

EXECUTIVE SUMMARY

On behalf of the Commissioner of the Division of Motor Vehicles and the Governor's Representative for Highway Safety Joseph J. Cicchirillo, we are pleased to present the FY 2007 West Virginia Highway Safety Plan. This will serve as an outline for improving the safety of all motorists on West Virginia's roadways. It will detail our efforts in reducing the loss of life and injuries resulting from motor vehicle crashes.

The Governor's Highway Safety Program (GHSP), a section of the West Virginia Division of Motor Vehicles, has developed a comprehensive problem-based Highway Safety Plan (HSP). The Governor's Highway Safety Program faces considerable challenges in 2007. The development of the FY07 Highway Safety Plan sets the priorities and goals for the upcoming year.

FY 2006 proved to be successful. The GHSP decided to focus on the basics and exert more direct involvement in the various activities and priorities. The priorities for 2007 will be Occupant Protection, Impaired Driving, Community Traffic Safety Programs, Motorcycle/ATV Safety, Youth Alcohol Issues, Traffic Records, and the coordination of law enforcement, state, community and private sector efforts to reach the goals set forth by the GHSP.

Over the last five years, the Governor's Highway Safety Program, along with our Highway Safety partners and advocates, has worked hard to raise our Seat Belt Usage rates from 49.5 % in 2000 to the current 2006 rate of 88%. This increase is a direct result of the "Click It or Ticket Law Enforcement Challenge", with over two-thirds of West Virginia's law enforcement agencies participating, in conjunction with paid media. The GHSP Law Enforcement Liaison Office has been instrumental in gaining and maintaining law enforcement's interest in the program.

During FY 2005, the "WV LIFESAVERS" program was launched to provide incentives to individual law enforcement officers to become involved in our occupant protection efforts, and over 300 officers participated in 2006. We will expand the program to encompass other enforcement projects and increase the numbers of participants.

The non-use and misuse of child passenger safety devices continues to be around 85% (observations at CPS safety events). In 2006, the "High School Seat Belt Challenge", directed to 15-18 year olds, was implemented in high schools throughout the state. We have also broadened our focus on the 4-15 year old age group.

Impaired driving is a continuing problem with 34% of the 2006 motor vehicle fatalities being alcohol related. The vast majority of these occurs at nighttime, are single vehicle accidents, and run off the roadway. The Governor's Highway Safety Program's Law Enforcement Liaison Office has expanded in order to take a broader role in not only Occupant Protection activities, but Impaired Driving and other focus areas as well. The GHSP facilitated an initial meeting of a statewide DUI Taskforce. This group formulated a year long sustained Impaired Driving Enforcement Plan, which includes the participation of the WV State Police, local law enforcement agencies, GHSP, Regional Traffic Safety Programs, other state and community agencies, and advocate groups. We are in the 21st month of this plan and will continue into FY2007.

West Virginia will also participate in the NHTSA Mid Atlantic Region's "Checkpoint Strikeforce". This campaign's emphasis is on high visibility enforcement with both paid and earned media.

The GHSP Law Enforcement Liaison program will take the lead in law enforcement training and organizing law enforcement activities. The GHSP will continue to support law enforcement efforts and maintain supervision of the activities and focus.

West Virginia receives grant funding from the National Highway Traffic Safety Administration (NHTSA) to combat the challenges highlighted above. These funds are allocated through the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). West Virginia receives various incentive/ innovative grant awards along with the general 402 appropriation. Funding will enable West Virginia to provide additional training and education for law enforcement, Highway Safety Advocates, and the general public on the above-mentioned highway safety issues. Funding will allow continuing progress toward a real time traffic records data base. A grant was awarded and the position of Traffic Records Coordinator was filled in November 2003. Progress toward the goals of the Strategic Traffic Records Plan formulated in November 2001 is being made.

We will continue to fund traffic safety initiatives through eight Regional Traffic Safety Programs throughout West Virginia covering all fifty five counties. We will continue to work diligently to support and promote efforts to upgrade occupant protection, impaired driving, and other laws that promote safer highways in West Virginia.

The HSP outlines the West Virginia Governor's Highway Safety Program's goals and objectives, and details the activities for which the state's FY 2007 Section 402 funds may be used. Applicants for Section 402 funds (i.e. city, county, and state agencies) must clearly identify a highway safety problem and support it with evidence. The applicants must identify and define measurable objectives and activities that will impact the problem identified. All proposals must be in line with the goals and objectives set forth in this plan. Additionally, we are open to new and creative ideas for projects and activities that will reduce motor vehicle crashes, injuries, and fatalities.

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West Virginia Governor's Highway Safety Program

Mission Statement

The mission of the Governor's Highway Safety Program is to nurture grassroots initiatives, programs and projects that promote occupant protection, supports law enforcement, and stop impaired drivers, thereby reducing crashes, injuries and fatalities on the highways of West Virginia.

The Governor's Highway Safety Program was created by Executive Order 6-A 67, issued on October 10, 1967. In January 1972, the Governor's Highway Safety Program was transferred to the Office of Governor by Executive Order 2-72. On July 1, 1977, by Executive Order 4-77, the GHSP was transferred to the Governor's Office of Economic and Community Development (GOECD). The GHSP was reassigned to the renamed GOECD - Governor's Office of Community and Industrial Development (GOCID) - by Executive Order 15-85 issued on November 21, 1985. In 1992, HB 4164 renamed the GOCID to the West Virginia Development Office. On November 12, 1993, the GHSP was transferred to the Department of Military Affairs & Public Safety by Executive Order 6-93. On February 1, 1998, Governor Cecil Underwood transferred the responsibility of the GHSP from the Department of Military Affairs and Public Safety to the Division of Motor Vehicles of the WV Department of Transportation.

GHSP Staff and Responsibilities

Director (Bobby Tipton) Responsible for planning, organizing and directing the programs and activities of the Governor's Highway Safety Program in accordance with Federal and State rules, regulations and guidelines. 50/50 State/Federal

Executive Assistant (Mark Holmes) Program Manager, responsible for two CTSP Regions, ATV Safety Program, and FMCA Grants. 50/50 State/Federal

Community Development Specialist II (Barbara Lobert) Program Manager, responsible for three CTSP Regions, Occupant Protection Program Manager, Policy and Procedures, Highway Safety Plan, Annual Report content. 100% Federal

Community Development Specialist I (Gary Winter) Program Manager, responsible for three CTSP Regions, Alcohol Program Manager, and Traffic Record Grants Manager. 100% Federal

Administrative Services Specialist Assistant III (Joseph Tyree) Coordinator of Motorcycle Safety Awareness Program. 100% State

Administrative Services Specialist Assistant III (Donnie Hale) Assistant Coordinator of Motorcycle Safety Awareness Program. 100% State

Public Relations (Natalie Harvey) Responsible for the dissemination of information regarding GHSP projects and events. Coordinates all media efforts and public awareness campaigns. Produces the GHSP newsletter "Lifeline". In addition, has acted as Administrator of CPS Training Program. Annual Report design, development of brochures and written publications. 100% Federal

