

Reauthorization of Federal Behavioral Highway Safety Grant Programs

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Behavioral Highway Safety Grant Programs Authorized Under TEA-21

- 402 State and Community Highway Safety Grant program
- Seven incentive programs (2 impaired driving, 3 occupant protection, 1 child passenger safety, 1 data improvement)
- Two penalties (open container, repeat offender)
- .08 BAC sanction not included in TEA-21 but added as part of FY 2000 appropriations legislation

402 State and Community Highway Safety Grant Program

- Continues Section 402 program but changes allocation formula for Indian nations
 - change in minimum apportionment may be made in technical corrections bill or administratively
- Makes minor changes in 402 priorities
- Requires states to sign assurances that they will implement specific activities in support of national goals and state crash factors identified by state planning process
 - national mobilizations
 - sustained enforcement of impaired driving, safety belt and speed laws
 - annual safety belt use survey
 - development of state data systems
- Directs NHTSA to establish one grant application for all behavioral grant programs with one application deadline

Section 405 Occupant Protection

- Continues Section 405 occupant protection incentive program
- State receives grant if it satisfies 4 out of 6 eligibility criteria:
 - Safety belt law covering all seating positions
 - Primary law
 - Minimum fines or points for violations of safety belt or child restraint law
 - Statewide special enforcement program for OP
 - Statewide CPS education program
 - Child passenger protection law
- Funds can be used for occupant protection purposes only

Section 406 Safety Belt Performance Grants

- Establishes one-time grants for states that enact new primary belt law (Jan. 1, 2003 or later) or reach at least 85% belt use for two years = 4.75 x their FY 2003 402 allocation
- Establishes one-time grants for states with older primary belt laws = 2 x their FY 2003 402 allocation
- Funds are allocated to new primary belt law states, then high use states, and older primary belt law states last
- Allows all but \$1 million of the funds to be used for specific safety infrastructure purposes
- \$1 million must be spent on behavioral safety programs

Section 408 State Traffic Information System Improvement Grants

- Authorizes data improvement incentive program
- States must certify they are using MMUCC or will use grants to implement “maximum data elements to extent practicable”
 - NHTSA likely to require that states have a plan to implement MMUCC
- In first year, states must
 - have an active TRCC
 - develop a multi-year strategic plan
 - indicate how deficiencies were identified
 - show progress in implementing plan
 - indicate how funds will be spent
 - submit a progress report

Section 408 State Traffic Information System Improvement Grants

- In subsequent years, states must:
 - certify that it has had a TR assessment in last five years
 - certify TRCC is operational and supports plan
 - specify how grants will address needs and how funds will be used
 - demonstrate measurable progress
 - submit progress report
- Eligible states receive
 - 402 proportionate share or at least \$300,000 first year
 - 402 proportionate share or at least \$500,000 subsequent years
- Funds must be used for data improvements only

Section 410 Alcohol Impaired Driving Countermeasure Grants

- Amends current Section 410 program:
 - State receives funds if its alcohol-related MV fatality rate is 0.5 per 100 million VMT or lower OR
 - If it satisfies three criteria in FY 2006, four in 2007, and five in FY 2008 and 2009
- Eligibility criteria include
 - ALR law
 - underage drinking program
 - sobriety checkpoint/saturation patrol
 - prosecution and adjudication outreach program
 - BAC testing program
 - high risk driver program
 - program for effective alcohol rehabilitation or DUI courts
 - self-sustaining DUI program

Section 410 Alcohol Impaired Driving Countermeasure Grants

- 10 highest risk states automatically receive grant
 - These states must submit plan to NHTSA for approval
 - At least half of the funds must be used for enforcement
- For remaining states, section 410 funds must be used for selected impaired driving purposes

Section 2010 Motorcyclist Safety Grants

- Authorizes new Section 2010 incentive program for motorcycle education and training programs
- States must satisfy one criteria in FY 2006 and two in subsequent three years
- Eligibility criteria include:
 - motorcycle rider training course
 - motorcyclist awareness program
 - reduction in motorcycle fatalities and fatality rate
 - program to reduce impaired motorcyclists
 - reduction in impaired fatalities and fatality rate
 - program of motorcycle fees used to support training program

Section 2010 Motorcyclist Safety Grant Program

- Eligible states receive at least \$100,000 but no more than 25% of their FY 2003 402 apportionment.
- Funds can be used for
 - improvements in training curricula
 - improvements in delivery of program
 - measures to increase or retain instructors
 - public awareness and outreach
- State agencies must be eligible recipient of funds but which agency?

Section 2011 Child Safety and Child Booster Seat Incentive Grants

- Authorizes new Section 2010 booster seat program for states enacting and enforcing booster seat law that is compliant with revised federal child restraint standards
 - revised standards cover children 50 – 65 lbs
 - exactly how this affect existing state booster seat laws is uncertain
- Not more than ½ funds must be used to purchase restraints for low income families
- Remaining funds can used for CPS education, training, enforcement

Section 1906 Grant Program to Prohibit Racial Profiling

- Authorizes new Section 1906 program for racial profiling incentive grants
 - state must enact and enforce racial profiling law
 - state must maintain and allow public inspection of data on traffic stops
- Funds must be used for data collection on traffic stops, data evaluation, developing and implementing programs to reduce racial profiling
- Eligible recipient of funding is state DOT.
 - If SHSO is in DOT, GHSA recommends that funds go to SHSO
 - If SHSO is not in DOT, then GHSA recommends that DOT work with SHSO on this grant program.

NHTSA Accountability

- NHTSA must conduct management reviews, program reviews, and provide data-based recommendations to states prior to submittal of HSPP
- NHTSA and U.S. DOT Inspector General must develop best practices guide
- NHTSA must develop uniform management and program review guidelines based on best practices guide
- NHTSA must post on web: management and program review guidelines, state HSPP's, state Annual Reports, and summary report from state reviews
- GAO must analyze the effectiveness of NHTSA's oversight and make recommendations to Congress by Sept. 30, 2008

Other Provisions

- 405, 408 and 410 can be flexed between programs to maximize state allocations
- Authorizes \$29 million a year for NHTSA paid media to support national mobilizations
- No new penalties or sanctions
- No changes in open container or repeat offender penalties

Behavioral Safety Funding in SAFETEA-LU

Program	FY 2005	FY 2006*	FY 2007*	FY 2008*	FY 2009*
402	163.7	217.0	220.0	225.0	235.0
405	19.8	25.0	25.0	25.0	25.0
406	0	124.5	124.5	124.5	124.5
408	0	34.5	34.5	34.5	34.5
410	39.7	120.0	125.0	131.0	139.0
2010	0	6	6	6	7
2011	0	6	6	6	7
Total	445.2*	533.0	541.0	552.0	572.0

*Includes \$222 million transfer of FHWA funds for 157 and 163 programs. In FY 2006 -09, does not include NHTSA administrative funds.

For more information

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