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**DEPARTMENT OF TRANSPORTATION**

**[4910-59-P]**

**National Highway Traffic Safety Administration**

**23 CFR Part 1300**

**[Docket No. NHTSA-2025-0061]**

**RIN 2127-AM73**

**Uniform Procedures for State Highway Safety Grant Programs**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), U.S.

Department of Transportation (Department or DOT).

**ACTION:** Final rule.

**SUMMARY:** This action finalizes proposed revisions to certain documentation requirements relating to public participation and engagement in the Uniform Procedures for State Highway Safety Grant Programs.

**DATES:** This final rule is effective on **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** This document may be viewed online through the Federal eRulemaking portal at [www.regulations.gov](http://www.regulations.gov) using the RIN number listed above. Electronic retrieval help and guidelines are available on the website. An electronic copy of this document may be downloaded by accessing the Office of the Federal Register's website at: [www.federalregister.gov](http://www.federalregister.gov) and the U.S. Government Publishing Office's website at: [www.GovInfo.gov](http://www.GovInfo.gov).

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- I. Background**

In the Infrastructure Investment and Jobs Act (IIJA),<sup>1</sup> Congress created a new requirement that State highway safety programs funded by NHTSA highway safety grants “result[] from meaningful public participation and engagement from affected communities, particularly those most significantly impacted by traffic crashes resulting in injuries and fatalities.”<sup>2</sup> NHTSA implemented the public participation and engagement (PP&E) requirement in the highway safety grant program through a final rule published

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<sup>1</sup> Pub. L. No. 117-58 (Nov. 15, 2021).

<sup>2</sup> 23 U.S.C. 402(b)(1)(B).

on February 6, 2023.<sup>3</sup> The final rule was the result of extensive efforts to facilitate opportunities for States and other stakeholders to provide input throughout the rulemaking process, including a published request for comments and three public hearings in addition to NHTSA's solicitation of comment on the notice of proposed rulemaking (NPRM).<sup>4</sup>

To support State implementation of PP&E requirements, NHTSA provided extensive training and technical assistance. States began implementing the PP&E requirements in Federal Fiscal Year (FY) 2024 and have now completed these requirements for nearly the full triennial grant cycle.

Public participation and engagement are statutory conditions of the use of NHTSA grant funds and remain a priority for DOT in the overall implementation of State highway safety programs.<sup>5,6</sup> These requirements serve as an important activity in ensuring meaningful opportunities for communities and community members to be engaged in the planning and development of these activities.

As a result of feedback received from State recipients and the Governors Highway Safety Association (GHSA), and NHTSA's own experience implementing the current requirement, NHTSA recognized the need to adjust the PP&E documentation

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<sup>3</sup> 88 FR 7780 (Feb. 6, 2023).

<sup>4</sup> Uniform Procedures for State Highway Safety Grant Programs, Notification of public meetings; request for comments (RFC), 87 FR 23780 (Apr. 21, 2022); Notice of proposed rulemaking, 87 FR 56756 (Sept. 15, 2022).

<sup>5</sup> See DOT Order 2100.7, Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities, 4 (Jan. 29, 2025), section 6(e)(3), *available at* <https://www.transportation.gov/mission/ensuring-reliance-upon-sound-economic-analysis-department-transportation-policies-programs> (accessed April 17, 2026).

<sup>6</sup> 23 U.S.C. 402(b)(1)(B).

requirements to eliminate unnecessary burdens and facilitate compliance for State highway safety offices. After consideration of this input, NHTSA published a notice of proposed rulemaking (NPRM) on September 19, 2025.<sup>7</sup>

## **II. Summary of the Notice of Proposed Rulemaking**

In the NPRM, NHTSA proposed eliminating the PP&E documentation section in the triennial Highway Safety Plan (HSP) (23 CFR 1300.11(b)(2)) while maintaining the PP&E reporting requirement in the Annual Report. In the Annual Report, States would demonstrate compliance with the statutory PP&E requirement through “a narrative description of the public participation and engagement efforts carried out and how those efforts informed projects implemented under countermeasure strategies during the grant year.” 23 CFR 1300.35(b)(2). With this proposal, NHTSA sought to lessen administrative burden and to increase flexibility for State grant programs while still allowing NHTSA to fulfill its duty to ensure that States satisfy the statutory requirement.

