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## EXECUTIVE SUMMARY OF VIRGINIA'S HIGHWAY SAFETY PROGRAM

### Virginia Highway Safety Office Mission Statement

**“To reduce crashes, injuries, fatalities and associated cost by identifying transportation safety issues and developing and implementing effective integrated programs and activities.”**

The Commonwealth of Virginia long ago recognized highway safety as a major problem affecting every citizen. Death rates, expressed as the number of fatalities per one hundred million miles traveled, were continually on the rise.

In response to this mounting problem, Virginia launched an aggressive, comprehensive, highway safety program to effectively address the ever-growing problems of traffic crashes, injuries and fatalities. As travel and population continue to increase, highway safety initiatives which target localities and highways throughout the Commonwealth are vital to the achievement of those goals set at the federal and state levels. These goals target change in human behavior in regards to highway safety thereby reducing crashes, injuries and fatalities on a statewide basis.

Virginia transportation safety officials have systematically analyzed highway safety problems and corrective strategies. Based on the results of this analysis, it has been determined that Virginia can make a positive impact on improving highway safety by placing a major emphasis on the following program areas:

- Occupant Protection,
- Impaired Driving,
- Traffic Records,
- Motorcycle Safety and
- Aggressive Driving and Speeding.

**Occupant Protection** is an issue that needs focused attention in Virginia. The State's most recent safety belt survey indicates a small increase in the use of restraints at 79.9% from the 2006 use rate of 78.6%. Correct safety belt use is a proven method to achieve a greater measure of safety in crashes, regardless of the other factors involved.

**Impaired Driving** resulting from the use of alcohol/drugs is another persistent problem that contributes to a large portion of fatal and serious injury crashes. While much has been accomplished in the past, improvements are needed to strengthen and enhance existing programs.

**Traffic Records** is a critical component of every state highway safety program. The timeliness and accuracy of comprehensive data is essential in valid problem identification needed to plan strategies and allocate resources toward highway safety.

**Motorcycles** with the increase in motorcycle classifications and registrations, Virginia has experienced an increase in motorcycle crashes. Enforcement, training, education and awareness are key components to focus on to address this issue.

**Aggressive Driving** (often manifested in speed) has a profound impact on the safety of Virginia's roadways. A targeted emphasis focused on enforcement and education will continue to raise the awareness of the dangers and implications of aggressive driving.

Areas also eligible for consideration in state and local grants, but to a lesser extent: Planning and Administration, Pedestrian/Bicycle Safety, and Roadway Safety. As decisions are made on grant funding levels, an assessment will be made for the prospective grants to make a meaningful contribution to traffic safety and assist the Commonwealth in achieving its safety goals.

Virginia's Highway Safety Office performs the following functions:

- **Problem Identification:** Identification of actual and potential traffic safety hazards and the development of effective countermeasures.
- **Administration and Grants Management:** Includes management of the highway safety program, monitoring legislative initiatives, development of federal highway safety proposals; distribution of federal funds to state, local and nonprofit agencies and the preparation of the Annual Highway Safety Plan and Evaluation Report.
- **Program Management:** Includes developing, implementing and evaluating safety programs on a local, regional, and statewide basis and monitoring federal funds to state, local and non-profit agencies.
- **Public Information and Education:** Includes development and coordination of numerous press releases with an emphasis on highway safety, media events and public awareness activities targeting specific priority areas, such as occupant protection, speed/aggressive and alcohol/impaired driving.
- **Traffic Records, Planning, Research and Evaluation:** Includes traffic records strategic planning, crash database management, crash data and commercial vehicle data analysis and reporting for local, state and federal initiatives.

**COMMONWEALTH OF VIRGINIA HIGHWAY SAFETY OFFICE**

Governor Timothy M. Kaine

Governor's Highway  
Safety Representative D. B. Smit  
DMV Commissioner

Governor's Highway  
Safety Coordinator David Mitchell  
DMV Deputy Commissioner

Director of the Highway  
Safety Office John Saunders

Location of Highway  
Safety Office Department of Motor Vehicles  
2300 West Broad Street  
Richmond, Virginia 23220  
Phone: (804) 367-8107

## **DELEGATION OF AUTHORITY AND ORGANIZATIONAL STAFFING**

Legislation that gives written enabling authority for highway safety and the responsibility to carry out assigned state highway safety office functions to the Virginia Department of Motor Vehicles' (DMV) is Virginia Code Section 46.2-222 through 224.

Virginia's Highway Safety Office is comprised of 32 staff members including field personnel, and the Centralized Accident Processing (CAP) work center. The CAP unit processes the state's police crash reports and enters the information into the state database.

In October, 2006, the Grants Management program and staff were realigned to report directly to the budget section of the Financial Management Services Administration. This transfer of responsibilities put into place internal controls allowing for a system of checks and balances between the awarding of grants and the distribution of grant funding. The working relationship has not changed as a result of this realignment.

Brief descriptions of each position of Virginia's Highway Safety Office are as follows; with an accompanying organizational chart on page six.

### **Board of Transportation Safety**

The Virginia Board of Transportation Safety advises the Commissioner of Motor Vehicles, the Secretary of Transportation and the Governor on transportation safety matters pursuant to §46.2-224 of the Code of Virginia. The Board shall consist of twelve members appointed by the Governor, six of whom represent each of the DMV districts in the state and the remaining represent other modes of transportation (Air, Water, Rail, Motor Carrier, Public Transportation, Pupil Transportation and Pedestrian/Bicycle).

### **Highway Safety Office Staff and Responsibilities**

**Governor's Highway Safety Coordinator:** Responsible for providing oversight to Virginia's highway safety program.

**Director:** Responsible for planning, organizing and administering the day-to-day operations and programs of the Office of Highway Safety. Directs the administration of the Highway Safety Office to include Program Development and Implementation, in addition to Traffic Records, Planning, Research, and Evaluation.

**Administrative Assistant:** Responsible for administrative duties for the Highway Safety Office.

**Policy Planning Specialist II:** Responsible for conducting special highway safety projects for the office. Develops and monitors the budget for the Highway Safety Office, Monitors state and federal legislation to determine the impact on highway safety and the Commonwealth of Virginia. Responsible for the coordination and preparation of the annual Highway Safety Plan and Evaluation Report.

**Grants Management Office:** Responsible for the financial oversight and management of the grant process and policy and procedure development for effective and efficient grants management.

Deputy Director for Program Development and Implementation: Development of problem identification and development of effective countermeasures. Responsibilities include comprehensive monitoring, tracking and evaluation of approved highway safety projects.

Program Managers/Grant Managers report to the Deputy Director for Program Development and are located both in headquarters and in the field: Responsibilities include monitoring and evaluation of approved highway safety projects within the various countermeasure areas; dissemination of information; public awareness campaigns and media events, and presentation of safety education programs.

