practitioner authorized to dispense a controlled substance would also be authorized to administer a controlled substance. However, in order to avoid further confusion and to maintain consistency, paragraph (c)(5) will be amended to read ''administer, dispense or prescribe.''

The second commentor additionally requested that DEA provide estimates of any financial or other impact on affected entities, including any increased risk or liability. With regard to this request, it must be noted that the provisions set forth under § 1301.24 are not mandatory. If an individual practitioner, hospital or other institution chooses to use the exemptions, however, it is that registrant's responsibility to assess any potential benefits, as well as any risks or liabilities and determine whether the advantages outweigh the disadvantages in using the exemption provisions.

DEA is also amending the language of § 1306.05(b) without prior notice, in order to make the language of that section consistent with the new language in § 1301.24(c). Section 1306.05(b) relates to the manner of issuance of prescriptions issued by persons exempted from the registration requirement under § 1301.24(c). The language is being amended by deleting the reference to ''An intern, resident, or foreign-trained physician, or physician on the staff of a Veterans Administration facility, * * *'' and inserting ''An individual practitioner * * *''

The Deputy Assistant Administrator, Office of Diversion Control, hereby certifies that this rulemaking will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. This final rule expands an existing exception to the registration requirements to provide regulatory relief to a greater population of practitioners. This final rule is not a significant regulatory action and therefore has not been reviewed by the Office of Management and Budget pursuant to Executive Order 12866.

This action has been analyzed in accordance with the principles and criteria in Executive Order 12612, and it has been determined that the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects

21 CFR Part 1301

Administrative practice and procedure, Drug traffic control, Security measures.

21 CFR Part 1306

Drug traffic control, Prescription drugs.

For reasons set out above, 21 CFR part 1301 is amended as follows:

PART 1301—[AMENDED]

1. The authority citation for part 1301 continues to read as follows:

Authority: 21 U.S.C. 821, 822, 823, 824, 871(b), 875, 877.

2. Section 1301.24 is amended by revising paragraphs (b), (c) introductory text and (c)(5) to read as follows:

§ 1301.24 Exemption of agents and employees; affiliated practitioners.

* * * * *

(b) An individual practitioner, as defined in section 1304.02 of this chapter, who is an agent or employee of another individual practitioner (other than a mid-level practitioner) registered to dispense controlled substances may, when acting in the normal course of business or employment, administer or dispense (other than by issuance of prescription) controlled substances if and to the extent that such individual practitioner is authorized or permitted to do so by the jurisdiction in which he or she practices, under the registration of the employer or principal practitioner in lieu of being registered him/herself.

(c) An individual practitioner, as defined in § 1304.02 of this chapter, who is an agent or employee of a hospital or other institution may, when acting in the normal course of business or employment, administer, dispense, or prescribe controlled substances under the registration of the hospital or other institution which is registered in lieu of being registered him/herself, provided that:

* * * * *

(5) The hospital or other institution authorizes the individual practitioner to administer, dispense or prescribe under the hospital registration and designates a specific internal code number for each individual practitioner so authorized. The code number shall consist of numbers, letters, or a combination thereof and shall be a suffix to the institution's DEA registration number, preceded by a hyphen (e.g., AP0123456–10 or AP0123456–A12); and

* * * * *

PART 1306 [AMENDED]

1. The authority citation for part 1306 continues to read as follows:

Authority: 21 U.S.C. 821, 829, 871(b), unless otherwise noted.

2. Section 1306.05 is amended by revising paragraph (b) to read as follows:

§ 1306.05 Manner of issuance of prescriptions.

* * * * *

(b) An individual practitioner exempted from registration under § 1301.24(c) of this chapter shall include on all prescriptions issued by him or her the registration number of the hospital or other institution and the special internal code number assigned to him or her by the hospital or other institution as provided in § 1301.24(c) of this chapter, in lieu of the registration number of the practitioner required by this section. Each written prescription shall have the name of the physician stamped, typed, or handprinted on it, as well as the signature of the physician.

* * * * *

Dated: June 16, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 95–17515 Filed 7–17–95; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Highway Administration

23 CFR Part 1204

RIN 2127–AE90

[NHTSA Docket No. 93–21; Notice 2]

Amendments to Highway Safety Program Guidelines

AGENCY: National Highway Traffic Safety Administration (NHTSA) and Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Revisions to guidelines.

SUMMARY: Section 2002 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Highway Safety Programs, requires that the uniform guidelines for State Highway Safety Programs include six critical programs. This notice amends the contents of existing Part 1204 by adopting guidelines on three of these programs: Speed Control; Occupant Protection and Roadway Safety. This notice also revises six of the existing guidelines to reflect new issues and to emphasize program methodology and approaches that have proven to be successful in these program areas. Finally, this notice removes the guidelines from the Code of Federal

Regulations. The guidelines, as revised here, will be published in a separate document made available to the states.

DATES: The amendments made by this action are effective on August 17, 1995.

FOR FURTHER INFORMATION CONTACT: In NHTSA: Ms. Marlene Markison, Office of State and Community Services, National Highway Traffic Safety Administration, 400 7th Street, S.W., Washington, DC 20590, telephone: (202) 366–2121; or Ms. Heidi L. Coleman, Office of Chief Counsel, National Highway Traffic Safety Administration, telephone: (202) 366–1834. In FHWA: Ms. Mila Plosky, Office of Highway Safety, Federal Highway Administration, telephone: (202) 366–6902.

SUPPLEMENTARY INFORMATION:

Background

The State and Community Highway Safety Grant Program (section 402 program) was established under the Highway Safety Act of 1966, 23 U.S.C. § 402. The Act required the establishment of uniform standards for State highway safety programs to assist States and local communities in organizing their highway safety programs.

Eighteen such standards were established and have been administered at the Federal level by FHWA and NHTSA. NHTSA is responsible for developing and implementing highway safety programs relating to the vehicle and driver; FHWA has similar responsibilities in program areas involving the roadway. FHWA is also responsible for implementing programs relating to commercial motor vehicle safety.

Until 1976, the 402 program was principally directed towards achieving State and local compliance with the 18 Highway Safety Program Standards, which were considered mandatory requirements with financial sanctions for non-compliance. Under the Highway Safety Act of 1976, Congress provided for a more flexible implementation of the program so the Secretary would not have to require State compliance with every uniform standard or with each element of every uniform standard. As a result, the standards became more like guidelines for use by the States, and management of the program shifted from enforcing standards to one of problem identification and countermeasure development and evaluation, using the standards as a framework for State programs.

On April 2, 1987, the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17) revised 23 U.S.C. § 402. The legislation provided, among other things, that the standards promulgated under section 402 and codified in 23 CFR Part 1204 be changed to guidelines. The purpose of this amendment was to conform the language of section 402 and Part 1204 to the manner in which the programs were then being implemented.

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) was enacted in December 1991. Section 2002 of ISTEA required that the uniform guidelines for State Highway Safety Programs include programs:

> (1) to reduce injuries and deaths resulting from motor vehicles being driven in excess of the posted speed limits [Speed Control]; (2) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles and to increase public awareness of the benefit of motor vehicles equipped with airbags [Occupant Protection]; (3) to reduce deaths and injuries resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance [Impaired Driving]; (4) to reduce deaths and injuries resulting from crashes involving motor vehicles and motorcycles [Motorcycle Safety]; (5) to reduce injuries and deaths resulting from crashes involving school buses [School Bus Safety]; and (6) to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures [Police Traffic Services].

Section 2002 also required that the Secretary of Transportation designate these six programs as National Priority program areas or submit a report to Congress explaining the reasons for not so designating these programs.

Four of the six programs identified in section 2002 (Occupant Protection, Impaired Driving, Motorcycle Safety and Police Traffic Services) had already been designated as National Priority program areas, along with four additional programs (Emergency Medical Services, Traffic Records, Pedestrian and Bicycle Safety, and Roadway Safety). In a final rule published in the **Federal Register** on December 13, 1994 (59 FR 64120), the agencies decided to add Speed Control, but not School Bus Safety, to the list of priority programs, bringing the number of programs on the list to nine.

Four of the six programs identified in section 2002 (Alcohol Safety, Motorcycle Safety, School Bus Safety and Police Traffic Services) are specifically addressed by the existing 18 Highway Safety Program Guidelines. The guidelines do not specifically address Speed Control or Occupant Protection.

In a Notice and Request for Comment published in the **Federal Register** on January 14, 1994 (59 FR 2320), the agencies proposed to issue two new guidelines to address these two programs. The notice also proposed to add a new guideline to address Roadway Safety. By adding these three guidelines, there will be a highway safety program guideline associated with each program that has been designated a National Priority program area by the agencies. The notice also proposed to make revisions to the six other guidelines that address National Priority program areas (Motorcycle Safety, Alcohol in Relation to Highway Safety, Traffic Records, Emergency Medical Services, Pedestrian Safety and Police Traffic Services).

Comments Received

The agencies received 35 comments to the docket in response to the notice, including comments from 20 State agencies (with responsibility for transportation/highway safety, law enforcement and health); a municipal law enforcement agency; a county health department; four individuals; one corporation (3M); and eight national organizations.

The national organizations that commented represent highway safety interests (National Association of Governors' Highway Safety Representatives and Advocates for Highway and Auto Safety); law enforcement organizations (International Association of Chiefs of Police and National Sheriffs' Association); pupil transportation interests (National School Transportation Association and National Association of Fleet Administrators); and others (National Emergency Number Association and Institute of Transportation Engineers).

The comments were generally supportive of the agencies' proposal to add new guidelines in the areas of Speed Control, Occupant Protection and Roadway Safety and, in today's notice, NHTSA and FHWA have decided to add these three new guidelines. The comments were also generally supportive of the agencies' proposed revisions to the guidelines pertaining to Motorcycle Safety, Alcohol in Relation to Highway Safety, Traffic Records, Emergency Medical Services, Pedestrian Safety, and Police Traffic Services and, in today's notice, these guidelines have been revised.

The comments recommended some additional revisions to the guidelines. These comments, and any changes to the guidelines that the agencies have made as a result, are discussed below.

General Comments

Two commenters (the Institute of Transportation Engineers and the West Virginia Department of Transportation) noted that ISTEA mandated the use of Safety Management Systems, but the guidelines made little, if any, reference to their use. These commenters recommended that the agencies explain the relationship between the guidelines and Safety Management Systems.

These guidelines are meant to provide direction to state and community highway safety efforts which are supported with Section 402 grant funds. The Section 402 process in every state is an integral part of the state's Safety Management System.

To reduce crashes, ISTEA required that every State implement a *process* for managing highway safety by ensuring that safety improvement opportunities are considered and implemented on all highway systems and during all phases of programs/projects. Although each state has a unique approach to developing and implementing this SMS, the process required is similar to the Section 402 process. It includes problem identification and goal setting; data collection and analysis; identification of performance measures; and selection and evaluation of strategies.

The SMS differs from the 402 process in that its scope is broader. The process brings together new highway safety partners and resources, and provides for coordination among all those involved in highway safety, including engineers, enforcement officers, educators, motor carriers, medical personnel, state officials, and metropolitan planning organizations. It is intended that the process will assist decisionmakers in setting highway safety priorities for all safety elements (human, vehicle, and roadway), and in allocating a broad range of highway safety resources. Safety projects and programs identified through the SMS process may be included for funding in each state's Section 402 plan, Motor Carrier Safety Assistance Program State Enforcement Plan (SEP) and metropolitan and statewide transportation plans and improvement programs, as appropriate.

The Washington State Department of Health applauded the agencies for emphasizing the connection made by traffic safety professionals between traffic safety and good health. Washington State stressed the importance of informing the public about medical care cost savings that could result from safe traffic habits and of forming ''partnerships'' between traffic safety professionals and public health officials, hospitals and EMS/trauma providers. In December 1994, NHTSA completed and distributed to the public a Model for Integrating Injury Control System Elements. The agencies have made a number of changes to the guidelines to incorporate elements of this Injury Control Model, which stress a systematic approach for preventing and controlling injuries on our nation's highways.

The Washington State Department of Health also recommended editorial changes regarding the use of the terms ''crash,'' ''accident,'' ''impaired driving'' and ''drunk and drugged driving.'' Except where it was impracticable, such as when referencing Police Accident Reports or Drunk and Drugged Driving (3D) Awareness Week, these comments have been incorporated in the guidelines.

Addition of Three New Guidelines

Guideline #19: Speed Control

Historically, Speed Control has not been separately identified as a National Priority program area under 23 CFR 1204 or described in a separate guideline. It has, however, been an integral part of the Police Traffic Services program. Speed control initiatives have been supported under the Police Traffic Services priority program, under the guideline, and also through FHWA's Motor Carrier Safety Assistance Program (MCSAP) as part of an overall traffic enforcement program aimed specifically at commercial motor vehicles.

In accordance with ISTEA, on January 14, 1994, the agencies published in the **Federal Register** an NPRM proposing to designate Speed Control as a separate National Priority program area and a notice proposing to add a separate guideline on Speed Control. On December 13, 1994 (59 F.R. 64120), the agencies published a final rule designating Speed Control as a separate National Priority program area. In today's notice, the agencies are adding a separate guideline on Speed Control.

The agencies received 16 comments regarding the addition of new guideline 19. There was strong support from most respondents for establishing speed control as a separate guideline, consistent with the support expressed for its inclusion as a priority program area. Three commenters specifically welcomed the addition of the separate guideline. The Florida Department of Transportation thought the inclusion of the guideline would give uniform direction to the States for building effective programs. The Georgia Department of Public Safety and The Illinois State Police were pleased that the area of speed control would now receive individualized attention.