NHTSA also proposed minor related amendments to three parts of the regulatory text that reference the PP&E section of the triennial HSP. Specifically, NHTSA proposed to remove the term “public participation and engagement” from the definition of triennial Highway Safety Plan (23 CFR 1300.3) and from the clarifying clause in 23 CFR 1300.11(b)(1)(i) that lists the triennial HSP sections. In addition, NHTSA proposed to delete the reference to 23 CFR 1300.11(b)(2) in the local expenditure section at 23 CFR 1300.13(b)(3)(i) and to rewrite the clause to reference PP&E activities more

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<sup>7</sup> 90 FR 45164 (Sept. 19, 2025).

generally as an example of a way that a State may solicit political subdivision involvement during the highway safety planning process.

### **III. Public Comments on the Notice of Proposed Rulemaking**

In response to the NPRM, the following groups submitted comments to the public docket on *www.regulations.gov*: Arizona Game and Fish Department (AZGFD);<sup>8</sup> Bureau of Indian Affairs (BIA); Colorado Highway Safety Office (CO HSO); Connecticut Department of Transportation (CTDOT); the Departments of Transportation of Idaho, Montana, North Dakota, South Dakota, and Wyoming, jointly (Joint State DOTs); Florida Department of Transportation (FDOT); GHSA; Iowa Governor's Traffic Safety Bureau (IA GTSB); Maine Bureau of Highway Safety (MeBHS); Michael Ravnitzky;<sup>9</sup> Minnesota Department of Public Safety Office of Traffic Safety (MN DPS OTS); Nevada Office of Traffic Safety (NV OTS); North Carolina Governor's Highway Safety Program (NC GHSP); Oregon Transportation Safety Office (OR TSO); South Carolina Office of Highway Safety and Justice Programs (SC OHSJP); Tennessee Highway Safety Office (TN HSO); Texas Department of Transportation (TxDOT); Virginia Highway Safety Office (VA HSO); Washington Traffic Safety Commission (WTSC); and two anonymous commenters. MeBHS expressed general support for the comments submitted by GHSA,

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<sup>8</sup> The AZGFD also submitted a second clarifying comment to the docket after the comment period closed. NHTSA considered both comments submitted by AZGFD in this final rule.

<sup>9</sup> Among other comments discussed in more detail below, Michael Ravnitzky also requested that NHTSA clarify that the planning processes identified in 23 CFR 1300.13(b)(3)(i) for a State to demonstrate local involvement in the State's highway safety program planning processes for purposes of supporting expenditures on behalf of a political subdivision are intended as examples and are not mandatory. Though amending substantive local expenditure requirements are outside the scope of this rulemaking, NHTSA confirms that processes identified in the cited regulation are intended as examples, and are neither mandatory nor exclusive planning processes.

IA GTSB, NV OTS, and the Joint State DOTs. NHTSA appreciates the input of all commenters and addresses their comments in this preamble.

Several commenters submitted general input about public participation and engagement that cannot be tied to a single regulatory provision. Those comments are discussed below.

A. Support for Public Participation and Engagement

Several commenters<sup>10</sup> expressed strong support for PP&E in highway safety programs and described longstanding State efforts to ensure public engagement in their programs. NHTSA appreciates the shared commitment to PP&E and recognizes the valuable work that States have already put into incorporating PP&E and community feedback into their programs. We believe the input received by States through PP&E yields better informed and more effective programs.

The AZGFD emphasized the importance of PP&E in supporting coordination between State wildlife agencies and highway safety offices to address highway safety concerns related to wildlife-vehicle collisions and requested that NHTSA require SHSOs to coordinate with affected stakeholders like the game and fish department. NHTSA encourages SHSOs to work with all relevant State partners, including game and fish departments. However, intra-State government coordination, while valuable, is not *public* participation and is therefore outside the scope of this rulemaking. That said, NHTSA notes that States may, and many do, work with other partners within the State to leverage their expertise and networks to reach broader segments of the public.

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<sup>10</sup> FDOT, MN DPS OTS, NC GHSP, OR TSO, and TxDOT.

The IA GTSB commented that PP&E activities are challenging for SHSOs to facilitate and are usually carried out on the local level by municipalities and counties. However, the statute requires that the *State highway safety program* result from meaningful public participation and engagement from affected communities. 23 U.S.C. 402(b)(1)(B). NHTSA recognizes that local jurisdictions frequently carry out engagement specific to their communities and that States may benefit from the knowledge locals can share with the SHSO. In this regard, we emphasize that States can use Section 402 funds to enter into project agreements with local jurisdictions that include PP&E components that the locals carry out, and the information collected and the outcomes produced are used to inform the State's highway safety program.