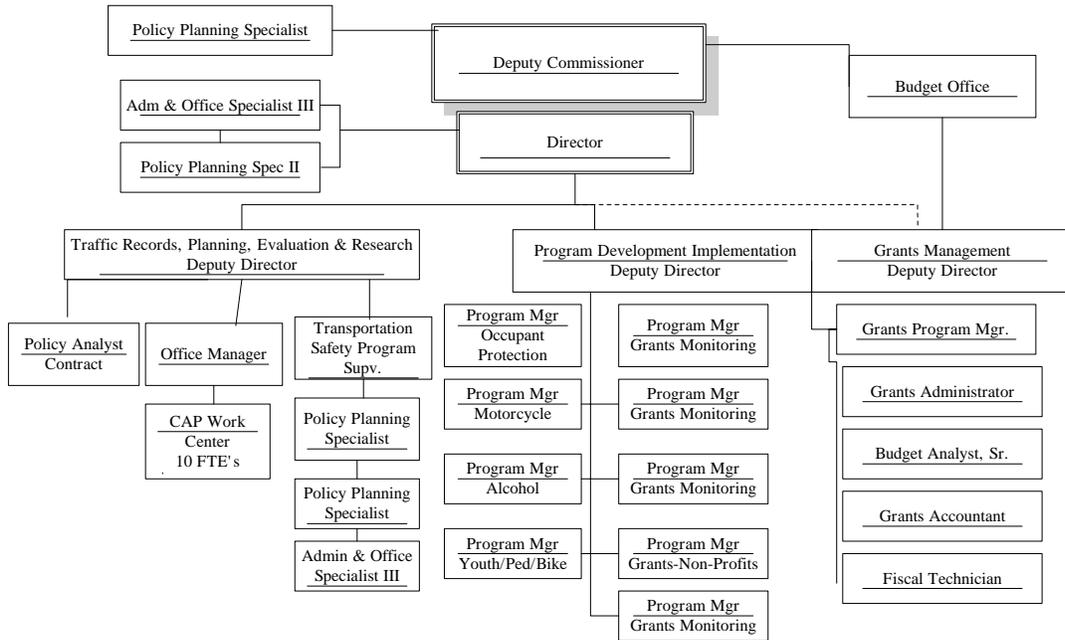
Deputy Director of Traffic Records, Planning, Research and Evaluation: Responsibilities include managing, implementing and directing the statewide traffic records data system, crash data management and analysis, strategic highway safety planning, and serving as the coordinator for the state traffic records committee.

Transportation Safety Program Supervisor reports to the Deputy Director of Traffic Records supervises two Policy Planning Specialist and one Administrative and Office Specialists III (FARS Analyst). This section is responsible for managing statewide traffic crash data; providing analysis and data pertaining to traffic records and highway safety studies and countermeasure programs; compiling the annual Highway Safety Evaluation Plan; and providing and updating traffic crash data on the agency web site.

Office Manager Duties for CAP Work Center: Reports to the Deputy Director of Traffic Records, Planning, Research and Evaluation. Ensures efficient and timely delivery of services by implementing changes in work methods, procedures and staffing for a high-volume production unit that processes fatalities, medical, school bus, and uninsured related crashes. Acts as a liaison with insurance companies, VDOT, Police Departments, State Police, other agencies, states and private organizations; interprets policies, procedures and statutes, and responds to customer's questions; inquiries and correspondences.

Program Support Technicians for the CAP Work Center: These staff members report to the Office Manager: Responsibilities include independently reviewing/analyzing crash reports to determine relevant information to code into DMV's Citizen Services System and DMV's CAP system. Provide statistical data regarding driver, road, and traffic analysis related to accidents in the State of Virginia.

Virginia Highway Safety Office  
 Department of Motor Vehicles  
 August 2007



## VIRGINIA'S HIGHWAY SAFETY OFFICE STAFF TRAINING

Virginia's Highway Safety Office staff participates in and provides various training sessions such as the following:

- NHTSA Program Management;
- Financial Management;
- Media Skills Workshop;
- Instructor/Facilitator Training;
- Highway Safety Grant Implementation; and
- Highway Safety Grant Application Instruction.

Staff receives valuable information from these sessions, and they will host mandatory implementation workshops for 2008 grantees across the state. Other specific training completed in 2007 is noted below:

Deputy Director (Grants Management):  
NHTSA Program and Financial Management Training

Deputy Director (Program Development and Implementation):  
Traffic Records;  
NHTSA Program Management and Financial Management Workshops;  
Regional Diversity Workshop;  
Project Monitoring;  
Grants Management Automated;  
Child Passenger Safety Database training;  
Check Point Strikeforce;  
Grants Management Procedures.

Program Managers/Program Monitors: The following represents combined training for these managers:

NHTSA Program Management;  
Grants Management;  
NHTSA Region Youth Driver Summit;  
Law Enforcement Challenge Awards Workshop;  
Smart, Safe and Sober Training;  
Annual Conference on Transportation Safety training sessions;  
CTSP Staff training;  
Border to Border training;  
SMSA Professional Workshop in Managing State Programs;  
Motorcycle Safety Problems and Solutions and Motorcycle Handling Dynamics;  
Certified Instructor for the Child Passenger Safety Training;  
Law Enforcement Public Information Workshop; DMV Grant Writing Workshop;  
Child Safety Seat Training for Law Enforcement;  
NHTS CPSF Planning Workshop;  
NHTSA Media Planning Workshop;  
DUI/DUID Workshop;

State DUI Conference;  
Lifesaver Conference;  
TSI Occupant Protection Coordinator Training;  
TSI Media Training and Strategic Planning and,  
NHTSA Media Coordinator Skills Training.

Deputy Director (Traffic Records, Data Management & Reporting):  
LifeSavers Conference Sessions;  
Traffic Records Conference sessions;  
Training sessions for Non-profits;  
NHTSA Atlantic Region training;  
Lean Thinking Concepts Training, and  
Office staff training in grant monitoring.

Transportation Safety Program Safety Program Supervisor, (two) Policy Planning Specialists  
and (one) Administrative and Office Specialist III  
Traffic Records and  
Benchmarking training

Administrative and Office Specialist III and (one) Policy Planning Specialist  
FARS System-Wide Training

## STATEWIDE DEMOGRAPHICS

There are 135 cities and counties in Virginia. The capitol is located in Richmond. The provisional total population of Virginia for 2006 is 7,642,884. Virginia has 7,386,061 registered vehicles.

Six (6) geographic districts comprise Virginia as follows: Bristol, Roanoke, Staunton, Fairfax, Richmond, and Portsmouth. The combined number of licensed drivers from all DMV districts is 5,394,888. Virginia's law enforcement community consists of 125 City and County Sheriff's offices and 242 police departments which includes private, institutional and collegiate departments. It also includes 7 state police divisions within 48 areas of the state and 1,959 state troopers.

