



South Dakota Legislative Research Council

Issue Memorandum 94-38

Programs Funded with Highway Safety Funds

Introduction

In 1967, legislation was passed in South Dakota to provide for the administration of a highway safety program to take advantage of the Federal Highway Safety Act of 1966. Chapter 32-13 of South Dakota Codified Laws authorizes the Governor to administer the highway safety program and authorizes the political subdivisions of the state to participate in the state and federal program. For the last twenty-seven years federal highway safety funds have been distributed through this program to state and local agencies to help minimize in the state the economic and human loss that results from traffic crashes. Failure of the state to implement a mandatory safety belt law and a mandatory motorcycle helmet law has resulted in increased federal highway safety funds being made available to the state. This memorandum will review how highway safety funds are being used in the state and how increased highway safety funds in the future may be used.

Highway Safety Funds

The Highway Safety Act of 1966 authorized federal-aid funding via the State and Community Highway Safety Grant Program (23 U.S.C. 402) to assist state and local governments to plan and implement highway safety programs. These federal-aid funds are commonly called Section 402 funds. These funds are viewed by the federal government as "seed money" to encourage the adoption

of new programs or the expansion of existing ones on a state and local level.

Consequently, the funds cannot be used to supplant funding that is already available for a program. At least forty percent of the funds must be used by or for the benefit of local governments.

For federal fiscal year 1995, South Dakota's allocation of Section 402 funds is about \$1.1 million. The allocation of these funds among the states is based partially on population (3/4) and partially on total public road mileage (1/4). Also, for federal fiscal year 1995 an additional \$1.3 million was made available for highway safety programs in South Dakota through Section 402. This is a result of a transfer of one and one-half percent of federal highway construction funds to highway safety programs as provided by the Intermodal Surface Transportation Efficiency Act of 1991. This transfer is the penalty under that act for the state's failure to adopt a mandatory safety belt law and a motorcycle helmet law. That penalty will increase to three percent of federal highway construction funds (about \$2.6 million) for the federal fiscal year beginning October 1, 1995. Consequently, there is \$2.4 million in Section 402 funds planned for use in federal fiscal year 1995 and there will be about \$3.7 million available for highway safety projects in federal fiscal year 1996, a considerable increase over previous funding levels. If the state fails to fully obligate these funds, the unobligated portion will be redistributed to

other states which are prepared to use the funding.

The Highway Safety Plan

The Governor is responsible for the administration of the distribution of Section 402 funds. These responsibilities for the most part have been delegated to the Office of Highway Safety. This office is located in the secretariat division of the Department of Commerce and Regulation. Each year the Office of Highway Safety submits an annual Highway Safety Plan to the United States Department of Transportation to receive these Section 402 funds.

The Highway Safety Plan identifies the programs that are proposed to address the traffic safety problems in the state. The Office of Highway Safety solicits proposals for highway safety funding beginning in March of each year. Proposals are due at the end of April. Proposals are then reviewed by the Office of Highway Safety for eligibility. Approval of proposed projects is based on a problem identification process which documents the need for expending highway safety funds for the project. Projects approved by the Governor for funding are included in the Highway Safety Plan. The plan is submitted to the National Highway Traffic Safety Administration (NHTSA) by August 1. NHTSA notifies the state of approval of the Highway Safety Plan by September 1, with funding beginning on October 1.

Highway Safety Funding Areas

Originally, NHTSA established highway safety standards with which proposals had to comply to ensure funding; however, the

current emphasis is on problem identification. Each state is allowed to identify its traffic safety problems, select solutions to counter these problems, and to evaluate the effectiveness of those solutions. The highway safety standards now serve as funding categories. Among these categories the following are identified as priority areas for expedited Section 402 funding:

- < Alcohol and Other Drug Countermeasures
- < Police Traffic Services
- < Occupant Protection Programs
- < Traffic Records
- < Emergency Medical Services
- < Motorcycle Safety
- < Pedestrian and Bicycle Safety
- < Traffic Engineering

The remaining funding categories are considered non-priority. While Section 402 funds can be used for these categories, substantial problem identification and justification must be given to utilize funds in non-priority areas. These non-priority areas are as follows:

- < Planning and Administration
- < Periodic Motor Vehicle Inspection
- < Motor Vehicle Registration
- < Driver Licensing
- < Codes and Laws
- < Traffic Courts
- < Debris Hazard Control & Cleanup
- < School Bus Safety
- < Accident Investigation
- < Identification and Surveillance of Accident Location

Use of Highway Safety Funds

With more federal highway safety funds available because of the transfer of highway construction funds, questions have arisen on how these increased funds can be used. Problem identification is the determining

factor in the funding of projects. For a project to be approved, data on traffic accidents must show the magnitude and severity of the highway safety problem addressed by the project. Sponsors of a project must also show the impact the project will have on traffic accidents and injuries. It is also important to identify the commitment of state or local resources to the project and to explain the prospects of the project to become self-supporting or to be continued with state or local resources after the federal funding ceases. These are all factors taken into consideration before being

approved by the Governor and federal authorities.

