

## EXECUTIVE SUMMARY

On behalf of the Commissioner of the Division of Motor Vehicles and the Governor's Representative for Highway Safety F. Douglas Stump we are pleased to present the FY-2006 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 out efforts in reducing the loss of life and injuries resulting from motor vehicle crashes.

The Governor's Highway Safety Program, 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 2006. The development of the FY-06 Highway Safety Plan sets the priorities and goals for the upcoming year.

FY-2005 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 2006 will remain the same, Occupant Protection, Impaired Driving, Community Traffic Safety Programs, 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, have worked hard to raise our Seat Belt Usage rates from 49.5 percent in 2000 to the current rate of 76 percent (2005 Survey in progress). This increase is a direct result of the "Click It or Ticket Law Enforcement Challenge" in conjunction with paid media. With over two thirds of West Virginia's Law Enforcement agencies participating. The GHSP Law Enforcement Liaison Office has been instrumental in gaining and maintaining their interest in the program.

During FY-2005 the "WV LIFESAVERS" program was launched to provide incentives to gain the support of the individual Law Enforcement Officers to become involved in our occupant protection efforts, with over 300 Officers participating. We will expand the program to encompass other enforcement projects and increase the numbers of participants.

The non use or misuse of child passenger safety devices continues to be around 85 percent (observations at CPS safety events) in 2005 a project directed toward 15-18 was conducted in West Virginia High Schools "High School Seat Belt Challenge. We have also broadened our focus to the 4-15 age group.

Impaired Driving has become an ever increasing problem with 37 percent of 2002 motor vehicle fatalities being alcohol related, the vast majority of those being single vehicle, run off the roadway, night time. The Governor's Highway Safety Program's Law Enforcement Liaison Office has been expanded to take a broader role in not only Occupant Protection activities, but Impaired Driving and other focus areas. 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 on State Police, Local Police, GHSP, Regional Traffic Safety Programs, other state, community agencies and advocate groups. We are in the 11<sup>th</sup> month of this plan and will continue into FY-2006. West Virginia will also participate in the NHTSA Mid Atlantic Region's "Checkpoint Strikeforce". This efforts 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 Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) West Virginia receives various incentive/ innovative grant awards along with the general 402 appropriations. Funding will enable West Virginia to provide additional training and education for Law Enforcement, Highway Safety Advocates, and the general public on the before mentioned highway safety issues. Funding will allow continuing progress toward 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 Programs goals and objectives, and details the activities with which the state's FY 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 saving lives 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 Office of Economic and Community Development. The GHSP was reassigned to the Governor's office of Community and Industrial Development by Executive Order 15-85 issued on November 21, 1985. In 1992 HB4164 renamed the before mentioned to West Virginia Development Office. On November 12, 1993 the GHSP was transferred to Military Affairs & Public Safety by Executive Order 6-93. On February 1, 1998 Governor Cecil Underwood transferred the responsibility of the GHSP from Military Affairs and Public Safety to the Division of Motor Vehicles, 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

**Community Development Specialist III** (James Grate) Program Manager, responsible for two (2) CTSP Regions, 154/164 Hazard Elimination, Maintenance of the GHSP Website. 100%

**Community Development Specialist II** (Barbara Lobert) Program Manager, responsible for two (2) CTSP Regions, Occupant Protection Program Manager, Policy and Procedures, Annual Report content. 100%

**Community Development Specialist I** (Gary Winter) Program Manager, responsible for two(2) CTSP Regions, Alcohol Program Manager, and Traffic Record Grants Manager. 100%