Virginia has a very diverse traffic mixture that includes urban, suburban and rural driving populations, an active tourism market, several military installations, diverse cultural communities that speak many languages, and many college campuses spread out across the state. It also borders two of the busiest metro areas for traffic, Washington D.C. and Maryland. Another factor that adds to Virginia's medley of traffic issues is that it is a secondary seat belt law state (it is primary for children under age 16) that borders states'/districts with primary seat belt laws (Maryland, North Carolina and the District of Columbia.)

### Trend Statistics

CY	Crashes	Fatalities	Injuries	Licensed Drivers	Registered Vehicles	Population	VMT*	Fatality Rate**	US Fatality Rate
1987	145,473	1,022	80,114	4,070,041	4,660,657	5,932,300	54,834	1.90	2.51
1988	144,319	1,069	77,735	4,146,101	4,752,331	6,036,900	57,453	1.88	2.42
1989	143,155	999	79,310	4,249,563	4,887,607	6,120,200	59,337	1.72	2.26
1990	134,505	1,071	76,436	4,404,722	4,985,438	6,187,358	60,178	1.82	2.18
1991	122,516	938	70,899	4,429,424	5,023,679	6,288,000	61,099	1.54	2.00
1992	122,887	839	76,615	4,771,565	5,124,916	6,394,000	63,447	1.32	1.83
1993	120,265	875	77,852	4,818,898	5,230,009	6,490,600	65,419	1.34	1.82
1994	126,637	925	82,146	4,845,028	5,383,522	6,551,500	67,609	1.35	1.80
1995	127,126	900	82,400	4,884,271	5,485,309	6,618,358	69,811	1.28	1.79
1996	131,088	869	82,363	4,957,577	5,636,956	6,666,200	71,309	1.21	1.76
1997	129,980	981	81,866	5,021,813	5,724,096	6,737,500	74,142	1.32	1.70
1998	136,138	934	81,221	4,846,666	5,874,607	6,789,200	76,262	1.22	1.65
1999	139,573	877	81,204	4,942,186	6,083,902	6,872,900	79,463	1.10	1.60
2000	141,650	930	79,806	5,034,297	6,313,411	7,078,499	80,452	1.16	1.60
2001	144,585	935	80,187	5,100,631	6,490,834	7,196,800	86,969	1.08	1.54
2002	147,737	913	78,896	5,182,497	6,659,560	7,293,500	75,268	1.21	1.56
2003	154,848	942	78,842	5,257,516	6,833,735	7,386,300	76,830	1.23	1.57
2004	154,907	922	78,487	5,313,167	7,037,698	7,458,900	78,877	1.17	1.52
2005	153,849	946	76,023	5,362,410	7,246,709	7,567,500	80,335	1.18	1.59
2006	151,692	961	73,348	5,394,888	7,386,061	7,642,884	81,094	1.19	1.42

\* In millions, starting in 2002 VMT will be based on vehicle count instead of gasoline consumption using Virginia Department of Transportation's Traffic Monitoring System

\*\* Death rate per 100 million miles

## VIRGINIA'S POLITICAL STRUCTURE

Virginia's current governor is Timothy M. Kaine (D). The Commonwealth's bicameral legislature consists of the House of Delegates and Senate of Virginia. The present state Constitution, adopted in 1970, provides that the House of Delegates shall consist of 90 to 100 members and the Senate shall consist of 33 to 40 members. All members of the General Assembly are elected by qualified voters within their respective House and Senate districts. The terms of office are two years for members of the House and four years for members of the Senate. (Members may not hold any other public office during their term of office.) The following table identifies how the legislature is currently comprised:

	Democrats	Republicans	Independents	Totals
Senators	17	23	0	40
Delegates	40	56	3	100

## MAJOR HIGHWAY SAFETY ISSUES/LEGISLATION

The issues of DUI, reckless driving, child safety, teenage drivers, red light enforcement and motorcycle safety continue to be a high priority in Virginia. In 2007, Virginia passed several pieces of legislation to address these issues. The following laws were enacted and became effective July 1, 2007, with the exception of the first law listed which becomes effective January 1, 2008:

**Driver's Licenses Issued to Persons Convicted of Driving Under the Influence** Prohibits the Department of Motor Vehicles from issuing or reinstating the driver's license of a person who has been convicted of driving under the influence or a related offense during the three-year period following the conviction, unless the person provides proof that he has in effect, a motor vehicle liability insurance policy with limits that are double the minimum limits required generally for motor vehicle liability insurance policies. This law will apply only to policies issued or renewed on or after January 1, 2008.

**Alcohol-Related Reckless Driving** This law provides the Commissioner of the Department of Motor Vehicles the authority to not reinstate the driver's license of a person required to complete an alcohol safety action program for a conviction of reckless driving until notification of enrollment is received by the Department.

**Ignition Interlock and Loss of Restricted License** This law reduces the driver's blood alcohol content from 0.025 to 0.02 for triggering the ignition interlock and requires the system to be in place for six consecutive months provided the driver has no alcohol-related violations of the interlock requirements.

**Child Restraint Devices; Booster Seat Age; Rear Facing Child Restraint Devices** This law increases the booster seat age requirement from through age five to through age seven and prohibits any person from securing a child in the front passenger seat with a rear facing child restraint device unless the vehicle does not have a back seat and is not equipped with a passenger side airbag or the airbag has been deactivated. An exemption to this law can be granted based on the size/weight of the child but requires an evaluation and written statement from a physician in order to qualify. The law no longer exempts the use of child restraint devices for the rear cargo area of vehicles.

**Holders of Provisional Driver's Licenses** This law prohibits provisional drivers license holders from using any cellular telephone or any other wireless telecommunications device while operating a motor vehicle, except in an emergency or when parked or stopped.

**Traffic Signal Enforcement Programs:** This law grants localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than one intersection for every 10,000 residents at one time. The law also provides limitations on the use and retention of images recorded.

**Issuance of a License to Operate a Motorcycle.** This law changes "endorsement" to "classification"; and allows an individual with a Virginia driver's license who successfully completes a motorcycle rider safety training course to use the course completion documentation as a temporary motorcycle classification for 30 days. It also requires persons applying for a motorcycle classification who fail the road test twice to complete a motorcycle rider safety training course and it allows DMV to exempt those who have completed a motorcycle safety training course from either the written test or the road test or both.

## CHALLENGES AND STRENGTHS

Even with Virginia's stringent DUI laws the state continues to face challenges in reducing the incidence of drinking and driving and continues to face an uphill battle in passing an open container law. Also, after making several unsuccessful attempts to pass primary seat belt legislation, Virginia's secondary seat belt law still stands. The 2007 General Assembly did not address primary seat belt legislation; however, it is believed that primary seat belt legislation will be addressed during the 2008 session. The attempt to repeal Virginia's motorcycle helmet law was before the legislature in 2007; however, the measure was defeated. Virginia continues to place these issues as top priorities in its highway safety program and will continue to work towards enhancing its efforts to effectively address them.