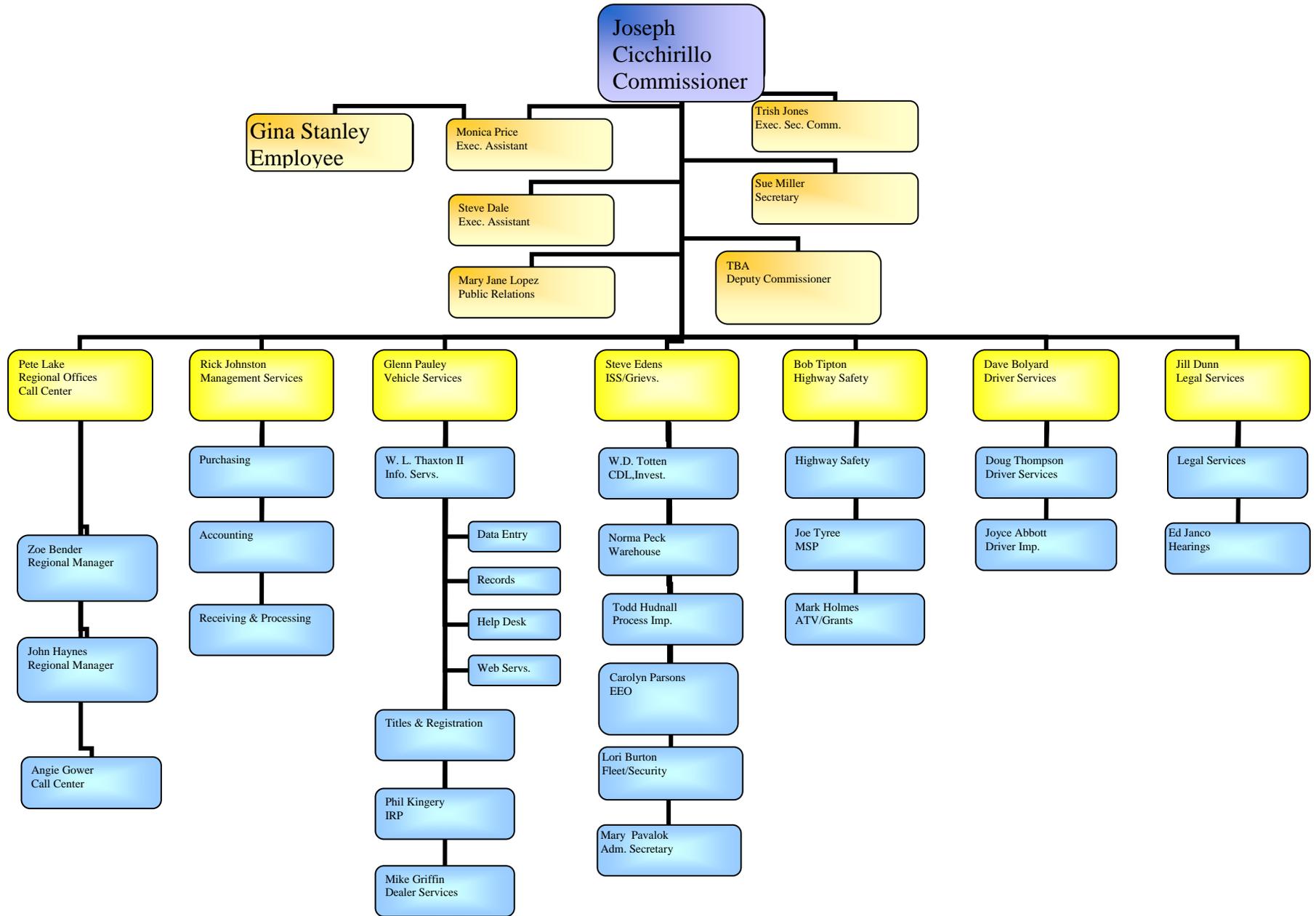
Accountant/Auditor III (William King) Fiscal Officer for Governor's Highway Safety Program. 50/50 Federal/State

Secretary (Flo Hannoush) 50/50 Federal/State

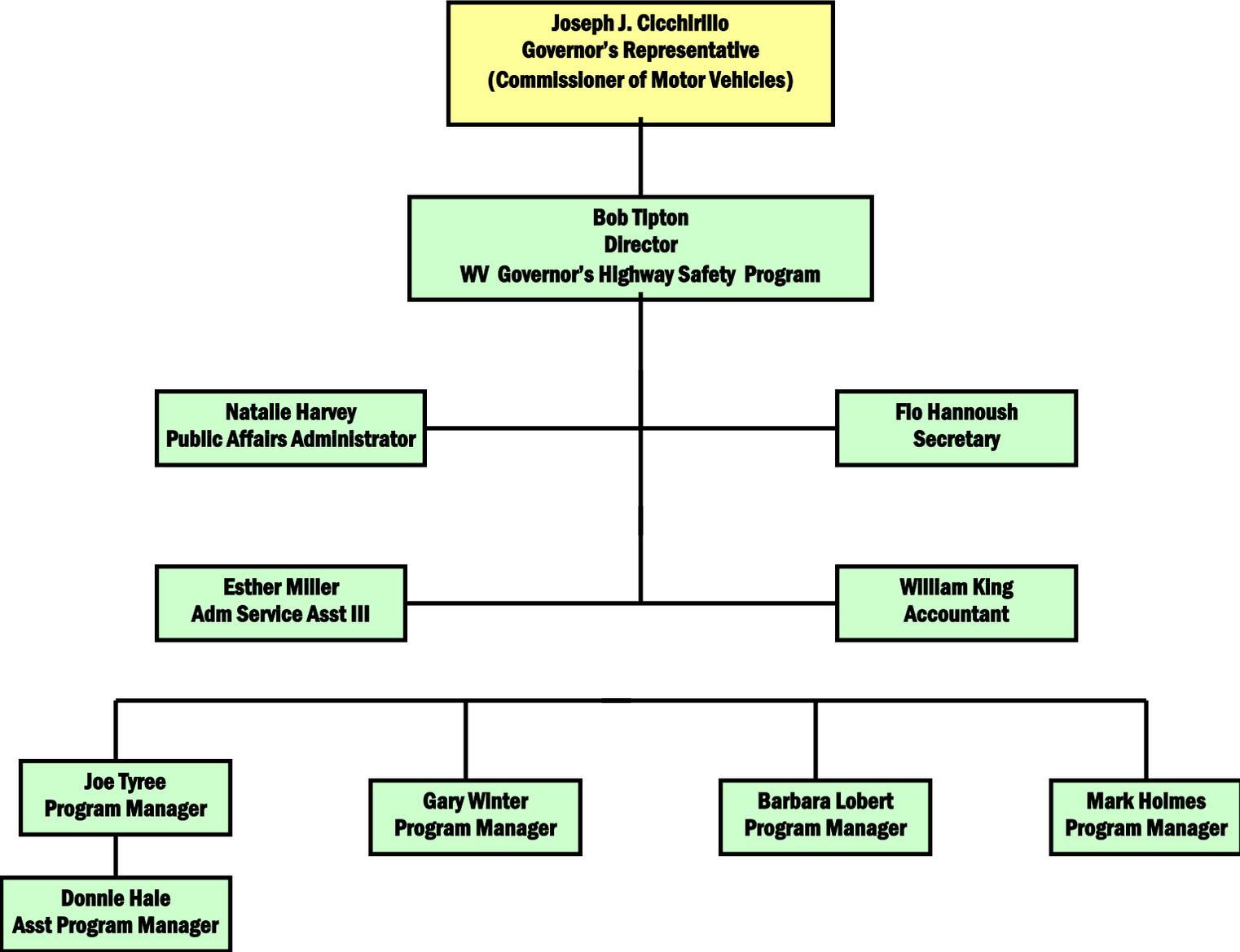
Traffic Records Coordinator (Kim Christian) Contractual – Project Director/Chairperson State Traffic Records Coordinating Committee. Resigned full-time position and currently part-time until her position is filled.

Law Enforcement Liaison (JD Meadows) Contractual – Responsible for the coordination of all Law Enforcement activities with GHSP projects and programs. Director of CIOT Challenge Project and “OP Lifesavers” Project. All Law Enforcement training - TOPS, SFST, Operating Sobriety Checkpoints, Managing Sobriety Checkpoints, Mobile Video Training.

