

NHTSA

Regional Operations and Program Delivery

Grants Management and Oversight Guidance

Guidance Topic	Paying for Public Participation and Engagement Activities with Program Funds
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Signature _____
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Citations:

23 USC 402(b)(1)(B) requires that State highway safety grant programs must “provide for a comprehensive, data-driven traffic safety program that results from meaningful public participation and engagement from affected communities, particularly those most significantly impacted by traffic crashes resulting in injuries and fatalities.”

23 CFR 1300.13(a) sets out NHTSA’s rules related to planning and administration (P&A) costs and program management costs in NHTSA’s Section 402 Highway Safety Grant Program.

PP&E Activity Costs:

Federal law requires that State Highway Safety Programs result from meaningful public participation and engagement (PP&E) from affected communities.¹ In the preamble to NHTSA’s final rule implementing the grant program², NHTSA stated that any costs associated with PP&E activities are planning and administration (P&A) costs. P&A costs are those direct and indirect costs that are attributable to the management of the State Highway Safety Agency. As a result, all PP&E costs were subject to the 50% match and 18% cap on expenditures that apply to P&A funds in the highway safety grant program.³

NHTSA and State grant recipients have been implementing the statutory PP&E requirement for two years. Over that time, NHTSA has come to recognize that while PP&E is an important tool for State planning, it simultaneously serves a strong programmatic purpose. In addition, many States have incorporated PP&E activities into ongoing highway safety activities.

As a result, NHTSA believes that it is appropriate to amend the interpretation it made in the preamble to the final rule that PP&E activities are P&A costs. Instead, starting with FY 2025 highway safety grants, PP&E activities will be treated as program management costs. As a result, PP&E activities will follow the funding rule applicable to all non-P&A costs: 20% aggregate match with no cap on expenditures.⁴ States should use the designated PP&E eligible use code in the Annual Grant Program project list for PP&E activities.

¹ 23 U.S.C. 402(b)(1)(B).

² 88 FR 7780, 7788 (Feb. 6, 2023).

³ 23 CFR 1300.13(a).

⁴ 23 U.S.C. 120.