Virginia counts as its strengths the traffic safety laws currently in place that are some of the most stringent in the country; its experienced Highway Safety Office staff; the work of the Governor-appointed Board of Transportation Safety its ability to continuously qualify for and effectively manage highway safety grant funding, as well as, the strong partnerships it has nurtured with highway safety advocates on the local, state and federal levels. Also, having a Governor whose administration is proactive and supportive of programs and legislation that strengthen Virginia's highway safety program greatly enhances the states' efforts.

## VIRGINIA'S FY 2008 HIGHWAY SAFETY GOALS

- (A) Virginia's goal for occupant protection is to increase safety belt usage through education and enforcement. Virginia will strive to increase its statewide safety belt usage rate from 79.9% to 82% by June 2008. In order to achieve this rate, Virginia must realize the following changes by June, 2008:
- Decrease fatalities from non-restraint use by 1% from 452 to 448
  - Decrease injuries by 1% from 73,348 to 72,615, and
  - Convert 16% or 250,000 non-safety belt users to become safety belt users.
- (B) Virginia's goal for impaired driving is to reduce the number of alcohol/drug-related crashes, injuries and fatalities. Virginia will strive to decrease alcohol/drug-related crashes as follows:
- Decrease crashes 1% from 11,736 to 11,618
  - Decrease fatalities by 5% from 374 to 355, and
  - Decrease injuries by 1% from 7,543 to 7,467 June, 2008.
- (C) Virginia's goal for traffic records is to improve the collection and accessibility of traffic records system data to provide enhanced traffic records data to customers and to improve customer service. Virginia will strive to enhance/modify DMV databases, i.e. the Centralized Accident Processing system, to more efficiently capture statewide highway safety data (i.e. traffic crash data) to provide accurate, timely highway safety and traffic crash information.
- Increase the number of reportable Commercial Motor Vehicle (CMV) crashes being uploaded into the federal Safety Net program by 20% by September, 2008
  - Implement the phased rollout of the revised FR300 Police Crash Report by September, 2008
  - Continue to phase in the implementation of the Traffic Records Electronic Database (TREDS) by January, 2009, and
  - Update the Crash Outcome Database Evaluation System (CODES) with 2006 crash, EMS, and vital statistics data by September, 2008.
- (D) Virginia's goal for motorcycle safety is to reduce the fatality rate. Virginia will strive to decrease the motorcycle fatality and crash rates as follows by June, 2008:
- Decrease fatality rate by 2% from 23.5 to 23.0, and
  - Decrease crash rate by 2% from 83.9 to 82.2.
- (E) Virginia's goal for speed is to decrease speed-related crashes in Virginia. Virginia will strive to decrease the speed-related fatality rate as follows by June, 2008:
- Decrease fatality rate by 2% from 0.51 to 0.50, and
  - Decrease injury rate by 1% from 20.57 to 20.36.

## **HIGHWAY SAFETY PLAN (402 APPLICATION FOR FUNDING)**

This section describes the process used by the Commonwealth of Virginia in utilizing federal 402 performance-based funding. In addition, the process includes 405 Occupant Protection funds and transfer funds such as 157, 154, 163, and 164 and those available pursuant to SAFETEA-LU consistent with the guidelines, priorities and requirements established therein.

### **A. PROBLEM IDENTIFICATION**

Virginia's Highway Safety Office conducts extensive problem identification to develop and implement the most effective and efficient plan for the distribution of federal funds. Problem identification is vital to the success of our highway safety program and ensures that the initiatives implemented address the crash, fatality, and injury problems within the Commonwealth; provides the appropriate criteria for the designation of funding priorities, and provides a benchmark for administration and evaluation of the overall highway safety plan.

The problem identification conducted resulted in the following actions:

- Collection and analysis of traffic crash data – The Virginia Highway Safety Office compares prior year HSP data with current year data. From that data, along with additional information, we determine which goals need to be set or remain the same.
- Source of data – Virginia is fortunate to have a Centralized Accident Processing System, Citizen Services System and the Fatality Analysis Reporting System located on site that allows staff to download and analyze traffic crash, vehicle, and driver and conviction data.
- Virginia's Highway Safety Office, in conjunction with our Board of Transportation Safety and a team of partner agencies, utilizes specific locality data/problem identification with other Virginia data, to plan and implement statewide programs to address our highway safety issues including enforcement and awareness campaigns.

Based on this information, a plan is developed that provides funding priority to:

- Projects that support statewide goals.
- Projects that identify problems by High Emphasis Communities. High Emphasis Communities are determined using the following methodology: (1) regions in Virginia are ranked in terms of their crash severity problem; (2) counties/cities/towns within regions are ranked in terms of their crash severity problem, (3) jurisdictions are stratified by type (i.e. county, city and town). Those jurisdictions with the highest ranking in each region are selected as High Emphasis Communities. The "Crash Severity Score" (CSS) is computed using crashes, vehicle miles traveled, fatalities, injuries, local licensed drivers, total licensed drivers, alcohol-related crashes, alcohol-related fatalities, alcohol-related injuries, speed-related crashes, speed-related fatalities and speed related injuries.
- Projects that creatively incorporate "alcohol awareness and occupant protection safety".
- Innovative projects with potential statewide applications or ability to transfer to other jurisdictions.
- Projects from state, local and nonprofit organizations that have statewide significance and address the federal program areas under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

The Commonwealth of Virginia's FY 2008 Highway Safety Plan/Application for 402 federal highway safety grant funding contains a discussion of the following:

- (a) Virginia's highway safety problems supported by the Virginia Highway Safety Office;
- (b) projects designed to address the identified problems; and
- (c) a plan to evaluate the projects identified herein.

The FY 2008 Highway Safety Plan is submitted in accordance with NHTSA Order 960-2A and FHWA Order 7510.3A dated June 10, 1983.

## **B. SETTING GOALS AND OBJECTIVES**

The goals and objectives that will be accomplished utilizing the funds outlined in Virginia's 2008 Highway Safety Plan/Application for 402 federal highway safety grant funding are based on the Virginia Highway Safety Office's mission statement, DMV Commissioner's or Agency Head Agreement along with the goals and objectives outlined under federal guidelines.

The Virginia Highway Safety Office continues to identify, analyze, recommend and implement resolutions for highway safety problems on a statewide basis. Through the state's Centralized Accident Processing System (CAPS), crash data can be programmatically broken down as follows: (1) local, political subdivision -- county, city and town, (2) regions and (3) statewide.

Participation in the priority ratings of individual projects requests include: (1) local priorities; (2) DMV Transportation Safety Headquarters and Field Personnel; (3) program managers with knowledge and expertise in specific problem areas; (4) a specifically, appointed Allocations Committee of the Virginia Board of Transportation Safety; and (5) the Virginia Board of Transportation Safety advising the DMV Commissioner and the Secretary of Transportation.