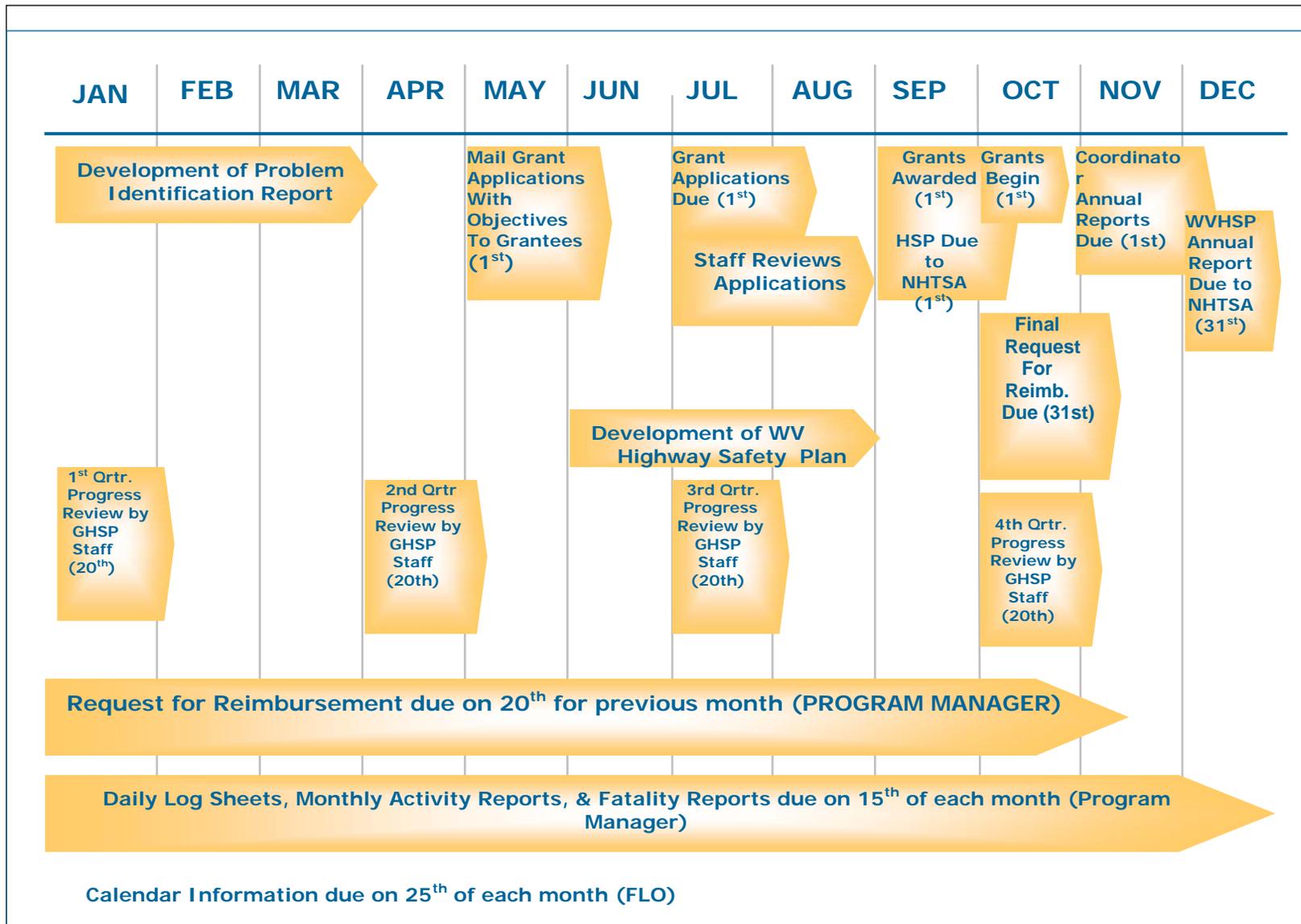
Child Passenger Safety Coordinator (Dave Cook) Contractual- Oversee CPS Training and Certification processes and development of programs and projects to improve, enhance, and advocate occupant protection from age's birth to 18 years of age.



WEST VIRGINIA GOVERNOR'S HIGHWAY SAFETY PROGRAM



2007 Highway Safety Timeline



West Virginia Demographics

West Virginia has a geographic area of 24,078 square miles and ranks 35th in area. The largest county is Randolph with 1,040 square miles and the smallest is Hancock with 83 square miles. There are 35,869 miles of public highways and the vast majority is 2 lanes rural.

The U.S. Census reports West Virginia's population to be 1,810,354, 000, and this number has been fairly stable over the last 5 years.

Male:	879,170	Black: 57,232	Hispanic: 12,279
Female:	929,174	White: 1,718,777	Asian: 9,434

<u>Year</u>	<u>Licensed Drivers</u>	<u>Registered Motor Vehicles</u>	<u>Million Vehicle Miles Traveled</u>
2002	1,366,108	1,637,719	19,122,385
2003	1,326,485	1,606,158	19,173,974
2004	1,327,607	1,620,336	19,417,784
2005	1,329,106	1,625,122	19,714,810

Miscellaneous Data

There are 241 law enforcement agencies in West Virginia. The largest agency is the West Virginia State Police, which has 629 sworn officers housed in 8 Troops and further divided into 61 detachments. Each of the 55 West Virginia counties has a Sheriff's Department varying in size from 2 officers to 87. There are 183 municipal police departments, with the largest having 185 officers and the smallest has 1. All of these agencies have the responsibility of enforcing traffic laws. There are currently 3,285 police officers in West Virginia.

There are 43 licensed hospitals in West Virginia. Two of those are Level I Trauma Centers, four are Level II, three are Level III, and fourteen are Level IV Trauma Centers.

Charleston, the largest city in West Virginia, is the capital and is located in Kanawha County, which is the largest county in West Virginia. Following are the ten largest employers in the State and are listed in order.

1. Wal-Mart Associates, Inc.
2. West Virginia University Hospital/United Health System (United Health Center and WV Hospitals)
3. Charleston Area Medical Center
4. Kroger
5. CSX
6. Weirton Steel
7. American Electric Power
8. E I DuPont DeNemours & Company
9. Verizon
10. Allegheny Energy Service Corporation

Political and Legislative Status

Democrat Joe Manchin, III began his term as 35th Governor of West Virginia in January 2005. The West Virginia Legislature has two chambers - the House of Delegates and the Senate. The House of Delegates is comprised of 69 Democrats and 31 Republicans, and Speaker Robert Kiss presides. The Senate is comprised of 24 Democrats and 10 Republicans. Earl Ray Tomblin is the President and has the added title of Lt. Governor. The Legislature's annual session begins the second week of January and lasts sixty days. Monthly interim meetings are also held.

Repeat Offender legislation and an upgrade to the Child Passenger Safety law was passed during the 2005 session of the legislature. The Repeat Offender law was reviewed by NHTSA Counsel and judged to be compliant with the federal mandate. Open Container legislation made it through committees but never came to a floor vote. The lack of a compliant Open Container law will keep the 154 Transfer penalties in place.

West Virginia's FY-2007 Highway Safety Goals

Overall goal: Reduce the fatality rate per hundred million vehicle miles traveled from 2.11 in 2004 to less than 1.9 by 2008.

1. Occupant Protection

- A. Increase the seat belt usage rate from 88% in 2006 to 90% by 2008.
- B. Reduce fatal ejections from 139 in 2005 to 130 by 2008.

2. Impaired Driving

- A. Reduce Alcohol Related Fatality Rate from .70 in 2004 to .60 by 2008.
- B. Reduce the Alcohol Related fatality percentage from 33% in 2004 to less than 30% by 2008.

3. Crashes/Injuries

- A. Reduce crashes from 47,100 in 2005 to 44,745 by 2008.
- B. Reduce A&B injuries from 11,548 in 2005 to 10,790 by 2008.

4. Coordination – Community Traffic Safety Programs

- A. Provide local Coordination for Regional Traffic Safety programs that reach all 55 WV counties.
- B. Use local programs to coordinate law enforcement and community activities.

5. Traffic Records

- A. To implement a statewide-integrated data collection system to allow for comprehensive analysis of traffic crashes, citations, EMS, courts, and the DMV, allowing for the improvement of timeliness, accuracy, accessibility and completeness of transportation safety information.
- B. To implement statewide e-crash and e-citation for law enforcement agencies larger than 40 officers by 2008 and for all law enforcement agencies by 2010.

6. Motorcycle Safety

- A. Reduce fatalities from 34 in 2005 to 32 by 2008.
- B. Reduce injuries from 2,572 in 2005 to 2,443 in 2008.

HIGHWAY SAFETY PRIORITY AREAS

Performance Goals, Measures, and Funded Projects

Occupant Protection

During the first two weeks of June, West Virginia conducts the Annual Statewide Scientific Seat Belt Usage Survey. In 2000 the usage rate was only 49.5%. In 2001, the rate rose to 52.7%. Following the June 2001 survey, West Virginia adopted the “Click It or Ticket” model in November 2001. With aggressive enforcement and paid media, the rate jumped to 71.6% (2002) in one year. We have continued the Click It or Ticket campaign since that time and achieved an 88.5% seat belt usage rate in June 2006. Approximately fifty percent of the 297 law enforcement sites participate in the Click It or Ticket Campaign with activities that are year round and on a sustained basis. The Law Enforcement Liaison office of the GHSP is responsible for the CIOT Campaign and the “LifeSavers” individual officer incentive project.

