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Janice L. Peters,

Designated Official.

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Federal Highway Administration

National Highway Traffic Safety Administration

[NHTSA Docket No. 93-55, Notice 4]

RIN 2127-AF94

Pilot State Highway Safety Program

AGENCY: Federal Highway Administration and National Highway Traffic Safety Administration, DOT.

ACTION: Notice of waiver.

SUMMARY: The Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA) are announcing the extension of a pilot highway safety program for fiscal year 1997 State highway safety programs under 23 U.S.C. 402, and the waiver of certain procedures for States that have elected to participate in the pilot program.

EFFECTIVE DATE: September 5, 1996.

FOR FURTHER INFORMATION CONTACT: In NHTSA, Marlene Markison, Office of State and Community Services, 202-366-2121; John Donaldson, Office of the Chief Counsel, 202-366-1834. In FHWA, Mila Plosky, Office of Highway Safety, 202-366-6902; Raymond Cuprill, Office of the Chief Counsel, 202-366-1377.

SUPPLEMENTARY INFORMATION:

Background

The Highway Safety Act of 1966 (23 U.S.C. 401 *et seq.*) established a formula grant program to improve highway safety in the States. As a condition of the grant, the States must meet certain requirements contained in 23 U.S.C. 402. Section 402(a) requires each State to have a highway safety program, approved by the Secretary of Transportation, which is designed to reduce traffic accidents and the deaths, injuries, and property damage resulting from those accidents. Section 402(b) sets forth the minimum requirements with which each State's highway safety program must comply. For example, the

Secretary may not approve a program unless it provides that the Governor of the State is responsible for its administration through a State highway safety agency which has adequate powers and is suitably equipped and organized to carry out the program to the satisfaction of the Secretary. Additionally, the program must authorize political subdivisions of the State to carry out local highway safety programs and provide a certain minimum level of funding for these local programs each fiscal year.

The enforcement of these and other requirements is entrusted to the Secretary and, by delegation, to FHWA and NHTSA (the agencies).

The agencies administer the program in accordance with an implementing regulation, *Uniform Procedures for State Highway Safety Programs* (23 CFR Part 1200) (the Uniform Procedures Rule), which contains procedures for the submission, content, and approval of each State's Highway Safety Plan and requirements for implementation, management, and closeout of each year's Highway Safety Plan. A number of other requirements apply to the Section 402 program, including those generally appearing in Chapter II of Title 23 CFR and such government-wide provisions as the *Uniform Administrative Requirement for Grants and Cooperative Agreements to State and Local Governments* (49 CFR Part 18) and the various Office of Management and Budget (OMB) Circulars containing cost principles and audit requirements (e.g., OMB Circulars A-21, A-87, A-122, A-128, and A-133).

In the years since enactment of Section 402, States have developed and deployed the resources necessary to conduct mature and highly effective highway safety programs. The agencies have become aware of interest on the part of some States in assuming more responsibility for the planning and direction of their programs, with a decreased emphasis on detailed Federal oversight. In response to that interest, and consistent with efforts to relieve burdens to the States under the President's regulatory reform initiative, the agencies established a pilot program for fiscal year 1996 highway safety programs. The details of the pilot program were discussed at length with the States during the planning stages, and published in the Federal Register on September 12, 1995 (60 F.R. 47418). In brief outline, the pilot program replaced the requirement for State submission and Federal approval of a Highway Safety Plan with a benchmarking process by which the State sets its own performance goals.

The success of the fiscal year 1996 pilot program has brought about increased State interest in participation. Consequently, the agencies have decided to extend the pilot program through fiscal year 1997. The pilot program procedures remain unchanged for fiscal year 1997, and appear in the appendix to this notice.

The agencies have queried each Section 402 grantee about its interest in participating in the pilot program for the fiscal year 1997 highway safety program. This notice lists those States and territories that have chosen to become participants and waives existing procedures for these participants, to the extent that they are inconsistent with the pilot program, for the duration of fiscal year 1997. This waiver does not affect any provisions specifically imposed by statute or by publications of Government-wide applicability (e.g., 49 CFR Part 18, OMB Circulars). Based on the success of the pilot program, the agencies plan to revise the regulations governing the State highway safety program to permanently accommodate the pilot procedures.