Local input and solutions are processed from the applicable local agency through the local Transportation Safety Commission, when applicable, Transportation Safety Program Managers and the affected state agency. This network of cooperation between state and local governments and non-profit organizations provides for an effective and efficient problem solution team.

## **C. PERFORMANCE GOALS**

### **1. Occupant Protection Countermeasures:**

Virginia's seat belt law is secondary and through our legislative process, Virginia continues to work towards making its law primary. Our occupant protection program's primary purpose is to increase the public's awareness of the lifesaving benefits of correct and consistent safety belt and child safety seat use as well as to decrease Virginia's fatality rate from 1.19 to 1.0 by 2008. With occupant protection funding programs such as Sections 402 and 405, Virginia has taken steps to maintain our goal of increased seat belt use by implementing a 4-week, regional, high visibility seat belt enforcement campaign (Click It or Ticket). In addition, the State has partnered with NHTSA in a pilot project called Click It or Ticket: Next Generation. This project will conduct additional media and enforcement mobilization in July and November of 2007 and March 2008. To increase the awareness of child passenger safety, Child Passenger Safety Technicians and advocates travel throughout the state to educate and assist parents and caregivers in child safety seat safety and correct safety seat installations.

- **Section 405 Occupant Protection Incentive Grant** – Virginia was eligible for this grant program because it met the 4 criteria elements listed below. This funding was used to support public information and education campaigns such as the ABC mobilization and Child Passenger Safety Awareness Week; to support increasing awareness and educating the public on child safety restraint laws; occupant protection trainings, school competitions, etc.
  - Minimum fine or penalty points for occupant protection law violations.
  - Statewide special traffic enforcement program for occupant protection that emphasizes publicity.
  - Statewide child passenger safety education program.
  - Child passenger law that requires minors to be properly secured in a child safety seat.

Section 405 Available Funding:

- FY 2006 - \$584,754 (Carry Forward)
- FY 2007 – 711,324 (Effective October 1, 2007)

**Click It or Ticket Next Generation Cooperative Agreement DTNH22-06-H-00033** – Virginia has partnered with NHTSA to pilot this project which continues the momentum created by CIOT with interim mobilization or emphasis periods. This would bridge the national mobilization periods with similar intense and concentrated efforts throughout the year. This enhancement of the already successful CIOT model could potentially increase safety belt use gains across the Commonwealth.

Funds Available for Click It or Ticket Next Generation:

- \$300,000

**FY08 Goal:** To increase seat belt usage in Virginia.

Calendar Year	Safety Belt Use Rates (%)	Child Safety Seat Use Rate (%)	Safety Belt Convictions	Child Safety Seat Convictions & Safety Belt Convictions (Minor)
1999	69.9	83.2	91,746	17,294
2000	69.9	81.9	87,692	16,583
2001	72.3	85.6	80,932	11,439
2002	70.4	91.0	71,551	14,034
2003	74.6	91.1	64,755	13,236
2004	79.9	98.1	65,893	13,490
2005	80.4	N/A	67,195	13,960
2006	78.6	N/A	69,072	13,964
2007	79.9	N/A	*	*

\*Full year data not yet available.

**Objectives:**

1. To increase safety belt usage in Virginia from 79.9% to 82% by June, 2008.
2. To decrease lives lost by 1 percent from 961 to 951 by December, 2008.

3. To decrease injuries by 1 percent from 73, 348 to 72,614 by June, 2008.
4. To convert 16% of non-seat belt users to become seat belt users by June, 2008.

**Tasks:**

1. To implement a statewide, high visibility seat belt enforcement campaign with particular emphasis on high activity locations with a supporting media campaign and enforcement mobilization for two weeks in November 2007, and March 2008.
2. To cover 85% of Virginia's population with law enforcement participating in the Click It or Ticket Campaign by June, 2008.
3. To conduct pre-and-post mobilization observational surveys of safety belt use by June, 2008.
4. To cover at least 85% of Virginia's low income population with information through Virginia's Child Passenger Safety and Education Campaign by September, 2008.
5. To conduct at least 3, 4-day CPS Technical Certification Classes regionally to meet the NHTSA standard by September, 2008.
6. To conduct 4, 2-day law enforcement child passenger safety training workshops by September, 2008.
7. Conduct training for the CIOT mobilization to focus on law enforcement in the areas of media relations and looking beyond the traffic ticket.
8. Continue to utilize Law Enforcement Liaisons to emphasis support of Highway Safety Office priorities with law enforcement statewide.

Total Section 402 Funding Obligated:

- \$1,142,675.28

Note: See attached occupant protection projects awarded in FY 2008

**2. Alcohol Countermeasures:**

Virginia continues to address and implement effective, statewide programs to reduce crashes, injuries and fatalities resulting from impaired driving. In 2006, the Commonwealth's death rate for alcohol/drug related fatalities was 0.46 deaths per 100 million miles of travel. In 2006, 39 percent of all traffic fatalities in the Commonwealth were alcohol-related with 16 percent of the total within 15-20 years of age, below the legal age for consumption of alcoholic beverages.

Convictions for DUI/Drug offenses show underage drinking is still a problem that warrants action and use of program resources to reduce the use of alcohol and drugs by youth. Data is essential in assisting Virginia in identifying and plotting the geographical locations where alcohol/drug driving is most prevalent and to help allocate program resources. The data also assist in identifying repeat offender and youth-alcohol problems and in focusing the use of funds for new initiatives.

In the past, funds from the Section 402 Federal grant program have been used to make many progressive improvements in the prevention, enforcement and treatment programs for impaired drivers. Additional resources have also been available because Virginia qualified for Section 410 Alcohol incentive grant funds.

Virginia plans to maintain and enhance its level of programs with consistent enforcement, public information and education, licensing, intervention and prevention to reduce alcohol and drug related crashes, injuries and fatalities on its roadways from local and statewide perspectives. These efforts will greatly enhance Virginia's goal of decreasing its fatality rate from 1.19 to 1.0 by 2008. Major programs in Virginia include the prevention of drunk driving and underage drinking and driving DUI Task Force, ABC, WRAP and MADD, the Virginia Smooth Operator Aggressive Driving initiative as well as selective enforcement projects such as Checkpoint Strike Force, a statewide effort involving state and local agencies.

#### DUI/DUID CONVICTIONS

Category	2002	2003	2004	2005	2006
Under Age 21	1,955	1,798	1,860	2,338	2,257
Adults	25,293	25,785	27,013	26,503	26,457
Unknown	74	107	161	99	70
<b>Total</b>	<b>27,322</b>	<b>27,690</b>	<b>29,034</b>	<b>28,940</b>	<b>28,784</b>

Alcohol-Related				
Year	Crashes	* Fatalities	Fatality Rate	Injuries
1998	11,027	336	0.44	8,555
1999	10,942	364	0.46	8,359
2000	11,085	355	0.43	8,251
2001	11,265	358	0.41	8,211
2002	11,788	375	0.50	8,465
2003	11,388	361	0.47	7,819
2004	11,504	343	0.43	7,911
2005	11,495	322	0.40	7,512
2006	11,736	374	0.46	7,543

\*Determined using medical examiner data in addition to police reports.