For federal fiscal year 1995 about forty projects have been approved and are included in the Highway Safety Plan. Short summaries of these projects, including the amount of Section 402 funds obligated for each project in FY 1995, are shown by program funding areas in the following table.

Alcohol Countermeasures		
Alcohol Program Management	This project will provide one FTE in the Office of Highway Safety to coordinate and provide technical assistance for anti-drinking and driving efforts and to conduct a statewide workshop.	\$39,100
Interlock Program	This project will provide funding to lease Breath Alcohol Ignition Interlock Devices. Currently, as a pilot project in Hughes and Stanley Counties, convicted DWI offenders, as a condition of their probations, are sentenced with such a device installed on their vehicles for a period of one year. An additional 60 devices are planned.	\$60,600
EN C.A.R.E.	This project helps fund Emergency Nurses Cancel Alcohol Related Emergencies, or Emergency Nurses CARE. This non-profit organization's primary goal is to educate students and parents about the consequences of drinking and driving by means of mock crashes, or docu-dramas, and other presentations.	\$7,100
DUI Offender Program	The project will provide for the training of the instructors of the DUI Offender Program, an educational program for DUI first offenders.	\$3,500
Public Information and Education	This project will provide for public information regarding the issues surrounding drinking and driving and underage alcohol consumption. This includes developing TV and radio ads and sponsoring a speaking tour and a youth conference.	\$29,900
Alcohol Countermeasures Mini-grants	This project provides grants of up to \$500 to community organizations to assist with alcohol awareness and education efforts.	\$9,400
Young Driver Safety Awareness Program	This project will enable the S.D. Highway Patrol to present safety education to drivers under age 24 via 240 presentations at high schools, universities, and businesses throughout the state.	\$54,900

Police Traffic Services		
Police Traffic Services Management	This project provides one FTE in the Office of Highway Safety for the management of selective traffic enforcement programs, police-oriented community traffic safety programs, and traffic enforcement education.	\$48,000
Police Traffic Services Training	This project will provide traffic enforcement education programs at the intermediate and advanced levels to local law enforcement officers.	\$26,600
Public Information & Education	This project provides information and education regarding the problem of speeding and speed-related crashes in the state.	\$7,000
Police Traffic Services Mini-Grants	This project will provide mini-grants to local and state law enforcement agencies for training and equipment in specialized areas of traffic enforcement.	\$5,000
Sturgis Selective Traffic Enforcement Program	This project will provide funding for one additional officer in the Sturgis Police Department.	\$34,500
DWI Enforcement In-Car Video Project	This project will provide approximately 21 in-car video camera systems for law enforcement officers to use in apprehending motorists under the influence of alcohol or drugs and will provide training to the officers who will be using the systems.	\$98,000
Speed Enforcement		
Speed Enforcement Program	This project will provide overtime funding for the S.D. Highway Patrol to provide more speed limit enforcement in identified problem areas.	\$60,000
Occupant Protection		
Occupant Protection Program Management	This project will provide 1.5 FTEs for the coordination of occupant protection efforts within the Office of Highway Safety.	\$59,500
Public Information & Education	This project will provide information and education regarding the benefits of safety belt and child restraint use.	\$31,000
Occupant Protection Mini-Grants	This project will provide funding for grants to local organizations to conduct safety belt and child restraint awareness and training.	\$8,500