States Participating in the Fiscal Year 1997 Pilot Program

The following States and territories have elected to participate in the pilot program for fiscal year 1997:

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
New Mexico
New Jersey
New York
North Carolina
North Dakota
Northern Marianas
Ohio
Pennsylvania
Puerto Rico

South Carolina
 South Dakota
 Tennessee
 Texas
 Utah
 Virgin Islands
 Virginia
 Washington
 West Virginia
 Wisconsin

Waiver

Any provisions of 23 CFR Chapter II which conflict with the procedures of the pilot program are waived for the States listed above for fiscal year 1997. Pilot States will instead follow the procedures appearing in the Appendix. For example, pilot States will not have to seek approval for changes involving transfers of funds between program areas or for continuing projects beyond three years. Instead, these States may unilaterally move funds between program areas and extend projects in accordance with their program needs. However, pilot States will still have to submit an updated HS Form 217 reflecting the change, in the former case, and follow the increased cost-sharing requirements for projects exceeding three years, in the latter case.

States following the pilot program procedures must continue to comply with all statutory requirements contained in 23 U.S.C. 402, and the Governor's Representative for Highway Safety shall sign a certification statement to that effect. In addition, Federal regulations having government-wide applicability will continue to apply, and are also referenced in the certification statement to be signed by the Governor's Representative for Highway Safety.

Authority: 23 U.S.C. 315 and 402; 49 CFR 1.48 and 1.50.

Issued on: August 30, 1996.

Ricardo Martinez,
 National Highway Traffic Safety
 Administrator.

Rodney E. Slater,
 Federal Highway Administrator.

Appendix—Fiscal Year 1997 Pilot State Highway Safety Program

A State participating in the pilot program must continue in that program through the completion of the highway safety program cycle, including submission of the annual report and final voucher.

Prior to August 1, 1996, the States were advised to prepare a *planning document* describing how the Federal highway safety funds will be used consistent with the guidelines, priority areas, and other requirements established under Section 402. The planning document shall be formally approved and adopted by the Governor's

Representative for Highway Safety (GR). It serves as the basis for the State's development of the financial elements identified in the HS Form 217 discussed below. Unlike the Highway Safety Plan, there is no requirement that this planning document be approved by NHTSA and FHWA. Instead, by August 1, the State planning document is to be sent to the NHTSA Regional Administrator (RA) and the FHWA Division Administrator (DA) for information. If the RA and/or DA observe elements of the plan that are not authorized by section 402 or otherwise not in accordance with law, they will notify the State, which shall take appropriate corrective action.

As soon as practicable after August 1, 1996, and in any event prior to fund disbursement, the State shall submit (1) a *certification statement* and (2) a *benchmark report* to NHTSA/FHWA. (Note: At the State's option, the *planning document*, *certification statement*, and *benchmark report* may be combined into one document.)

The *certification statement*, signed by the GR, shall provide formal assurances regarding the State's compliance with applicable laws and financial and programmatic requirements pertaining to the Federal grant. (To assure that States are well informed of their responsibilities, NHTSA and FHWA will provide every State with an up-to-date manual (the Highway Safety Grant Management Manual) containing pertinent Federal requirements and policies.)

The *benchmark report* shall have three components:

1. *Process Description*—This component shall contain a brief description of the *process(es)* used by the State to: (1) identify its highway safety problems, (2) establish its proposed performance goals and (3) develop the programs/projects in its plan.

The description shall specify the participants in the three processes (such as State, local, and grassroots organizations, Highway Safety Committees or Task Forces, SMS group, private entities), the data and information sources used (including how recent and why utilized), and the criteria and/or strategies for program and project selections (such as locations or groups targeted due to special needs or problems, ongoing activities, training needs). The description should focus on links between identified problems, performance goals, and activities selected. This Process Description need not be lengthy. An annotated flow chart may provide sufficient information.