**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%

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

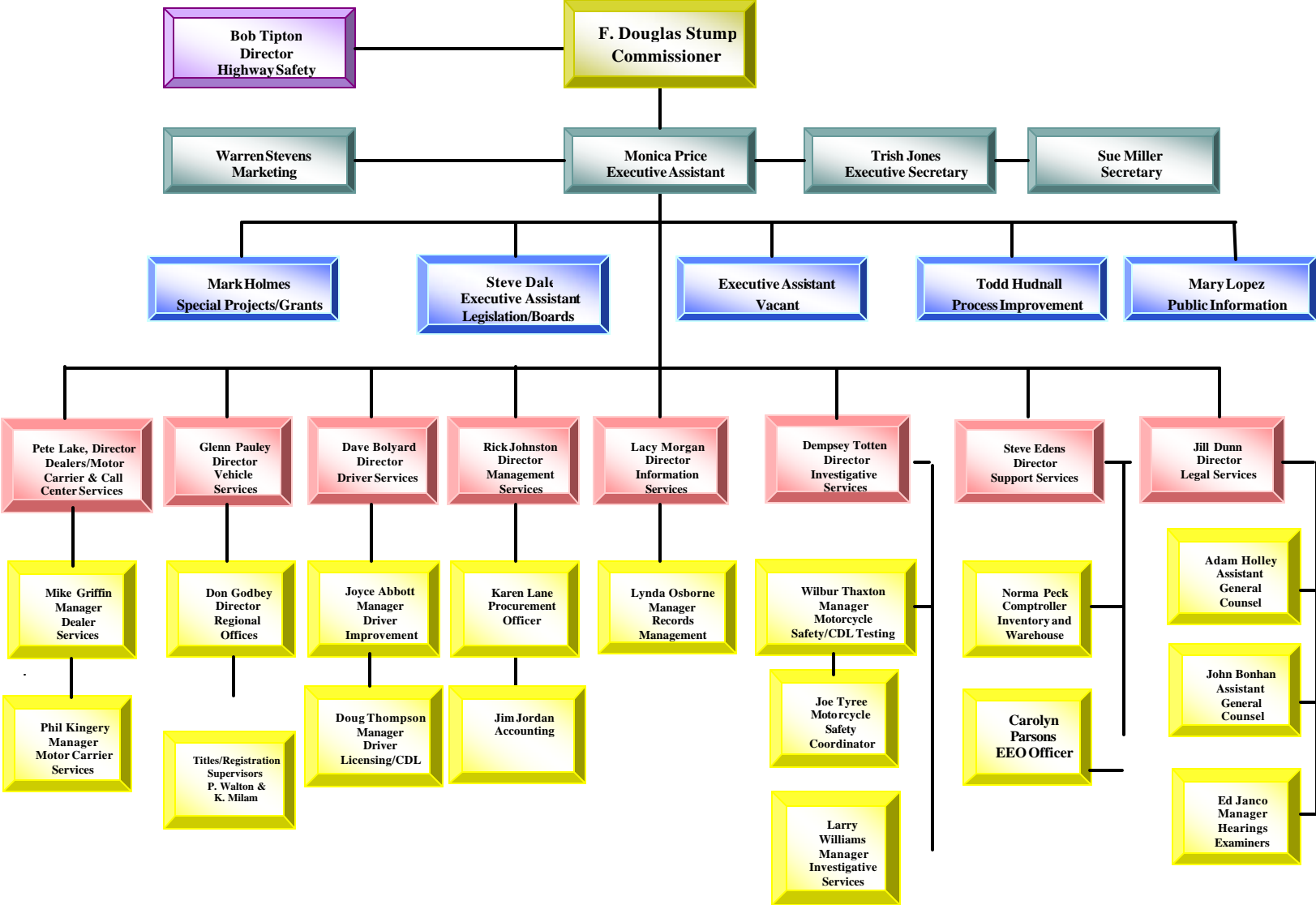
**Secretary** ( Flo Hannoush)50/50

**Traffic Records Coordinator** (Kim Christian) Contractual – Project Director/Chairperson State Traffic Records Coordinating Committee .

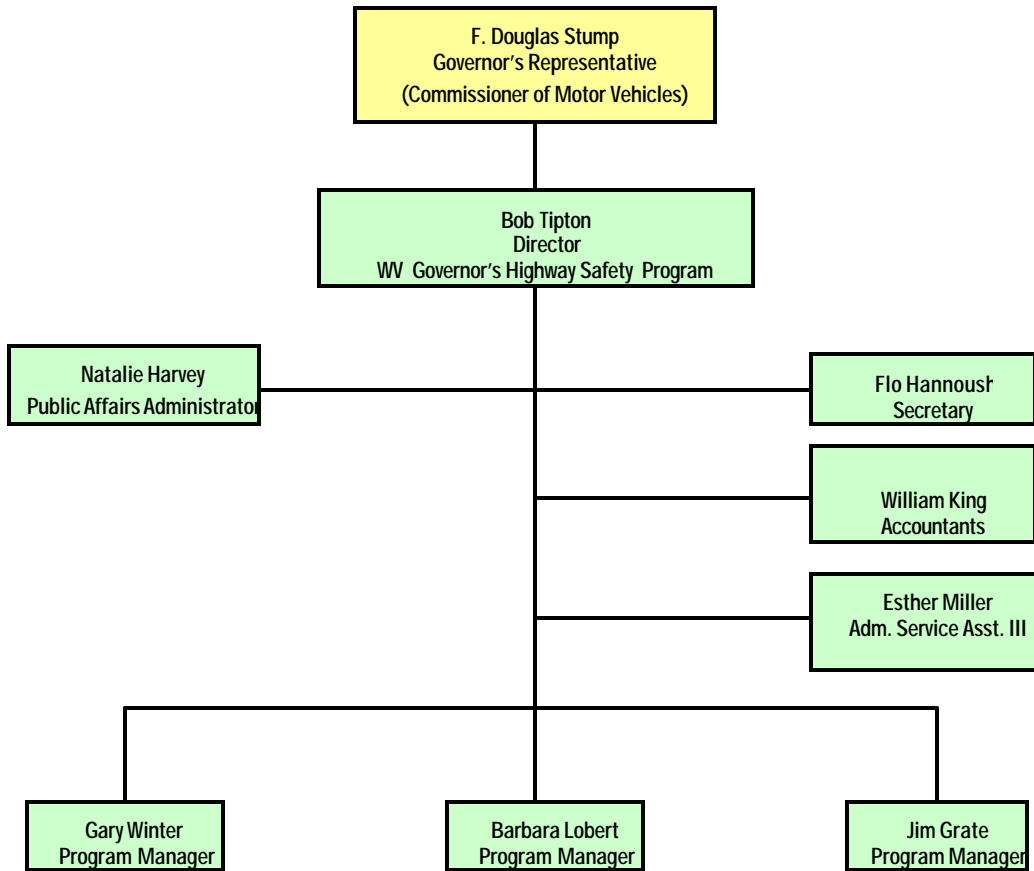
**Law Enforcement Liaison** (JD Meadows) Contractual – Responsible for the coordination of all Law Enforcement activities with GHSP projects and programs. Director of CIOT Challenge Project and “OP Lifesavers” Project. All Law Enforcement training - TOPS, SFST, Operating Sobriety Checkpoints, Managing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

**Child Passenger Safety Coordinator** (Dave Cook) Contractual- Oversee CPS Training and certification processes, to develop programs and projects to improve, enhance and advocate occupant protection birth to 18 years of age.