Action For A Safer South Dakota	This project with the Department of Health is directed to increase the overall use of safety belts by front seat occupants of motor vehicles, the use of child safety seats, and the use of bicycle helmets.	\$86,600
Rosebud Occupant Protection Program	This project with the Rosebud Sioux Tribe is directed to reduce the high rate of motor vehicle injuries on the Rosebud Reservation by promoting safety belt use and the use of child safety seats.	\$37,500
State Government Safety Program	This project will allow the Bureau of Administration to provide defensive driving course instruction for all state employees.	\$20,000
Traffic Records		
Traffic Records Program Management	This project will provide coordination of traffic records programs and provide technical support for local traffic record systems.	\$3,000
Statistical Analysis	This project will enhance the state's accident records statistical analysis capabilities and provide for the digitizing of six city maps so crash locations can be accurately located.	\$48,000
Emergency Medical Services		
Emergency Medical Services Training	This project will provide for the training of ambulance personnel and will develop and initiate the use of a scannable ambulance trip reporting system.	\$57,700
Trauma Nurses Core Course Training	This project will train trauma nurse specialists in an effort to develop an integrated trauma care network throughout the rural areas of the state to reduce the number of trauma fatalities related to motor vehicle crashes in these rural areas.	\$31,700
Rural Ambulance Service Enhancement Project	This project will assist in the purchasing of ambulances and related equipment for rural areas that possess a need for better medical response. No more than 25% of the total cost of the ambulances can be 402 funds.	\$150,000
Motorcycle Safety		
Public Information & Education	This project will provide funds for the development of a comprehensive public relations campaign, including radio and TV public service announcements, regarding the benefits of motorcycle helmet usage.	\$15,000
Motorcycle Safety Mini-Grants	This project will provide grants to local communities and safety related organizations to assist them with motorcycle safety awareness projects.	\$6,000

School Bus Safety		
School Bus Safety	This project will provide grants to support school bus safety programs and efforts throughout the state.	\$5,000
Community Outreach		
Aberdeen Community Traffic Safety Program	This project is designed to implement traffic safety programs in the six communities of Aberdeen, Mobridge, Eureka, Selby, Warner, and Roscoe-Hosmer.	\$69,600
Watertown Community Traffic Safety Program	This project will assist the local community traffic safety committee to implement traffic safety programs in Watertown.	\$20,000
Huron Community Traffic Safety Program	This project's goal is to provide comprehensive community support for the purposes of raising awareness and increasing highway safety in the Huron area.	\$26,600
Yankton Community Traffic Safety Program	This project will provide one FTE to work within the Yankton Police Department to identify traffic violation components and contributing circumstances and develop effective countermeasures.	\$27,200
Mobile Driver Training Program	This project will provide for a contract with the S.D. Safety Council to provide quality defensive driving training to high risk drivers, including novice drivers, young drivers, and more mature drivers. A customized driving simulation instruction curriculum will be provided at sites across the state. A mobile training classroom in a self-contained trailer will be purchased to transport the simulators from site to site.	\$329,300
Standing Rock Community Traffic Safety Program	This project will provide funding for one outreach worker to address traffic safety issues on the South Dakota portion of the Standing Rock Indian Reservation.	\$41,700
Safety Town Grant	This project will provide grants to six South Dakota communities for the establishment of Safety Town projects to teach young children to be more aware of possibly dangerous situations.	\$60,000
Traffic Engineering		

Local Traffic Engineering Services	This project will provide .5 FTE for a traffic and safety engineer within the Department of Transportation to provide technical assistance to local jurisdictions. This project will also provide for the purchase of two distance measuring devices to be used by county highway superintendents to assist in the proper location of warning signs.	\$78,700
County Signing Improvement	This project will provide funds to the Department of Transportation to expand the program of letting contracts for furnishing and installing traffic control signs on county roads.	\$175,000
Workzone Safety Awareness Program	This project will provide for the printing and distribution of public information materials to increase public awareness of the hazards of driving through construction zones.	\$18,500
Global Positioning/Information System	This project will provide funding for the Department of Transportation to contract with the National Geodetic Survey to establish coordinates for reference points and install 184 geographical reference points throughout the state. This will provide for more accurate accident location reporting as well as other safety benefits.	\$432,000
Planning and Administration		
Planning and Administration	This project will provide funds for the Governor's Highway Safety Representative, the director, the fiscal manager, a secretary, and other planning and administrative costs of the Office of Highway Safety.	\$83,300

Conclusion

The transfer of federal funds allocated for highway construction to highway safety purposes has resulted in a threefold increase in the amount of federal funds available for highway safety purposes. These funds are intended to be "seed money" to encourage adoption of new programs or the expansion of existing ones on the state or local level to

correct identified highway safety problems. The funds cannot be used to supplant funding that is already available for a program. The current list of highway safety projects demonstrates that with good problem identification and justification a wide variety of projects can be approved. Proposed projects in the future will need to address the most serious traffic safety problems identified.

This issue memorandum was written by David L. Ortbahn, Principal Research Analyst for the Legislative Research Council. It is designed to supply background information on the subject and is not a policy statement made by the Legislative Research Council.