**Section 410 Impaired Driving Incentive Grant** – Virginia qualified for the Low Fatality Rate criteria. Virginia has an Alcohol-Related Fatality Rate of less than 0.5 per 100 million vehicle miles traveled (VMT). This funding was used to support overtime enforcement of DUI laws, to provide training for law enforcement, etc.

Total Section 410 Funding Available:

- FY 2006 - \$2,330,393

Total Section 163 (.08) Funding Available:

- FY 2005 - \$1,416,555

**Section 154/164 Transfer Funds** – Virginia has been “penalized” for failure to enact/conform to legislation: (1) prohibiting open containers of alcohol from the passenger compartment of a vehicle; therefore, funding was transferred from highway construction funds to the Section 402 program. These funds can be spent for alcohol countermeasures programs and Hazard Elimination programs. The Virginia General Assembly passed, and the Governor signed a conforming repeat DUI offender law in 2003. Therefore, Virginia was only penalized for failure to enact a conforming open container law (Section 154).

Total Sections 154/164 Transfer Funds Available:

- FY 2003 - \$8,468,559 HE (Carry Forward Funds).
- FY 2004 - \$8,700,000 HE (Carry Forward Funds).
- FY 2005 - \$13,322,755 (Carry Forward Funds). From this \$8,969,179 was allocated to Hazard Elimination and \$4,353,576 to Alcohol countermeasures.
- FY 2006 - \$13,696,078 (Carry Forward Funds). From this \$7,194,084 was allocated to Hazard Elimination and \$6,501,994 to Alcohol countermeasures.
- FY 2007 - \$16,281,147. From this \$8,642,002 was allocated to Hazard Elimination and \$7,639,145 to Alcohol countermeasures.

**FY08 Goal:** To reduce the number of alcohol/drug-related crashes, injuries and fatalities

**Objectives:**

1. To decrease alcohol/drug-related crashes 1% from 11,736 to 11,618 by June, 2008.
2. To decrease alcohol/drug-related fatalities 5% from 374 to 355 by June, 2008.
3. To decrease alcohol/drug-related injuries 1% from 7,543 to 7,467 by June, 2008.
4. To conduct an assessment of the Checkpoint Strike Force Campaign during 2008.
5. To increase the number of DUI checkpoints to 300 by January, 2008.
6. To increase participation of enforcement agencies involved in DUI Checkpoint Strike Force campaigns from 118 agencies in 2006 to 125 agencies in 2008.

***Tasks:***

1. To implement a statewide DUI Checkpoint Strike Force campaign (to include saturation patrols and checkpoints) supported with a comprehensive (earned and paid) media component year round with special emphasis between the months of July and January.
2. To continue implementation of approved recommendations of the July, 2003 Governor's Task Force to Combat Driving Under the Influence of Drugs and Alcohol as they relate to current efforts addressing DUI in Virginia.
3. To conduct a statewide judiciary conference focusing on DUI issues for 100 judges by September, 2008.
4. To conduct a SFST Training Assessment by September, 2008.

Total Section 402 Funding Obligated:

- \$63,481.96

Note: See attached alcohol and impaired driving projects awarded in FY 2008

**3. Traffic Records Countermeasures:**

Virginia continues to review and enhance its databases and data elements for linkage of traffic records systems and identification of necessary data elements to ascertain and analyze traffic safety problems in accordance with implementing a comprehensive, statewide Surface Transportation Safety System (STS). By utilizing highway safety funding sources to implement Traffic Records data collection methods such as the Centralized Accident Processing System (CAPS), the Traffic Records Electronic Data System (TREDS), the Crash Outcome Data Evaluation System (CODES), the Traffic Records Improvement Program (TRIP), and the Micro Traffic Records System (MTRS). Virginia continues to implement a standardized set of common data elements and the most efficient and effective linkage capabilities for crash reports, criminal and driver records and health records.

**Section 408 Traffic Safety Information System Improvement Grant** – Virginia was eligible for this funding because it met the criteria below. The funding was used to implement effective data improvement programs. The first year of qualification, Virginia met the criteria under Option A:

- Establish a multi-disciplinary highway safety data and traffic records coordinating committee.

- Complete a highway safety data and traffic records assessment or audit within the last five years.
- Initiate development of a multi-year highway safety data and traffic records strategic plan (with performance-based measures) -- approved by the coordinating committee and the Governor's Highway Safety Representative.

Because Virginia received a First Year Grant, it was then eligible for Second and Subsequent Year Grants. To qualify, Virginia had to:

- Submit or update a data and traffic records multi-year plan, identifying goals, performance-based measures and priorities; and that specifies how incentive funds will be used.
- Certify that the coordinating committee continues to support the multi-year plan.
- Report annually on the progress made to implement the plan.

Total Section 408 Funding Available:

- FY 2006 - \$855,130 (Carry Forward)

**FY08 Goal:** To improve the collection and accessibility of traffic records system data to provide

**Objectives:**

1. To modify DMV's current crash database to capture statewide highway safety data (i.e. traffic crash data) to provide accurate and timely highway safety and traffic crash information.
2. To design and implement a statewide, comprehensive, automated crash reporting system for the collection of crash data by law enforcement.

***Tasks:***

1. To increase the number of reportable Commercial Motor Vehicle (CMV) crashes being uploaded into the federal Safety Net program by 20% by September, 2008.
2. To implement the phased rollout of the revised FR300 Police Crash Report by September, 2008.
3. To continue to phase in the implementation of the Traffic Records Electronic Database (TREDS) by January, 2009.
4. To update the Crash Outcome Database Evaluation System (CODES) with 2006 crash, EMS, and vital statistics data by September, 2008.

Total Section 402 Funding Obligated:

- \$698,301.56

Note: See attached traffic records projects awarded in FY 2008.

## Motorcycle Safety Countermeasures:

The Virginia Rider Training Program (VRTP) is the official motorcyclist safety program in Virginia. The VRTP uses the curriculum developed and endorsed by the Motorcycle Safety Foundation and has earned a reputation in the motorcycle safety community as an exceptional program. This program maintains the integrity of motorcycle safety training while offering training to a large number of novice and experienced riders. It is important to maintain the balance between the quality of instruction and accommodating the ever increasing number of students who want to learn how to ride a motorcycle. As the population is becoming more “mature”, the number of people interested in and riding motorcycles increases. In 1989, the VRTP trained 400 students annually. Nearly 11,000 students are trained annually. The VRTP continues to make strides in student training and awareness and maintaining a low incidence of impaired motorcyclists.