Occupant Protection Data

	2000	2001	2002	2003	2004	2005
2006						
Use rate	49.5%	52.7%	71.6%	73.6%	74.6%	84.9%
	88.5%					
A&B Injuries	13,740	13,130	12,245	12,123	12,108	11,580
Fatalities	416	376	439	394	410	374

Performance Goals

	2006	2007	2008	2009
Use rate	88.5%	89%	90%	91%
A&B Injuries	11,650	11,600	11,550	11,500
Fatalities	380	370	360	350

Performance Measures

West Virginia will continue to employ the Annual Statewide Scientific Survey to measure and monitor seat belt usage rates. In 1998, West Virginia University developed the State of West Virginia Scientific Seat Belt Observational Plan, which met NHTSA guidelines and was approved at that time. There are 98 sites in 14 counties chosen at

random based on Average Daily Travel and Roadway Classification. The 2006 Seat Belt Survey has been completed and a final report/certification will be submitted to NHTSA by March 1, 2007.

The West Virginia Governor’s Highway Safety Program will continue to monitor crash data provided by the West Virginia Division of Highways and FARS to allow for a comprehensive approach to the development of problem identification and planning processes. We will attempt to develop more sources for the measurement of progress toward attaining these goals.

FY-2007 Occupant Protection Projects

Region One (1)	\$30,000
Region Two (2)	\$23,000
Region Three (3)	\$30,000
Region Four (4)	\$27,000
Region Five (5)	\$34,000
Region Six (6)	\$26,000
Region Seven (7)	\$31,000
Region Eight (8)	\$34,000
Total	\$235,000 (Section 402 Funds)

WV State Police	\$40,000
GHSP LEL	\$250,000
Paid Media	\$200,000
Total	\$490,000 (Section 163 Funds)

Section 405 - Occupant Protection Incentive Grant

States must meet 4 of 6 criteria to be eligible for funding. West Virginia currently meets three criteria, and would need to meet at least one of the following to qualify:

- Seat belt law covering all seating positions
- Primary Enforcement law
- Minimum fine of \$25

FY2006 – (\$0) West Virginia did not qualify for this Grant under SAFETEA-LU. Funds available under Section 402, Section 163, and Section 157 were used to implement FY2006 projects.

FY2007 – (\$0) West Virginia does not qualify for this Grant under SAFETEA-LU. Funds available under Section 402, Section 163, and Section 157 will be used to implement FY2007 projects.

Section 406 - Safety Belt Performance Grant Program

The State must pass a primary enforcement seat belt law *or* have at least an 85% usage rate for two consecutive years. West Virginia's 2006 seat belt use rate was 88% and we will be eligible for funding next year should we achieve at least an 85% usage rate in our June 2007 Annual Seat Belt Survey. West Virginia would receive a one time award of approximately \$5 million of which \$1 million *must* be used for highway safety programming. The goal for 2007 is 89%, and funding for programs and projects to reach that goal will come from Sections 163, 402, and 157 carry over funds.

FY2006 – (\$0) West Virginia did not qualify for funding under this program.

FY2007 – (\$375,000) West Virginia will continue the Click It or Ticket campaign, which consists of year-round sustained enforcement, the CIOT intensive mobilization/paid media in May, other year-round activities, and the "LifeSavers" individual officer incentive program. Funds will also support the GHSP Law Enforcement Liaison Office.

Section 2011 – Child Safety and Child Booster Seat Incentive Grant

States that are enforcing a law requiring any child riding in a passenger vehicle who is too large to be secured in a child safety seat to be secured in a child restraint that meets the requirements prescribed in Anton's Law are eligible for this grant program. In 2005, West Virginia upgraded its Child Passenger Safety Law by requiring that children up to the age of eight (8) and less than four feet nine inches (4'9") tall must be secured in a child safety device. West Virginia has applied for these funds.

FY2006 (\$275,000) Should these funds be awarded, we will continue training CPS Technicians, supporting permanently established CPS fitting stations, purchasing CPS seats, and providing salary, travel and expenses of a statewide Child Passenger Safety Coordinator. As required by federal regulation, we will not use more than 50% of the awarded funds to purchase child safety seats.

FY2007 (\$275,000) West Virginia will continue the program as above.

IMPAIRED DRIVING

West Virginia was named a Strategic Evaluation State by NHTSA in 2002 due to the high Alcohol Fatality Rates (2002-0.94, 2003-0.77, 2004-0.70). In July 2003, West Virginia instituted a year long sustained enforcement project, and has since been funded with Section 154/164 Transfer funds, Section 410 funds, and Section 163 funds. The enforcement effort is coordinated through the Eight (8) Regional Traffic Safety Programs and the Seven (7) West Virginia State Police Troops. Each Region and Troop is responsible for weekly enforcement, earned media, and public information and education

events. There is also a training component in place to upgrade law enforcement's ability to be more effective in dealing with the impaired driving problem.

Alcohol Data

	2002	2003	2004	2005
Alcohol Related Fatalities	179	148	132	127
Alcohol Fatality Rate	0.94	0.77	0.68	0.64
Alcohol/Fatality %	40.77	37.56	32.20	33.96
Alcohol Related Crashes	3853	3582	3768	3391
Alcohol Related Injuries	2898	2626	2749	2492
Missed DMV Hearings	N/A	1309	1099	928
Underage Alcohol Sales	46.10%	35.71%	27.16%	20.19%

Performance Goals

	2006	2007	2008	2009
Alcohol Related Fatalities	122	117	112	108
Alcohol Fatality Rate	0.60	0.56	0.52	0.48
Alcohol/Fatality %	31.50	29.25	27.75	25.50
Alcohol Related Crashes	3250	3125	3000	2850
Alcohol Related Injuries	2245	2200	2165	2105
Missed DMV Hearings	850	810	775	750
Underage Alcohol Sales	18.00%	17.50%	16.00%	15.00%

The State of West Virginia has participated in every national impaired driving law enforcement campaign NHTSA has organized since the inception of the program. Additionally, the State has increased its impaired driving law enforcement efforts during Christmas/New Year, St. Patrick's Day, the Fourth of July weekend, and Labor Day. Recently, the State has increased its impaired driving law enforcement efforts on Cinco de Mayo and Halloween due to statistical evidence indicating an increased risk to the driving public from intoxicated drivers. In 2004, the Governor's Highway Safety Program developed the West Virginia Sustained DUI Enforcement Plan, which has guided our impaired driving law enforcement program since its inception. During FY2005, there were 135 law enforcement agencies participating in this program and they combined for 4,269 enforcement events (source: NHTSA Mid-Atlantic Region Checkpoint Strikeforce website). These agencies represent the West Virginia State Police and city and county law enforcement agencies, including every Class I, II, and III city in the state. They cover 75% of the State's area and 85% of the State's population.

WV GOVERNOR'S HIGHWAY SAFETY PROGRAM SUSTAINED DUI ENFORCEMENT PLAN FY2007

OVERVIEW

In order to bring West Virginia's alcohol related fatality rate down to the national average of .53 deaths per 100 million miles traveled, the WV Governor's Highway Safety Program has developed a statewide plan to reduce DUI related crashes, injuries, and deaths by using a sustained enforcement effort. This plan takes a comprehensive approach using city, county, and state law enforcement agencies, Safe Community Coordinators, Alcohol Beverage Control Commission (ABCC), community agencies, schools, and retail and wholesale alcohol agents. The GHSP's Alcohol Coordinator and Law Enforcement Liaison will take the lead in statewide planning and coordination. The eight Safe Community Coordinators and the seven WV State Police Coordinators will coordinate their regions of the State to ensure compliance with this plan. The plan will cover the entire state in a consistent and sustained manner using the following categories:

- **High Visibility Enforcement Activities**
- **Public Information and Education Activities**
- **Media Activities**
- **Training Activities**
- **Age Group Activities**
- **Underage Enforcement Activities**
- **Focused Patrols**

HIGH VISIBILITY ENFORCEMENT ACTIVITIES

Each of the eight Safe Community Coordinators will be required to arrange two DUI enforcement activities in each of their areas each week on high risk days and times for DUI crashes. The seven WV State Police Coordinators will arrange two DUI enforcement activities within each of their troop areas each week also on high risk days and times for DUI crashes. The GHSP's Law Enforcement Liaison is responsible for coordinating the efforts of the Safe Community Coordinators and WV State Police Coordinators. Each group divides the State of West Virginia into areas (eight Safe Community Areas and seven State Police troop areas) covering 100% of the State. Under this plan, 1,560 DUI enforcement events will occur throughout the state during a one year period. Approved examples of "High Visibility Enforcement Activities" are as follows:

- **Saturation Patrols** – Officers will patrol areas identified as high DUI areas in groups of at least three patrols. Officers will stage in the enforcement area to alert motorists to the high visibility saturated patrol.
- **Sobriety Checkpoints** – Officers will conduct checkpoints according to local department regulations requiring a large number of officers (usually 10-12 officers).