# West Virginia Division of Motor Vehicles

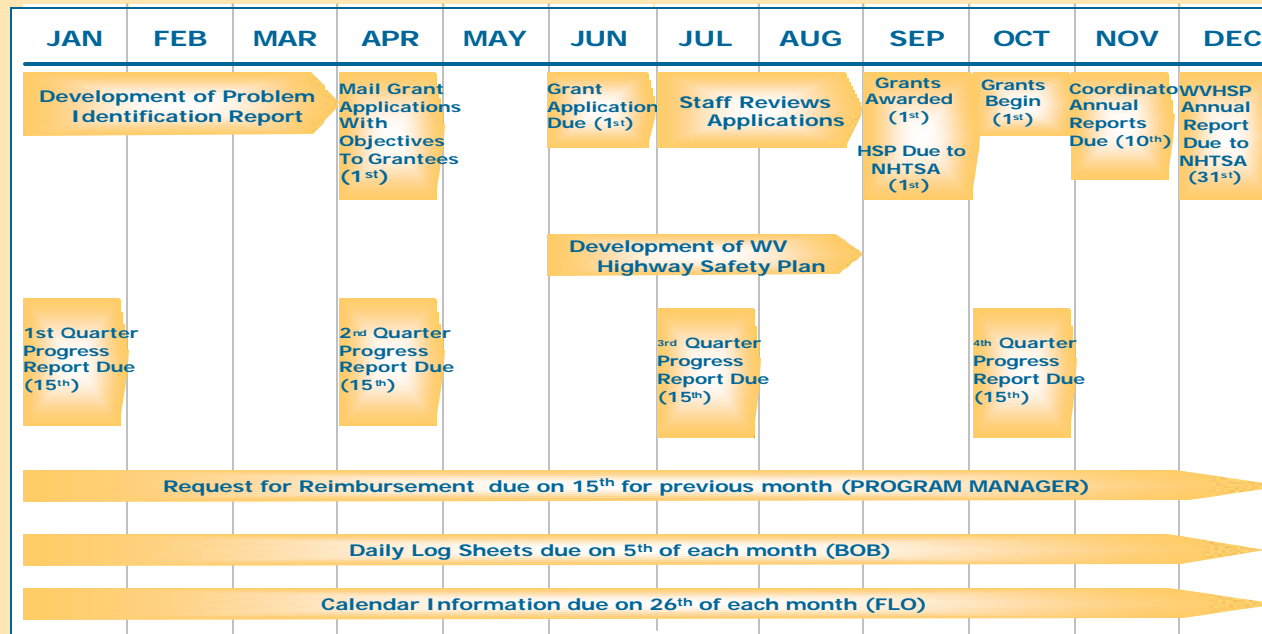


# WEST VIRGINIA GOVERNOR'S HIGHWAY SAFETY PROGRAM



Revised 8/22/05

## 2005 Highway Safety Timeline





## **West Virginia Demographics**

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

The U.S. Census reports West Virginia's population to be 1,810,354, 000 per square mile West Virginia population 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>Licensed Drivers</u>	<u>Registered Motor Vehicles</u>	<u>Million Vehicle Miles Traveled</u>
2002 – 1,366,108	1,637,719	19,122.385
2002 – 1,326,485	1,606,158	19,173.974
2003 – 1,327,607	1,620,336	19,417.784

## **Miscellaneous Data**

There are 241 law enforcement agencies in West Virginia, the largest being the WV State Police. They have 629 sworn officers housed in 7 Troops, in the Troops are 61 detachments. Each of the 55 Counties have 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 3,315 police officers in West Virginia.

There are 43 licensed hospitals in West Virginia of those 2 are Level I Trauma Centers, 4 Level II, 3 Level III Trauma Centers, and 14 Level IV Trauma Centers

The capitol of West Virginia is located in Charleston, Kanawha County. Charleston is the largest city and county in West Virginia. The ten largest non-retail employers are listed in order.

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

## **Political and Legislative Status**

Joe Manchin III took office January 2005 as the 35<sup>th</sup> Governor of West Virginia. He is a Democrat. The West Virginia Legislature has two chambers, the House of Delegates and the Senate. The House of Delegates is made of 69 Democrats and 31 Republicans. The Speaker Robert Kiss presides. The Senate has 24 Democrats and 10 Republicans; Earl Ray Tomblin is the

President and has the added title of Lt. Governor. The Legislature yearly session begins the second week of January and last sixty days.

Repeat Offender 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 penalty in place.