In contrast, two commenters questioned the need to separate speed control from police traffic services and one commenter questioned the need for a speed control guideline. The Michigan Department of State Police believed that keeping these guidelines combined would lead to a more efficient use of shrinking police resources and better reflect the integrated belts, alcohol, and speed programs undertaken by many States. The West Virginia Division of Highways thought that public acceptance would likely be higher if speed control were part of a ''well-reasoned and balanced'' program, rather than a ''stand-alone'' effort. The California Highway Patrol (CHP) cited several NHTSA and FHWA publications, which it believes contain more useful information and are more widely distributed and easier to update than the guideline. In its view, highway safety personnel have access to numerous studies and publications concerning speed issues that contain more current information than the guideline.

Consistent with the view of most commenters, the agencies have retained the separate guideline. The issuance of the guideline is appropriate and necessary in light of the recent designation of Speed Control as a priority program area. The agencies do not believe that a separate guideline precludes the integration of programs or the efficient use of resources by the State. Nor do we think that it represents a ''stand-alone'' effort subject to public disfavor. Rather, it is one of many guidelines which, taken together, provide guidance to the States in the implementation of a comprehensive program. With respect to CHP's comment, the agencies recognize the existence of other sources of information concerning speed control, and freely encourage their use in addition to the information in the guideline.

The Institute of Transportation Engineers (ITE), the West Virginia Division of Highways, and CHP each stressed the importance of traffic engineering practices in the proper setting of speed limits. Emphasizing that speed limits should be ''reasonable,'' West Virginia thought existing speed limits should be subjected to engineering study prior to funding speed enforcement programs, and recommended that the guideline contain a strong statement to that effect. CHP urged that training for traffic engineers include ''Developing guidelines for setting speed limits; Establishing

appropriate signing policies; [and] Investigating alternative approaches to speed control (signing, stripping, channeling, barriers, speed undulations, etc.).''

The agencies note that the guideline already emphasizes the important contribution of traffic engineering to the setting of speed limits. The sections on Program Management, Setting of Speed Limits, and Legislation stress the role of the ''traffic engineer,'' ''traffic personnel,'' and ''engineering investigations'' in that process. However, we agree that it is appropriate for the Training section to contain a similar emphasis, and have adopted CHP's proposed language. The agencies have not adopted West Virginia's suggestion to include a statement that enforcement funding be preceded by engineering evaluations of existing speed limits. To do so would hinder enforcement efforts, based on a blanket presumption that existing speed limits are not reasonable. The agencies are neither willing to accept that presumption nor to place conditions on enforcement efforts, which we view as a vital tool for effective speed control.

CHP thought the guideline was too detailed, in recommending under the section on Training that law enforcement officers escort and assist traffic engineers and technicians in the deployment of speed measuring equipment. CHP viewed such escort and assistance as an operational courtesy, and inappropriate for inclusion in a Federal guideline. In contrast, the National Sheriff's Association thought that training law enforcement officials in speed measurement was ''critical.'' CHP also commented that ''new'' technology is over-emphasized in the guideline. Citing the introductory paragraph's use of the term ''state-of-the-art equipment'' for setting and enforcing speed limits and a similar ''emphasis'' in other sections, CHP argued that the emphasis should instead be placed on ''appropriate technology,'' whether it is new or traditional, because some new techniques are unproven.

The agencies agree with the National Sheriff's Association that training of law enforcement officials is important. We do not agree with CHP's view of the recommendation that law enforcement officers escort and assist traffic engineers in deploying speed measuring equipment. This is not a courtesy, but rather a training experience to provide officers with a broad-based familiarity with speed measurement devices. Consequently, the guideline retains the recommendation, but the reference to ''escorting'' has been deleted to remove any ambiguity. With respect to CHP's comment about ''new'' technology, the introductory paragraph of the guideline, in fact, urges the use of ''both traditional methods and state-of-the-art equipment.'' Moreover, the section on Technology exhorts the States to use only equipment ''that is approved or recognized as reliable.'' The agencies believe that the guideline affords full flexibility, as written, for the use of technology that is appropriate under the circumstances, while accommodating prospective advances in the state of the art. Consequently, we have not adopted CHP's comment.

CHP urged that the guideline devote more attention to speed variability and traveling at speeds unsafe for conditions. The International Association of Chiefs of Police (IACP) supported efforts to focus on speed variability as a cause of crashes, and endorsed the funding of variable message boards that adjust speed limits to conditions. In contrast, The Washington State Patrol thought that the adoption of variable speed limits would create enforcement problems because of motorist confusion, and the Minnesota Department of Transportation was concerned about liability incident to the posting of variable speed limits for prevailing conditions.

The agencies agree that the issues of speed variance and traveling at speeds unsafe for conditions deserve special attention, particularly from the standpoints of enforcement and education. Consequently, we have added specific references to these problem areas in the sections on Enforcement Program and Public Information and Education. The agencies believe that variable message speed limit signs can provide valuable safety benefits, and field evaluations have not disclosed concerns about liability or motorist confusion. The agencies will cooperate with State highway safety agencies to address any concerns that might arise. We have retained the references to these devices in the guideline, encouraging their use as a viable part of a comprehensive speed control program.

Advocates for Highway and Auto Safety (Advocates) suggested that the term ''vigorous enforcement,'' which appears in the Enforcement Program section, be defined in terms of the qualities and characteristics that might comprise such an effort to better assist jurisdictions in carrying out enforcement campaigns. The agencies believe the term is unambiguous as stated—it conveys a high degree of effort. The qualities and characteristics of a comprehensive speed control program are set forth throughout the guideline.

The New York City Police Department (NYPD) commented that more educational programs should be designed to raise public awareness of the hazards of speeding. The NYPD thought this could be best accomplished by starting with students during their freshman year in high school. The Washington State Department of Health recommended that language concerning bicyclists be included among the issues deserving attention in anti-speeding efforts under the Enforcement Program section. The agencies fully support increased educational efforts in this area, and particularly those directed at an age group that has been traditionally over-represented in highway injuries and fatalities. We believe that the Public Information and Education section of the guideline fully accommodates NYPD's interest in expanding educational efforts concerning the hazards of speeding, and therefore no changes have been made to the guideline. The agencies have adopted Washington's comments concerning bicyclists, and have included a reference in the Enforcement Program section.

The Washington State Patrol commented that the use of photo radar technology and VASCAR, as identified in the Enforcement Program and Technology sections of the guideline, is not approved under current State statutes. Washington identified aerial speed enforcement as a viable alternative to VASCAR. The Minnesota Department of Transportation thought that the Program Management section was too prescriptive. Minnesota did not articulate any reasons for its view, but sought a less ''rigid framework.'' The agencies have made no change to the guideline, because it does not compel the use of a particular technology or framework. States have the flexibility to choose among the different strategies contained in the guideline in implementing speed control programs, according to their needs and particular circumstances.

A number of commenters expressed concerns about the National Maximum Speed limit. One commenter urged the repeal of the National Maximum Speed Limit (NMSL). Another commenter complained that in the guideline's section on Legislation, the NMSL was specifically excluded from those speed limits that need to be ''realistic.'' Yet another commenter urged renewed focus on the NMSL at the national level, because of a perceived erosion in voluntary compliance. The NMSL is governed by statute, and it is not within

the agencies' authority to change or rescind it. The agencies have deleted the parenthetical statement in the Legislation section, which implies unintentionally that the NMSL need not be ''realistic.'' The statement was intended to convey that the NMSL is excluded from those speed limits that States may set, but its existence may lead to confusion and its deletion does not affect the guideline . With respect to the comment urging a renewed national focus, the agencies would point out that speed control has recently been designated as a priority program area, reflecting a strong national focus on the issue and a commitment to full cooperation with the States in this area.

Guideline #20: Occupant Protection

When the original highway safety program standards were established by NHTSA and FHWA, an occupant protection program standard was not included among them.

In 1982, the agencies issued a final rule which identified six National Priority program areas that were considered the most effective in reducing highway deaths and injuries. Occupant Protection was designated as one of the six most effective programs. However, the agencies did not at that time, and have not since, issued a highway safety program standard or guideline on Occupant Protection.

The January 1994 **Federal Register** notice proposed to add a separate guideline on Occupant Protection. In today's notice, the new guideline is adopted.

The agencies received 11 comments regarding new guideline 20, which generally expressed strong support for its addition. The Georgia Department of Public Safety and the Illinois State Police were especially supportive of giving occupant protection individualized attention. The National Sheriff's Association (NSA) stated that strict enforcement of occupant restraint and child safety seat use requirements by all State, county, and municipal law enforcement officers was ''a must.'' NSA also recommended that references to air bags and anti-lock braking systems be included. Advocates for Highway and Auto Safety urged the agencies to specifically endorse the primary enforcement of mandatory safety belt and child restraint use laws as part of the ''vigorous enforcement'' contemplated by the guideline.

The agencies agree with NSA that strict enforcement efforts are a vital component of a successful occupant protection program, and believe that the guideline, as proposed on January 14, 1994, places a strong emphasis on enforcement. The agencies also agree that air bags play an important role in occupant protection. In recognition of this role, references to airbags already appear in the guideline, in the sections on Legislation, Regulation, and Policy; Enforcement Program; and Public Information and Education Program. In response to NSA's comment, we have also added a reference to air bags in the context of trend data collection in the Evaluation Program section. However, the agencies do not agree that references to anti-lock brakes are appropriate in the Occupant Protection guideline, as this issue falls more properly within the ambit of crash avoidance. Consequently, the agencies have not adopted NSA's suggestion to add such references. The agencies agree with Advocates that primary enforcement legislation deserves special emphasis, and have added appropriate language in the section on Legislation, Regulation, and Policy.

The National Association of Fleet Administrators (NAFA) supported all employer programs directing the use of safety belts by employees. NAFA commented, however, that the employer's responsibility should be limited to the adoption of policies and to informing employees of those policies. NAFA voiced its member fleets' concerns that States might pass laws requiring an employer to monitor compliance, raising the specter of unjust liability and penalties. According to NAFA, it would be unfair to hold an employer responsible where an employee willfully disregards the employer's policy. The agencies agree with NAFA about the importance of employer-based programs for the use of safety belts. In fact, through a public/private partnership popularly known as ''NETS'' (Network of Employers for Traffic Safety), the agencies are actively encouraging such programs, because of their demonstrated safety benefits and resulting economic benefits to the employer. Since the guideline proposed on January 14, 1994 does not discuss issues of liability or responsibility associated with employer-based programs, no changes have been made in response to NAFA's comment.

The proposed guideline provided for basic and in-service training in the Enforcement Program section. In connection with that training, The International Association of Chiefs of Police (IACP) commented that NHTSA should not insist on a particular curriculum or dictate the number of hours. In IACP's view, training should be described in terms of learning goals and performance objectives. The guideline presently allows the flexibility IACP seeks, specifying neither the particular curriculum nor the number of hours of training required. Consequently, no changes have been made in response to IACP's comment.

The Washington State Patrol expressed concern that data requested in the Evaluation section of the guideline, such as conviction rates on restraint violations, are not available or easily obtained. Collection of the specific data listed in the guideline (safety restraint citations and convictions) is not required but rather suggested as an aid to the State in fashioning its evaluation program. The agencies are aware that, while data on motor vehicle restraint violations are generally available, conviction rate data may be more difficult to obtain. Where such data are unavailable, States may choose to collect other useful data for evaluation purposes.

The National School Transportation Association (NSTA) recommended that the guideline discuss the issue of ''compartmentalization,'' to educate the public about the safety record of school buses. NSTA also suggested that continued emphasis be placed on school bus drivers wearing safety belts. The agencies have not adopted NSTA's recommendations, because they are more appropriate for consideration in the specific context of school bus safety, and have been addressed elsewhere. For example, NHTSA periodically publishes the ''School bus safety report,'' a widely disseminated document containing useful safety information, including a discussion of the importance of compartmentalization. Additionally, the Highway Safety Program Guideline on Pupil Transportation Safety (not under revision at this time) places an emphasis on the importance of safety belt use by school bus drivers.

3M Corporation commented that the guideline fails to consider the safety of occupants of disabled vehicles, and recommended that conspicuity enhancement, such as reflective license plates and garments for stranded motorists, be considered. The agencies agree that conspicuity can play a role in motorist safety. However, we do not believe that the issue is appropriate for consideration in the context of the occupant protection guideline, which addresses the protection of vehicle occupants during a crash.

The New York City Police Department urged the expansion of programs advocating the use of safety belts to junior high school through the last year of high school. The proposed guideline already recommends that programs for grades kindergarten through 12 include ''highway safety in general and

occupant protection in particular.'' Accordingly, no change in the guideline is necessary.

Guideline #21: Roadway Safety

When the original 18 standards were established, there was not an individual roadway safety program standard. Instead, four standards were published, each of which pertained to some aspect of safety in the roadway environment: Standard 9 on Identification and Surveillance of Accident Locations; Standard 12 on Highway Design, Construction and Maintenance; Standard 13 on Traffic Engineering Services; and Standard 14 on Pedestrian Safety. In 1982, the agencies issued a final rule which identified six National Priority Program Areas that were considered the most effective in reducing highway deaths and injuries. ''Safety Construction and Operational Improvements'' was designated as one of the six most effective programs. In 1987, the agencies changed the ''Safety Construction and Operational Improvements'' priority program to ''Roadway Safety'' to encompass a wider breadth of safety activities related to the roadway environment. However, the agencies have never issued an individual highway safety program standard or guideline to encompass the entire area of either ''Safety Construction and Operational Improvements'' or ''Roadway Safety.''

