

**Comments and Responses from the
408 Town Hall Meeting Session
Traffic Records Forum
July 25, 2007
St. Louis, MO**

Background:

During the 2007 Traffic Records Forum, NHTSA hosted a Town Hall discussion of the Section 408 Program.

Below are general observations from the 408 National Review Team on the 2007 408 grant applications. *NHTSA responses follow State questions/comments and are provided in blue italics.*

**The 408 National Review Team General Observations of the
June 2007 grant applications.**

- It was difficult to distinguish between baseline and current values for performance measures.
- There was extensive use of guesstimates (e.g. 30 days) as opposed to true measurements.
- There appeared to still be general confusion as to what constituted a valid performance measure.
- There was a general lack of description of how performance measures improvements were derived or calculated.
- It was difficult to relate performance measures improvements back to contributing project activity in the Strategic Plan.
- Many states were unable to demonstrate that reported MMUCC/NEMESIS improvements were actually being implemented (i.e. collected and entered into date base).
- There were too many states where there was a total reliance on a SINGLE performance measure or project to demonstrate progress.
- In some cases, readability and document format made some applications hard to follow and 'progress' difficult to find.
- There appeared to be a general assumption that the first year performance measures if included in the first year application had already been validated and accepted by NHTSA.

NHTSA Response to Above Concerns:

The Section 408 Team, which is composed of the representatives of NHTSA, FMCSA, and FHWA that were responsible for reviewing the Section 408 funding applications, has undertaken a significant effort to assure that the states receive a single, consistent message between now and the next

application due date. NHTSA hosted Regional and state-level workshops for two years to try to provide guidance to the states. The workshops were designed to ensure that the states understood the contents of the SAFETEA-LU legislation and the Federal Register, as well as to clarify the Team's expectations for the strategic plan and application documents.

The initial outreach effort was hampered by available time, with the Federal Register Guidelines not being published until February 2006. This was unfortunate, but unavoidable due to the requirements to publish the Guidelines, and then develop and compile training materials to be provided to the Regions/States.

Now that most of the issues have been addressed, and the state and federal partners in this program have had the opportunity to work through most of the issues of concern, the Section 408 Working Team is about to implement an aggressive campaign to ensure that the states receive accurate, consistent guidance from the Regions.

State Questions/Comments and NHTSA Responses

One general theme from the States was the perceived disconnect between the 408 National Review Team, their contractors and the Regions. Despite the support of the NHTSA workshops, we were all a bit surprised at the level of misinformation in the audience. Many of the comments and questions below were addressed in the NHTSA workshops, but that does not mean that all appropriate State personnel were in attendance, or subsequently received the information.

State Comment:

- "I did not know that the Strategic Plan had to include more than just Section 408 funds."

NHTSA Response:

At all workshops conducted in both in 2006 and 2007 particular emphasis was placed upon the language from the legislation and federal guidelines stating that the strategic plans were to identify how Section 408 AND OTHER FUNDS would be used to improve systems.

State Comment:

- "NHTSA doesn't understand how IT projects work i.e. How much work goes into the planning phase and how long it takes before actual progress can be documented."

NHTSA Response:

The workshops and state-level meetings made a significant effort to encourage states to include within their strategic plans those projects that were under way, irrespective of funding source, that were likely to demonstrate measurable improvement in the near term. States were also encouraged to identify 'low hanging fruit' projects that could be implemented quickly and which would have short term impact.

State Comment:

- "We were not aware that we could adopt other projects already underway and credit their data quality progress as improvement."

NHTSA Response:

Including funds other than 408 in the Plan, as well as having a project with fast turnaround to demonstrate progress, was stressed during the workshops both in 2006 and 2007. The states do not have much time between when they receive their 408 funds and June 15, and it is not reasonable to believe that all projects started in November would show quantifiable progress by the following June. Because of the ease of demonstrating progress alone, it would behoove the states to include non-408 funded projects in the strategic plan. The strategic plan should be more than a 408 grant application; it should be a comprehensive traffic records strategic plan that includes any project pertaining to the improvement of traffic records systems.

State Comments:

- "We did make progress in terms of task based performance measures- e.g. we developed a data dictionary or published a crash file-we should get credit for that."
- "Issues with IT and setup and that it is difficult to achieve over such a limited amount of time period to achieve performance on such systems. My State feels that they are putting a lot of efforts into these projects and not receiving acknowledgement for this."

NHTSA Response:

The Federal Guidelines state that improvement should be the direct improvement of one of the core traffic records systems (crash, driver, vehicle, citation, EMS, roadway), in terms of a performance area (timeliness, completeness, accuracy, uniformity, compatibility, integration). The state must show measurable progress. Although some of these administrative tasks or milestones may be major undertakings

and their achievement notable, it does not qualify as progress in terms of the Federal Guidelines.

The states were repeatedly informed that the language in the legislation specifies six specific performance areas (timeliness, accuracy, etc.) by which progress could be demonstrated. It was noted during the review of the June 2006 applications that many states confused milestones with performance measures and during the 2007 workshops a major focus was to try to clarify this to the states. Indeed, NHTSA provided a 'fill in the blank' format for writing performance measures and distributed an extensive handout and slide show on how to write valid Section 408 performance measures.

The Team recognizes that there are significant administrative and logistical issues to be overcome before the specific performance areas listed in the legislation can be improved. They are sensitive to the idea that for many states the first task of forming and empowering a viable TRCC is a major accomplishment; unfortunately, as discussed in the workshops only the six defined performance areas can be used to show progress as part of the subsequent year requirements.