## West Virginia's FY-2006 Highway Safety Goals

**The overall goal – Reduce the fatality rate per hundred million vehicle miles traveled from 2.11 in 2004 to less than 1.9 in 2006.**

### **1. Occupant Protection**

- A. To Increase the seat belt usage rate from 85% to 87%.
- B. Reduce fatal ejections from 142 to 130

### **2. Impaired Driving**

- A. **Reduce Alcohol** Related Fatality Rate from .77 (2003) to .60 (2006)
- B. Reduce the Alcohol Related fatality percentage from 33% (2004) to less than 30% (2006)

### **3. Crashes/Injuries**

- A. Reduce crashes by 5% from the 2004 totals of 49,000 by
- B. Reduce A&B injuries by 5% from the 2004 totals of 12,108

### **4. Coordination – Community Traffic Safety Programs**

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

### **5. Traffic Records**

- A. To implement a statewide-integrated data collection
  - i. 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.

### **6. Motorcycle Safety**

- A. Reduce fatalities by 5% from 2004 totals of 28 by 2006
- B. Reduce injuries by 5 % from 2004 totals of 2,572 by 2006

# HIGHWAY SAFETY PRIORITY AREAS

## Performance Goals, Measures, and Funded Projects

### Occupant Protection

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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% 2001 saw the rate rise to 52.7%. In 2001 West Virginia adopted the "Click It or Ticket" model and with aggressive enforcement and paid media saw the rate jump to 71.6% in one year. 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. The vast majority of funding for enforcement activities passes through our eight (8) CTSP Regions. In 2003 of the 394 persons killed only 34.7% used Occupant Protection devices, in 2004 the number remained about the same 34.6%. The majority of those were white males 16-32 years of age.

#### Occupant Protection Data

	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Use rate	49.5%	52.7%	71.6%	73.6%	74.6%	84.9%
A&B Injuries	13,740	13,130	12,245	12,123	12,108	
Fatalities	416	376	439	394	410	

#### Performance Goals

	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Use rate	85%	87%	89%	90%	92%
A&B Injuries	12,078	12,050	12,020	11,950	11,900
Fatalities	395	381	360	340	320

#### Performance Measures

West Virginia will continue to employ Annual Statewide Scientific Surveys to measure and monitor Seat Belt usage rates. In 1998 West Virginia University developed the State of West Virginia Scientific Seat Belt Observational Plan, this plan 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 West Virginia Governor's Highway Safety Program will continue to monitor Crash data provided by 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-2006 Occupant Protection Projects**

Region One (1)	\$10,000.00
Region Two (2)	\$10,000.00
Region Three (3)	\$10,000.00
Region Four (4)	\$10,000.00
Region Five (5)	\$10,000.00
Region Six (6)	\$10,000.00
Region Seven (7)	\$10,000.00
Region Eight (8)	\$10,000.00
WV State Police	\$20,000.00
GHSP LEL	\$250,000.00
Paid Media	\$200,000.00

**Section 157 Incentive Grant** - Eligibility criteria includes:

1. The state’s seat belt use rate exceeds the national average for two years, or
2. The state’s seat belt use rate in the previous calendar year exceeds the states base seat belt use rate.

FY – 2005 – (80,381) West Virginia qualified for this incentive grant based on West Virginia has utilized this funding for the Clickit or Ticket Challenge Program and the WV Lifesavers individual officer incentive project, which are both year long sustained efforts that include Law Enforcement training.

FY- 2006 –(000,00) We are unsure of whether we will qualify for this or similar funding under the new transportation bill. We are awaiting information as to the criteria for receiving funding for this or the proposed

Section 405 It appears we will not qualify for 2006 funding. We will use 402 and 157 carry over to fund Occupant Protection Projects. At present we are unable to project those totals.

**Section 157 Innovative Grant**

The state must outline an innovative plan to increase seat belt use rates, to include key enforcement strategies, a public information and education plan, outreach efforts, and an evaluation of efforts plan.

FY- 2005 – (375,000) West Virginia qualified for this grant based on its application outlining the state’s Click It or Ticket plans. This consisted of Year round sustained enforcement “Lifesavers” (Incentive Project geared toward Individual Officer participation), CIOT Challenge (two intensive mobilizations in November and May, and some year round activities) this project was geared toward participation by Law enforcement agencies. The funding supports incentives and salary for the GHSP Law Enforcement Liaison Office.

FY-2006 – (0000000) Future funding will support the proven model above.

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**Section 405 Occupant Protection Incentive Grant**

West Virginia meets only 3 of the 6 Criteria and did not receive funding in 2003 2004, or 2005. Criteria can be met with upgrades to Occupant protection laws - all seating positions, minimum \$25 fines, or a primary seat belt law.

**Section 2003(b) Child Passenger Safety Education Grant  
2006-2011 Child Safety and Child Booster seat Incentive Grants**

To be eligible a state must outline a detailed plan to increase child restraint use. The plan must include a statement describing how the program supports efforts to prevent highway deaths and injuries to children, a public information and education program, and training for child passenger safety professionals

FY 2005 – (58,571) West Virginia provided for training, PI&E materials, and child passenger safety seats. This amount was carryover. No funding was awarded in 2005.

FY- 2006 – (300,000) We will continue the training of CPS Technician classes, support fixed CPS Fitting Stations, purchasing of CPS seats, and support for Child Passenger Safety Coordinator (Salary, expenses, travel) . In 2005, West Virginia passed an upgrade to the Child Passenger Safety Law (up to age 8 or 4’9”) qualifying WV for 2011 funding in FY 2006.