In the notice published on January 14, 1994, the agencies proposed to more effectively organize and consolidate the roadway safety components from each of the four guidelines that pertain to safety in the roadway environment by creating a new guideline entitled ''Roadway Safety.'' At that time, the agencies contemplated that the four related guidelines would remain unchanged. The agencies received 14 comments regarding the proposed Roadway Safety guideline, supporting the creation of a separate new guideline. Two of the comments recommended that, with the creation of this new guideline, the agencies could eliminate guidelines 9, 12, and 13. The agencies agree with these comments and have decided in this notice to remove these three guidelines. The new Roadway Safety guideline will be numbered Guideline No. 21, and contain additional section headings for ease of reference and conformance with the format of the other guidelines. Guideline Nos. 9, 12 and 13 will be reserved.

The West Virginia Department of Transportation was the only commenter that questioned the issuance of the Roadway Safety guideline, stating that it was almost a verbatim restatement of the requirements imposed on States under the Federal Aid Policy guide (23 CFR 924). The agencies disagree with this comment. The guide to which West Virginia referred deals specifically with the Highway Safety Improvement Program (HSIP). Under this program, specific funding is set aside from the Surface Transportation Program for carrying out the Rail-Highway Crossings and Hazard Elimination programs. While HSIP funds are available for roadway safety construction and hardware improvements, Section 402 funds are not. The Roadway Safety guideline refers specifically to non-construction items which are authorized under Section 402. In addition, the guideline is broader in scope, articulating recommended policies, practices, and procedures.

3M Corporation supported the use of conspicuity treatment on vehicles and clothing for motorcyclists and pedestrians, and recommended data collection and education efforts on the effectiveness of conspicuous materials. The NYPD recommended educating all grades of high school students, through community policing, on safety issues such as the hazards attendant to changing flat tires in traffic lanes. The agencies agree with 3M that use of conspicuous materials has a safety benefit. However, 3M's recommendations are not directly related to this guideline, which concerns safety aspects of roadways. Moreover, the agencies note that conspicuity requirements are already in place for highway construction and maintenance workers, and that the safety benefits associated with enhanced visibility are well-established, obviating the need for data collection and educational efforts in this area. As discussed below, however, we have identified retroreflective materials as important treatments for the improvement of nighttime visibility. The agencies strongly support highway safety education efforts, but note that NYPD's recommendation for education concerning safety hazards to those changing tires is more appropriate for consideration in the context of programs concerning pedestrians or driver education.

The Michigan Department of State Police suggested that new technology, such as high intensity sheeting on signs, might render roadway lighting less cost effective than it has been in the past. Michigan also thought that evaluating the impact of specific traffic control measures on all traffic crashes might be problematic, and that it might be more reasonable for States to evaluate spot improvements. The agencies agree that new technology, such as retroreflective materials, can provide valuable safety benefits at night, and should be considered in addition to traditional lighting applications. Accordingly, we have added a reference to retroreflective materials in the guideline. The agencies also agree that spot evaluations are an effective means of measuring the impacts of specific traffic control measures on traffic crashes. Spot evaluations are currently routine practice, and no change in the guideline is needed to accommodate them.

The ITE recommended that specific minimum education standards and certain registration requirements be established for personnel responsible for traffic engineering and highway safety. ITE believes that the guideline should direct each State to implement such requirements. The agencies share ITE's concerns that personnel involved in traffic engineering and highway safety be properly trained and qualified. However, the agencies believe it is appropriate for the States to set standards in consultation with professionals within their borders and based on particular State circumstances. We would point out, however, that FHWA is developing a series of training courses on the Safety Management System and other roadway safety topics. These courses are specifically designed for those who are involved in safety and traffic engineering, and are offered through the National Highway Institute at locations across the country.

The Washington State Department of Health suggested that the guideline include language recommending the development of an ''open process for frequent roadway users, e.g., EMS/trauma providers, law enforcement, CMV drivers, and commuters to report dangerous roadway sections and/or specific hazards that they encounter.'' Many such processes already exist. For example, the emergency telephone number ''911'' has been in use for many years, and is widely accepted as a means of communicating roadway safety hazards. The Federal Communications Commission recently issued a Notice of Proposed Rulemaking proposing that commercial wireless operations be required to make Enhanced 911 available to customers, and is soliciting comments on how this may be accomplished. In addition to the universal 911 emergency number, some States have provided emergency numbers for motorists to report road hazards. Most law enforcement agencies also monitor channel 9 on citizen's band radio. In Highway Safety Program Guideline 11 (Emergency Medical Services), NHTSA supports these

programs by encouraging states to require a communication system that begins with a universal system access number. In view of the many programs currently in existence, the agencies do not believe that a change in the guideline is necessary.

CHP commented that the guideline should support construction zone safety programs, traffic operations programs, emerging technologies having applications in the roadway safety environment, and public awareness/education programs. CHP also sought consideration of congestion mitigation efforts. Advocates suggested that where the guideline refers to the regulation of traffic in work zones (construction and repair sites and detours), it should clarify that such zones should conform to recognized standards and guidelines, such as the Manual on Uniform Traffic Control Devices. The guideline proposed on January 14, 1994 is sufficiently broad to support most of the activities identified by CHP (construction zone safety programs, traffic operations programs, and emerging technologies), provided they do not involve highway construction, design, or maintenance activities, for which Section 402 funds are not available. Federal-aid funds are available separately under other programs to finance these latter activities. (For example, the Manual on Uniform Traffic Control Devices establishes standards for specific traffic control devices and procedures to be used in work zones. Funding for these devices and activities is available through the regular Federal-aid program.) The agencies agree that the guideline should be expanded to discuss public awareness and congestion mitigation. Consequently, we have highlighted public awareness issues in a new ''Outreach Program'' section and added language concerning congestion mitigation under the section on Highway Design, Construction, and Maintenance. The agencies also agree with Advocates' comment concerning conformance with recognized standards, and have added language identifying the Manual on Uniform Traffic Control Devices in the guideline.

The IACP encouraged a focus on two areas, under Program Management, where it thought the agencies could make a significant impact. IACP suggested that start-up funding be provided for up to 3 years for additional police patrols in connection with the construction of a new stretch of highway and funding of innovative programs bringing together engineering and enforcement professionals at conferences and the like. Funding for police patrols associated with highway construction is authorized under other Federal-aid highway appropriations. Consequently, the agencies have not adopted the recommendation concerning the funding of police patrols with respect to this guideline. The bringing together of engineering and enforcement professionals is already accommodated by the guideline, which specifically encourages a multi-disciplinary approach, including the fostering of dialogue between engineering and enforcement personnel. Consequently, while the agencies agree with the comment, no change in the guideline is necessary.

Revision of Six Existing Guidelines

The highway safety program standards were first issued in the early 1970's, and the contents of most of these standards have not been revised significantly since that time. The highway safety environment, however, has changed dramatically during the past twenty years. Accordingly, in the notice published on January 14, 1994, NHTSA and FHWA proposed to update a number of the guidelines. The agencies proposed to update only those guidelines that correspond to programs currently designated as priority programs.

The National Association of Governors' Highway Safety Representatives (NAGHSR) supported the agencies' proposed changes to the guidelines, but expressed disappointment that the agencies ''did not use this opportunity to propose additional amendments.'' NAGHSR suggested that all of the guidelines should be revised and updated. In particular, NAGHSR recommended that the guidelines should be revised to better address emerging safety issues, such as high risk drivers and rail grade crossing safety, and that the agencies should consider establishing a process under which all the guidelines would be reviewed periodically to ensure they are current and useful to State implementing agencies.

With regard to NAGHSR's specific comment regarding emerging issues, the agencies wish to note that rail grade crossing safety is addressed in the Roadway Safety guideline referenced above, and issues involving impaired drivers are fully addressed in the Impaired Driving guideline referenced below.

With regard to the other issues raised in NAGHSR's comments, the agencies will take them under advisement for future planning purposes. However, the notice published in January 1994 proposed only to add three guidelines and modify six others. As noted above, the creation of a new Roadway Safety guideline has resulted in the removal of former guidelines 9, 12 and 13. Modifications have not been made, however, to any other guidelines. If the agencies decide to make changes to other guidelines, such changes will be made after providing notice in the **Federal Register** and an opportunity to comment.

Revision to Guideline No. 3—Motorcycle Safety

The agencies proposed that the Motorcycle Safety guideline would continue to emphasize the importance of motorcyclists wearing helmets and would be amended to place greater emphasis on improving the knowledge and skills of motorcycle operators through motorcycle rider education and training programs.

The agencies received 10 comments concerning proposed revisions to the Motorcycle Safety Guideline. Four individuals submitted comments opposing the mandatory use of motorcycle helmets. One stated that Illinois, Iowa, and Colorado are consistently among the ten safest motorcycling States, though they lack helmet laws. Another cited data showing that motorcycle fatalities in Minnesota and Wisconsin constitute a small percentage of both vehicular and head trauma fatalities, and stated that fatalities had decreased after Minnesota's rescission of its helmet law. A third cited data showing a large drop in motorcycle fatalities in California since the implementation of a motorcycle safety program in 1987. Three of the four commented that States without mandatory helmet laws show lower rates of fatalities, and urged education and training instead of mandatory use laws. One of these highlighted driving under the influence of alcohol and failing to obtain a motorcycle endorsement as issues associated with motorcycle fatalities, and suggested the need for stiffer penalties.

These individuals raised a number of other points in opposition to mandatory helmet use. One stated that, because motorcyclists are covered by insurance, any argument that helmet use would lower health care costs for everyone held no merit. Another cited claims that helmeted riders ''may be involved in as many as 14 to 16% more accidents than non-helmeted riders'' and that head injuries account for 28.1% of non-helmeted fatalities and 29.4% of helmeted fatalities. According to this commenter, helmets contribute to obstructed vision and hearing and

increased weight, temperature, and fatigue of the rider. This commenter also criticized the DOT helmet tests for failure to ''probe all the effects of a helmet in an actual accident situation.''

The agencies agree with the commenters that education and training should form an important component of a comprehensive motorcycle safety program, and that penalties should be imposed for driving under the influence of alcohol and failing to obtain a motorcycle endorsement. The guideline currently accommodates these concerns. The agencies do not agree, however, that education and training should exist to the exclusion of laws requiring the use of helmets. The arguments raised by these commenters questioning the safety benefits attributable to helmets fail to properly distinguish between fatality rates and absolute numbers of fatalities. The apparently low fatality numbers cited by the commenters follow naturally from the fact that there are relatively few motorcycles on the road, and they travel relatively few miles. Motorcycles make up only 2 percent of all registered vehicles in the United States and account for only 0.5 percent of all vehicle miles traveled. (Notably, most of the States cited by the commenters fall within the bottom of the range with respect to numbers of motorcycles registered and miles traveled, so it is not surprising that their fatality statistics are even lower.) However, on the basis of vehicle miles traveled, motorcyclists are about 20 times more likely to die in a motor vehicle crash than are passenger car occupants. Moreover, though motorcyclists were involved in only 1 percent of all police-reported motor vehicle crashes in 1991, they accounted for 8 percent of all occupant fatalities and almost 7 percent of total traffic fatalities.

Riding a motorcycle is a very high risk form of transportation in the normal traffic environment, and it is even more risky without a helmet. NHTSA estimates that an unhelmeted motorcyclist is 40 percent more likely to incur a fatal head injury and 15 percent more likely to incur a non-fatal head injury than a helmeted motorcyclist when involved in a crash. The level of protection afforded by helmets is borne out by recent statistics in California, one year after implementation of a mandatory motorcycle helmet use law. Statewide fatilities decreased 37.5 percent from 523 fatalities in 1991 to 327 in 1992. An estimated 92 to 122 fatalities were prevented, and head injuries decreased significantly among both fatally-injured and non-fatally-injured motorcyclists.

The agencies do not agree with the comment that, because motorcyclists carry insurance, health care costs are not an issue for consideration. The data show that large numbers of motorcyclists either do not carry insurance or do not carry enough insurance to fully cover expenses. It is notable that the commenter stating this position also cited statistics showing that many riders involved in motorcycle fatalities did not have a motorcycle license. (It is reasonable to assume that these unlicensed riders did not carry insurance.) More importantly, the societal costs have been documented. The General Accounting Office, in a 1991 report reviewing a broad array of published and unpublished effectiveness studies on helmets and helmet laws, highlighted the societal costs, stating that:

> The studies we evaluated showed that nonhelmeted riders were more extensive users of medical services and long-term care, and were more likely to die or lose earning capacity through disability. In one sense, the care of accident victims represents a claim on society's resources regardless of how payment is made. The studies we evaluated also indicated, however, that much of the actual payment for care is made by society through tax-supported programs or insurance premiums.

The agencies do not accept the premise that helmeted riders may be involved in more accidents than non-helmeted riders due to helmet-related factors, such as interference with vision or hearing. Studies confirm that wearing helmets does not restrict the ability to hear horn signals or the likelihood of visually detecting a vehicle in an adjacent lane prior to initiating a lane change. The relatively higher involvement of helmeted riders in crashes, as compared to non-helmeted riders, follows naturally from the fact that, nationwide, more motorcycle riders wear helmets than do not. Indeed, if 100 percent of motorcycle riders wore helmets, 100 percent of the observed fatalities would consist of helmeted victims. The agencies agree with the commenter that the DOT helmet test cannot replicate all aspects of an actual crash situation, but do not accept the conclusion that the test has no value. Among other parameters, the test measures impact attenuation, helmet retention, and resistance to penetration. These parameters are important determinants of the level of crash protection afforded by a helmet.