2. *Performance goals*—The heart of the benchmark report is the State's description of its highway safety performance goals. Each State shall establish performance goals (including target dates) and identify the performance measures it will use to track progress toward each goal and its current (baseline) status with regard to these measures.

A State's selection of appropriate long and short-term goals should evolve from the problem identification process and be consistent with guidelines and priority areas established under Section 402. It will not be necessary to address *all* national priority areas in the new benchmarking system.

While NHTSA is required by statute to identify those programs most effective in addressing national highway safety priority program areas for the use of Section 402 funds, States have latitude to determine their own highway safety problems, goals, and program emphasis.

A State might include goals as broad as "decreasing alcohol-related crashes in the State by x percent or x number by year 2010 from x percent or x number (baseline)." On the other hand, the State goal might be as specific as "reducing alcohol-related deaths/injuries of youth ages 16–20 in the State by X percent of all State youth." When long-term goals are identified, the State should consider setting interim targets.

Moving from a process to an outcome approach requires that a set of outcome measures be established that represent the status of key traffic safety programs at the State level, including those programs that are National Priority Program Areas which the State has chosen to address. There are many sources for these measures. The Fatal Accident Reporting System (FARS), restraint usage surveys, State emergency medical services and police enforcement systems, and Crash Outcome Data Evaluation System (CODES) are examples of databases from which States may select appropriate performance measures. The types of data available will vary from State to State. In all cases, the measures used must be ones that are reliable, readily available, and reasonable in measuring the outcome of an effective highway safety program.

Not all items in a State's planning document will directly correlate to one specific goal. Certain programs and countermeasures have an impact on several goals or on an overall program area. For example, Standardized Field Sobriety Testing (SFST) training may affect all of a State's alcohol goals. Examples of performance measures are included in the final section of this appendix.

3. HS Form 217, the "Highway Safety Program Cost Summary"

This form reflects the State's proposed allocation of funds, including carry-forward funds, by program area. The allocations shall be based on the State's identified performance goals and its planning document. The funding level used shall be an estimate of available funding in the upcoming fiscal year. After the exact amount of annual Federal funding has been determined, the State shall submit the revised or "initial obligating" HS Form 217. The amount of Federal funds reflected on the revised HS Form 217 shall not exceed the obligation limitation.

A subsequent revised HS Form 217 shall be submitted for any changes made by the State to those data elements appearing on the form (i.e., program area, P&A limitation, 40% local funding, matches).

Federal approval of each State's highway safety program will be in the form of a letter from NHTSA and FHWA to the Governor and GR *acknowledging the State's submission of a certification statement, benchmark report, and planning document that comply with all requirements described above.*

Annual Report

Within 90 days after the end of the fiscal year, each State shall submit an *Annual Report*. This report shall address:

1. State progress toward performance goals, using performance measures identified in the initial fiscal year benchmark report.

2. Steps taken toward meeting the State goals identified in the benchmark report, which may include administrative measures such as the number of training courses given and people trained, and the number of citations issued for not using child safety seats or safety belts; and

3. Descriptions of State and community projects funded during the year.

States are strongly encouraged to set ambitious goals and implement programs to achieve those goals. States will not be penalized or sanctioned for not meeting identified performance goals. However, where little or no progress toward goals is perceived, as described in the annual report or discussed in periodic meetings, NHTSA and FHWA staff will recommend changes in strategies, countermeasures, or goals.

As under the current procedures, there can be no extensions for the annual report due date even though a State can request an extension of up to 90 days for submission of the final voucher.

Moving from a Process-Dominated to an Outcome-Based Approach

Implementation of this new approach will establish new roles and relationships for both Federal and State participants. The involvement of the NHTSA and FHWA field staff in the operational aspects of a State highway safety program will entail a minimum of two formal strategic planning meetings per year to discuss implementation issues and needs that NHTSA/FHWA can meet. During these sessions, the regional, division and State representatives will review each State's progress toward identifying and meeting its goals and will discuss and negotiate strategies being used.