#### B. Administrative Burden

Seven commenters<sup>11</sup> noted that they have experienced an increase in the administrative burden associated with the funding that States receive from NHTSA over the past several years. AZGFD recognized the benefits of reducing administrative burden and stated its support for the steps taken by the proposal to reduce administrative burden. The Joint State DOTs and BIA agreed that removal of the PP&E requirements from the triennial HSP is a good starting point and encouraged NHTSA to continue efforts to reduce administrative burden. NHTSA agrees with the comments: reduction of administrative burden and general streamlining of requirements in a way that allows NHTSA to provide appropriate stewardship over taxpayer dollars remain major priorities. This rulemaking seeks to reduce burden associated with public participation and

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<sup>11</sup> GHSA, IA GTSB, MN DPS OTS, NV OTS, SC OHSJP, TN HSO, and TxDOT.

engagement requirements, and NHTSA is committed to working with stakeholders to seek other opportunities for reducing administrative burden throughout all aspects of its grant programs.

An anonymous commenter noted that the public participation requirements in the 2023 final rule were well-intended, but led to excessive paperwork that substituted formality for substance. Similarly, the CO HSO commented that it believes NHTSA's original implementation of the PP&E requirements focused too much on process oversight instead of achieving engagement outcomes. Nine other commenters<sup>12</sup> agreed and added that States need to be able to design and conduct data-driven PP&E appropriate for their unique communities. Those nine commenters and an anonymous citizen noted the importance of maintaining flexibility for States. SC OHSJP stated that it felt that PP&E requirements limited its flexibility to adjust its highway safety program, stating that it felt constrained to follow only the PP&E plan laid out in the triennial HSP and that it was unable to implement feedback gained from engagement with communities not identified in the triennial HSP. NHTSA regrets this perception but respectfully disagrees with the assertion; States can update their PP&E plans based on feedback or changing facts and are not limited to conducting only engagement that fell within the triennial HSP plan. NHTSA confirms that States may always amend their triennial HSP—PP&E or otherwise—to adapt to changing data or other conditions, as provided in 23 CFR 1300.32. Further, NHTSA clarifies that States retain the authority to make management and programmatic decisions without conducting public engagement

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<sup>12</sup> CN DOT, GHSA, MN DPS OTS, NV OTS, OR TSO, SC OHSJP, TN HSO, TxDOT, and VA HSO.

opportunities for each decision they make and are not required to implement every request from a participating community. Public participation and engagement should inform, not dictate, State highway safety programs.

C. Prior year implementation problems

Several States<sup>13</sup> submitted comments detailing specific problems they experienced during the three years that NHTSA and the States have been implementing IIJA's PP&E requirements.

OR TSO explained that the rapid turnaround time between publication of the 2023 final rule and submission of the FY24 grant application required the State to redirect its PP&E efforts quickly to meet the requirement. OR TSO also stated that updated rules under IIJA added to the administrative burden that the State faced and caused the State not to meet a separate statutory provision requiring that at least 40 percent of Section 402 grant funds be expended by political subdivisions.<sup>14</sup> NHTSA recognizes that IIJA transformed many aspects of the grant program and appreciates the effort that Oregon and all States put into implementing the new IIJA requirements for the first triennial cycle. As the States and NHTSA enter into the second triennial cycle under IIJA, the agency anticipates that the States' efforts in the first triennial cycle will make the second cycle easier. NHTSA will also continue to provide States with guidance and technical assistance as needed or upon request by States.

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<sup>13</sup> CTDOT, CO HSO, OR TSO, and SC OHSJP.

<sup>14</sup> See 23 U.S.C. 402(b)(1)(C).

CO HSO expressed concerns about allowable uses of funds to pay for PP&E activities. Allowable use of funds in the NHTSA highway safety grant program is based on the programmatic scope laid out in Section 402 and the government-wide cost principles set out by the Office of Management and Budget,<sup>15</sup> and is therefore outside the scope of this rulemaking. However, NHTSA issued guidance on June 17, 2025<sup>16</sup> to provide clarification on the types of funds that States may use for PP&E activities and encourages States to reach out to their Regional Office with any specific use of funds questions.