In contrast to the comments of these four individuals, the majority of commenters generally supported the guideline. Four commenters specifically identified the use of helmets as an important component of the guideline. Advocates recommended that the guideline urge the enactment of motorcycle helmet use laws more directly, rather than parenthetically. The National Association of Governors' Highway Safety Representatives (NAGHSR) thought that more emphasis should be placed on mandatory helmet use laws, because it viewed helmets as the most effective means of reducing motorcycle head injuries. The Minnesota Department of Transportation urged continued emphasis on the importance of wearing motorcycle helmets. 3M Corporation supported mandatory helmet laws from the standpoint of conspicuity, recommending that helmets be made conspicuous for both daytime and nighttime visibility. The agencies agree with all of these comments about the importance of wearing motorcycle helmets. In particular, the agencies agree with Advocates that motorcycle helmet use laws deserve more than parenthetical reference, and have included additional language in the Program Management section. We have also added, under the section on equipment, language clarifying that helmets should meet the Federal Motor Vehicle safety Standard on helmets. The agencies agree with 3M that daytime and nighttime conspicuity of helmets would add to motorcyclist safety, and have included appropriate language in the Conspicuity section of the guideline.

Several commenters made recommendations concerning training, education, or licensing issues. Minnesota stressed the need for emphasis on improving the knowledge and skills of operators. Advocates noted that, even with school certification, adolescent motorcycle operators suffered a disproportionate number of fatalities. Consequently, Advocates believed that the guideline should not encourage newly licensed and younger drivers to seek motorcycle license endorsement. Instead, Advocates believed that training should be limited to those with motorcycle licenses, and should not be conducted in schools, youth groups, or the like, where it might serve to encourage motorcycle riding by the young.

The Hawaii DOT recommended the deletion of the entire Rider Education and Training section, reasoning that ''government should not care *how* a rider is educated, only *that* he is educated,'' and concluding that motorcycle riding criteria should be performance oriented (i.e., government should set criteria for the licensing test, but not for the training). Citing NHTSA's five-year study of driver

education in DeKalb County, Georgia, which showed only a short-term benefit, Hawaii also suggested amendment of the introductory paragraph of the guideline to remove training from the list of ''effective'' programs. According to Hawaii, enforcement, rather than training, is the proper role of government. Hawaii also asked for more specificity in the guideline's recommendations concerning licensing. For example, Hawaii asked for the identification of medical criteria specific to motorcycle (rather than car) licensing. With respect to license renewal, Hawaii asked whether a knowledge test would be sufficient or whether a skills test should also be required. Finally, Hawaii asked what time frame the guideline contemplated by recommending the issuance of a learner's permit only twice per applicant.

The agencies believe that training and education are an important part of a comprehensive motorcycle safety program. Consequently, we agree with Minnesota's comment concerning the need for emphasis on the knowledge and skills of operators, and this is already reflected in the guideline proposed on January 14, 1994. However, the appropriate age for motorcycle licensing is properly a matter of State concern and, for this reason, the agencies decline to recommend actions, as urged by Advocates, that would restrict the availability of training for adolescents. The agencies do not believe that motorcycle training and education should be withheld from any segment of the population that has reached the age set by the State for obtaining a motorcycle license. Similarly, the agencies disagree with Hawaii's comment that the guideline should concern itself with testing, but not with training. A well balanced program should focus on both aspects, as currently reflected in the guideline.

The identification of specific medical criteria relevant to motorcycle licensing decisions and the nature of testing required for license renewal are also matters properly left to the discretion of the State. Consequently, the agencies have not adopted Hawaii's recommendation to provide further specifics in the guideline concerning these areas. In response to Hawaii's question regarding the issuance of learner's permits only twice per applicant, the agencies have broadened the language in the guideline to indicate that States should limit the number or frequency of learner's permits issued to any one individual.

Hawaii also disagreed with the guideline's emphasis on impaired motorcyclists. Instead, Hawaii thought it would be more cost-effective to take a generic approach to the issue of DUI. The agencies agree that DUI is a dangerous problem regardless of the type of vehicle being operated, but believe it is important to include specific consideration of impaired motorcyclists in this guideline. The problem of impaired motorcyclists is commonly overlooked in most impaired driving enforcement programs. Focus testing conducted by NHTSA has shown that DUI messages directed at motorcyclists (a subgroup overrepresented in DUI statistics), need to be different than those directed at other motorists in order to produce the desired awareness. Consequently, it is especially important that DUI programs and activities be referenced separately in this guideline, and that they be tailored to the motorcyclist audience.

The Texas Motorcycle Safety Bureau thought that the funding source advocated by the guideline under the Program Management section should be sufficient to fund all program needs and secured from use by other state agencies. Texas noted that much additional funding would be needed to implement the all-encompassing program addressed in the guideline. Texas also recommended that the requirement for data collection be more specific, but cautioned that if it included crash data, it would fall within the responsibility of another State entity and not be allowed. Finally, Texas expressed confusion about the provision, under the section on Motorcycle Rider Education and Training, advocating ''permission to spend money in other motorcycle safety program areas as deemed appropriate.''

The agencies agree with Texas that the funding source sought under the guideline should be secured from use for other purposes, but believe that this is implicit in the guideline as written. With respect to the concern about the need for additional funds, we are optimistic that Texas will strive to implement comprehensive motorcycle safety programs, making the best use of the funds available. The agencies decline to further articulate the data collection requirement. States are encouraged to collect data which they determine is useful in contributing to motorcycle safety activities. The guideline does not specify responsibilities for collecting data, so Texas need not be concerned about conflicting duties among State agencies. The agencies agree with Texas' comment that the provision about spending money in other program areas is confusing, and have deleted it from the guideline.

Revision to Guideline No. 8—Alcohol in Relation to Highway Safety

The agencies proposed that the guideline entitled ''Alcohol in Relation to Highway Safety'' would be renamed ''Impaired Driving,'' and would be amended to encourage use of a comprehensive, community-based approach. Its goals would include preventing people from being killed and injured in the short-term through general deterrence programs, and permanently reducing the number of drivers impaired by alcohol or other drugs through long-term prevention and intervention measures.

The agencies received eleven comments regarding the proposed changes to Guideline 8. The National Sheriffs' Association and the New York Police Department agreed with the proposed changes to this guideline. The International Association of Chiefs of Police (IACP) supported the proposed revisions, particularly those portions that encourage the adoption of programs that emphasize the likelihood of officer-violator contact. Both the IACP and the Illinois State Police emphasized the importance of police visibility in the community.

Illinois and the Minnesota Department of Transportation strongly supported the guideline for recommending use of long-term prevention and intervention programs, such as DARE, and expressed confidence that such programs would reduce DUI/DWI levels significantly in the future.

Advocates stated that it favored the general approach and most of the details included in the proposed amendments to Guideline 8, but suggested that the agencies consider recommending that States adopt 0.05 BAC as the legal limit for the general driving public and administrative license revocation or suspension sanctions as a means to reduce impaired driving.

The agencies have not amended the guideline in response to this comment. The agencies believe administrative license revocation or suspension sanctions are already addressed sufficiently in the guideline. Section II.A recommends that States should ''permit a broad range of administrative and judicial penalties and actions'' and it includes in its list of ''effective penalties'' for impaired driving offenses the ''prompt and certain administrative license revocation or suspension of at least 90 days for persons determined by chemical test to violate the State's BAC limit.''

The agencies disagree that the legal limit should be lowered to 0.05 BAC for the general driving public. The agencies recommended that States adopt 0.08 BAC for many of the reasons set forth in NHTSA's Report to Congress on Alcohol Limits, Driving Under The Influence, in October 1992. As the agency explained in the report:

> A BAC level below 0.08 would have safety benefits if it could be implemented effectively. However, a lower BAC might strain judicial and enforcement resources and possibly result in public backlash if these lower limits are viewed as unreasonable.

The Florida Department of Transportation stated that use of preliminary breath test (PBT) devices has created confusion and resulted in findings of not guilty in DUI cases in the State of Florida, and recommended deleting from the guideline any reference to PBTs and emphasizing instead use of the Standardized Field Sobriety Test (SFST), with updated guidelines and training programs.

The agencies support the use of SFST and will continue to recommend its use in Guideline 8. The agencies have not, however, deleted references to PBTs from the guideline. PBTs are used widely in many States. The agencies believe PBTs are extremely useful as law enforcement tools, when used properly. In fact, the Illinois State Police Department stated in its comments that ''the availability of PBT devices is essential to enhanced DUI/DWI patrol, especially if .08 [BAC] is established as the per se [level for] alcohol impairment.''

The Michigan Department of State Police recommended that the guideline be amended to include a reference to party host responsibilities. The agencies agree that social host responsibilities should be addressed in the guideline and have amended the Responsible Alcohol Service section of Guideline 8 in response to this comment.

The Washington State Department of Health suggested that the agencies make a number of specific changes to Guideline 8. The agencies have adopted one of these suggestions. The agencies have not amended section I.B on School Programs to promote the fact that underage drinking is illegal in every State. This section recommends the type of school programs that States should conduct, not the content of the programs. Moreover, the guideline recognizes elsewhere (in sections I.D and II.A) that it is illegal for persons under 21 years of age to drink.

Section II.A recommends that States should ''provide effective penalties for [certain] offenses.'' Washington recommended that the guideline clarify that penalties should apply whether the offenses are motor vehicle-related or not. The agencies have not amended the guideline to make this change. We believe it is unnecessary, particularly since the guideline lists, as an example, a mandatory driver's license suspension for any violation of law involving the use or possession of alcohol or other drugs by a person under the age of 21, an offense that is not necessarily motor vehicle-related.

Washington suggested that Guideline 8 be amended to recommend tiered sentencing of hard core, repeat and high BAC drivers. The agencies have not amended the guideline in response to this comment. The guideline already recommends ''increasingly more severe penalties for repeat offenders.'' The agencies do not currently have a position on whether more severe penalties should be placed on high BAC drivers.

Finally, Washington recommended that public information and education (PI&E) programs for deterrence should include information about the risk of injury and/or death as well as legal, medical and other costs. The agencies have amended the guideline to recommend that this information be included in PI&E efforts. We have added this recommendation to the prevention rather than the deterrence PI&E section, however, where we believe it will have a greater impact.

The Hawaii Department of Transportation raised a number of issues, most of which question the recommended use of sanctions that shift responsibility away from individuals that drink and drive. Hawaii objected, for example, to the recommended use by employers of treatment programs, laws that impose liability on alcohol servers, and driver licensing sanctions against license holders convicted of offenses that do not involve the use of a motor vehicle.

The agencies wish to stress that most of the sanctions recommended in Guideline 8 emphasize personal responsibility on the part of individuals who drink and drive (such as administrative license suspension, imprisonment, or impoundment or confiscation of license plates or vehicles), as these sanctions are considered to be among the most effective. However, there has been considerable success using some of these other methods. Driver licensing sanctions against persons under the age of 21 who purchase or possess alcohol illegally, whether or not such persons are operating a motor vehicle at the time, have been particularly effective. Accordingly, the agencies will continue to include these recommendations in the guideline.

Hawaii raised several other issues, with respect to which the agencies wish to provide clarification. Hawaii questioned the guideline's recommendation that States implement K–12 traffic safety education that includes an emphasis on impaired driving. Hawaii asks whether the agencies believe children in grades K–3 should be educated about this subject. The agencies believe students should be educated about impaired driving well before they are old enough to obtain a driver's license. We defer to educators to determine the appropriate age at which to begin such education.

Hawaii objected to the recommendation in Guideline 8 that States require the use of a victim impact statement prior to sentencing in certain DWI cases. Hawaii argued that ''these statements may be subjecting victims to additional misery without providing any profit.'' The agencies wish to explain that this recommendation is intended to require that statements be used, if given by victims. It is not intended to require that victims give statements if they do not wish to do so.

Finally, Hawaii suggested that the guideline be changed to recommend that ''happy hours'' be controlled rather than eliminated. The agencies have amended the guideline, in response to this comment, to clarify that the guideline does not recommend that all ''happy hours'' be eliminated, only those ''that include free or reduced-price alcoholic beverages.''

Revisions to Guideline No. 10—Traffic Records

The agencies proposed that the Traffic Records guideline would be amended to recommend methods for establishing comprehensive traffic records systems that would enable states to use data to identify emerging traffic safety problems, develop appropriate countermeasures and evaluate program performance.

The agencies received ten comments regarding the proposed changes to Guideline 10.

The National Sheriffs' Association concurred with the agencies' proposal. The Illinois State Police applauded the proposed changes, particularly those relating to the development of a shared traffic data base and improved linkage of data. The California Highway Patrol (CHP) supported the creation of a linked traffic records system, but cautioned that a great deal of time, effort and funding will be required to accomplish

such a system. CHP stated that it had no suggestions to improve the guideline.

NAGHSR recommended that the guidelines be revised to more accurately reflect the role of traffic records as ''an essential, integral part of every highway safety countermeasure [and] part of a state's highway safety infrastructure.'' According to NAGHSR, the new Safety Management System (SMS) requirements place additional importance on traffic records, and the guidelines should be adjusted accordingly. The agencies agree with NAGHSR's assessment regarding the importance of traffic records in support of other highway safety countermeasures and the new Safety Management System. In response to this comment, the agencies have amended section III and the opening paragraph of the Traffic Records Guideline to recognize these uses of traffic records.

The International Association of Chiefs of Police (IACP) advised increased support for use of citation/violation data and the Institute of Transportation Engineers (ITE) commented that data should be available for use by all State and local agencies with highway safety responsibilities. The agencies agree that data should be available to and used by State and local agencies. The agencies have supported States and local agencies in their efforts to link data, such as under the Crash Outcome Data Evaluation System (CODES) project.

ITE commented also that ''audits'' or ''surveys'' should be conducted by States to determine such things as crash costs. The agencies do not agree with this comment. ''Audits'' and ''surveys'' are extremely labor-intensive procedures and the agencies believe it is not practicable for all States to conduct them. Individual States may choose to conduct these procedures, but the agencies have not amended the guideline to recommend that all States do so.