**Section 154/164 - Hazard Elimination**

Funding transferred from Construction to Hazard Elimination to comply with the requirement for a Repeat Offender and Open Container Law. This funding is tracked through the GHSP GTS, however the Division of Highways decides on projects to undertake in accordance with FHWA requirements.

FY-2005 - HE – 15,632.698 (unawarded)

**Section 154/ 164 - Alcohol Programs**

In 2005 The West Virginia Legislature passed a Repeat Offender Law that US DOT Criteria. We did not pass an Open container law which will keep the 154 Sanction in place. West Virginia in 2005 did transfer 7,816,348.00 to Hazard Elimination. The Secretary of Transportation did make approximately 10% available for Impaired Driving projects. We do not have a commitment for FY-2006 at this time.

FY- 2005 - Alcohol Programs - \$600,000.00

**Section 163**

In 2005 West Virginia was still listed as a Strategic Evaluation State (S.E.S.) This funding was to be used for a specific time frame and effort. In 2004 the West Virginia Legislature passed .08 BAC and became eligible for 163

Incentive funding.

FY-2005 163 Inc \$ 367,968.00

FY-2005 163 ID - \$ 100,000.00

**Section 410**

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

FY- 2005 410 - \$ 347,637

FY- 2006 410 – Unknown at this time

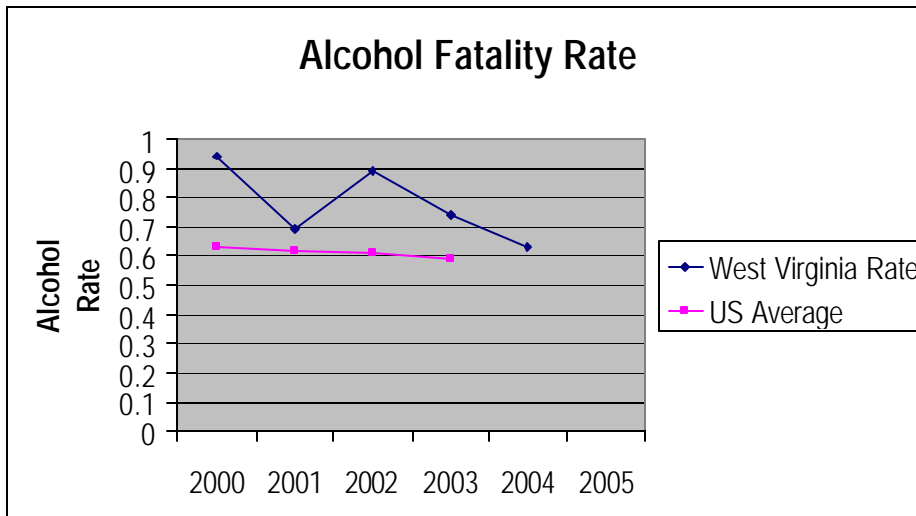
**IMPAIRED DRIVING**

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NHTSA named West Virginia a Strategic Evaluation State in 2002 due to the high Alcohol Fatality Rates (2000- 0.94, 2001-0.69, 2002 -0.94 ,2003- 0.77, 2004-0.63\*) In July 2004 West Virginia Instituted a year long sustained enforcement project. Funding has been secured through Section 154/164 Transfer, Section 410 and Section 163 funds. The enforcement effort will be coordinated through the Eight (8) Regional Traffic Safety Programs and the Seven (7) West Virginia State Police Troops. Each Region and Troop will be responsible for weekly enforcement, earned media, Public Education an Information events. There is a training component in place to upgrade Law Enforcements ability to more effective in dealing with the impaired driving problem.

	Alcohol Related Fatalities	Alcohol/ Fatality Rate	Alcohol/ Fatality %	Alcohol related Crashes	Alcohol related Injuries	Missed DMV Hearings	Underage Alcohol Sales
<b>Total</b>							
2002	179	0.94	40.77	3853	2898	0	46.10%
2003	148	0.77	37.56	3582	2626	1309	35.71%
2004	132	0.68	32.20	3768	2749	1099	27.16%
<b>Total for ALL</b>	<b>459</b>	<b>2.39</b>	<b>110.53</b>	<b>11203</b>	<b>8273</b>	<b>2408</b>	
<b>Average</b>	<b>153.00</b>	<b>0.80</b>	<b>36.84</b>	<b>3734.33</b>	<b>2757.67</b>	<b>1204.00</b>	<b>36.32%</b>

