

procedures to set performance targets. Performance measures set the stage for an informed discussion of State performance, barriers to improvement, potential countermeasure strategies, and the expected benefits of safety activities. SHSOs should expand and engage more diverse stakeholders when establishing performance targets. Considering the viewpoints of underserved and overrepresented communities is critical for setting performance targets.

SHSOs should ensure that performance targets and measures are developed in cooperative partnerships based on data and objective information. The SHSO should use the most current available data to perform a trend analysis to help predict what is likely to happen. Using a data-driven decision process that accounts for the SHSO's programming and interventions helps maintain a focus on improvement. This approach helps make investment and policy decisions to achieve performance targets.

NHTSA acknowledges that States face many other considerations when setting performance targets. Each performance target must be treated individually instead of applying the same formula or giving a blanket statement about what factors were considered for the entire process. For example, suppose a primary seat belt law was recently enacted in your State. In that case, the State could expect to have a higher decrease in unbelted fatalities compared to other types of fatalities.

When setting targets, SHSOs should consider the following as part of their justification:

- Problem identification and trend analysis
- What data sources were considered?
- Which sociodemographic sources are considered?
- How will the program, countermeasure strategy, and project selections adjustments help meet the target?
- How were underserved and overrepresented communities considered?
- How has the SHSO engaged with stakeholders?
- Anticipated levels of effort
- Economic conditions
- Legislative changes
- Political support
- Has the State adopted the Safe System approach?
- Other local considerations such as other transportation efforts, employment patterns, weather, demographic changes, and travel patterns

Illustrative Examples

As a reminder, States are required to provide performance measures for every countermeasure strategy for programming funds in the 3HSP. Projects do not require specific performance measures but are instead associated with performance measures through their corresponding countermeasure strategy. This section provides context for when a State may need to submit a State-developed performance measure. For example, drugged or poly-substance impaired driving is listed as a State-developed performance measure because data is not consistently collected across States and territories, and State programs vary. NHTSA encourages States to look at ways to improve data collection related to drug impairment and testing. Suppose an SHSO includes a drug-impaired driving countermeasure strategy within the Impaired Driving program area. In that case, the State may not rely on the *number of fatalities involving a driver or motorcycle operator with a BAC of .08 and above* universal core performance measure as that measure is specific to alcohol-impaired driving. Instead, the SHSO must include a State-developed performance measure related to drugged driving. Other examples include if the SHSO has a Police Traffic Services program area that includes multiple topics such as speeding and distracted driving. In this example, the SHSO may not rely solely on the *number of speeding-related fatalities* performance measure. Rather, the SHSO may need to use a State-developed performance measure such as *observed cell phone/handheld electronic, distracted driving fatalities*, or another measure specific to the State's countermeasure strategies. Countermeasure strategies for topics such as traffic records may not rely on the *universal core measures* because none are relevant to traffic records. Instead, SHSOs will need to create a *State-developed performance measure* such as improvement in accuracy.¹⁵

Further, even for program areas and countermeasure strategies for which there is a *universal or strategic core performance measure*, SHSOs are strongly encouraged to also develop additional *State-developed performance measures* to more specifically address their problem ID when appropriate. For example:

¹⁵ For additional guidance in setting performance measures related to traffic records system, see *Traffic Records Data Quality Management Guide: Update to the Model Performance Measures for State Traffic Records Systems*, DOT HS 813 544 (Mar 2024). Available online at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813544>.

- In addition to UC-7 (*number of pedestrian fatalities*), a State could develop a separate measure for *pedestrian fatalities for ages 18–34*.
- In addition to *number of motorcyclist fatalities*, a State could develop a separate measure for *number of unhelmeted fatalities*.
- In addition to UC-4 (*number of unrestrained passenger vehicle occupant fatalities, all seat positions*), a State could develop a separate measure for *observed seat belt use for passenger vehicles, front seat outboard passengers*.
- In addition to UC-5 (*number of fatalities involving a driver or motorcycle operator with a BAC over your State's legal limit*), a State could develop a separate measure for *Number of fatalities in crashes involving a driver or motorcycle operator with a blood alcohol concentration (BAC) of .05 and above*.

VI. Applicability Date

SHSOs will submit performance measures aligning with this framework beginning with the 3HSP due to NHTSA on July 1, 2026, covering fiscal years 2027, 2028 and 2029.

Authority: 49 CFR 1.95 and 501.8(i).

Issued in Washington, DC.

Barbara Sauers,

Associate Administrator, Regional Operations and Program Delivery.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2019–0042; Notice 2]

Gillig, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Gillig LLC, determined that certain model year (MY) 2013–2019 Gillig Low Floor buses do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 102, *Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect*. Gillig filed a noncompliance report dated April 1, 2019, and later amended the report on April 23, 2019. Gillig subsequently petitioned NHTSA on May 8, 2019, for a decision that the subject noncompliance is inconsequential as it

relates to motor vehicle safety. This notice announces the grant of Gillig's petition.

FOR FURTHER INFORMATION CONTACT: Ahmad Barnes, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), (202) 366-7236.