The National School Transportation Association (NSTA) recommended that the Federal government take a leadership role in the development of better and more uniform data on school bus accidents and problem drivers. The agencies are taking steps to improve these data. Currently, pursuant to section 2002(a) of ISTEA, the Department is in the process of soliciting comments from the highway safety community on issues of data uniformity and reporting criteria for deaths and injuries resulting from school bus crashes, as well as deaths and injuries involving other circumstances.

The State of Kansas advised that the agencies postpone making any final revisions to this Guideline until after it completed its Traffic Records Assessments. The Kansas Traffic Records Assessment was completed in August 1994. However, the Kansas comment raises the broader question whether this Guideline should be revised while any State Traffic Record Assessments are pending. The agencies strongly believe the revision should not be delayed on this basis. Assessments are being conducted in the Traffic Records and in other highway safety areas, on a State-by-State basis. The purpose of these assessments is to assist States as they review their highway safety programs, and note program strengths and accomplishments as well as opportunities for improvement. The agencies see no reason to postpone the revision of these Highway Safety Program Guidelines until after all assessments have been conducted. In fact, one of the reasons for revising the guidelines is so that they can be used in future assessments.

3M recommended that Guideline 10 be modified to provide for the collection of data on the conspicuity of clothing worn by pedestrians, bicyclists and motorcyclists involved in crashes, and Advocates recommended that the text regarding the Roadway File element of the guideline be augmented by including a partial listing of relevant design characteristics of a roadway that directly affect safety. The agencies believe this level of specificity in the guideline is unnecessary. The elements contained in the guideline are sufficiently broad to encompass these details, without the need to list them individually.

Advocates also recommended that Guideline 10 should encourage States to cross-reference motor carrier information files. The agencies agree with this comment, and have amended the guideline to clarify this point.

Revisions to Guideline No. 11—Emergency Medical Services

The notice proposed that the Emergency Medical Services (EMS) guideline would be amended to expand its focus, by recommending improvements to the entire EMS and trauma care system for highway-injured patients.

The agencies received seven comments regarding the proposed changes to Guideline 11. The New York City Police Department and the National Sheriffs' Association had no objections to the guideline, as proposed.

The Illinois State Police applauded the proposed changes, particularly those relating to improved linkage of data and the focus on first responder training. Advocates also supported the proposed amendments to Guideline 11. Advocates recognized that there ''have been vast improvements in safety due to developments in EMS response capability * * * [which] greatly improves the chance for survival of crash victims'' and stated that the ''proposed guideline will assist states in that endeavor.''

The National Emergency Number Association (NENA) strongly supported the proposed revisions to Guideline 11, particularly those relating to use of a common phone number (e.g. 911) for quick public access to emergency medical care, training and certification criteria. NENA suggested that the guideline be further modified to recommend the deployment of 911 (rather than other common phone number) systems, to urge rapid upgrade to enhanced 911 services and to refer persons interested in accomplishing these objectives to NENA for assistance.

The agencies have modified the guideline in response to NENA's recommendations regarding the deployment of 911 and the rapid upgrade to enhanced 911 services. NENA's third recommendation, however, has not been accepted. It would be inappropriate for the agencies to appear to endorse private organizations.

3M recommended that Guideline 11 be modified to recommend that first responders and prehospital providers receive training on proper procedures for roadway situations and use of clothing that enhances conspicuity, as well as the proper care of clothing to reduce hazards associated with blood-borne pathogens and other soils.

The National Standard Curricula for First Responders and the Emergency Medical Technician (EMT) Basic, which were developed by NHTSA, both address issues relating to safety at the scene of a crash. The specifics concerning the types of clothing to wear and how to care for such clothing are best addressed in training courses conducted using these curricula. They need not be included in the Highway Safety Program Guideline.

The Washington State Department of Health suggested changes to the guideline that would clarify its emphasis on injury and trauma prevention. The agencies agree with Washington State's comments, and have changed the guideline accordingly.

Revisions to Guideline No. 14—Pedestrian Safety

When the original highway safety program standards were established by NHTSA and FHWA, Guideline 14 addressed pedestrian safety issues, but there was no guideline that addressed bicycle safety. In 1991, NHTSA and FHWA designated Pedestrian and Bicycle Safety as a National Priority program area. Accordingly, in the notice published in January 1994, the agencies proposed to expand Guideline 14 to address bicycle safety as well as pedestrian safety issues.

The agencies received eight comments regarding the proposed changes to Guideline 14. The New York City Police Department supported the combination of bicycle and pedestrian safety.

The National Sheriffs' Association concurred with the proposed guideline, but noted that safety towns, children's villages and safety farm/rural towns (Life Safety Programs) should be addressed. These Life Safety Programs are examples of public information and education and school-based programs conducted by States and communities for children that fall within the scope of Sections VI and IX of the guideline. The agencies support their use, but do not believe these programs need to be mentioned specifically in the guideline.

The Minnesota Department of Transportation supported having pedestrian and bicycle safety principles and rules included in all driver training and licensing examinations. 3M Corporation recommended that the guideline be modified to emphasize the use of highly visible clothing to improve conspicuity for pedestrians and bicyclists.

The agencies believe these issues were covered sufficiently in the guideline, as proposed. Section IX of the proposed guideline recommended that each State ''should address pedestrian and bicycle issues in State driver education and licensing programs [and that] pedestrian and bicycle safety principles and rules should be included in all driver training and licensing examinations.'' Section VI of the proposed guideline recommended that State and community programs should address ''being visible in the traffic system (conspicuity).'' These portions of the guideline have not been changed.

3M also recommended that the guideline emphasize the use of retro-reflective signing. Section V of the proposed guideline recommended the application of appropriate traffic engineering measures, including the use of signs. These signs are required to be constructed using retroreflective materials, in accordance with the Manual on Uniform Traffic Control Devices. The agencies note that Section V of the proposed guideline referenced pedestrian but not bicycle signals, signs and markings. The agencies have amended the guideline to correct this omission.

The International Association of Chiefs of Police (IACP) objected to the guideline's emphasis on planning and designing sidewalks and bicycle facilities. IACP argued that experienced bicycle riders find these facilities to be more dangerous than operating a bicycle in a conspicuous fashion on the roadway and asserted that measures, such as bicyclist and motorist training plus improved conspicuity, would be more effective at improving bicycle safety.

The proposed guideline advised States to provide ''a safe environment for pedestrians and bicyclists'' and indicated that States may use measures, such as sidewalks and bicycle facilities, for those who wish to use them. The proposed guideline also recognized, in Section V, that ''balancing the needs of pedestrians and those of vehicular traffic (including bicycle) must always be considered.'' The agencies agree that other measures, such as training and improved conspicuity, are also important. Proposed Guideline 14 recognized that ''a comprehensive highway safety system is the most effective means of producing consistent, long-term changes.'' The agencies do not believe any changes are necessary in response to this comment.

The Washington State Department of Health recommended that the guideline be amended to clarify that public information and education should cover not only proper selection and use but also fit, and should address both bicycle helmets and bicycles. The agencies agree, and have amended the guideline accordingly.

Advocates supported the proposed changes to the guideline, but recommended that the guideline include ''a more detailed presentation of regulatory and legislative policies and countermeasures.'' In response to this comment, the agencies have decided to include in Section III of the guideline a specific example of legislation that we support. The guideline has been amended to recommend that States should enact and enforce bicycle helmet use laws.

The National School Transportation Association (NSTA) recommended that a training program be developed for monitors who help load and unload children riding on school buses. In addition, NSTA suggested that children who walk to and from school should be educated about the dangers school buses pose to pedestrians. NSTA cautioned, however, against including this information in a general pedestrian safety program.

In the final rule published in the **Federal Register** on December 13, 1994 (59 FR 64120), in which the agencies decided not to add School Bus Safety to the list of National Priority program areas, the agencies recognized that nearly one-third of all persons who die in school bus-related crashes are non-occupants (i.e., pedestrians and bicyclists). The agencies also identified steps currently underway to address this problem, including the development of a separate school bus/pedestrian safety educational program for children in grades K–6, and indicated that:

> States are able to address * * * school bus-related fatalities, which occur while children are boarding or exiting * * * under the Pedestrian and Bicycle Safety program.

In today's notice, the agencies have modified Guideline No. 14 to address loading and unloading of children who ride school buses and other school bus-related issues that affect the safety of pedestrians and bicyclists.

Revisions to Guideline No. 15—Police Traffic Services

The agencies explained in the January 14, 1994 notice that the proliferation of highway safety legislation in recent years, such as tougher DWI laws, child restraint and seat belt use laws, and commercial motor vehicle safety laws, combined with an increased demand for other law enforcement services, has placed a strain on police agencies during a time of reduced budgets, manpower and resources. The notice proposed to revise Guideline 15 to assist law enforcement agencies by addressing how to do more with less.

The agencies received five comments regarding the proposed changes to Guideline 15. The New York City Police Department supported the agencies' approach and stated that the changes would further enhance safety. The International Association of Chiefs of Police (IACP) concurred with the proposed changes to the guideline, particularly with regard to enforcement actions where officers ''look beyond the traffic ticket,'' the use of problem identification (such as Problem-Oriented Policing, or POP, strategies) and the need to provide traffic enforcement training. The Illinois State Police supported the agencies' proposal, and stated that it ''provides a thorough framework for fine tuning of the services performed by law enforcment.'' Illinois

cautioned, however, that significant progress will be difficult to achieve without additional funding.

The National Sheriffs' Association (NSA) suggested a number of changes to the proposed guideline. NSA observed that the proposed guideline mentions Police Departments, but not Sheriff's Offices, and recommended that Sheriff's Offices should be mentioned specifically and that State Police Officer Standards and Training (POST) should be changed to read Peace Officer Standards and Training (POST). NSA also recommended that the guideline address waterway patrol (for which many Sheriff's Offices have responsibility) and drugs that impair driving.

By referring to ''State and local law enforcement agencies'' and ''State Police Officer Standards and Training'' in Guideline 15, the agencies did not intend to exclude County law enforcement agencies or Sheriff's Offices. The guideline has been amended to clarify that State, county and local law enforcement agencies are all covered and that POST can refer to either police or peace officers.

The agencies have not amended the guideline in response to the other recommendations in NSA's comments. Waterway patrol activities are beyond the scope of what is authorized under the Section 402 Highway Safety Program. Their inclusion in this Section 402 guideline would therefore be inappropriate.

The guideline has not been amended to further address drugs that impair driving. The agencies believe the guideline already addresses this issue adequately. The introductory paragraph of Guideline 15, for example, provides that ''Traffic law enforcement plays an important role in deterring impaired driving involving alcohol or other drugs.'' The guideline also recommends that law enforcement agencies develop and implement enforcement plans that include impaired driving involving alcohol or other drugs, and that they address impaired driving involving alcohol or other drugs in their public information and education activities.

The California Highway Patrol (CHP) commented that the guideline should not mandate the provision of specialized commercial motor vehicle in-service training to traffic enforcement officers. The agencies recognize that CHP has officers who have been trained and who enforce commercial motor vehicle requirements. This recommendation in the guideline was intended to address the need for training in those States that do not have these specialized resources available to them. By providing specialized training, law enforcement agencies would be able to augment ongoing inspection activities with the resources already available in their current law enforcement program. Moreover, the guideline represents recommendations to the States, not mandates. The agencies have not changed the guideline in response to this comment.

Other Guidelines Remain Unchanged

The agencies proposed that all other guidelines contained in part 1204 would remain intact and unchanged by this proposal. As discussed above, commenters supported the agencies' proposal to add a new Roadway Safety guideline, and suggested that guidelines 9, 12 and 13 would then become duplicative and should be removed. The agencies have adopted this suggestion. All other guidelines remain unchanged. The following guidelines remain unchanged by this proposal:

Guideline No. 1 Periodic Motor Vehicle Inspection
Guideline No. 2 Motor Vehicle Registration
Guideline No. 4 Driver Education
Guideline No. 5 Driver Licensing
Guideline No. 6 Codes and Laws
Guideline No. 7 Traffic Courts
Guideline No. 16 Debris Hazard Control and Cleanup
Guideline No. 17 Pupil Transportation Safety (Rev. 4/91)
Guideline No. 18 Accident Investigation and Reporting

It should be noted that the guidelines are not binding on the States. A State's decision not to adopt a portion of a guideline, for example, would not entail penalties for the State. Nonetheless, the agencies encourage the use of the recommendations contained in these guidelines to optimize the effectiveness of highway safety programs conducted at the State and local level.

All Guidelines Removed From Code of Federal Regulations

As discussed above, with the passage of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17), Congress gave statutory recognition to the treatment of the guidelines as information the States could draw upon to build the framework of their highway safety programs. With the shift in focus from mandatory standards to advisory guidelines, this information need no longer appear in the Code of Federal Regulations (CFR). For these reasons, and consistent with streamlining efforts under the President's regulatory reform initiative, this action simultaneously removes all guidelines from the 23 CFR part 1204. The existing guidelines, as amended by today's action, and the new guidelines introduced by today's action, will be published in a separate document which will be made available to the States in the near future. For reference until that time, the guidelines affected by today's action are set forth below in an appendix.

Economic and Other Effects

The agencies have considered the impacts that are associated with this action, and determined that it is not significant within the meaning of Executive Order 12866 or the Department of Transportation Regulatory Policies and Procedures. The guidelines contained in Part 1204 are advisory, not mandatory. Accordingly, a full regulatory evaluation is not necessary.

Since this matter relates to grants, the notice and comment requirements established in the Administrative Procedure Act, 5 U.S.C. 553, are not applicable. Because the agencies were not required to publish a notice of proposed rulemaking regarding this action, the agencies are not required to analyze the effect of this action on small entities, in accordance with the Regulatory Flexibility Act. The agencies have nonetheless evaluated the effects of this notice on small entities. Based on the evaluation, we certify that this notice will not have a significant economic impact on a substantial number of small entities. Accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary.