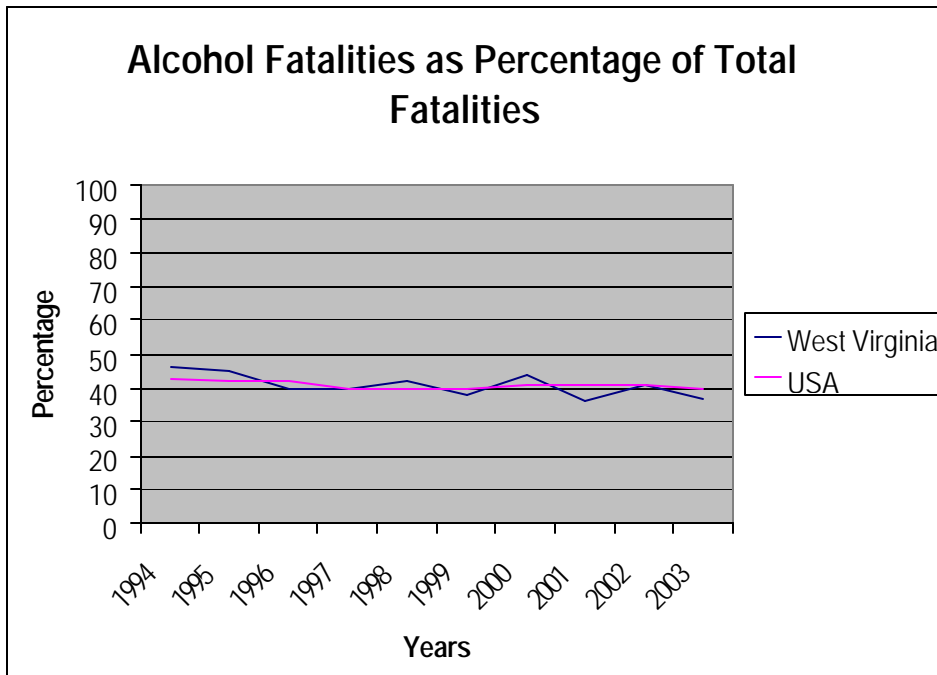
In West Virginia, the Alcohol Fatality Rate is consistently higher than the National Average. This is unacceptable and the goal of this program is to lower Alcohol Fatality Rate to or below the National Average by December 31, 2006.



Because of our high fatality rate, the National Highway Traffic Safety Administration (NHTSA) selected West Virginia as a Strategic Evaluation State (SES) in 2002 based on our 2000 rate. As a Strategic Evaluation State, West Virginia is in the process of systematically examining and addressing the states DUI problem and the state has reduced the Alcohol Fatality Rate from 0.94 to .063 per hundred million miles traveled. While these efforts are laudable, the state has still not reached its goal of bringing the alcohol fatality rate down to the national average. This SES designation brings additional federal funds into the state for overtime enforcement and a media campaign. These funds along with the Commission on Drunk Driving Prevention (CDDP), 410, 402, and transfer funds are the backbone of our efforts to reach this goal.

The occurrence of alcohol related fatalities in West Virginia or Alcohol Fatalities as a Percent of Total Fatalities has been hovering around the national average for alcohol related fatalities since 1996. This along with the national average is still too high. The short term goal of the state is to reduce and maintain the occurrence of alcohol related fatalities too below the national average. The states long term goal is to maintain this rate at 10% below the national average. To accomplish this, the state plans an intensive enforcement program to target high risk groups as well as general deterrence. This program will cover the entire state with particular emphasis on population centers. No less than seventy-five percent of the states population will see an increased emphasis on DUI enforcement activities.





In 2003 drivers below the age of 21 accounted for 12.86% of the alcohol related crashes in West Virginia. While this same age group, 15-20 years old, accounts for only 8.5 % of the States population. Although this age group can not legally buy or consume alcohol, the state's goal is to get their alcohol related crashes down to the point where it is proportional to their percentage of the states population.

**OBJECTIVES :**

- 1) To reduce the Alcohol Fatality Rate to the National Average by September 30, 2006.
- 2) To reduce and maintain the Alcohol Fatalities as a Percentage of Total Fatalities to below the National average by September 30, 2006.
- 3) To reduce the percentage of successful Under Age Alcohol Buys from more than 18% in 2004 to less than 15% by September 30, 2006
- 4) To ensure that the “Sustained Enforcement Program,” “Checkpoint Strikeforce,” and “You Drink You Drive You Lose” encompass seventy-five percent of the state’s population.
- 5) To reduce the number of drivers below the age of 21 who are involved in Alcohol Related crashes to less than 8% of the total number of alcohol related crashes by December 31, 2006.
- 6) To increase confidence of police officers in making successful DUI arrests, prosecutions, convictions, and license revocations by improving their skills.

- 7) To reduce the number of DMV Administrative Hearings missed and/or Officer Failed to give Testimony to less than 5% of the total number of citations issued within this project's area.

