



U.S. Department
of Transportation
*National Highway
Traffic Safety
Administration*

Memorandum

SEP - 2 2008

Subject: Use of Highway Safety Grant Funds for
Nontraffic, Noncrash Events Involving Motor Vehicles

Reply to Attn. of

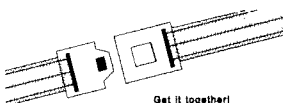
From: 
Marlene Markison
Associate Administrator for Regional Operations
and Program Delivery

To: Regional Administrators

In February 2008, Congress passed the Cameron Gulbransen Kids Transportation Safety Act of 2007 (KT Safety Act). This Act requires the Secretary of Transportation, through NHTSA, to collect data, issue regulations, and provide consumers with information on incidents that occur inside or outside of motor vehicles irrespective of where these incidents might occur (such as back over, rollaway and power window entrapment). Subsequently, Agency officials and State and local officials have been asked if Section 402 and other highway safety grant funds may be used to fund programs related to such nontraffic, noncrash events involving motor vehicles.

Section 402 State and Community Highway Safety grants and other NHTSA State grants focus on *highway* and *traffic* programs. The Section 402 legislation specifies that the grant funds are designated to support a "highway safety program" in each State "...designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom." Similar language is used in the legislation establishing NHTSA's other State grant programs. A State's use of grants must be consistent with these statutory requirements, which seek to address safety problems on public roadways. Accordingly, highway safety grant funds may not be used to fund discrete projects or programs related solely to off-the-road events. In areas of overlap, however, we believe that some limited flexibility is acceptable, as discussed below.

The activities supported by NHTSA highway safety grant programs are planned, conducted, and managed by the States based on their safety issues and priorities, as established in their data-driven Highway Safety Plans. We recognize that youth safety,



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and particularly the safety of very young children, is a nationwide priority that cuts across many Federal and State programs, and that the dividing line between direct traffic safety activities and closely related off-the-road safety activities is not always clear cut. With this in mind, we will not question a State's incidental use of highway safety grant funds for nontraffic, noncrash activities involving young children in and around motor vehicles.

More specifically, NHTSA will not object if a State highway safety program funded under Section 402 or another appropriate grant program, based on problem identification and recognition of youth safety as a program priority, overlaps to a minor extent into nontraffic, noncrash activities involving youth safety and motor vehicles. However, the overlapping activities must: 1) constitute only an incidental part of a broader State child passenger safety or data collection effort concentrated on the roadways; and 2) involve only passenger cars and multipurpose passenger vehicles, as defined in 49 C.F.R. 571.3. For example, the Agency will not object if a child passenger safety training program, funded through a NHTSA grant, includes training for parents to check around the car before pulling out of the driveway, as part of a comprehensive effort to train parents in safe child safety practices on the road.

This policy does not allow for NHTSA grant funds to be used for off-road activities involving ATVs, dirt bikes and other vehicles that do not meet the definition of a passenger car or multipurpose vehicle.

Please share this information with your States.