Environmental Impacts

The agencies have also analyzed this action for the purpose of the National Environmental Policy Act. The agencies have determined that this action will not have a significant effect on the human environment.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 and it has been determined that it has no federalism implication that warrants the preparation of a federalism assessment.

List of Subjects in 23 CFR Part 1204

Grant programs, Highway safety.

PART 1204—[REMOVED AND RESERVED]

In consideration of the foregoing, and under the authority of 23 U.S.C. 402, 23 CFR part 1204 is removed and reserved.

Rodney E. Slater,

Administrator, Federal Highway Administration.

Ricardo Martinez,

Administrator, National Highway Traffic Safety Administration.

Issued on: July 11, 1995.

Appendix—Highway Safety Program Guideline No. 3, Motorcycle Safety

Each State, in cooperation with its political subdivisions, should have a comprehensive program to promote motorcycle safety and prevent motorcycle-related injuries. To be effective in reducing the number of motorcycle crash deaths and injuries, State programs should address the use of helmets and other protective gear, proper licensing, impaired riding, rider training, conspicuity, and motorist awareness. This Motorcycle Safety Program Guideline will assist States and local communities in the development and implementation of effective motorcycle safety programs.

I. Program Management

Each State should identify the nature and extent of its motorcycle safety problems, establish goals and objectives for the State's motorcycle safety program, and implement projects to reach the goals and objectives. State motorcycle safety plans should:

- Designate a lead agency for motorcycle safety;
- Develop funding sources;
- Collect and analyze data on motorcycle safety;
- Identify the State's motorcycle safety problem areas;
- Develop programs (with specific projects) to address problems;
- Coordinate motorcycle projects with those for the general motoring public;
- Integrate motorcycle safety into community/corridor traffic safety and other injury control programs; and
- Include passage and enforcement of mandatory motorcycle helmet legislation.

II. Motorcycle Personal Protective Equipment

Each State should encourage motorcycle operators and passengers to use the following protective equipment:

- Motorcycle helmets that meet the Federal helmet standard (their use should be required by law);
- Proper clothing, including gloves, boots, long pants, and a durable long-sleeved jacket; and
- Eye (which should be required by law) and face protection.

Additionally, each passenger should be provided a seat and footrest.

III. Motorcycle Operator Licensing

States should require every person who operates a motorcycle on public roadways to pass an examination designed especially for motorcycle operation and to hold a license endorsement specifically authorizing motorcycle operation. Each State should have a motorcycle licensing system that requires:

- Motorcycle operator's manual;
- Motorcycle license examination, including knowledge and skill tests, and State licensing medical criteria;
- License examiner training;
- Motorcycle license endorsement;
- Motorcycle license renewal requirements;
- Learner's permit issued for a period of 90 days and limits on the number or frequency of learner's permits issued per applicant; and
- Penalties for violation of motorcycle licensing requirements.

IV. Motorcycle Rider Education and Training

Safe motorcycle operation requires specialized training by qualified instructors. Each State should establish a State Motorcycle Rider Education Program that provides for:

- Source of program funding;
- State organization to administer the program;
- Use of Motorcycle Safety Foundation curriculum or equivalent State-approved curriculum;
- Reasonable availability of rider education courses for all interested residents of legal riding age;
- Instructor training and certification;
- Incentives for successful course completion such as licensing skills test exemption;
- Quality control of the program;
- Ability to purchase insurance for the program;
- State guidelines for conduct of the program; and
- Program evaluation.

V. Motorcycle Operation While Impaired by Alcohol or Other Drugs

Each State should ensure that programs addressing impaired driving include a focus on motorcycles. The following programs should include an emphasis on impaired motorcyclists:

- Community/corridor traffic safety and other injury control programs;
- Public information and education campaigns;
- Youth impaired driving programs;
- Law enforcement programs;
- Judge and prosecutor training programs;
- Anti-impaired driving organizations; and
- College and school programs.

VI. Motorcycle Conspicuity and Motorist Awareness Programs

State motorcycle safety programs should emphasize the issues of rider conspicuity and motorist awareness of motorcycles. These programs should address:

- Daytime use of motorcycle lights;
- Brightly colored clothing and reflective materials for motorcycle riders and motorcycle helmets with high daytime and nighttime conspicuity;
- Lane positioning of motorcycles to increase vehicle visibility;
- Reasons why motorists do not see motorcycles; and
- Ways that other motorists can increase their awareness of motorcyclists.

HIGHWAY SAFETY PROGRAM GUIDELINE NO. 8—IMPAIRED DRIVING

Each State, in cooperation with its political subdivisions, should have a comprehensive program to combat impaired driving. This guideline describes the areas that each State's program should address. Throughout this guideline, ''impaired driving'' means operating any motor vehicle while one's faculties are affected by alcohol or other drugs, medications, or other substances. ''Impaired driving'' includes, but is not limited to, impairment as defined in State statutes.

I. Prevention

Each State should have prevention programs to reduce impaired driving through approaches commonly associated with public health—altering social norms, changing risky or dangerous behaviors, and creating protective environments. Prevention and public health programs promote activities to educate the public on the effects of alcohol and other drugs, limit alcohol and drug availability, and prevent those impaired by alcohol and drugs from driving. Prevention programs are typically carried out in schools, work sites, medical and health care facilities, and community groups. Each State should implement a system of impaired driving prevention activities and work with the traffic safety, health and medical communities to foster health and reduce traffic-related injuries and their resulting costs.

A. Public Information and Education for Prevention

States should develop and implement public information and education (PI&E) programs directed at impaired driving, and reducing the risk of injury or death and their resulting medical, legal and other costs. Programs should start at the State level and extend to communities through State assistance, model programs, and public encouragement. States should:

- Have a statewide plan, program, and coordinator for all impaired driving PI&E activities;
- Develop their own PI&E campaigns and materials, either by adapting materials from the Federal government or other States, or by creating new campaigns and materials;
- Encourage and support communities to implement awareness programs at the local level;
- Encourage businesses and private organizations to participate in impaired driving PI&E campaigns; and
- Encourage media to support impaired driving highway safety issues by reporting on programs, activities (including enforcement campaigns), alcohol-related arrests, and alcohol-related crashes.

B. School Programs

Student programs, including kindergarten through college and trade school, play a critical role in preventing impaired driving. States should:

- Implement K–12 traffic safety education, with appropriate emphasis on impaired

driving, as part of a comprehensive health education program;

- Establish and support student safety clubs and activities and create a statewide network linking these groups;
- Establish liaisons with higher education institutions to encourage policies to reduce alcohol, other drug, and traffic safety problems on college campuses;
- Promote alcohol- and drug-free events throughout the school year, with particular emphasis on high-risk times such as prom, spring break, and graduation;
- Coordinate closely with anti-drug education efforts and programs;
- Develop working relationships with school health personnel as a means of providing information to students about a variety of traffic safety and health behaviors; and
- Make effective use of criminal justice, medical, or other professionals through presentations in the classroom or assembly programs.

C. Employer Programs

States should provide information and technical assistance to all employers, encouraging them to offer programs to reduce impaired driving by employees and their families. These programs should include:

- Model policies for impaired driving and other traffic safety issues, including safety belt use and speeding;
- Management training to recognize and address alcohol and drug impairment;
- Education and treatment programs for employees; and
- Employee awareness activities.

States should especially encourage companies and businesses to provide impaired driving programs to their youthful employees. The States should also be familiar with FHWA's drug and alcohol requirements for employers of commercial motor vehicle (CMV) drivers.

D. Responsible Alcohol Service

States should promote responsible alcohol service policies and practices through social host programs and well-publicized and enforced laws, regulations, policies and education in the retail alcohol service industry (including package stores, restaurants, and taverns). States should:

- Implement and enforce programs to eliminate the sale or service of alcoholic beverages to those under 21 years of age;
- Promote alcohol server and service programs, including assessments, written policies, and training;
- Ensure adequate alcohol control regulations dealing with issues such as service to visibly intoxicated patrons and the elimination of ''happy hours'' during which free or reduced-price alcoholic beverages are offered (food and non-alcoholic beverages may be offered instead during such times);
- Provide adequate resources (including budget, staff, and training) to enforce alcohol beverage control regulations;
- Promote the display of responsible alcohol use and drinking and driving information in alcohol sales and service establishments;
- Promote participation in designated driver, safe rides, and other alternative transportation programs; and
- Provide that commercial establishments may be held responsible for damages caused by any patron who was served alcohol when visibly intoxicated.

E. Transportation Alternatives

States should promote alternative transportation programs that enable drinkers to reach their destinations without driving. Alternative transportation programs include:

- Designated drivers; and
- Safe rides.

II. Deterrence

Each State should have a deterrence program to reduce impaired driving through activities to create the maximum possible perception of detection, arrest and punishment among persons who might be tempted to drive under the influence of alcohol or other drugs, including CMV drivers. Close coordination with law enforcement agencies on the municipal, county, and state levels is needed to create and sustain the perceived risk of being detected and arrested. Specialized traffic enforcement efforts, such as the Motor Carrier Safety Assistance Program (MCSAP), also serve as a core element in the detection of impaired drivers. Equally close coordination with courts and the motor vehicle licensing and registration agency is needed to enhance the fear of punishment. Effective use of all available media is essential to create and maintain a strong public awareness of impaired driving enforcement and sanctions.

Each State should implement a system of activities to deter impaired driving. The deterrence system should include legislation, public information and education, enforcement, prosecution, adjudication, criminal sanctions, driver licensing, and vehicle registration activities. The goal should be to increase the perception and probability of arrest for violators and the imposition of swift and sure sanctions.

A. Laws To Deter Impaired Driving

States should enact laws that define and prohibit impaired driving in broad and readily enforceable terms, facilitate the acquisition of evidence against impaired drivers, and permit a broad range of administrative and judicial penalties and actions. These laws should:

Define impaired driving offenses—

- Establish .08 Blood Alcohol Concentration (BAC) as the blood alcohol level at or above which it is illegal to operate a motor vehicle (''illegal per se'');
- Establish .04 BAC as the illegal per se blood alcohol level for commercial truck and bus operators, as provided by commercial driver license regulations;
- Establish that it is illegal per se for persons under the age of 21 (the legal drinking age) to drive with any measurable amount of alcohol in their blood, breath, or urine;
- Establish that driving under the influence of other drugs (whether illegal, prescription, or over-the-counter) is unlawful and is treated similarly to driving under the influence of alcohol;
- Establish vehicular homicide or causing personal injury while under the influence of alcohol as a separate offense; and
- Prohibit open alcohol containers and consumption of alcohol in motor vehicles.

Provide for effective enforcement of these laws—

- Authorize police to conduct checkpoints, in which vehicles are stopped on a nondiscriminatory basis to determine whether or not the operators are driving under the influence of alcohol or drugs;
- Authorize police to use a preliminary breath test for a vehicle operator stopped for a suspected impaired driving offense;
- Authorize police to test for impairing drugs other than alcohol;
- Include implied consent provisions that permit the use of chemical tests and that allow the arresting officer to require more than one test of a vehicle operator stopped for a suspected impaired driving offense;
- Require prompt and certain license revocation or suspension for persons who refuse to take a chemical test to determine whether they were driving while intoxicated (''implied consent''); and
- Require mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause to believe that a driver has committed an alcohol-related offense.

Provide effective penalties for these offenses—

- Require prompt and certain administrative license revocation or suspension of at least 90 days for persons determined by chemical test to violate the State's BAC limit;
- Provide for increasingly more severe penalties for repeat offenders, including lengthy license revocation, substantial criminal fines, jail, and/or impoundment or confiscation of license plates or vehicles registered by the offender;
- Provide for more stringent criminal penalties for those convicted of more serious offenses, such as vehicular homicide;
- Contain special provisions for youth under the age of 21 that mandate driver's license suspension for any violations of laws regarding the use or possession of alcohol or other drugs; and
- Establish victim assistance and victim restitution programs and require the use of a victim impact statement prior to sentencing in all impaired driving cases where death or serious injury occurred.

B. Public Information and Education for Deterrence

States should implement public information and education (PI&E) programs to maximize public perception of the risks of being caught and punished for impaired driving. Public information programs should be:

- Comprehensive;
- Seasonally focused; and
- Sustained.

C. Enforcement

States should implement comprehensive enforcement programs to maximize the

likelihood of detecting, investigating, arresting, and convicting impaired drivers. These programs should:

- Secure a commitment to rigorous impaired driving enforcement from the top levels of police management and State and local government;
- Provide state-of-the-art training for police officers, including Standardized Field Sobriety Testing (SFST) and Drug Evaluation and Classification (DEC);
- Provide adequate equipment and facilities, including preliminary and evidentiary breath test equipment;
- Deploy patrol resources effectively, using cooperative efforts of various State and local police agencies as appropriate;
- Maximize the likelihood of violator-officer contact;
- Make regular use of sobriety checkpoints;
- Facilitate the arrest process;
- Implement state-of-the-art post-arrest investigation of apprehended impaired drivers;
- Emphasize enforcement of youth impaired driving and drinking age laws; and
- Emphasize enforcement of laws regulating alcohol or drug impairment by CMV drivers.

D. Prosecution

States should implement a comprehensive program for visible and aggressive prosecution of impaired driving cases. These programs should:

- Give impaired driving cases high priority for prosecution;
- Provide sufficient resources to prosecute cases presented by law enforcement efforts;
- Facilitate uniformity and consistency in prosecution of impaired driving cases;
- Provide training for prosecutors so they can obtain high rates of conviction and seek appropriate sanctions for offenders;
- Prohibit plea bargaining in impaired driving cases, through appropriate legislation;
- Encourage vigorous prosecution of alcohol-related fatality and injury cases under both impaired driving and general criminal statutes; and
- Ensure that prosecutors are knowledgeable and prepared to prosecute youthful offenders appropriately.