SUPPLEMENTARY INFORMATION:

I. Overview: Gillig has determined that certain MY 2013–2019 Low Floor buses do not fully comply with paragraph S3.1.3 of FMVSS No. 102, *Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect* (49 CFR 571.102). Gillig filed a noncompliance report dated April 1, 2019, and later amended their report on April 23, 2019, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*, and subsequently petitioned NHTSA on May 8, 2019, for an exemption from the notification and remedy requirement of 49 U.S.C Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

Notice of receipt of Gillig's petition was published with a 30-day public comment period, on September 20, 2019, in the **Federal Register** (84 FR 49624). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2019-0042."

II. Buses Involved: Approximately 925 MY 2013–2019 Gillig Low Floor buses, manufactured between December 23, 2013, and February 25, 2019, are potentially involved.

III. Noncompliance: Gillig explains that the noncompliance is that the subject buses are equipped with a starter interlock that allow starter operation while the transmission shift position is in a forward or reverse drive position and therefore, does not meet the requirements in paragraph S3.1.3 of FMVSS No. 102.

IV. Rule Requirements: Paragraph S3.1.3 of FMVSS No. 102 provides the requirements relevant to this petition. Except as provided in paragraphs S3.1.3.1 through S3.1.3.3, the engine starter shall be inoperative when the transmission shift position is in a forward or reverse drive position.

V. Summary of Gillig's Petition: The following views and arguments

presented in this section, "V. Summary of Gillig's Petition," are the views and arguments provided by Gillig and do not reflect the views of the Agency. Gillig described the subject noncompliance and contended that the noncompliance is inconsequential as it relates to motor vehicle safety.

Gillig says that Allison Transmission Inc., (ATI) conducted an audit at Gillig's headquarters and discovered the noncompliance. In support of its petition, Gillig explains that "the potentially noncompliant condition occurs as follows: when the ignition switch is in the ON position, the engine is stopped, the shift selector is in the 'Forward' or 'Reverse' position, and the start button is depressed, the starter cranks the engine, but the transmission does not engage because, according to ATI, the shifter is in an inhibited state." Gillig describes the inhibited state, "in a condition with ignition on/engine off, even if the transmission gear selector is moved to Drive or Reverse, the transmission shifter does not broadcast anything but Neutral to the transmission control unit". Gillig says that "with the engine running, the vehicle operator must perform four separate actions in a specific sequence to engage the transmission and move the vehicle under power, specifically: (a) place foot on brake (b) select neutral (c) select a gear, and (d) remove foot from foot brake." Gillig says that "because the transmission controller defaults the transmission to neutral after an engine start, there is no risk of unintentional vehicle movement" and therefore the subject noncompliance is inconsequential to motor vehicle safety.

Gillig concluded that the subject noncompliance is inconsequential as it relates to motor vehicle safety and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

VI. NHTSA's Analysis: The burden of establishing the inconsequentiality of a failure to comply with a *performance requirement* in an FMVSS—as opposed to a *labeling requirement with no performance implications*—is more substantial and difficult to meet. Accordingly, the Agency has not found many such noncompliances inconsequential.¹

¹ Cf. *Gen. Motors Corporation: Ruling on Petition for Determination of Inconsequential Noncompliance*, 69 FR 19897, 19899 (Apr. 14, 2004) (citing prior cases where noncompliance was expected to be imperceptible, or nearly so, to vehicle occupants or approaching drivers).

In determining inconsequentiality of a noncompliance, NHTSA focuses on the safety risk to individuals who experience the type of event against which a recall would otherwise protect.² In general, NHTSA does not consider the absence of complaints or injuries when determining if a noncompliance is inconsequential to safety. The absence of complaints does not mean vehicle occupants have not experienced a safety issue, nor does it mean that there will not be safety issues in the future.³

In evaluating the merits of the petition for inconsequentiality by Gillig, NHTSA has determined that this noncompliance is inconsequential to motor vehicle safety. Paragraph S3.1.3 of FMVSS No. 102 requires that the engine starter shall be inoperative while the transmission is in a forward or reverse position. In the subject vehicles, the starter is operational when a forward or reverse position is selected, which is noncompliant. Gillig contends that the subject vehicles are equipped with a shift controller interlock which is active when the propulsion system is on and prevents the vehicle from moving without the driver first performing a series of actions. The interlock prevents the forward or reverse gears from engaging until the transmission is first returned to its neutral position. Gillig also noted that the subject vehicles do not have a park position on the transmission selector which means the vehicles are likely to be started in either a forward or reverse gear. NHTSA agrees that subject Gillig vehicles shift interlock provides sufficient assurance of preventing unintended forward or rearward movement. More specifically, NHTSA agrees that because the transmission controller defaults the transmission to neutral after an engine start, there is no risk of unintentional vehicle movement. Consequently, the

² See *Gen. Motors, LLC; Grant of Petition for Decision of Inconsequential Noncompliance*, 78 FR 35355 (June 12, 2013) (finding noncompliance had no effect on occupant safety because it had no effect on the proper operation of the occupant classification system and the correct deployment of an air bag); *Osram Sylvania Prods. Inc.; Grant of Petition for Decision of Inconsequential Noncompliance*, 78 FR 46000 (July 30, 2013) (finding occupant using noncompliant light source would not be exposed to significantly greater risk than occupant using similar compliant light source).