CTDOT stated that it felt an expectation to have a highway safety office staff member attend every PP&E event, which was unnecessarily burdensome. NHTSA would like to clarify that attendance by a SHSO employee is not required for every PP&E event. A State may enter into agreements with subrecipients for the subrecipient (or even another State agency) to carry out some PP&E efforts on behalf of the State, provided the State provides direction on the implementation of the PP&E (for example, the State could identify the affected communities or specific traffic safety problems where the PP&E should be directed) and the subrecipient conducts engagement with the affected community and conveys feedback from the effort to the State to inform the State's program. In its June 17, 2025 guidance,<sup>17</sup> NHTSA clarified that States may use Section 402 program funds for PP&E efforts. The information makes clear that a State is able to

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<sup>15</sup> 2 CFR part 200, subpart E.

<sup>16</sup> Paying for Public Participation and Engagement Activities with Program Funds (June 17, 2025), available at [https://www.nhtsa.gov/sites/nhtsa.gov/files/2025-07/public-participation-engagement-funding-guidance-2025\\_0.pdf](https://www.nhtsa.gov/sites/nhtsa.gov/files/2025-07/public-participation-engagement-funding-guidance-2025_0.pdf).

<sup>17</sup> *Id.*

use NHTSA grant funds to pay subrecipients that conduct PP&E efforts for the State's highway safety program.

#### **IV. Discussion**

##### **A. Triennial Highway Safety Plan**

All commenters supported the agency's proposal to eliminate the PP&E requirements from the triennial HSP. Fifteen commenters<sup>18</sup> expressed strong support for NHTSA's proposal to remove PP&E requirements from the triennial HSP and affirmed that the removal would reduce administrative burden. AZGFD argued that the existing PP&E requirements provide transparency and that their removal could lead to inconsistency in how PP&E is conducted and reported on by various States. They later submitted a second comment to clarify that it supports consolidation of PP&E reporting requirements, but urged NHTSA to continue to ensure public participation and transparency. OR TSO expressed support because it believes the triennial HSP and Annual Report requirements are redundant. The Joint State DOTs noted the proposed removal of PP&E requirements from the triennial HSP should enhance safety by allowing departments to redirect staff time and resources towards implementing effective safety programs, rather than meeting reporting requirements. TxDOT added that while public input is valuable, it is important to have an adaptable approach that allows States to consider public input thoughtfully while ensuring timely coherent program decisions. An anonymous citizen stated that they support NHTSA's proposed streamlining of public

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<sup>18</sup> BIA, CO HSO, CT DOT, GHSA, IA GTSB, MeBHS, MN DPS OTS, NC GHSP, NV OTS, SC OHSJP, TN HSO, TxDOT, VA HSO, WTSC, and Joint State DOTs.

participation documentation in the grant program to maintain essential accountability without Federal overreach and stressed the importance of maintaining transparency. NHTSA appreciates the comments and, consistent with the proposal in the NPRM, is removing 23 CFR 1300.11(b)(2)—which laid out the public participation and engagement requirements for the triennial HSP—in its entirety.

#### B. Annual Report

In addition to removing the PP&E planning requirements from the triennial HSP, fifteen commenters<sup>19</sup> recommended that NHTSA should also remove the PP&E reporting requirements from the Annual Report at 23 CFR 1300.35(b)(2). These commenters argue that NHTSA can verify State implementation of the PP&E requirement through added Certifications and Assurances<sup>20</sup> that States submit with their Annual Grant Applications. These comments mirror the comment GHSA submitted<sup>21</sup> in response to the Department's April 3, 2025 Request for Information.<sup>22</sup> The Joint DOTs submitted a related comment recommending wholesale elimination of the annual report requirement, or alternatively, limiting PP&E reporting to every other annual report. The CO HSO argued that streamlining PP&E requirements by removing both the triennial HSP and Annual Report requirements would allow each State to adopt a flexible PP&E strategy best suited to its communities and programs. VA HSO explained that streamlining PP&E requirements would ensure States retain flexibility to design, adapt and evaluate lifesaving programs.

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<sup>19</sup> CN DOT, CO HSO, FDOT, GHSA, IA GTSB, MeBHS, MN DPS OTS, NV OTS, OR TSO, SC OHSJP, TN HSO, TxDOT, VA HSO, WTSC, and Joint State DOTs.

<sup>20</sup> See Appendix A to 23 CFR part 1300.

<sup>21</sup> Available at <https://www.regulations.gov/comment/DOT-OST-2025-0026-0776>.

<sup>22</sup> *Ensuring Lawful Regulation; Reducing Regulation and Controlling Regulatory Costs*, 90 FR 14593.