E. Adjudication

The effectiveness of prosecution and enforcement efforts is lost without support and strength in adjudication. States should implement a comprehensive impaired driving adjudication program to:

- Provide sufficient resources to adjudicate cases and manage the dockets brought before them;
- Facilitate uniformity and consistency in adjudication of impaired driving cases;
- Give judges the skills necessary to appropriately adjudicate impaired driving cases;
- Provide similar training to administrative hearing officers who hear administrative license revocation appeals;
- Inform the judiciary about technical evidence presented in impaired driving cases, including SFST and DEC testimony;
- Educate the judiciary in appropriate and aggressive sanctions for offenders including violators of commercial motor vehicle safety regulations; and
- Ensure that judges are knowledgeable and prepared to adjudicate youthful offenders cases in an appropriate and aggressive manner.

F. Licensing

Driver licensing actions can be an effective means for preventing, deterring, and monitoring impaired driving. In addition to the license sanctions for impaired driving offenses discussed earlier, States should:

- Implement a graduated licensing system for novice drivers;
- Provide for license suspension for drivers under age 21 who drive with a BAC exceeding .02 (or some other low BAC value);
- Issue distinctive licenses to drivers under the age of 21;
- Monitor licensing records to identify high risk drivers for referral to education or remediation programs;
- Ensure the accurate and timely reporting of alcohol and drug violations as prescribed by the Commercial Drivers License (CDL) regulations;
- Assure that all licensing records are used to help assess whether a driver requires alcohol or drug treatment; and
- Actively participate in the Driver License Compact to facilitate the exchange of driver license information between jurisdictions.

III. Treatment and Rehabilitation

Many first-time impaired driving offenders and most repeat offenders have substantial substance abuse problems that affect their entire lives, not just their driving. They have been neither prevented nor deterred from impaired driving. Each State should implement a system to identify and refer these drivers to appropriate substance abuse treatment programs to change their dangerous behavior.

A. Diagnosis and Screening

States should have a systematic program to evaluate persons who have been convicted of an impaired driving offense to determine if they have an alcohol or drug abuse problem. This evaluation should:

- Be required by law;
- Be conducted by qualified personnel prior to sentencing; and
- Be used to decide whether a substance abuse treatment program should be part of the sanctions imposed.

B. Treatment and Rehabilitation

States should establish and maintain programs to treat alcohol and other drug dependent persons referred through traffic courts and other sources. These programs should:

- Ensure that those referred for impaired driving offenses are not permitted to drive again until their substance abuse problems are under control;
- Be conducted in addition to, not as a substitute for, license restrictions and other sanctions; and
- Be conducted separately for youth.

IV. Program Management

Good program management produces effective programs. Planning and coordination are especially important for impaired driving activities, since many different parties are involved. Each State's impaired driving program management system should have an established process for managing its planning (including problem identification), program control, and evaluation activities. The system should provide for community traffic safety programs (CTSPs), State and local task forces, data analysis, and funding. It also should include planning and coordination of activities with other agencies involved in impaired driving programs, such as MCSAP, and expansion of existing partnerships, such as with the health and medical communities.

A. State Program Planning

States should develop and implement an overall plan for all impaired driving activities. The plan should:

- Be based on careful problem definition that makes use of crash and driver record data; and
- Direct State and community resources toward effective measures that address the State's impaired driving issues.

B. Program Control

States should establish procedures to ensure that program activities are implemented as intended. The procedures should provide for systematic monitoring and review of ongoing programs to:

- Detect and correct problems quickly;
- Measure progress in achieving established goals and objectives; and
- Ensure that appropriate data are collected for evaluation.

C. State and Local Task Forces and Community Traffic Safety and Other Injury Control Programs

States should encourage the development of State and community impaired driving task forces and community traffic safety and other injury control programs. States should:

- Use these groups to bring a wide variety of interests and resources to bear on impaired driving issues;
- Ensure that Federal, State, and local organizations coordinate impaired driving activities, so that the activities complement rather than compete with each other; and
- Ensure that these groups include traditional and non-traditional partners, such as law enforcement, local government, business, education, community groups, health, medicine, prosecutors and judges.

D. Data and Records

States should establish and maintain records systems for accidents, arrests, dispositions, driver licenses, and vehicle registrations. Especially important are tracking systems which can provide information on every driver arrested for DWI to determine the disposition of the case and compliance with sanctions. These records systems should be:

- Accurate;
- Timely;
- Able to be linked to each other; and
- Readily accessible to police, courts, and planners.

E. Evaluation

States should evaluate all impaired driving system activities regularly to ensure that programs are effective and scarce resources are allocated appropriately. Evaluation should be:

- Designed to use available traffic records and other injury control data systems effectively;
- Included in initial program planning to ensure that appropriate data are available and that adequate resources are allocated; and
- Conducted regularly.

Evaluation results should be:

- Reported regularly to project and program managers; and
- Used to guide further program activities.

F. Funding

States should allocate funding to impaired driving programs that is:

- Adequate for program needs;
- Steady—from dedicated sources; and
- To the extent possible, paid by the impaired drivers themselves. The programs should work toward being self-sufficient.

HIGHWAY SAFETY PROGRAM GUIDELINE NO. 10—TRAFFIC RECORDS

Each State, in cooperation with its political subdivisions, should establish and implement a complete and comprehensive traffic records program. The Statewide program should include, or provide for, data for the entire State. A complete and comprehensive traffic records program is essential for the development and operation of a viable Safety Management System and effective traffic-related injury control efforts. It is also essential for the performance of planning, problem identification, operational management and control, tracking of safety trends, and the implementation and evaluation of highway safety countermeasures and activities. It is the key ingredient to safety effectiveness and management.

I. Traffic Records System

To provide a complete and useful records system for safety program management at both the State and local level, the State should have a data base consisting of the following:

- A Crash File with data on the time, environment, and circumstances of a crash; identification of the vehicles, drivers, cyclists, occupants, and pedestrians involved; and documentation of crash consequences (fatalities, injuries, property damage and violations charged) with the data tied to a location reference system;
- A Driver File or driver history record of licensed drivers in the State, with data on personal identification and driver license number, type of license, license status (suspended or revoked), driver restrictions, driver convictions for traffic violations, crash history, driver control or improvement actions, and safety education data;
- A Vehicle File with information on identification, ownership and taxation, and vehicle inspection (where applicable);
- A Roadway File with information about roadway location, identification, and classification as well as a description of a road's total physical characteristics, which are tied to a location reference system. This file should also contain data for normalizing purposes, such as miles of roadway and average daily traffic (ADT);
- A Commercial Motor Vehicle Crash File which uses uniform data definitions and collects information on the vehicle configuration, cargo body type, hazardous materials, information to identify the motor carrier, as well as information on the crash (States are encouraged to use available information systems to cross-reference commercial vehicle citations for violations of Federal and State commercial vehicle safety regulations);
- A Citation/Conviction File which identifies the type of citation and the time, date, and location of the violation; the violator, vehicle and the enforcement agency; and adjudication action and results, including court of jurisdiction (an Enforcement/ Citation File could be maintained separate from a Judicial/ Conviction File) and fines assessed and collected;
- An Emergency Medical Services (EMS) file with emergency care and victim outcome information about ambulance responses to crashes, e.g., emergency care unit, care given, injury data, and times of EMS notification and arrival; information on emergency facility and hospital care, including Trauma Registry data; and medical outcome data relative to crash victims receiving rehabilitation and for those who died as the result of the crash; and
- Provisions for file linkage through common data elements between the files or through other consistent means; performance level data as part of the traffic records system; demographic data to normalize or adjust for exposure when analyzing the various data in the files; and provisions for the use of cost data relative to amounts spent on countermeasure programs and the costs of fatalities, injuries and property damage.

II. Data Characteristics

Traffic records programs should meet basic requirements for the most effective use of the data by program managers. Accordingly, each State should emphasize the following characteristics:

- An accurate identification of the crash location;
- Timely, accurate, and complete data collection and input to all files, and especially to the Crash and Driver Files, to assure maximum utilization and confidence in the traffic records system. Each state is encouraged to join and fully participate in the driver license compact to ensure that complete data are available from other states;
- Data uniformity, providing for uniform coding and definition of data elements to allow a State to compare its crash problems to other States, regions and the nation; and the use of uniform coding of violations and convictions for the efficient exchange of driver information between States;
- Data consistency within a State over time to provide for multi-year analysis of data to detect trends and for identification of emerging problems, as well as to determine beneficial effects of highway safety programs; and
- Timely, accurate, and complete data output to ensure that highway safety program managers will have records that are accessible, understandable, and effective.

III. Use of Traffic Records

The measure of a good records system is the degree to which it is used by those it was designed to serve. Each State will develop and operate a Safety Management System and must use traffic records as part of that System. In addition, each State should establish a process for the effective use of traffic records by highway safety management and other injury control professionals both Statewide and for political subdivisions, when conducting the following activities:

- Performing planning, problem identification, program management or control, tracking, implementation and evaluation, pursuant to a management process developed by the State which addresses the role or use of traffic records data;
- Developing a problem identification strategy that specifies the necessary data, assures that accurate and timely data are available, defines the analyses conducted (including the variables used, statistical tests applied, and trends examined), and describes how results are reported and used;
- Conducting analyses and presenting results so that they are clearly understood and usable by managers, including the use of problem reports which describe the magnitude of the problems, and appropriate graphs, tables and charts to support the conclusions reached; and
- Performing program evaluation, beginning at the planning stage and carrying through implementation and final evaluation, essentially using the same types of data that were used in developing the programs implemented.

IV. Managing Traffic Records

Each State should have an organizational structure in place for effective administration of its traffic records program, at a minimum consisting of the following components:

- A permanent Traffic Records Committee, representing the principal users and custodians of the data in the State, that provides administrative and technical guidance. The Committee should be responsible for adopting requirements for file structure and linkage, assessing capabilities and resources, establishing goals for improving the traffic records program, evaluating the program, continuously developing cooperation and support from State and local agencies as well as the private sector, and ensuring that high quality and timely data are available to authorized persons or agencies for appropriate use;
- A single state agency with responsibility for coordinating the traffic safety-related data aspects of the various State information systems. This would include ensuring that the necessary data were available for use in safety and analyses; and
- Professional staff with analytical expertise to perform data analysis for program planning and evaluation, including a basic understanding of data processing as

it relates to the use of personal computers (PCs) and the ability to use PC software application packages to perform problem identification and program evaluation tasks.

HIGHWAY SAFETY PROGRAM GUIDELINE, NO. 11—EMERGENCY MEDICAL SERVICES

Each State, in cooperation with its political subdivisions, should ensure that persons incurring traffic injuries (or other trauma) receive prompt emergency medical care under the range of emergency conditions encountered. Each of the component parts of a system should be equally committed to its role in the system and ultimately to the care of the patient. At a minimum, the EMS program should be made up of the components detailed in this chapter.

I. Regulation and Policy

Each State should embody comprehensive enabling legislation, regulations, and operational policies and procedures to provide an effective system of emergency medical and trauma care. This legal framework should:

- Establish the program and designate a lead agency;
- Outline the lead agency's basic responsibilities, including licensure and certification;
- Require comprehensive planning and coordination;
- Designate EMS and trauma system funding sources;
- Require data collection and evaluation;
- Provide authority to establish minimum standards and identify penalties for noncompliance; and
- Provide for an injury/trauma prevention and public education program.

All of these components, which are discussed in different sections of this guideline, are critical to the effectiveness of legislation that is the legal foundation for a statewide EMS system.

II. Resource Management

Each State should establish a central lead agency at the State level to identify, categorize, and coordinate resources necessary for overall system implementation and operation. The lead agency should:

- Maintain a coordinated response and ensure that resources are used appropriately throughout the State;
- Provide equal access to basic emergency care for all victims of medical or traumatic emergencies;
- Provide adequate triage and transport of all victims by appropriately certified personnel (at a minimum, trained to the emergency medical technician [EMT] basic level) in properly licensed, equipped, and maintained ambulances;
- Provide transport to a facility that is appropriately equipped, staffed, and ready to administer to the needs of the patient (section 4: Transportation); and
- Appoint an advisory council to provide a forum for cooperative action and maximum use of resources.

III. Human Resources and Training

Each State should ensure that its EMS system has essential trained persons to perform required tasks. These personnel include: first responders (e.g., police and fire), prehospital providers (e.g., emergency medical technicians and paramedics), communications specialists, physicians, nurses, hospital administrators, and planners.

Each State should provide a comprehensive statewide plan for stable and consistent EMS training programs with effective local and regional support. The State agency should:

- Ensure sufficient availability of adequately trained EMS personnel;
- Establish EMT-Basic as the State minimum level of training for all transporting EMS personnel;
- Routinely monitor training programs to ensure uniformity and quality control;
- Use standardized curricula throughout the State;
- Ensure availability of continuing education programs;
- Require instructors to meet State requirements;
- Develop and enforce certification criteria for first responders and prehospital providers; and
- Require EMS operating organizations to collect data to evaluate emergency care in terms of the frequency, category, and severity of conditions treated and the appropriateness of care provided.

IV. Transportation

Each State should require safe, reliable ambulance transportation, which is critical to an effective EMS system. States should:

- Develop statewide transportation plans, including the identification of specific service areas;
- Implement regulations that provide for the systematic delivery of patients to appropriate facilities;
- Develop routine, standardized methods for inspection and licensing of all emergency medical transport vehicles;
- Establish a minimum number of providers at the desired level of certification on each response;
- Coordinate all emergency transports within the EMS system, including public, private, or specialty (air and ground) transport; and
- Develop regulations to ensure ambulance drivers are properly trained and licensed.