- **Low Manpower Sobriety Checkpoints** – Officers will conduct checkpoints according to local department regulations requiring six or fewer officers.
- **Underage Alcohol Sales Stings** – Officers will work with ABCC investigators or within department regulations in an effort to monitor the sale of alcohol to underage purchasers and arrest violators..
- **Participate in National and State Mobilizations** - Four Law Enforcement events during the National Mobilization and as mandated for the State Mobilizations)
- **Conduct enforcement activities during peak alcohol related crash times and locations** – (holidays, special events) DOH will provide those locations based on crash reports.

PUBLIC EDUCATION AND INFORMATION ACTIVITIES

Each Safe Community Coordinator will conduct public information and education activities in their area. The coordinator will be required to conduct at least one event each week. The WV State Police Coordinator will also conduct one activity each week within their troop area. In coordinating these efforts, 780 public information and education activities will occur statewide during a one-year period. Approved examples of public information and education activities are as follows:

- Presenting impaired driving prevention information to groups such as school classes, civic groups, and church groups in a face to face setting or in a public forum.
- Presenting impaired driving prevention information through a media outlet such as TV, radio, newspaper, magazine article, or at a local fair or festival.
- Phantom Checkpoint – Officers set up signs and prepare to conduct a regular checkpoint without actually moving into the roadway and conducting the checkpoint. Officers may repeat this procedure more than once and at several locations during the shift. This activity will give the impression that sobriety checkpoints are everywhere while educating the public that the police will apprehend those who are driving impaired.

MEDIA ACTIVITIES

The Public Affairs Coordinator for the Governor’s Highway Safety Program will work with the Division of Highways to air the “Highways or Die-ways” Program during the national impaired driving law enforcement campaign. The Division of Highways shall pay to have the spots aired, and the Public Affairs Coordinator of the Governor’s Highway Safety Program shall coordinate the media buy. This media effort shall target the young adult and underage driver and will occur before, during, and after the national impaired driving law enforcement campaign. Each Safe Community Coordinator and WV State Police Coordinator will be required to conduct at least one media activity per week, and advertise enforcement activities before, during, and

after each enforcement event within their area or troop. A media activity involves the coverage of an ongoing event or dissemination of information through a media outlet. This combined effort will result in at least 780 media activities per year. Media activities include the following:

- TV, Radio, Newspaper, Magazine coverage of a DUI related activity.
- TV, Radio, Newspaper, Magazine used to relay DUI related information to the public.
- Billboard or other outdoor media (e.g. stadium ad, movies)

These media events are more than simple media notification of an up coming enforcement event (i.e. media notification of the sobriety checkpoint). The Governor's Highway Safety Program shall receive a report of each media event. This report shall include the coverage area or circulation of the media used and the amount of money it would have cost to purchase the media time/space.

TRAINING ACTIVITIES

The Governor's Highway Safety Program has developed, and the Law Enforcement Training Sub-committee has certified for law enforcement in-service credit, several training classes focusing on DUI issues. A training cadre consisting of ten instructors to teach these classes shall be maintained by the Governor's Highway Safety Program. All classes offered by the Governor's Highway Safety Program shall be free of charge to any member of law enforcement agencies. The following classes are available:

- **SFST Refresher Course** – This is a recertification class for SFST. This is an 8-hour class offered 16 times a year.
- **Presentation of Evidence at DMV Administrative Hearing** – This class assists officers in preparing for and presenting evidence at a DMV Administrative Hearing. We will offer this class 8 times a year.
- **Mobile Video In-Car Camera** – This class will teach officers how to effectively use in-car video camera systems. We will offer this class 8 times a year. In addition, all 600 members of the WV State Police shall receive this course during their annual in-service training.
- **Managing Sobriety Checkpoints** – A Supervisory level course for law enforcement supervisors who plan and supervise sobriety checkpoints. We will offer this class 8 times a year.
- **Operating Sobriety Checkpoints** – This class is for law enforcement officers who operate sobriety checkpoints. We will offer this class 8 times a year.
- **Intoximeter Training** – This class will instruct all law enforcement officers in the use of new breath testing equipment. This training consists of a 4-hour block of instruction in

conjunction with a general update of DUI enforcement in WV. All law enforcement officers who have the forty-hour certification on the Intoxilizers will receive this course.

This is an ambitious training schedule; the Governor's Highway Safety Program is offering forty-two training classes. In addition to the forty-two training classes, every law enforcement officer will receive updated DUI training and instruction on the use of new breath testing equipment. Additionally, all 600 members of the WV State Police will receive Mobile Video training while at their in-service period at the West Virginia State Police Academy.

“AGE GROUP” ACTIVITIES

Safe community Coordinators will conduct two “age group” specific activities per year in their area. WV State Police Coordinators will also conduct two “age group” specific activities per year in their troop area. This totals 30 “age group” specific activities throughout the state. In addition, each Safe Community Coordinator will conduct one on-going alcohol project focusing on the 21-34 year old age group, bringing the total of age group specific activities to 38 statewide. Age group specific activities include, but are not limited to, the following:

- High School Prom Activity – Officers will assist schools during prom by monitoring for alcohol use. Pre-prom visits by law enforcement will also help to deter the use of alcohol.
- High School Graduation Activity – Officers will be involved in alcohol-free graduation parties. They will assist school personnel in the education of students concerning alcohol abuse.
- High School Drivers Education Classes – Visits to Drivers Education Classes to educate students against driving while impaired.
- College Project – Members of Highway Safety Staff have established a project with all of the state colleges.
- On-Going Project for 21-34 age-group – Safe community Coordinators will work with area bars, distributors, and community agencies to establish an on-going project to assist the 21-34 age group in avoiding driving under the influence by finding alternative transportation. (e.g. designated drivers, public transportation, and TIPS Training)

UNDERAGE ACTIVITIES

The Safe Community Coordinators shall conduct a minimum of one coordinated statewide enforcement effort and eight other local underage activities during the year in addition to the High Visibility Enforcement Activities previously cited.

- All Safe Community Coordinators and WV State Police Coordinators will conduct a statewide underage alcohol sting on the same night across the state. The ABCC will be involved to enforce rules violations against owners of stores found in violation.

- In addition to the statewide sting, each Safe Community Coordinator will conduct a minimum of one underage sting with an ABCC enforcement officer during the year.
- The Safe Community Coordinators shall work with the colleges in their areas to implement the approved college project.

FOCUSED PATROLS

In addition to the required enforcement activities, officers will conduct patrol activities focusing on impaired drivers. Officers will conduct this patrol during their regular duty. This activity does not replace the required weekly activity. Safe Community Coordinators and WV State Police Coordinators will track DUI arrests made by on-duty officers to evaluate this area.