The Governor’s Motorcycle Advisory Council was created in 2005 to elevate the “Motorcycle Virginia” work group efforts that began in 2004. The group, comprised of state agencies involved in tourism, public safety, and transportation, produced more than 100,000 “Watch for Motorcycles” bumpers tickers and launched a Web site featuring Virginia’s motorcycle routes, safety guidelines, and motorcycle resource links ([www.motorcycleva.com](http://www.motorcycleva.com)).

**FY08 Goal:** To reduce the motorcycle death rate in Virginia.

Calendar Year	Motorcycle Endorsements*	Motorcycle Fatalities	Motorcycle Fatality Rate **	Motorcycle Crashes	Motorcycle Crash Rate **
1999	197,513	38	19.2	1,320	66.8
2000	201,832	45	22.3	1,525	75.6
2001	246,065	44	17.9	1,743	70.8
2002	255,775	54	21.1	1,648	64.4
2003	263,649	56	21.2	1,713	65.0
2004	272,754	56	20.5	2,000	73.3
2005	284,300	68	23.9	2,289	80.5
2006	297,756	70	23.5	2,499	83.9

\*Virginia licensed drivers with motorcycle endorsements.

\*\*Fatality and crash rates per 10,000 motorcycle endorsements

### **Objectives:**

1. To decrease the motorcycle fatality rate by 2% from 23.5 to 23.0 by June, 2008.
2. To decrease the motorcycle crash rate by 2% from 83.9 to 82.2 by June, 2008.

### **Tasks:**

1. Conduct a Motorist Awareness Campaign in April/May of 2008.
2. Conduct on-site monitoring and evaluation of training facilities for 17 permanent and 6 mobile training sites by September, 2008.
3. Maintain 6 sidecar trike training courses by June, 2008.
4. Conduct motorcycle Crash Investigation courses for law enforcement.
5. Conduct DUI detection training for law enforcement.
6. Collect and analyze motorcycle crash data.
7. Develop a Public Service Announcement that focuses on motorcycle riders.

Total Section 402 Funding Obligated:

- \$253,927.84

Note: See attached motorcycle projects awarded in FY 2008.

### 5. Speed Countermeasures:

Aggressive drivers are becoming more common and more dangerous on our congested roadways. According to NHTSA, more than 60 percent of drivers see unsafe driving by others, including speeding, as a major personal threat to themselves and their families. NHTSA has estimated that aggressive drivers cause two-thirds of all fatal crashes (28,400 people) and are responsible for nearly 35% of all crashes or 2,214,800 crashes. According to the AAA Mid-Atlantic Transportation poll, aggressive drivers remain the top threat on Virginia-Washington area roads. Forty-three (43%) of drivers are more worried by speeding, tailgating, reckless driving, rage behavior, and darting across lanes than any other danger. The Smooth Operator program responds to this issue of public concern through news media efforts, a public education and awareness campaign, and increased law enforcement activity.

**FY08 Goal:** To decrease speed-related crashes in Virginia.

Calendar Year	Speed-Related Death Rate	Speed-Related Injury Rate
2000	0.49	27.30
2001	0.44	26.60
2002	0.52	31.30
2003	0.51	32.02
2004	0.47	24.94
2005	0.50	22.16
2006	0.51	20.57

Note: Death/Injury rates per 100 million miles

#### **Objectives:**

1. To decrease the speed-related fatality rate by 2% from 0.51 to 0.50
2. To decrease the speed-related injury rate by 1% from 20.57 to 20.36

#### **Tasks:**

1. To conduct 4, one week speed enforcement waves by September, 2008.
2. To conduct a major paid media campaign to include speed and occupant protection as a focus by September, 2008.

Total Section 402 Funding Obligated:

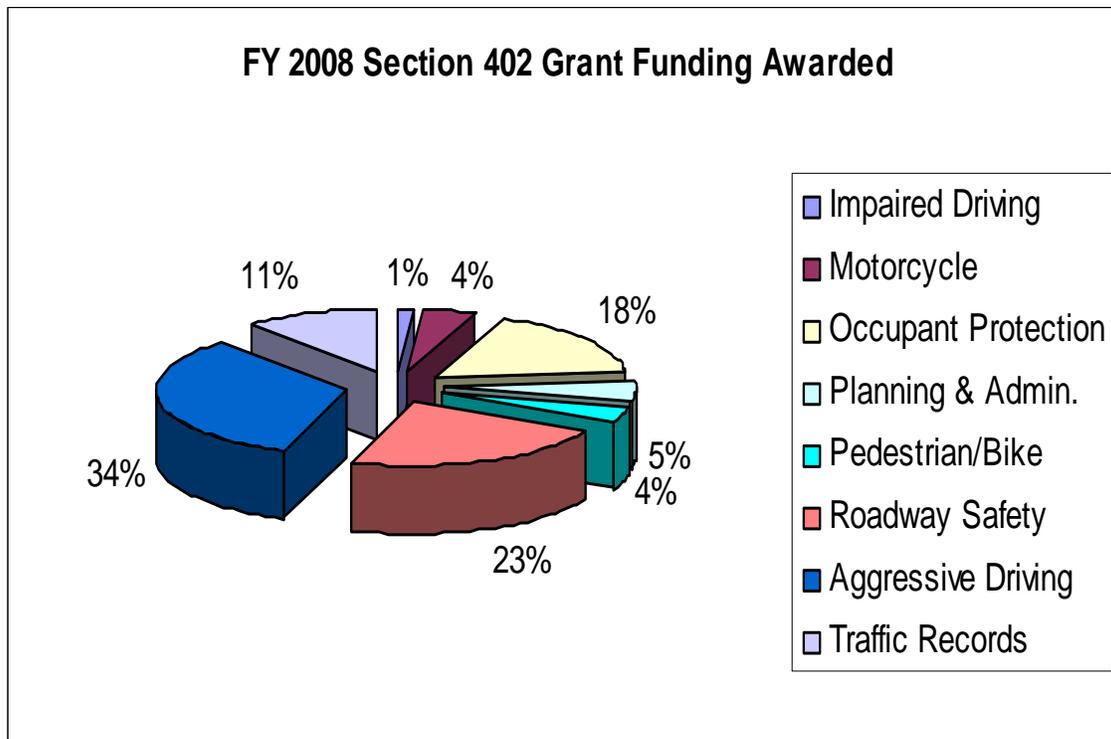
- \$2,158,386.64

Note: See attached speed/aggressive driving projects awarded in FY 2008.