The degree and level of technical assistance in functional matters provided by NHTSA and FHWA will be determined at these meetings. National and regional NHTSA and FHWA staff have special expertise and can provide a national perspective on outcome approaches (best practices, newest countermeasures), marketing, training, data analysis, evaluation, financial management, and program development. (Of course, these same regional services will be available to States choosing to continue working under the existing HSP procedures.)

Examples of Performance Measures

This section contains examples of highway safety performance measures to assist States in formulating their goals. In addition to those identified below, other measures might include societal costs, CODES data, hospital head injury and similar injury data, etc. Measures must be reliable, readily available, and reasonable as representing the outcome of an effective highway safety program. (The national FARS average or norm for each measure, if available, appears in parentheses.)

Overall Highway Safety Indices

State fatality rate per 100M vehicle miles (1.7)

% motor vehicle collisions with non-motor vehicle (17%)

Number of pedestrians or bicyclists injured or killed

Alcohol

Number of drivers in fatal crashes with BACs > .00, .08, .10 (State limit)

Number of drivers in fatal crashes, ages 15–20, with BACs > .00, .08, .10 (State limit)

Number of alcohol-related fatal crashes

% alcohol-related fatal crashes (42%)

% alcohol-related fatalities

% alcohol-related injuries Conviction rates for DUI/DWI Occupant Protection

% motor vehicle occupants (MVO) restrained (National State Survey 67%)

% MVO fatalities restrained (35%)

% MVO injuries restrained

% MVO youth fatalities (ages 15–20) restrained (35%)

Child Safety

% MVO fatalities age 0–4 restrained (70%)

% MVO injuries age 0–4 restrained

% MVO fatalities age 0–4 unrestrained

Emergency Medical Services

Time of crash to hospital treatment (60 min or less)

Time of crash to response time (arrival at crash site)

Motorcycle Safety

% motorcyclists helmeted (restraint survey)

% motorcycle fatalities helmeted (60%)

% motorcycle injuries helmeted

% motorcycle fatalities with properly licensed drivers (41%)

% motorcycle fatalities alcohol-involved (51%)

% motorcycle injuries alcohol-involved

Number of fatal or serious head injuries

Pedestrian Safety

Number/% urban pedestrian fatalities at intersections or crossings (35%)

Number/% alcohol-impaired pedestrian fatalities 16 yrs and older (36%)

Number/% total fatalities or serious injuries that are pedestrian in given jurisdiction

Number/% urban pedestrian injuries

Number/% rural pedestrian injuries

Bicycle Safety

% pedacycle fatalities helmeted (no national norm)

% pedacycle fatalities ages 26–39 alcohol-impaired (26%)

Speed

% fatal crashes with speed as a contributing factor (31%)

Number of speed-related fatalities / fatal crashes

Monitoring changes in average speeds overall and on specific types of roadways (interstate, other 55–60 mph roads)

Youth

(National performance measures from above plus:)

% drivers ages 15–20 in fatal crashes with BACs > .01 (40%)

% drivers ages 15–20 injured in crashes with BACs > .01

Total fatalities per 100K involving registered drivers, ages 15–20

Total fatalities per 100 million VMT for youth, ages 15–20

Total injuries per 100K registered drivers, ages 15–20

Total injuries per 100 million VMT for youth, ages 15–20

% MVO fatalities, ages 15–20, restrained (35%)

Police Traffic Services

(See subject categories)

Roadway Safety

Work zone fatalities

Work zone injuries (included M.V. occupants, peds, & work personnel)

Number of Highway-railroad grade crossing crashes - number of injuries or fatalities

Number of flaggers injured or killed

Number of workers injured or killed

Traffic Records

Number of personnel trained in record collection, data input, and data analysis

Number of high accident locations identified and improved

Unknown % for occupant protection fatalities (10%)

Unknown/untested % for fatal driver BAC (30%)

Unknown % of time of crash to hospital arrival (50%)

Entering data within a specific time

Linking data systems

Injury Prevention Goals

(See subject categories)

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National Highway Traffic Safety Administration

[Docket No. 96–091; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1984 Rolls Royce Silver Spur Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1984 Rolls Royce Silver Spur passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1984 Rolls Royce Silver Spur that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United