State Questions:

- "Where does it say in the Section 408 rule that performance measures have to be quantified?"
- Where in the statute does it state you have to have quantifiable progress?

NHTSA Response:

During the course of the 2006 workshops the outreach team clarified that each state should be prepared to explain how they 'measured' their performance measures. In the 2007 workshops a significant effort was made to impress upon the states that performance measures needed to be "measured" and specific reference was made to the language that says that the states must "demonstrate measurable progress"

State Questions:

- "Will the amount of funds awarded be tied to how much improvement was made in a performance measure?"
- "Will performance measures, projects and goals for first year have an effect on funding level for the 2nd year from the 1st year? Will preference be made for 2nd year application or 1st year? Better funding or continued funding?"

NHTSA Response:

During both 2006 and 2007 workshops the states were told that the distribution of funds is determined by the state's Section 402 allotment and the number of states qualifying that year for Section 408 money. The minimum for a first year state is \$300,000 and \$500,000 for the subsequent year. For example, if 15 states qualified for funding, those 15 would split \$34.5 million based upon their Section 402 funding. The total sum must be allocated to the states each year. Allotments are not affected by the amount of progress a state has made or the quality of their strategic plan.

State Questions:

- Why is there such disconnect between the levels of review? There appears to be an inconsistency between these reviews.
- "We thought that MMUCC or NEMESIS progress just had to be certified by TSASS-we did not know that new data elements actually had to be collected and entered into a data base in order to count as performance measure progress."
- "HSO Communications need to be improved between NHTSA and the States, there has to be issues if all the States and territories had difficulties achieving acceptable reporting of their performance measures and this might lead to issues in the future with the states wanting to submit to another year of 408".
- "NHTSA did not communicate well with how to document or what acceptable performance measure entails for the 408 application. More should have been done on the front end and they wouldn't have been as many issues that have arisen as a result of this round of 408 funding."

NHTSA Response:

The above comments all fall into the recurring issue of 'consistent guidance' which, as mentioned previously is being addressed with the 2008 outreach efforts.

State Comment:

- "We were told by your contractor that improvements in electronic reporting were acceptable performance measures."

NHTSA Response:

The 408 Team is sensitive to the fact that states received mixed messages from the 408 Review Team, their contractor and NHTSA Regions. What seemed passable to one person or group did not meet the standards of another. In the end, the 408 Review Team is the group whose opinion

really counts. This year, NHTSA will be working primarily with the Regions, who will then work with their states. During all meetings, a 408 Team member will be available for comment to support the NHTSA Regional Program Manager working with the state. A web page will be created that contains links to all documents approved by the 408 Team for use by the states and Regions.

Unfortunately, this was a learning process for everyone and some of the messages and processes were not clear from the beginning. This year the 408 Team would like to set all expectations, including those on performance measures, as soon as possible.

State Comment

- Stated that the States' strategic plans need to be a comprehensive plan encompassing various projects not limited to 408. Would like NHTSA to ask for the best performance measures and not require them in every area (In this case 26 projects). States it is extremely difficult to document every measure as a whole.

NHTSA Response:

The 408 Team would like to see system level (not project level) performance measures. The fruits of 5 separate projects in the strategic plan could all roll up into one system level performance measure. The state should have at least three good, easily calculated performance measures. Not every project needs to have a performance measure.

State Comments:

- Would like to get best practices on various projects from other states to help with planning.
- Would recommend a summary section for budget on the 408 website.

NHTSA Response:

Suggestions from the States and Regions have been acknowledged and revisions to the 408 Monitoring System are underway. The new system should be available by the end of October and training on the system will be included in all workshops. NHTSA is in the process of compiling the best and worst sections of the strategic plans submitted in June, 2007 to share with the regions during training sessions.

State Question:

- Believes that the states are required to do an enormous amount of work for little funding and are required to jump through large hoops. What can NHTSA do to make the 408 process easier?

NHTSA Response:

NHTSA realizes that there is a large amount of work required in this process, with a large amount of this work being counted in the comprehensive strategic plan and performance based measures. In spite of the amount of work, most states have mentioned that a coordinated process in the state is ideal but for various reasons is difficult for the state to achieve.

Many states have created strategic plans that contain much more information than what the 408 Team is requesting. The 408 Monitoring System was created, in part, for the states to have a concise format in which to organize their plan. Regional representatives from NHSTA, FHWA, and FMCSA have made themselves available to assist state TRCCs that are having problems obtaining support.

State Comment:

- Would like to know what the outcomes of the reviews by General Council in the second year (Dynamics)?

NHTSA Response:

NHTSA is in the process of compiling all questions sent by the Review Team to the states after June 15, 2007, the state's response to those questions, and the Review Team's commentary on the materials into single-state documents. These documents will be used during the Regional Workshops in hopes of better educating the Regional Program Managers (RPMs) about the concerns address from the 408 Review Team on each State's application.

State Comment:

- Wants this six pack- Clarification, Communication, Continuity, Compassion, Consideration and Concrete Conclusions.

NHTSA Response:

Clarification, Communication, Continuity & Concrete Conclusions – NHTSA and the 408 Team are working together to make all communications and expectations as clear and direct as possible through

their own learning processes, a more coordinated approach with the Regions and other partners, and in a timely manner so that states have adequate time to respond to the expectations.

Compassion & Consideration –The 408 Review Team may act only as compassionately as the laws set forth by Congress. They would like to see all states and territories succeed, but they must first meet at least the law. NHTSA has offered assistance to any state and territory that requests help, and is committed to continuing this assistance.