any analysis included in the triennial Highway Safety Plan of the State, at the level of detail required by § 1300.11, including at a minimum:

(i) Adjustments to countermeasure strategy for programming funds. (A) If the State adjusts the strategy for programming funds, a narrative description of the means by which the State's strategy for programming funds was adjusted and informed by the most recent annual report submitted under § 1300.35; or

(B) If the State does not adjust the strategy for programming funds, a written explanation of why the State made no adjustments.

(ii) Changes to performance plan. The State may add performance measures based on updated traffic safety problem identification or as part of an application for a grant under Section 405 and may amend common performance targets developed under

§ 1300.11(b)(3)(ii)(C), but may not amend any other existing performance targets.

Project and subrecipient information.
For each project to be funded by the State using grant funds during the fiscal year covered by the application, the State must provide—

(i) Project name and description, including, at a minimum, a description of activities conducted, location where the project is performed, and affected communities, where applicable;

(ii) Federal funding source(s) (i.e., Section 402, Section 405(b), etc.);

(iii) Project agreement number (which, if necessary, may be provided in a later amendment to the annual grant application);

(iv) Subrecipient(s) (including name and type of organization; e.g., county or city DOT, State or local law enforcement, non-profit, EMS agency,
etc.);
(v) Amount of Federal funds;

(vi) Eligible use of funds;

(vii) Whether the costs are Planning

and Administration costs pursuant to § 1300.13(a) and the amount;
(viii) Whether the project will be used to meet the requirements of § 1300.41(b); and

(ix) The countermeasure strategy or strategies for programming funds identified in the most recently submitted triennial HSP under § 1300.11(b)(4) or in an update to the triennial HSP submitted under paragraph (b)(1) of this section that the project supports.

Section 405 grant and Section 1906 racial profiling data collection grant applications.

Application(s) for any of the national priority safety program grants and the racial profiling

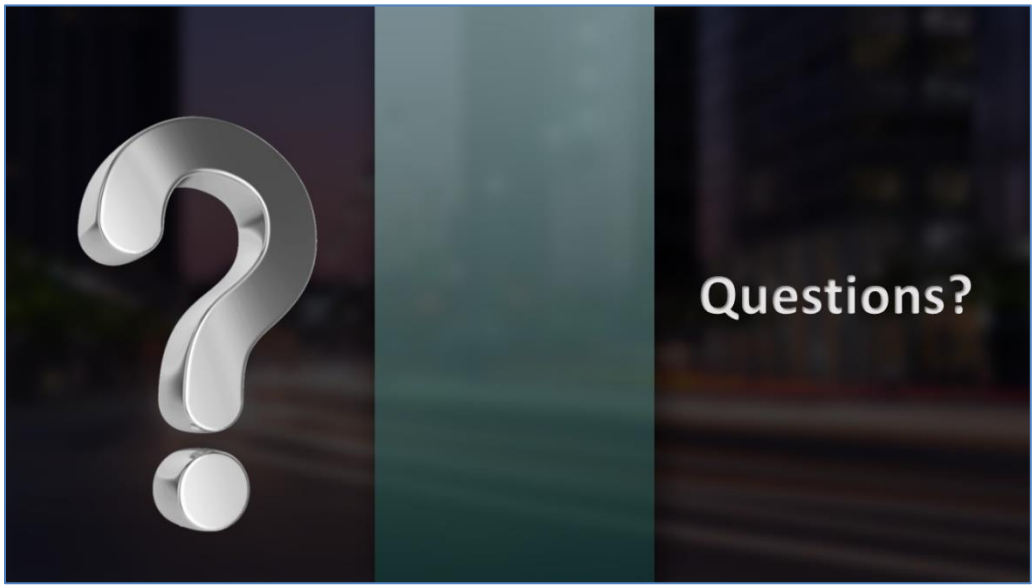
data collection grant, in accordance with the requirements of subpart C of this part and as provided in appendix B to this part, signed by the Governor's Representative for Highway Safety.

Certifications and Assurances.
The Certifications and Assurances for 23 U.S.C. Chapter 4 and Section 1906 grants contained in appendix A, signed by the Governor's Representative for Highway Safety, certifying to the annual grant application contents and providing assurances that the State will comply with applicable laws and financial and programmatic requirements.

Due date for submission.

A State shall submit its annual grant application electronically to NHTSA no later than 11:59 p.m. EDT on August 1 preceding the fiscal year to which the application applies.

Questions



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