FY 2007 Impaired Driving Projects

Region 1 Traffic Safety Program (City Of Charleston)	\$ 100,000
Region 2 Traffic Safety Program (City of Huntington)	\$ 100,000
Region 3 Traffic Safety Program (Wood Co. Commission)	\$ 100,000
Region 4 Traffic Safety Program (City of Wheeling)	\$ 100,000
Region 5 Traffic Safety Program (City of Clarksburg)	\$ 100,000
Region 6 Traffic Safety Program (City of Martinsburg)	\$ 100,000
Region 7 Traffic Safety Program (City of Beckley)	\$ 100,000
Region 8 Traffic Safety Program (LEL Beckley)	\$ 200,000
West Virginia State Police (7 Troops)	\$ 400,000
West Virginia Alcohol Beverage Control Administration	\$ 50,000
TOTAL	\$1,350,000

Section 154/ 164- Alcohol Programs

In 2005, the West Virginia Legislature passed a Repeat Offender Law which met US DOT Criteria. We did not pass an Open container law, which will keep the 154_Sanction in place. In 2005, West Virginia did transfer \$7,816,348.00 to Hazard Elimination, and the West Virginia Secretary of Transportation made approximately 10% available for impaired driving projects. We do not have a commitment for FY2006 at this time.

FY2005 – (\$600,000 for Alcohol Programs)

Section 163 .08 Incentive Grant Program

In 2004, the West Virginia Legislature passed .08 BAC and became eligible for Section 163 funds under TEA-21. These funds were initially distributed to the Division of Highways for bridge inspections. However, last year they were redistributed to the Governor’s Highway Safety Program and will be obligated to our Occupant Protection Program and Sustained Impaired Driving Plan.

FY2007 – (\$869,770)

Section 410 Alcohol Impaired Driving Countermeasures Incentive Grant

In reviewing the criteria for Section 410 funding, it appears that West Virginia will meet at least 3 or 4 of the programmatic criteria. We are fortunate to have available for our use 10% of the 154/164 Transfer funds for Impaired Driving programs. Any funding received will be used to further the implementation of our sustained enforcement effort, alcohol training, Law Enforcement Liaison Office, College Underage Alcohol Project, and Traffic Safety Resource Prosecutor.

FY2005 - (\$350,637)

FY2006 – Funding level unknown at this time

Section 1906 Incentive Grant Program to Prohibit Racial Profiling

The West Virginia Legislature passed the Racial Profiling Data Collection Act (17G-2-4 of the West Virginia Code). Legislative Rule 149-5-1 sets the standards for the collection, reporting, compilation, and analysis of the data. This was enacted May 10, 2006 with January 1, 2007 as the date of implementation. The Division of Motor Vehicles is charged with facilitation of the project and the Division of Criminal Justice Services is charged with the analysis and publishing of a written report at the conclusion of the first year. In applying for Section 1906 funding, the DMV will use all funding received toward this effort. It will require every law enforcement officer to complete a Motor Vehicle Stop Form when making a traffic stop in violation of the traffic code, either electronically or by paper form. This information will be scanned or downloaded into a data base at a central location monthly. The yearly data base will be dumped to Criminal Justice Services for their analysis. All funding received will be directed to fund the complete implementation of this project. The recipients of these funds will be the Division of Motor Vehicles, Department of Transportation, Criminal Justice Services, and state and local law enforcement agencies.

FY2006 - No funding available for this project

FY2007 - (\$643,613)

Section 2010 -Motorcyclist Safety

Calendar years	2003	2004	2005
Registered Owners	35101	39230	43942
Total Crashes	648	672	662
A & B Injuries	440	535	519
Fatalities	30	28	34
Students Trained	1051	1234	1403

Performance Goals	2006	2007	2008	2009
Registered Owners	48336	52686	55320	58086
Total Crashes	504	490	480	465
A & B Injuries	500	485	465	450
Fatalities	30	28	26	24
Students Trained	2006	2150	2305	2455

Performance Measures

West Virginia's Motorcycle Safety and Awareness Program will continue to employ a statewide advertisement program through paid media radio, Billboards and television will be geared to reach both the rider of motorcycles and drivers of motor vehicles. This approach will hopefully make both drivers and riders aware of each other and each individual's responsibility to the other, thus creating a safer driving environment.

West Virginia's Motorcycle Safety and Awareness Program will continue to monitor crash data provided by the West Virginia Division of Highways and FARS to help identify problem areas and locations. Additional training sites in rural and remote areas will afford the program a greater contact with potential students seeking motorcycle training in both the Basic Rider's Course and the Experienced Rider's Course.

Performance Goals

The goals of the West Virginia Motorcycle Safety Program are to (1) reduce the number of fatalities by two deaths per year, (2) to reduce motorcycle involved crashes by three to five percent per year, and (3) to increase the number of professionally trained riders by five to seven percent per year.

West Virginia is eligible for FY2006 funding under the Section 2010 Motorcyclist Safety Program, and we are currently awaiting approval of our application. We anticipate receiving at least \$100,000. The Division of Motor Vehicles currently funds and administers the WV Motorcycle Safety Program. The Motorcycle Safety Program was transferred to the Governor's Highway Safety Program in October 2006. Section 2010 funding will be used by DMV/GHSP to enhance the Motorcycle Safety Awareness Program through paid media and development of mobile training resources. Revisions may be submitted for this section.

FY2007 – (\$100,000) Section 2010

FY2007 State Funding (\$312,753)

Section 408 – Traffic Safety Information System Improvements

West Virginia meets the eligibility criteria for Section 408 funding and is awaiting application approval.

FY2006 – (\$300,000 minimum anticipated)

West Virginia has assigned the highest priority to continuing the implementation of an electronic data collection and reporting system, specifically crash data. Timely and accurate crash data are the most crucial components to the comprehensive traffic records system. West Virginia has developed a RFQ for the purchase of an inclusive software program to deploy statewide in an effort to provide electronic submission of crash and citation data directly from the field to the data warehouse. Beyond that, the establishment of a Traffic Records Data Warehouse will enhance the analytical capabilities of state planners and safety managers by bringing together the wide range of other safety related data to combine with crash data. The state has in place a working Traffic Records Coordinating Committee and will continue to strengthen its status by following the recommendations contained in the Strategic Plan and 1999 Traffic Records Assessment. The State will undergo a new Traffic Records Assessment September 10-16 2006.

Performance Goals

The State has established a goal to have in place a modern, effective, and comprehensive traffic safety and information system of crash and other related records to accurately identify safety problems, to develop countermeasure programs, and to evaluate effectiveness and measure progress.

Additional objectives by which future progress will be measured have been adopted by the TRCC and stakeholder agencies:

1. Build a base data infrastructure for citation tracking in order to improve the timeliness of data exchange between state and local agencies. This will provide the State with the ability to design advanced data systems in order to track specific problems.
2. Implement a law enforcement friendly electronic, statewide data collection and reporting system for data to be captured accurately, efficiently, and timely.
3. Provide the technical capabilities for local, state, and federal traffic safety professionals to access and analyze up to date information from a state wide or web-based system. This includes software, training, and administrative guidelines.
4. Foster support and long-term commitments from key decision makers from stakeholder agencies.
5. 2001 Priorities to be accomplished.

Performance Measures

The Traffic Records Coordinating Committee will continue to act as the primary advisory committee for traffic records related activities and projects. The Strategic Plan will be utilized as a guide to ensure proper steps are being taken to implement a statewide comprehensive traffic records system that will be used by federal, state, and local highway safety stakeholders, including the following: Governor’s Highway Safety Program, Division of Highways, Division of Motor Vehicles, Supreme Court Administrator’s Office, Department of Health and Human Resources.

FY 2007 Projects

Project Title	Estimated Cost
Supplementation of the West Virginia Uniform Citation (Printing, Training, and Implementation) In progress	\$50,000
DUI and Citation Tracking System Development	\$200,000
Continued support for Electronic Linkage for Data Transfer between the Division of Motor Vehicles and WV Supreme Court- In progress	\$25,000
Comprehensive Data Collection System to include many statewide uniform forms (crash, citation, EMS Run, trauma registry, etc) and statewide rollout – Report Beam – in purchasing	\$500,000
Purchase laptop computers for law enforcement agencies to use Comprehensive Data Collection System	\$150,000
Traffic Records Coordinator Position & support of position	\$75,000
Bar coding WV Registration cards	\$10,000
Implementation of EMS Electronic Run Sheets	\$20,000
TOTAL	\$1,030,000

In addition to Section 408, funding for this program is available through Section 154/164 Transfer funds, Section 402, FMCA, State of West Virginia Division of Motor Vehicles, and Department of Transportation.

Sustained Enforcement of Posted Speed Limits

In West Virginia, speed continues to play a significant role in motor vehicle fatalities.