CTDOT explained that it believes the annual report narrative is redundant with the certification already in the Appendix A certifications and assurances that States will comply with requirements in Section 402. Seven commenters<sup>23</sup> argue that verification through the certifications and assurances would be similar to other section 402 requirements already covered in the certifications and assurances. Some commenters<sup>24</sup> argued that requiring only a certification and assurance would minimize administrative burden while providing appropriate oversight to ensure States meet the statutory requirements. Commenters argued that eliminating the triennial HSP and Annual Report PP&E requirements and instead relying on an annual certification and assurance would decrease a perceived disproportionate emphasis on PP&E<sup>25</sup> and still require States to conduct meaningful PP&E activities.<sup>26</sup> NHTSA clarifies that, while it implements several threshold grant requirements through certifications and assurances up front, the agency ensures that States have met those assurances through a variety of means, including routine oversight during the grant year and State year-end reporting in the Annual Report.

NHTSA carefully considered the relative benefits and burdens associated with the annual report narrative versus certifications and assurances (supported with routine oversight). NHTSA believes that retaining the annual report narrative is the least burdensome approach for States while still allowing the agency to conduct proper

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<sup>23</sup> GHSA, MN DPS OTS, NV OTS, SC OHSJP, TxDOT, VA HSO, and WTSC.

<sup>24</sup> GHSA, IA GTSB, MN DPS OTS, SC OHSJP, TxDOT, and VA HSO.

<sup>25</sup> GHSA, MN DPS OTS, SC OHSJP, and TxDOT.

<sup>26</sup> TN HSO.

oversight of statutory requirements. Under a certifications and assurances model, NHTSA would need to conduct additional oversight to ensure that a State is meeting the statutory PP&E requirement. This approach would require States to maintain sufficient documentation to demonstrate their PP&E activities, as well as how those activities informed their highway safety program. In NHTSA's experience, documentation of more qualitative statutory requirements creates confusion over what level and type of documentation is acceptable and creates serious challenges for States to cure insufficient documentation during oversight reviews. This concern is compounded if the statutory compliance issue is not discovered for longer periods of time, decreasing the potential solutions available to resolve the issue and increasing the risk that a recovery or payback of grant funds is required. A requirement to provide a high-level narrative summary of PP&E activities in an Annual Report allows States simply to describe *how* they meet the requirement—avoiding confusion over documentary support sufficiency and allowing for an easier cure if the initial narrative is insufficient to demonstrate compliance.

Accordingly, NHTSA concludes that a summary statement in the annual report balances the need for streamlining and burden reduction across the program while providing enough insight into the State's efforts that reasonable concerns over compliance are mitigated.

NHTSA appreciates the information provided in the comments and the viewpoints expressed over this requirement. As NHTSA continues to review other requirements of the program as part of streamlining and burden reduction efforts, NHTSA expects that a robust dialogue will continue with the States and stakeholder organizations on how best to improve the program.

As is explained in further detail in the preamble to this final rule, the Annual Report narrative is intended to be only a high-level discussion of PP&E efforts and should impose minimal burden on States.

The Joint DOTs expressed appreciation for NHTSA's statement in the NPRM that the Annual Report narrative is intended to be a high-level discussion and requested that NHTSA reaffirm this in the final rule. Commenter Michael Ravnitzky asked that NHTSA describe the standards the agency will use to determine whether an Annual Report PP&E narrative is adequate, and explain what happens if NHTSA determines the narrative is inadequate. Mr. Ravnitzky recommended that NHTSA require that the narrative describe the outreach methods used, the main affected communities identified, and one concrete example of how engagement changed a project or its design. NHTSA reaffirms that the Annual Report narrative is a high-level discussion. A narrative should discuss, in general terms, engagement activities the State carried out in the year, the communities engaged in those activities, and how the State's PP&E efforts informed projects implemented during the grant year. States need not describe how PP&E efforts informed every individual project. Instead, States can describe in more general terms how the efforts conducted informed the projects it implemented. NHTSA does not set a minimum required number of PP&E events, nor does the agency require a specific outcome from those efforts. To provide States with additional clarity, NHTSA will separately provide examples of successful Annual Report narratives. In recent years, States have submitted successful Annual Report narratives that were as short as two to three paragraphs. Other States opted to provide several pages to detail their activities and report on their PP&E accomplishments. Though PP&E requirements will be removed

from the triennial HSP, States may wish to consider developing brief narrative descriptions of PP&E efforts as they are conducted throughout the grant year so the information is available easily at year end for the Annual Report.