**FY 2008 SUMMARY  
COUNTERMEASURE PROGRAMS and OBLIGATIONS  
Section 402 Grant Funding Awarded**

No.	Countermeasure Programs	Percentage of FY07 Funds	Percentage of FY08 Funds	
1	Impaired Driving	3%	1%	\$63,481
2	Motorcycle Safety	4%	4%	\$253,927
3	Occupant Protection	16%	18%	\$1,142,675
4	Planning & Administration	7%	5%	\$317,409
5	Pedestrian/Bike Safety	4%	4%	\$253,927
6	Roadway Safety	18%	23%	\$1,460,085
7	Aggressive Driving	13%	34%	\$2,158,386
8	Traffic Records	35%	11%	\$698,301
		100%	100%	\$6,348,196

The proposed Countermeasure programs for FY 2008 total an obligation of \$6,348,196.



#### **D. Summary of Application for 402 Grant Funding**

Through sound leadership, proactive partnerships and the unwavering commitment and hard work of dedicated staff and countless numbers of transportation safety officials and organizations, Virginia has been successful in forging partnerships that has allowed us to implement many successful statewide, highway safety program initiatives. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) provides States a method to continue building and improving their highway safety system. Virginia pledges to continue establishing new and innovative programs that will capitalize on our strengths in an effort to expand and enhance our overall highway safety program. We will, through a systematic, cooperative, statewide effort, continue to build upon the success we have achieved in striving for the most effective and efficient highway safety program in the nation.

## CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements.

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

1. 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.
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.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, 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.

## 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 agency having responsibility to maintain a state highway safety office. DMV has adequate powers and is 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 the Commonwealth of Virginia are authorized, as part of the state highway safety program, to carry out within their jurisdictions local highway safety objectives and 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 percent of all Federal funds apportioned to this State under 23 USC 402 for this fiscal year will be expended by or for the local benefit via the political subdivisions 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 of 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:

- a) 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;
- b) 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.
- c) 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).
- d) 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.
- e) Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction.
- f) 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.
- g) 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:

(1) 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.

(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.

(3) 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

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.

9. 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.

10. 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

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. 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.
3. The prospective lower tier participant shall provide immediate written notice to the person to whom 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.
4. 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.
5. 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.
6. 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)
7. 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.
8. 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.

9. 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:*

1. 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.
2. 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 2008 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).

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Governor's Representative for Highway Safety

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Date

§ 46.2-222. General powers of Commissioner with respect to transportation safety.

The Commissioner shall have the following general powers to carry out the purposes of this article:

1. To employ required personnel.
2. To enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this article, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of the Commonwealth.
3. To accept grants from the United States government and its agencies and instrumentalities and any other source. To these ends, the Department shall have the power to comply with conditions and execute agreements necessary, convenient or desirable.
4. To do all acts necessary or convenient to carry out the purposes of this article.

(1984, c. 778, § 46.1-40.3; 1989, c. 727.)

§ 46.2-223. Additional powers and duties of Commissioner.

The Commissioner shall have the following powers and duties related to transportation safety:

1. To evaluate safety measures currently in use by all transport operators in all modes which operate in or through the Commonwealth, with particular attention to the safety of equipment and appliances and methods and procedures of operation;
2. To engage in training and educational activities aimed at enhancing the safe transport of passengers and property in and through the Commonwealth;
3. To cooperate with all relevant entities of the federal government, including, but not limited to, the Department of Transportation, the Federal Railway Administration, the Federal Aviation Administration, the Coast Guard, and the Independent Board of Transportation Safety in matters concerning transportation safety;
4. To initiate, conduct, and issue special studies on matters pertaining to transportation safety;
5. To evaluate transportation safety efforts, practices, and procedures of the agencies or other entities of the government of the Commonwealth and make recommendations to the Secretary of Transportation, the Governor, and the General Assembly on ways to increase transportation safety consciousness or improve safety practices;
6. To assist entities of state government and political subdivisions of the Commonwealth in enhancing their efforts to ensure safe transportation, including the dissemination of relevant materials and the rendering of technical or other advice;
7. To collect, tabulate, correlate, analyze, evaluate, and review the data gathered by various entities of the state government in regard to transportation operations, management, and accidents, especially the information gathered by the Department of Motor Vehicles, the Department of State Police, and the State Corporation Commission;
8. To develop, implement, and review, in conjunction with relevant state and federal entities, a comprehensive highway safety program for the Commonwealth, and to inform the public about it;
9. To assist towns, counties and other political subdivisions of the Commonwealth in the development, implementation, and review of local highway safety programs as part of the state program;

10. To review the activities, role, and contribution of various state entities to the Commonwealth's highway safety program and to report annually and in writing to the Governor and General Assembly on the status, progress, and prospects of highway safety in the Commonwealth;
11. To recommend to the Secretary of Transportation, the Governor, and the General Assembly any corrective measures, policies, procedures, plans, and programs which are needed to make the movement of passengers and property on the highways of the Commonwealth as safe as practicable;
12. To design, implement, administer, and review special programs or projects needed to promote highway safety in the Commonwealth;
13. To integrate highway safety activities into the framework of transportation safety in general; and
14. To administer the Traffic Safety Fund established pursuant to § 46.2-749.2:10 and to accept grants, gifts, bequests, and other moneys contributed to, deposited in, or designated for deposit in the Fund.

(1984, c. 778, § 46.1-40.4; 1989, c. 727; 1990, cc. 1, 317; 1998, c. 743.)

#### § 46.2-224. Board of Transportation Safety.

There is hereby established within the Department of Motor Vehicles a Board of Transportation Safety, hereinafter referred to in this section as "the Board," to advise the Commissioner of Motor Vehicles, the Secretary of Transportation, and the Governor on transportation safety matters. The Board shall elect a chairman and meet at his call, and shall seek to identify the elements of a comprehensive safety program for all transport modes operating in Virginia. In addition, the Board may consider, study, and report on the following issues: (i) the identification of the unique safety needs of each particular mode of transportation; (ii) the identification of the common elements of safe transportation operation, regardless of mode of transportation; (iii) the adoption of proven safety practices and technology in use in one mode to other modes of transportation; (iv) the identification of the common elements of accident situations; and (v) the allocation of grant funds made available to the Department.

The Board shall consist of twelve members appointed by the Governor, subject to confirmation of the General Assembly. One member shall be appointed from each of the geographic operating districts used by the Department and shall reside in the district from which he is appointed. The remaining members shall be at-large members representing transportation safety interests in the areas of air, rail, water, motor carriers, pupil transportation, pedestrians, bicyclists, and public transit and, insofar as practical, should reflect fair and equitable statewide representation. Members shall serve for terms of four years, and no member shall serve for more than two full consecutive terms. Appointment and confirmation of Board members under this section shall occur only as the terms of the current members of the Board expire under prior law.

Board members shall be reimbursed for their necessary and actual expenses incurred in the performance of their duties.

(1984, c. 778, §§ 46.1-40.5, 46.1-40.6; 1989, c. 727; 1990, cc. 1, 317; 1992, c. 95; 2000, c. 141; 2002, c. 249.)

## **APPENDIX A-1**

## **APPENDIX A-2**