**WV GOVERNOR'S HIGHWAY SAFETY PROGRAM**  
**State of West Virginia**  
**Division of Motor Vehicles**

**ACTIVITIES :**

- 1) To conduct a minimum of two (2) Enforcement Events each week in grantees project area. An Enforcement Event is either a Sobriety Checkpoint or Saturation Patrol. The grantee shall also enter the result of these events into the Checkpoint Strikeforce Database maintained by the National Highway Traffic Safety Administration.
- 2) To conduct a minimum of two (2) Media/Public Information and Education (PI&E) Events each week in grantees project area. The grantee shall submit a weekly report on these activities to the Governor's Highway Safety Program.
- 3) To conduct a minimum of four (4) law enforcement training classes on alcohol issues. All such training class must be coordinated with the West Virginia Law Enforcement Liaison.
- 4) To track the number of DMV Administrative Hearings officers missed and/or the incidence where the officer failed to give testimony. The grantee will be provided with a monthly summary of each by the GHSP.
- 5) To assist local law enforcement agencies in applying to the "Commission on Drunk Driving Prevention" (CCDP) for state funds and coordinating the federal funds in your charge. The grantee is responsible to report to the GHSP the total number of grants received by the local law enforcement agencies with whom they are working regardless of their source to ensure that no duplication of efforts result.. (I.e. CDDP, Juvenile Justice, Local Law Enforcement Block Grant Program)
- 6) To support and encourage local law enforcement agencies, within the grantee's program area, active participation in the sustained enforcement program. As a minimum, either every Class I, II, and III city, within the grantee's program area, must participate or the grantee must explain why they are not participating. County Sheriffs Offices in the counties where these cities are located should also be participating.
- 7) To conduct a minimum of two (2) underage alcohol compliance checks before September 30, 2006; these compliance checks must meet the guidelines of the Alcohol Beverage Control Administration.
- 8) To support and develop active "SADD" Chapters/Youth Programs in the local high schools to prevent underage drinking. At a minimum, a survey of SADD Chapters /Youth Programs to determine the number of active chapters/groups that are operating within the state, and a minimum start two (2) new SADD Chapters/ Youth Programs in the high schools of the grantee's area by September 30, 2006.
- 9) To continue supporting the "Governor's Highway Safety Program's Collegiate Program" The grantee shall contact the local colleges within their program area to determine the contact person at the college and shall assist that college with the development of a campus community coalition.

- 10) To Develop and submit an enforcement calendar to the Governors Highway Safety Program to ensure that the enforcement activities are planned for the entire grant cycle.

**FY 2006 Impaired Driving Projects**

Region 1 Traffic Safety Program (City Of Charleston)	\$ 70,000.00
Region 2 Traffic Safety Program (City of Huntington)	\$ 80,000.00
Region 3 Traffic Safety Program (Wood Co. Commission )	\$ 70,000.00
Region 4 Traffic Safety Program (City of Wheeling)	\$ 70,000.00
Region 5 Traffic Safety Program (City of Clarksburg)	\$ 70,000.00
Region 6 Traffic Safety Program (City of Martinsburg)	\$ 70,000.00
Region 7 Traffic Safety Program (City of Beckley)	\$ 70,000.00
Region 8 Traffic Safety Program (LEL Beckley)	\$ 200,000.00
West Virginia State Police (7 Troops)	\$ 400,000.00
West Virginia Alcohol Beverage Control Administration	\$ 20,000.00

**West Virginia Commission on Drunk Driving Prevention**

The West Virginia Commission on Drunk Driving Prevention was established in 1983 by an act of the West Virginia Legislature. Funds are generated by an Excise Tax on the sale of liquor and wine.

**State Funds FY – 2006 - \$1,000,000**

## West Virginia's FY-2006 Highway Safety Goals

**The overall goal – Reduce the fatality rate per hundred million vehicle miles traveled from 2.11 in 2004 to less than 1.9 in 2006**

1. Occupant Protection
  - A. To Increase the seat belt usage rate from 85% to 87%.
  - B. Reduce fatal ejections from 142 to 130
2. Impaired Driving
  - A. Reduce Alcohol Related Fatality Rate from .77 (2003) to .60 (2006)
  - B. Reduce the Alcohol Related fatality percentage from 33% (2004) to less than 30% (2006)
3. Crashes/Injuries/Fatalities
  - A. Reduce crashes by 5% from the 2004 totals of 49,956
  - B. Reduce A&B injuries by 5% from the 2004 totals of 12,108
  - C. Reduce Fatalities 16-19 years of age by 3% of 2004 total of 44
  - D. Reduce injuries 16-19 years of age by 3% of 2004 totals 3,171
4. Coordination – Community Traffic Safety Programs
  - A. Provide local Coordination for Regional Traffic Safety
    - i. programs that reach all 55 WV counties.
  - B. Use local programs to coordinate law enforcement and
    - i. community activities.
5. Traffic Records
  - A. To implement a statewide-integrated data collection
    - i. 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.
6. Motorcycle Safety
  - A. Reduce fatalities by 5% from 2004 totals of 28 by 2006
  - B. Reduce injuries by 5 % from 2004 totals of 2,572 by 2006

### **Section 2010 -Motorcycle Safety**

In FY-2006 West Virginia is eligible for NHTSA Funding for Motorcycle safety. The Division of Motor Vehicles currently fund and administer the WV Motorcycle Safety Program. It appears that WV will receive approximately \$100,000, as we meet many of the criteria listed. The Motorcycle Safety Program is in the process of being transferred to the Governor's Highway Safety Program. Revisions may be submitted for this section.

**Section 408 – Traffic Safety Information System Improvements**  
**Traffic Records – 411**

West Virginia will meet the eligibility standards for funding; we meet all first year criteria. We will schedule a Traffic Records Assessment for FY-2006.