C. Other

NC GHSP encouraged NHTSA to ensure that guidance and feedback provided to States are clear and consistent. Michael Ravnitzky similarly recommended that NHTSA issue concise guidance materials and optional templates illustrating acceptable PP&E approaches and documentation for the Annual Report. He suggested providing targeted technical assistance and a limited transition period for States to update internal HSP formats. After publication of the 2023 Final Rule, NHTSA provided extensive training and technical assistance, including examples of sufficient Annual Report narratives. NHTSA will continue to provide guidance and webinars as needed and upon request by States. NHTSA will also continue to offer technical assistance to any State that seeks it. As this rule simply removes requirements, rather than adding new ones, NHTSA has determined that a transition period is not necessary.

Michael Ravnitzky submitted several comments aimed at NHTSA's rulemaking process and guidance for the PP&E requirement. Specifically, he recommended that NHTSA amend all regulatory text to remove any components that require prospective PP&E content in the triennial HSP. NHTSA proposed to do so, and this final rule maintains the removal of 23 CFR 1300.11(b)(2) as proposed. Mr. Ravnitzky also requested that NHTSA use a single definition for PP&E in 23 CFR 1300.3 (definitions), 1300.11 (triennial Highway Safety Plan), and 1300.13 (local expenditure). To preserve flexibility for each State to conduct PP&E and solicit feedback from affected

communities in a manner that is conducive to data trends and conditions in the State, NHTSA does not create a regulatory definition for public participation and engagement at this time. In the proposal, NHTSA proposed to eliminate the term “public participation and engagement” from the definition of triennial Highway Safety Plan in 23 CFR 1300.3 and to rewrite 1300.13(b)(3)(i) to remove the reference to 1300.11(b)(2) to reference PP&E activities more generally. The agency finalizes those proposed revisions in this action.

Michael Ravnitzky also advised NHTSA to create a brief one-page prospective notice that would be required for States with weak annual reports to describe their planned PP&E approach for major program areas. NHTSA declines to do so. As stated in the NPRM, NHTSA’s experience implementing the first triennial cycle under IIJA led the agency to determine that the prospective triennial planning information provided limited value to States in implementing PP&E or to NHTSA in conducting oversight.<sup>27</sup> If NHTSA finds that a State has not submitted a sufficient annual report narrative, NHTSA will provide technical assistance to assist the State in meeting the minimum requirements.

## **V. Regulatory Analyses and Notices**

### **A. Executive Order 12866 (Regulatory Planning and Review)**

NHTSA has considered the impact of this rulemaking action under Executive Order (E.O.) 12866.<sup>28</sup> This rulemaking does not meet the criteria of a “significant

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<sup>27</sup> 90 FR 45164, 45165 (Sept. 19, 2025).

<sup>28</sup> Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993).

regulatory action” under E.O. 12866. Therefore, the Office of Management and Budget (OMB) has not reviewed this rule under that E.O.

Submission of a triennial Highway Safety Plan is required for any State to receive a highway safety grant. The triennial HSP is submitted only once every three years, and there are a total of 57 eligible respondents (fifty States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Bureau of Indian Affairs). NHTSA projects that this rulemaking would save each applicant 64 hours that was used previously to collect, review, and submit the PP&E section of the triennial HSP.

For the costs associated with respondents preparing application materials, NHTSA used the estimated average wage for “Management Analysts,” Occupation Code 13-1111. The Bureau of Labor Statistics estimates that the average hourly wage for management analysts in State and local government is \$34.63.<sup>29</sup> The Bureau of Labor Statistics estimates that wages for State and local government workers represent 61.5 percent of total compensation costs.<sup>30</sup> Therefore, NHTSA estimates the hourly labor costs to be \$56.31 and estimates that hourly labor cost associated with preparing the PP&E section of the triennial HSP to be \$3,603.84 per respondent. Historically, all eligible States apply for and receive grants, so the total labor costs saved by all respondents by this action would be \$205,418.88, once every three years.

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<sup>29</sup> See May 2023 Occupational Employment and Wage Estimates, Industry: State Government, excluding Schools and Hospitals (OEWS Designation), *available at* [https://www.bls.gov/oes/2023/may/naics4\\_999200.htm](https://www.bls.gov/oes/2023/may/naics4_999200.htm) (accessed March 2, 2026).

<sup>30</sup> See Table 1. Employer Costs for Employee Compensation by ownership, *available at* <https://www.bls.gov/news.release/ecec.t01.htm> (accessed Mar. 2, 2026).