³ See *Morgan 3 Wheeler Limited; Denial of Petition for Decision of Inconsequential Noncompliance*, 81 FR 21663, 21666 (Apr. 12, 2016); see also *United States v. Gen. Motors Corp.*, 565 F.2d 754, 759 (D.C. Cir. 1977) (finding defect poses an unreasonable risk when it "results in hazards as potentially dangerous as sudden engine fire, and where there is no dispute that at least some such hazards, in this case fires, can definitely be expected to occur in the future").

interlock present here satisfies the intent of §3.1.3 of FMVSS No. 102, NHTSA finds that the noncompliance in the subject vehicles is inconsequential to safety.

VII. NHTSA's Decision: In consideration of the foregoing, NHTSA finds that Gillig has met its burden of persuasion that the subject FMVSS No. 102 noncompliance in the affected buses is inconsequential to motor vehicle safety. Accordingly, Gillig's petition is hereby granted and Gillig is consequently exempted from the obligation of providing notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject buses that Gillig no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant buses under their control after Gillig notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

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DEPARTMENT OF TRANSPORTATION

[DOT-OST-2024-0127]

Solicitation for Annual Combating Human Trafficking in Transportation Impact Award

AGENCY: Office of the Secretary of Transportation, U.S. Department of Transportation.

ACTION: Notice.

SUMMARY: The annual Combating Human Trafficking in Transportation Impact Award (the award) is a component of the Department of Transportation's (DOT) Transportation Leaders Against Human Trafficking

initiative that seeks to raise awareness among transportation stakeholders about human trafficking and increase training and prevention to combat the crime. The award serves as a platform for transportation stakeholders to creatively develop impactful and innovative counter-trafficking tools, initiatives, campaigns, and technologies that can be shared with the broader community to help stop human trafficking. The award is open to individuals and entities, including non-governmental organizations, transportation industry associations, research institutions, and State and local government organizations.

Entrants compete for a cash award of up to \$50,000 to be awarded to the individual(s) or entity selected for creating the most impactful counter-trafficking initiative or technology.

DATES: Submissions will be accepted from January 6, 2025 through 11:59 p.m. PST/2:59 a.m. EST on March 7, 2025.

ADDRESSES: Additional information regarding the Department's counter-trafficking activities can be found at www.transportation.gov/stophumantrafficking.

Additional information regarding the Department's counter-trafficking activities can be found at www.transportation.gov/stophumantrafficking. To register your intent to compete individually or as part of a team, visit www.transportation.gov/stophumantrafficking, email trafficking@dot.gov, or contact the Office of International Transportation and Trade at (202) 366-4398.

SUPPLEMENTARY INFORMATION:

Award Approving Official: The Secretary of Transportation (Secretary).

Subject of Award Competition: The Combating Human Trafficking in Transportation Impact Award recognizes impactful, innovative, and shareable approaches to combating human trafficking in the transportation industry.

Problem

As many as 27.6 million men, women, and children are held against their will and trafficked into forced labor and commercial sex. Transportation figures prominently in human trafficking enterprises when traffickers move victims, which uniquely positions the industry to combat the crime.

Challenge

The Combating Human Trafficking in Transportation Impact Award is looking for the best innovators to develop original, impactful, unique, and shareable human trafficking tools,

initiatives, campaigns, and technologies that can help stop these heinous crimes in the transportation industry.

Eligibility

To be eligible to participate in the Combating Human Trafficking in Transportation Impact Award competition, private entities must be incorporated in and maintain a primary place of business in the United States, and individuals must be citizens or permanent residents of the United States. There is no charge to enter the competition.

Rules, Terms, and Conditions

The following additional rules apply:

1. Entrants shall submit a project to the competition under the rules promulgated by the Department in this Notice;

2. Entrants must indemnify, defend, and hold harmless the Federal Government from and against all third-party claims, actions, or proceedings of any kind and from any and all damages, liabilities, costs, and expenses relating to or arising from participant's submission or any breach or alleged breach of any of the representations, warranties, and covenants of participant hereunder. Entrants are financially responsible for claims made by a third party;

3. Entrants may not be a Federal entity, Federal employee acting within the scope of their employment, or a family member of a Federal Employee;

4. Entrants may not be an employee or family member of an employee of the U.S. Department of Transportation;

5. Entrants shall not be deemed ineligible because an individual used Federal facilities or consulted with Federal employees during a competition if the facilities and employees are made available to all individuals participating in the competition on an equitable basis;

6. The entries cannot have been submitted in the same or substantially similar form in any other previous Federally sponsored promotion or Federally sponsored competition;

7. Entrants previously awarded first place are not eligible to reenter for the same or substantially similar project;

8. Entries which, in the Department's sole discretion, are determined to be substantially similar to another entity's entry submitted to this competition may be disqualified;

9. The competition is subject to all applicable Federal laws and regulations. Participation constitutes the entrants' full and unconditional agreement to these rules and to the Secretary's decisions, which are final and binding