West Virginia has assigned the highest priority to continue the implementation of an electronic data collection and reporting system, specifically crash data. Timely and accurate crash data are the most crucial component to the comprehensive traffic records system. 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 in Spring 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 highways safety stakeholders, which include the following primary stakeholders: Governor's Highway Safety Program, Division of

**FY 2006 Projects**

<b>Project Title</b>	<b>Estimated Cost</b>
West Virginia Uniform Citation (Printing, Training, and Implementation)	\$200,000
DUI and Citation Tracking System Development	\$200,000
Electronic Linkage for Data Transfer between the Division of Motor Vehicles and WV Supreme Court	\$175,000
Comprehensive Data Collection System to include many statewide uniform forms (crash, citation, EMS Run, trauma registry, etc) and statewide rollout – Report Beam	\$500,000
Governor’s Highway Safety Program data analysis software (CARE)	\$50,000
Purchase laptop computers for law enforcement agencies to use Comprehensive Data Collection System	\$150,00

Funding in addition to 408/411 available from 154/164 Transfer, FMCA, and State of West Virginia Division of Motor Vehicles.

## **Community Traffic Safety Projects**

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### **Demographics**

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#### 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	1994	1996	1999	2000	2001	2002	2003	2004	Average	% of Total
1	66	47	60	74	59	66	57	47	59.50	15.17 %
2	49	57	77	56	65	64	58	63	61.13	15.58 %
3	50	45	40	43	32	46	40	22	41.00	10.45 %
4	14	15	21	16	19	12	21	15	16.63	4.24 %
5	41	39	53	58	49	62	57	62	52.63	13.42 %
6	54	44	63	62	80	86	72	84	68.13	17.37 %
7	56	75	56	75	51	69	50	71	62.88	16.03 %
8	26	26	25	27	29	42	32	36	30.38	7.74 %

### **Problem Statement**

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In the 1990's West Virginia embraced the Community/Regional approach to Traffic Safety. We still feel this is the best 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 Application for each area are posted on our Website [www.highway-safety.info](http://www.highway-safety.info) along with instructions on completing the application and it is submitted directly to our office. Data sources used include the following: West Virginia DOT Crash Data Base, FARS, Division of Motor Vehicles, Alcohol Beverage Control Administration, and GHSP Traffic Safety Programs. In 2004, according to the West Virginia Traffic Information System (TRIS), West Virginia had 49,956 crashes that injured 24,719 people, and killed 410.

### **GOAL**

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

### **REQUIRED ACTIVITIES**

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Each Safe Community Project supported with GHSP funds must:



## **COORDINATION / PROJECT DIRECTOR**

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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, EMail, 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 region Law Enforcement Liaison (L.E.L.), and
8. Provide the GHSP with a Daily Activity Summary by C.O.B. of the 10<sup>th</sup> day of the following month, and
9. 9) Provide the GHSP details of upcoming events for the "Monthly Events Calendar" by the 25<sup>th</sup> of the proceeding month, and
10. Prepare and submit to the GHSP by the C.O.B. on September 30, 2005, a detailed
  - a. Yearly Activity Report or Year End report, and
  - b. Conduct at least one (1) PI&E / Law Enforcement effort for back to school, and
11. The Project Director must successfully complete a forty (40) hour approve Instructor
  - a. Development course, and
12. Must conduct and maintain the results of observational seat belt and other surveys under the direction of the GHSP staff, and
13. The Project Director must successfully complete a NHTSA Project Management Class, and
14. 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.

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## **ALCOHOL AND OTHER DRUGS**

### **GOAL & ACTIVITIES**

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To reduce the involvement of alcohol and other drugs in traffic crashes, deaths, injuries, and property damage resulting there from 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 a minimum of four (4) Sobriety Checkpoints, and
- 7) Conducting / facilitating a minimum of two (2) S.F.S.T. classes, and
- 8) Providing funding / support (i.e. C.C.D.P., 410, etc.) for D.U.I. activities (i.e. Checkpoint Strikeforce), and
- 9) Conducting a local PI&E / Media effort in cooperation with statewide Checkpoint Strikeforce campaign,
- 10) Assisting local law enforcement agencies in obtaining funding from the Commission
- 11) Non Drunk Driving Prevention (C.C.D.P.), and
- 12) Tracking the number of law enforcement “No Shows” at DMV Administrative Hearings and develop an activity to reduce them.

**OCCUPANT PROTECTION**

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**GOAL & ACTIVITIES**

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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) occupational 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 3<sup>rd</sup> 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) Establishing and maintaining 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 Challenge (CIOT), and
- 7) Reporting to the GHSP all (i.e. 100%) of 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 a 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

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- 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.

5)

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INNOVATIVE

- 1) 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.

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 Program's 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. Employee of the sub-grantee shall be paid for 2,080 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. Sub-Contractors of the sub-grantee shall be paid for 1,920 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 as 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 2006, and
- 1) A reduction of the reported number of alcohol driver, ages 16-20, crashes to below 3% of the total number of driver fatalities by 2006, and
- 2) A reduction in the number of “No Shows” at DMV administrative hearings to less than 5% by 2006.

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

- 1) An increase in the “unscientific” adult seat belt use rate to above 85% by 2006, and
- 2) An increase in the percentage of reported use of child restraints by children, ages 0-14, to above 90% by 2006.

Police Traffic Services – activities must as a minimum address the following: • Insure the continue compliance with posted speed limits, and offer in-service T.O.P.S. training to all Sheriff Departments, and all Class I and 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.

Prohibited Activities - funds provided by the GHSP to a local Safe Community project will not be used for:

- 1) Activities that are focused on the purchase of child infant seats, traffic records, or roadway improvements (i.e. funding for these activities are provided through addition state wide projects).

## **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;

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 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.
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 2004 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**