**B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)**

This rulemaking is an E.O. 14192<sup>31</sup> deregulatory action. The rulemaking decreases States' administrative burden by removing requirements to document public participation and engagement in triennial Highway Safety Plan submissions.

NHTSA estimates the cost savings of this rule would be \$205,418.88, once every three years. *See* discussion in section V.A., E.O. 12866, Regulatory Planning and Review, above for more information.

**C. Regulatory Flexibility Act**

The Regulatory Flexibility Act (RFA) of 1980 (5 U.S.C. 601 *et seq.*) requires agencies to evaluate the potential effects of their proposed and final rules on small businesses, small organizations, and small governmental jurisdictions. Section 605 of the RFA allows agencies to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. No. 104–21, 110 Stat. 857) amended the RFA to require Federal agencies to provide a statement of the factual basis for certifying that an action would not have a significant economic impact on a substantial number of small entities.

This final rule makes a limited revision to the uniform procedures implementing State highway safety grant programs, which were determined previously not to have a significant impact on a substantial number of small entities. The grant programs impacted by this rule will affect State governments, which are not considered to be small

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<sup>31</sup> Unleashing Prosperity through Deregulation, 90 FR 9065 (Feb. 6, 2025).

entities as that term is defined by the RFA. Therefore, NHTSA certifies that the rule will not have a significant impact on a substantial number of small entities and finds that preparing a Regulatory Flexibility Analysis is unnecessary.

**D. Executive Order 13132 (Federalism)**

E.O. 13132, “Federalism,” requires NHTSA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” 64 FR 43255 (Aug. 10, 1999). “Policies that have federalism implications” are defined in the E.O. to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” Under E.O. 13132, an agency may not issue a regulation with federalism implications that imposes substantial direct compliance costs not required by statute unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by State and local governments or the agency consults with the State and local government in the process of developing the regulation. An agency also may not issue a regulation with federalism implications that preempts a State law without consulting with State and local officials.

NHTSA analyzed this rulemaking action in accordance with the principles and criteria set forth in E.O. 13132. The revisions made in this rulemaking will decrease reporting requirements for States submitting triennial Highway Safety Plans as a basis to receive grant funding. Therefore, NHTSA determines that this action would not have federalism implications as defined in the Order that warrant formal consultation with State and local officials or preparation of a federalism summary impact statement.

**E. Executive Order 12988 (Civil Justice Reform)**

With respect to the review of the promulgation of a new regulation, section 3(b)(2) of E.O. 12988, “Civil Justice Reform” (61 FR 4729, Feb. 7, 1996) requires that executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect; (2) clearly specifies the effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct, while promoting simplification and burden reduction; (4) clearly specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

NHTSA has reviewed this rulemaking action and determined that it conforms to the applicable standards in section 3(b)(2) of E.O. 12988, Civil Justice Reform. The issue of preemption is discussed above in connection with E.O. 13132 (Federalism). NHTSA believes that this final rule specifies clearly the removal of the PP&E requirements from the triennial HSP and the related technical changes to the regulatory text to reflect the change to the triennial HSP. The amendments do not take effect retroactively. NHTSA notes further that there is no requirement that a recipient submit a petition for reconsideration before they may file suit in court.

**F. Paperwork Reduction Act**

Under the procedures established by the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information they conduct, sponsor, or require through regulations. A person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. NHTSA sought public comment on

revisions to the existing information collection described below in the NPRM that was published on September 19, 2025 and submitted a revision to the existing information collection request (ICR) to OMB for approval. The OMB Control Number for the information collection is 202212-2127-0730.

NHTSA did not receive any comments in response to the ICR but received several comments to the rulemaking docket that pertain to the information collection. Those comments are discussed in full in the preamble to this final rule, above. As explained in the preamble, in this action NHTSA sought to reduce administrative burden consistent with the agency's legal responsibilities. NHTSA finalizes the proposed regulatory amendments that eliminated the PP&E section of the triennial HSP.

NHTSA is submitting a supporting statement to OMB explaining how the final rule's collection of information responds to the comments received from the public. The final rule does not affect the estimates in the NPRM of these requirements.

#### **G. Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. No. 104-4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in expenditures by State, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually (adjusted annually for inflation with the base year of 1995). This rulemaking would not result in annual State expenditures exceeding the minimum threshold; instead, this rule likely will decrease administrative costs for States. Further, this rulemaking action updates NHTSA's State highway safety grant program, a

voluntary program, and States become eligible in part based on the choice to submit an application.