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
Speed Related Fatalities	97	136	112	119	82
Total Fatalities	376	439	394	410	374
Percentage	26%	31%	28%	29%	22%

All West Virginia law enforcement agencies receiving highway safety funds for occupant protection and impaired driving enforcement programs will also be expected to enforce posted speed limits.

West Virginia Commission on Drunk Driving Prevention

The West Virginia Commission on Drunk Driving Prevention (CDDP) was established in 1986 by an act of the West Virginia Legislature (Chapter 15-2-40 of the WV Code). Funds are generated through a 6% excise tax on the sale of liquor and wine and funding for impaired driving projects is available through a quarterly application process by any law enforcement agency in West Virginia. The Governor’s Representative for Highway Safety and the Governor’s Highway Safety Program Director are members of the Board of Directors (eight members) for the CDDP.

The Governor’s Highway Safety Program encourages West Virginia law enforcement agencies to apply to the CDDP. The CDDP has worked very closely with the Governor’s Highway Safety Program on our Sustained Enforcement Plan.

State Funds FY2006 - (1,000,000)

Media/Advertising

The Governor’s Highway Safety Program will follow all federal guidelines for purchasing media/advertising with federal highway safety funds.

COMMUNITY TRAFFIC SAFETY PROJECTS

DEMOGRAPHICS

Population & Area

Area	Sub-Grantee	Population	% of State	Area (Sq. Miles)	% of State
1	Charleston	273,648	15.1 %	2,221.8	9.1 %
2	Huntington	267,594	14.8%	2,460.7	10.1 %
3	Wood County	177,307	9.8%	3,104.5	12.8 %
4	Wheeling	168,345	9.3 %	1,225.9	5.0 %
5	Clarksburg	308,4199	17.1	3,022.9	12.4 %
6	Martinsburg	248,066	13.7 %	4,958.3	20.4 %
7	Beckley	231,922	12.7 %	4,977.2	20.5 %
8	Bluefield	141,599	7.5 %	2,311.2	9.7 %

Fatalities

Area	1999	2000	2001	2002	2003	2004	2005	Average	% of Total
1	60	74	59	66	57	47	51	59.28	14.83 %
2	77	56	65	64	58	63	59	63.14	15.79 %
3	40	43	32	46	40	22	41	37.71	9.43%
4	21	16	19	12	21	15	20	17.71	4.43%
5	53	58	49	62	57	62	58	57.00	14.26%
6	63	62	80	86	72	84	58	72.14	18.04%
7	56	75	51	69	50	71	48	60.00	15.01%
8	25	27	29	42	32	36	39	32.85	8.21%

PROBLEM STATEMENT

In the 1990's, West Virginia embraced the Community/Regional approach to Traffic Safety. We still feel this is the most efficient method for West Virginia to deal with our traffic safety problems and issues. The state is currently divided into eight (8) regions based on geography/demographics. The Goals/Objectives, Problem Identification, and Community Applications along with instructions on completing the application have been provided by our office. The following data sources were used: West Virginia DOT Crash Data Base, FARS, Division of Motor Vehicles, Alcohol Beverage Control Administration. & GHSP Traffic Safety Programs.

In 2005, according to the West Virginia Traffic Information System (TRIS), West Virginia had 47,100 crashes, causing 24,719 injuries and 374 fatalities.

GOAL

To reduce traffic crashes, deaths, injuries, and property damage resulting there from. Each of the eight (8) Regional Program areas has goals and objective tailored to their area based on the problems identified in their specific regions.

REQUIRED ACTIVITIES

Each Safe Community Project supported with GHSP funds must conduct the following activities:

COORDINATION / PROJECT DIRECTOR

1. Develop and support at least one (1) Advocacy Group (i.e. MADD, SADD, Safe Kids, etc.), and
2. Maintain a Directory of Highway Safety Advocates (i.e. Name, Address, Phone, E-Mail, etc.), and
3. Establish and maintain a Task Force with a minimum of four (4) meetings per year (i.e. one meeting per quarter), and
4. Establish and conduct a Regional Highway Safety Award / Recognition program, and
5. Make face to face contact with each (100%) Law Enforcement Agency in the project's service area and secure (i.e. maintain a file) Letters of Support and Cooperation, and
6. Maintain a log that summarizes all traffic related fatalities in the Project Area, and
7. Develop and support one regional Law Enforcement Liaison (L.E.L.), and
8. Provide the GHSP with a Daily Activity Summary by C.O.B. of the 15th day of the following month, and

9. Provide the GHSP details of upcoming events for the “Monthly Events Calendar” by the 25th of the proceeding month, and
10. Prepare and submit to the GHSP by the C.O.B. on November 1, 2007, a detailed Yearly Activity Report or Year End report, and
11. Conduct at least one (1) PI&E/Law Enforcement effort for back to school, and
12. The Project Director must successfully complete a forty (40) hour approved Instructor Development course, and
13. Must conduct and maintain the results of observational seat belt and other surveys under the direction of the GHSP staff, and
14. The Project Director must successfully complete a NHTSA Project Management Class, and
15. Conduct a minimum of six (6) Highway Safety Presentations to the private sector of the region, civic groups, and government excluding law enforcement agencies and schools.

ALCOHOL AND OTHER DRUGS

GOAL & ACTIVITIES

To reduce the involvement of alcohol and other drugs in traffic crashes, deaths, injuries, and property damage resulting by:

- 1) Conducting a minimum of two (2) publicized underage alcohol enforcement efforts, one of which must be in concert with a GHSP state wide campaign, and
- 2) Conducting a minimum of two (2) underage alcohol educational efforts, and
- 3) Supporting a minimum of one (1) Prom/Graduation event, and
- 4) Supporting a minimum of one (1) college PI&E campaign (i.e. Belts & Booze), and
- 5) Attending TIPS (or equivalent) alcohol training and/or become a certified TIPS instructor, and
- 6) Conducting/facilitating a minimum of two (2) S.F.S.T. classes, and
- 7) Providing funding/support (i.e. C.D.D.P., 410, etc.) for D.U.I. activities (i.e. Checkpoint Strikeforce), and
- 8) Conducting a local PI&E / Media effort in cooperation with statewide Checkpoint Strikeforce campaign, and
- 9) Assisting local law enforcement agencies in obtaining funding from the Commission on Drunk Driving Prevention (C.D.D.P.), and

- 10) Tracking the number of law enforcement “No Shows” at DMV Administrative Hearings and develop an activity to reduce them.
- 11) Facilitate the Sustained Impaired Driving Plan by doing the following:
 - (A) Two (2) Enforcement Events per week in the region.
 - (B) One (1) Public Education and Information Activity per week in the region.
 - (C) One (1) Media Activity per week in the region.
 - (D) Two (2) Age Group Activities per year in the region.
 - (E) Training – Each Coordinator shall work with the GHSP LEL Office to facilitate training opportunities for Impaired Driving.
 - (F) Underage Activities – Each Coordinator shall conduct Underage enforcement efforts at the direction of the GHSP.
 - (G) Media Activities – Each Coordinator shall conduct at least One (1) Media Activity per week in the Region.
 - (1) Each Coordinator shall attach a dollar value to earned media and track that value. In addition, track the number of people that received that message.

OCCUPANT PROTECTION

GOAL & ACTIVITIES

To reduce the number of deaths and injuries through the increase in the proper use of safety restraints in traffic crashes by:

- 1) Conducting a minimum of four (4) Occupation Protection Informational Checkpoints (i.e. one per quarter), and
- 2) Developing, supporting and certifying a T.O.P.S. instructor, which will conduct a minimum of two (2) T.O.P.S. eight (8) hour classes, and
- 3) Conducting an Occupant Protection presentation to 50% of the service area’s 3rd grade student population, and
- 4) The Project Director must complete the thirty-two (32) hour C.P.S.T. course, remain current with certification, and work to become a certified C.P.S.T. Instructor, and
- 5) Establish and maintain a fixed C.P.S. Fitting Station in the project’s service area.
- 6) Securing participation from seventy (70%) of the project service area’s Law Enforcement Agencies in the “Click It Or Ticket (CIOT) Program, and
- 7) Reporting to the GHSP all (i.e. 100%) Occupant Protection Citations issued within the project’s service area, and
- 8) Providing support and funding to participating law enforcement CIOT activities, and
- 9) Conducting a minimum of four (4) CPS Clinics / Events, and

- 10) Conducting an Occupant Protection Project in Junior or Senior High Schools, and
- 11) Conducting two (2) C.P.S. classes or demonstrations (i.e. 1 to 8 hours) to a captive audience (i.e. hospital, daycare, church, civic, etc), and
- 12) Developing and supporting a C.P.S.T. Instructor outside of your project

MEDIA

- 1) Facilitate earned media for local, regional and national highway safety activities, and
- 2) Cooperate with the GHSP Public Affairs staff in statewide media campaigns, and
- 3) Maintain a media report or file with all the activity generated by the Safe Community Project and report the activities to the GHSP Public Affairs Office on a monthly basis, and
- 4) Conduct one (1) Back to School media activity.

INNOVATIVE

Create innovative ideas and activities that directly relate to reaching the goals and objectives of the GHSP or to specific problems identified in the project's service area.

- 1) Conduct ATV Safety Activities
- 2) Conduct Motorcycle Safety Activities
- 3) Other priorities issues that the Coordinator's think are important to their region and programs.

REQUIRED ELEMENTS OF A SAFE COMMUNITY PROJECT

Local Coordinator – An individual with a minimum of a Bachelors degree from an accredited college or university, or the equivalent experience in a related field (i.e. law enforcement, injury prevention, health promotions, etc.) shall be employed full-time on project activities with a clear chain of command and supervision from the Authorized Official to the Coordinator. The sub-grantee shall be reimbursed for the local coordinator based on the following:

The Governor's Representative for Highway Safety, The West Virginia Highway Safety Program's Coordinator, and the GHSP Director must approve any individual initially employed or sub-contracted as the Local Coordinator, any subsequent replacement, realignment, modification, or alteration of the chain of command for the project prior to obligation of project funds. An Employee of the sub-grantee shall be paid for 2,080 annual work hours (including appropriate benefits): With Masters Degree (or five years experience in the current position) - \$32,000 annually; With a Bachelors Degree (or five years experience in the current position) - \$28,000 annually. A Sub-Contractor of the sub-grantee shall be paid for 1,920 annual work hours: With Masters Degree (or five years experience in the current position) - \$32,000 annually; With a Bachelors Degree (or five years experience in the current position) - \$28,000 annually.

Task Force – The sub-grantee shall establish, appoint, and support a task force with a minimum of ten (10) members from within the project’s service area that represents:

- a) a representative of each County Commission, and
- b) a representative of each Class II city, and
- c) a representative of a Board of Education, and
- d) a representative of a County Board of Health, and
- e) a representative of a current county Prosecutor, and
- f) a current member of the judiciary, and
- g) a representative of the West Virginia State Police, and
- h) a current sheriff or deputy, and
- i) a current police chief or designee, and
- j) a current member of a local EMS squad, and
- k) a representative of each local ethnic group, and
- l) a representative from the local media, and
- m) a youth representative, and
- n) a representative of a local business, and
- o) a representative of each local advocacy group, and
- p) a lay citizen from each county in the project’s service area, and
- q) a local West Virginia Department of Transportation, and
- r) a representative of local service organizations.

Alcohol and Other Drugs – activities must, at a minimum, address the following:

- 1) A reduction of the reported number of alcohol involved crashes to below 5% of the total number of crashes by September 30, 2007, and
- 2) A reduction of the reported number of alcohol driver, ages 16-20, crashes to below 3% of the total number of driver fatalities by September 30, 2007, and
- 3) A reduction in the number of “No Shows” at DMV administrative hearings to less than 5% by September 30, 2007.

Occupant Protection Activities - activities must, at a minimum, address the following:

- 1) An increase in the “unscientific” adult seat belt use rate to 89% by September 30, 2007, and
- 2) An increase in the percentage of reported use of child restraints by children, ages 0-14, to above 90% by September 30, 2007.

Police Traffic Services – activities must, at a minimum, address the following:

- 1) Insure the continued compliance with posted speed limits, and
- 2) Offer in-service T.O.P.S. training to all Sheriff Departments, and all Class I and II City police departments.

Pedestrian, Bicycle & Other Activities – activities must be clearly identified by local data, and must address the following:

- 1) Insure the reduction in the number of pedestrians involved in crashes, and
- 2) Insure the reduction in the number of bicycle crashes.

STATE CERTIFICATIONS AND ASSURANCES

Failure to comply with applicable Federal statutes, regulations and directives may subject State officials to civil or criminal penalties and/or place the State in a high risk grantee status in accordance with 49 CFR §18.12.

Each fiscal year the State will sign these Certifications and Assurances that the State complies with all applicable Federal statutes, regulations, and directives in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but not limited to, the following:

- 23 U.S.C. Chapter 4 - Highway Safety Act of 1966, as amended;
- 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 49 CFR Part 19 - Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations
- 23 CFR Chapter II - (§§1200, 1205, 1206, 1250, 1251, & 1252) Regulations governing highway safety programs
- NHTSA Order 462-6C - Matching Rates for State and Community Highway Safety Programs
- Highway Safety Grant Funding Policy for Field-Administered Grants

Certifications and Assurances

The Governor is responsible for the administration of the State highway safety program through a State highway safety agency which has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program (23 USC 402(b) (1) (A));

The political subdivisions of this State are authorized, as part of the State highway safety program, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation (23 USC 402(b) (1) (B));

At least 40 per cent of all Federal funds apportioned to this State under 23 USC 402 for this fiscal year will be expended by or for the benefit of the political subdivision of the State in carrying out local highway safety programs (23 USC 402(b) (1) (C)), unless this requirement is waived in writing;

The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the State highway safety planning process, including:

- **National law enforcement mobilizations,**
- **Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits,**
- **An annual statewide safety belt use survey in accordance with criteria established by the Secretary for the measurement of State safety belt use rates to ensure that the measurements are accurate and representative,**
- **Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources.**

The State shall actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect.

This State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks (23 USC 402(b) (1) (D));

Cash drawdowns will be initiated only when actually needed for disbursement, cash disbursements and balances will be reported in a timely manner as required by NHTSA, and the same standards of timing and amount, including the reporting of cash disbursement and balances, will be imposed upon any secondary recipient organizations (49 CFR 18.20, 18.21, and 18.41). Failure to adhere to these provisions may result in the termination of drawdown privileges);

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs);

Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CFR 1200.21);

The State will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20;

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970(P.L. 91-616), as

amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

The Drug-free Workplace Act of 1988(49 CFR Part 29 Sub-part F):

The State will provide a drug-free workplace by:

- k. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- l. Establishing a drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace.
 2. The grantee's policy of maintaining a drug-free workplace.
 3. Any available drug counseling, rehabilitation, and employee assistance programs.
 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
- m. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- n. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 1. Abide by the terms of the statement.
 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- o. Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction.
- p. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted -
 1. Taking appropriate personnel action against such an employee, up to and including termination.
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- q. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.

BUY AMERICA ACT

The State will comply with the provisions of the Buy America Act (23 USC 101 Note) which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

POLITICAL ACTIVITY (HATCH ACT).

The State will comply with the provisions of 5 U.S.C. §§ 1501-1508 and implementing regulations of 5 CFR Part 151, concerning "Political Activity of State or Local Offices, or Employees".

CERTIFICATION REGARDING FEDERAL LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

18. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
19. (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
20. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

Instructions for Primary Certification

21. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
22. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
23. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
24. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
25. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *proposal*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact

- the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
26. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
 27. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
 28. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
 29. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 30. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

*Certification Regarding Debarment, Suspension, and Other Responsibility Matters-
Primary Covered Transactions*

(1) The prospective primary participant certifies to the best of its knowledge and belief, that its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery,

bribery, falsification or destruction of record, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Certification

31. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
32. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
33. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
34. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
35. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
36. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)

37. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
38. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
39. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

40. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
41. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

ENVIRONMENTAL IMPACT

The Governor's Representative for Highway Safety has reviewed the State's Fiscal Year 2007 highway safety planning document and hereby declares that no significant environmental impact will result from implementing this Highway Safety Plan. If, under a future revision, this Plan will be modified in such a manner that a project would be instituted that could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).

Governor's Representative for Highway Safety

Date