#### **H. National Environmental Policy Act**

The Department has analyzed the environmental impacts of this final rule pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). NHTSA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4). Categorical exclusions are categories of actions that the agency has determined normally do not significantly affect the quality of the human environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). *See* DOT Order 5610.1D § 9. In analyzing the applicability of a categorical exclusion (CE), the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. *Id.* § 9(b). The Department's Operating Administrations (OAs) may apply CEs established in another OA's procedures. *Id.* § 9(f). To do so, the Operating Administration "must evaluate the action for extraordinary circumstances identified in the OA procedures in which the CE is established to determine if a normally excluded action may have a significant impact and coordinate with the originating OA to ensure that the CE is being applied correctly." *Id.* This rulemaking, which eliminates reporting requirements related to public participation and engagement from the triennial Highway Safety Plan, is categorically excluded pursuant to 23 CFR 771.118(c)(4), "Planning and administrative activities not involving or leading directly to construction, such as: Training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit

authorities to continue existing service or increase service to meet routine demand.”

NHTSA has coordinated with the Federal Transit Administration to ensure that this CE is being applied correctly. NHTSA does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

**I. Executive Order 13175 (Consultation and Coordination With Indian Tribes)**

E.O. 13175 (65 FR 67249, Nov. 9, 2000) requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. NHTSA has assessed the impact of this rule on Indian tribes and determined that this action would not have Tribal implications that require consultation under E.O. 13175.

**J. Congressional Review Act**

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule to each House of the Congress and to the Comptroller General of the United States. NHTSA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the *Federal Register*.

Because this rule does not meet the criteria in 5 U.S.C. 804(2) for a major rule, it will be effective upon publication in the *Federal Register*.

**K. Regulation Identifier Number (RIN)**

DOT assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda twice a year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

**L. Privacy Act**

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). To facilitate comment tracking and response, NHTSA encourages commenters to provide their name, or the name of their organization; however, submission of names is optional. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

**List of Subjects in 23 CFR Part 1300**

Administrative practice and procedure, Alcohol abuse, Drug abuse, Grant programs—transportation, Highway safety, Intergovernmental relations, Motor vehicles—motorcycles, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, under the authority of 23 U.S.C. 401 *et seq.*, the National Highway Traffic Safety Administration amends 23 CFR part 1300 as follows:

**PART 1300 – UNIFORM PROCEDURES FOR STATE HIGHWAY SAFETY  
GRANT PROGRAMS**

1. The authority citation for part 1300 continues to read as follows:

**Authority:** 23 U.S.C. 402; 23 U.S.C. 405; Sec. 1906, Pub. L. 109–59, 119 Stat. 1468, as amended by Sec. 25024, Pub. L. 117–58, 135 Stat. 879; delegation of authority at 49 CFR 1.95.

**Subpart A – General**

2. Amend § 1300.3 by revising the definition of “Triennial Highway Safety Plan” to read as follows:

**§ 1300.3 Definitions.**

\* \* \* \* \*

*Triennial Highway Safety Plan (triennial HSP)* means the document that the State submits once every three fiscal years documenting its highway safety program, including the State’s highway safety planning process and problem identification, performance plan, countermeasure strategy for programming funds, and performance report.

**Subpart B – Triennial Highway Safety Plan and Annual Grant Application**

3. Amend § 1300.11 by:
- a. Revising paragraph (b)(1)(i); and
  - b. Removing and reserving paragraph (b)(2).

The revision reads as follows:

**§ 1300.11 Triennial Highway Safety Plan.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

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

\* \* \* \* \*

4. Amend § 1300.13 by revising paragraph (b)(3)(i) to read as follows:

**§ 1300.13 Special funding conditions for Section 402 grants.**

\* \* \* \* \*

(b) \* \* \*

(3) \* \* \*

(i) The specific political subdivision is involved in the planning process of the State's highway safety program (for example, as part of the State's public participation and engagement, as part of the State's planning for the annual grant application, or as part of ongoing planning processes), and the State then enters into agreements based on identification of need by the political subdivision and implements the project or activity accordingly. The State must maintain documentation that shows the political subdivision's participation in the planning processes (*e.g.*, meeting minutes, data submissions), and also must obtain written acceptance by the political subdivision of the project or activity being provided on its behalf prior to implementation.

\* \* \* \* \*

Issued in Washington, D.C., under authority delegated in 49 CFR 1.81 and 1.95 and  
49 CFR 501.4 and 501.5.

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**Jonathan Morrison,**  
*Administrator*