V. Facilities

It is imperative that the seriously injured patient be delivered in a timely manner to the closest appropriate facility. Each State should ensure that:

- Both stabilization and definitive care needs of the patient are considered;
- The determination is free of non-medical considerations and the capabilities of the facilities are clearly understood by prehospital personnel;
- Hospital resource capabilities are known in advance, so that appropriate primary and secondary transport decisions can be made; and
- Agreements are made between facilities to ensure that patients receive treatment at the closest, most appropriate facility, including facilities in other States or counties.

VI. Communications

An effective communications system is essential to EMS operations and provides the means by which emergency resources can be accessed, mobilized, managed, and coordinated. Each State should require a communication system to:

- Begin with the universal system access number 911;
- Strive for quick implementation of enhanced 911 services which make possible, among other features, the automatic identification of the caller's physical location;
- Provide for prioritized dispatch (dispatch-to-ambulance, ambulance-to-ambulance, ambulance-to-hospital, and hospital-to-hospital communication);
- Ensure that the receiving facility is ready and able to accept the patient; and
- Provide for dispatcher training and certification standards.

Each State should develop a statewide communications plan that defines State government roles in EMS system communications.

VII. Trauma Systems

Each State should maintain a fully functional trauma system to provide a high quality, effective patient care system. States should implement legislation requiring the development of a trauma system, including:

- Trauma center designation, using American College of Surgeons Committee on Trauma guidelines as a minimum;
- Triage and transfer standards for trauma patients;
- Data collection and trauma registry definitions for quality assurance;
- Mandatory autopsies to determine preventable deaths; and
- Systems management and quality assurance.

VIII. Public Information and Education

Public awareness and education about the EMS system are essential to a high quality system. Each State should implement a public information and education (PI&E) plan to address:

- The components and capabilities of an EMS system;
- The public's role in the system;
- The public's ability to access the system;
- What to do in an emergency (e.g., bystander care training);
- Education on prevention issues (e.g., alcohol or other drugs, occupant protection, speeding, motorcycle and bicycle safety);
- The EMS providers' role in injury prevention and control; and
- The need for dedicated staff and resources for PI&E programming.

IX. Medical Direction

Physician involvement in all aspects of the patient care system is critical for effective EMS operations. EMS is a medical care system in which physicians delegate responsibilities to non-physician providers who manage patient care outside the traditional confines of the office or hospital. States should require physicians to be involved in all aspects of the patient care system, including:

- Planning and protocols;

- On-line and off-line medical direction and consultation; and
- Audit and evaluation of patient care.

X. Evaluation

Each State should implement a comprehensive evaluation program to effectively assess and improve a statewide EMS system. EMS system managers should:

- Evaluate the effectiveness of services provided to victims of medical or trauma-related emergencies;
- Define the impact of patient care on the system;
- Evaluate resource utilization, scope of service, patient outcome, and effectiveness of operational policies, procedures, and protocols;
- Develop a data-gathering mechanism that provides for the linkage of data from different data sources through the use of common data elements; and
- Evaluate both process and impact measures on injury prevention, and public information and education programs.

HIGHWAY SAFETY PROGRAM GUIDELINE NO. 14—PEDESTRIAN AND BICYCLE SAFETY

Each State, in cooperation with its political subdivisions, should have a comprehensive pedestrian and bicycle safety program that educates and motivates its citizens to follow safe pedestrian and bicycle practices. A combination of legislation, regulations, policy, enforcement, public information, education, incentives, and engineering is necessary to achieve significant, lasting improvements in pedestrian and bicycle crash rates, and to reduce resulting deaths and injuries.

Each State should recognize that its pedestrians and bicyclists—citizens of all ages who are virtually unprotected from the forces of a crash—face major safety problems and are a valid traffic safety concern. Because of the diverse nature of these issues, education, enforcement, and engineering are critical components to any strategies devised to reduce these problems. In formulating policy, the State should promote these specific issues:

- The provision of early pedestrian and bicycle safety education and training for preschool children;
- The inclusion of pedestrian and bicyclist safety in health and safety education curricula;
- The inclusion of pedestrian and bicyclist safety in driver training programs and driver licensing activities;
- The provision of a safe environment for pedestrians and bicyclists through such measures as sidewalks and bicycle facilities, in the planning and design of all highway projects;
- The use of bicycle helmets as a primary measure to reduce death and injury among bicyclists;
- An awareness of the role of alcohol in crashes involving adult pedestrians;
- The safeguarding of older citizens from crashes involving pedestrians; and
- The establishment and support of Community/Corridor Traffic Safety Programs and other injury prevention programs at the local level.

A comprehensive highway safety system is the most effective means of producing consistent, long-term changes in knowledge and behavior necessary to improve pedestrian and bicycle safety. The following components create a structure for identifying problem areas; implementing, measuring, and evaluating the problem areas; and directing the results back into system improvements. We believe these elements will effectively address the problem.

I. Program Management

Each State should have centralized program planning, initiation, and coordination to promote pedestrian and bicycle safety program issues as part of a comprehensive highway safety program. Evaluation is also important for determining progress and ultimate success of pedestrian and bicycle safety programs and for providing those results to revise existing programs and to develop new programs. The State should have program staff trained in pedestrian and bicyclist safety so that this program can:

- Conduct regular problem identification activities to identify fatality and injury crash trends for pedestrians and bicyclists and to provide guidance in development of countermeasures;
- Provide leadership, training, and technical assistance to other State agencies and local pedestrian and bicycle safety programs and projects;
- Convene a pedestrian and bicycle safety advisory task force or coalition to organize, integrate with other involved groups, and generate broad-based support for programs;
- Integrate pedestrian and bicycle safety programs into Community/Corridor Traffic Safety Programs, injury prevention programs, and transportation plans; and
- Evaluate the effectiveness of its pedestrian and bicycle safety program.

II. Multi-Disciplinary Involvement

Pedestrian and bicyclist safety goes beyond the confines of any single State or local agency (engineering, education or enforcement) and requires the combined support and coordinated attention of multiple agencies, representing a variety of disciplines, at the State and local level. At a minimum, the following kinds of agencies should be involved:

- Law Enforcement
- Education
- Health and Medicine
- Driver Education and Licensing
- Transportation—Engineering, Planning
- Public Communications

III. Legislation and Regulations

Each State should enact and enforce pedestrian and bicyclist-related traffic laws and regulations, including laws that require the use of bicycle helmets. Specific policies should be developed to encourage coordination with Federal agencies (including NHTSA and FHWA), in the development of regulations and laws to promote pedestrian and bicyclist safety.

IV. Law Enforcement

Each State should ensure that State and community pedestrian and bicycle programs include a law enforcement component. Each State should strongly emphasize the role played by law enforcement personnel in pedestrian and bicyclist safety. Essential components of that role include:

- Developing knowledge of pedestrian and bicyclist crash situations, investigating crashes, and maintaining a report system that supports problem identification and evaluation activities;
- Providing public information and education support;
- Providing training to law enforcement personnel in matters of pedestrian and bicycle safety;
- Establishing agency policies; and
- Coordinating with and supporting education and engineering components.

V. Highway Engineering

Traffic engineering is a critical element of any crash reduction program. This is true not only for the development of programs to reduce an existing crash problem, but also to design transportation facilities that provide for the safe movement of pedestrians, bicyclists, and all motor vehicles. Balancing the needs of pedestrians and those of vehicular traffic (including bicycle) must always be considered. Therefore, each State should ensure that State and community pedestrian and bicycle programs include a traffic engineering component. Traffic engineering efforts should be coordinated with enforcement and educational efforts. This effort should improve the protection of pedestrians and bicyclists by application of appropriate traffic engineering measures in design, construction, operation, and maintenance. These measures should include but not be limited to the following:

- Pedestrian, bicycle and school bus loading zone signals, signs, and markings
- Parking regulations
- Sidewalk design
- Pedestrian pathways
- On-road facilities (signed routes, marked lanes, wide curb lanes, and paved shoulders)
- Off-road bicycle facilities (trails and paths)

VI. Public Information and Education

Each State should ensure that State and community pedestrian and bicycle programs contain a public information and education component. This component should address school-based education programs, coordination with traffic engineering and law enforcement components, public information and awareness campaigns, and other targeted educational programs such as those for the elderly. These programs should address issues such as:

- Being visible in the traffic system (conspicuity)
- Use of facilities and accommodations
- Law enforcement initiatives
- Proper street crossing behavior
- Safe practices near school buses, including loading and unloading practices
- The nature and extent of the problem
- Driver training with regard to pedestrian and bicycle safety
- Rules of the road
- Proper selection, use and fit of bicycles and bicycle helmets

- Skills training for bicyclists
- Proper use of bicycle equipment
- Sharing the road

The State should enlist the support of a variety of media, including mass media, to improve public awareness of pedestrian and bicyclist crash problems and programs directed at preventing them.

VII. Outreach Program

Each State should encourage extensive community involvement in pedestrian and bicycle safety education by involving individuals and organizations outside the traditional highway safety community. Community involvement broadens public support for the State's programs and can increase a State's ability to deliver highway safety education programs. To encourage community involvement, States should:

- Establish a coalition or task force of individuals and organizations to actively promote safe pedestrian and bicycle safety practices (see Program Management Component);
- Create an effective communications network among coalition members to keep members informed; and
- Provide materials and resources necessary to promote pedestrian and bicycle safety education programs.

VIII. School-Based Program

Each State should incorporate pedestrian and bicycle safety education into school curricula. Safe walking and bicycle-riding practices to and from school and school-related events are good health habits and, like other health habits, must be taught at an early age and reinforced until the habit is well established. The State Department of Education and the State Highway Safety Agency should:

- Ensure that highway safety in general, and pedestrian and bicycle safety in particular, are included in the State-approved K–12 health and safety education curricula and textbooks;
- Establish and enforce written policies requiring safe walking and bicycling practices to and from school, including use of bicycle helmets on school property; and
- Encourage active promotion of safe walking and bicycling practices (including helmet usage and safe walking and riding practices near school buses) through classroom and extra-curricular activities.

IX. Driver Education and Licensing

- Each State should address pedestrian and bicycle issues in State driver education and licensing programs. Pedestrian and bicycle safety principles and rules should be included in all driver training and licensing examinations.

X. Evaluation Program

Both problem identification and evaluation require good record keeping by the State and its political subdivisions. The State should identify the types and frequency of pedestrian and bicyclist crash problems in terms that are relevant to both the selection and evaluation of appropriate countermeasure programs.

The State should promote effective evaluation of programs by:

- Supporting the continuing analysis of police accident reports (PARs) of pedestrian and bicyclist crashes for both problem identification and program evaluation activities;
- Encouraging, supporting, and training localities in impact and process evaluations of local programs;
- Conducting and publicizing statewide surveys of public knowledge and attitudes about pedestrian and bicyclist safety;
- Maintaining awareness of trends in pedestrian and bicyclist crashes at the national level and how this might influence activities statewide;
- Evaluating the use of program resources and the effectiveness of existing general public and target population countermeasure programs.
- Ensuring that evaluation results are an integral part of new program planning and problem identification.

HIGHWAY SAFETY PROGRAM GUIDELINE NO. 15—POLICE TRAFFIC SERVICES

Each State, in cooperation with its political subdivisions, should have an efficient and effective police traffic services (PTS) program to enforce traffic laws, prevent crashes and their resulting deaths and injuries, assist the injured, document specific details of individual crashes, supervise crash clean-up, and restore safe and orderly movement of traffic. PTS is critical to the success of most traffic safety countermeasures and to the prevention of traffic-related injuries. Traffic law enforcement plays an important role in deterring impaired driving involving alcohol or other drugs, achieving safety belt use, encouraging compliance with speed laws, and reducing other unsafe driving actions. Experience has shown that a combination of highly visible enforcement, public information, education, and training is necessary to achieve a significant and lasting impact in reducing crashes, injuries, and fatalities. At a minimum, a well-balanced statewide PTS program should be made up of the components detailed below.

I. Program Management

A. Planning and Coordination

Centralized program planning, implementation, and coordination are essential for achieving and sustaining effective PTS programs. The State Highway Safety Agency (SHSA), in conjunction with State, county and local law enforcement agencies, should ensure that these planning and coordinating functions are performed with regard to the State's traffic safety program, since law enforcement is in most instances a principle component of that program. In carrying out its responsibility of centralized program planning and coordination, the State should:

- Provide leadership, training, and technical assistance to State, county and local law enforcement agencies;
- Coordinate PTS and other traffic safety program areas including Commercial Motor Vehicle (CMV) safety activities such as the Motor Carrier Safety Assistance Program;
- Develop and implement a comprehensive plan for all PTS activities, in cooperation with law enforcement leaders;
- Generate broad-based support for enforcement programs; and
- Integrate PTS into community/corridor traffic safety and other injury prevention programs.

B. Program Elements

State, county and local law enforcement agencies, in conjunction with the SHSA, should establish PTS as a priority within their total enforcement program. A PTS program should be built on a foundation of commitment, coordination, planning, monitoring, and evaluation within the agency's enforcement program. State, county and local law enforcement agencies should:

- Provide the public with a high quality, effective PTS system and have enabling legislation and regulations in place to implement PTS functions;
- Develop and implement a comprehensive enforcement plan for impaired driving involving alcohol or other drugs, safety belt use and child passenger safety laws, speeding, and other hazardous moving violations. The plan should initiate action to look beyond the issuance of traffic tickets to include enforcement of laws that cover the more significant portions of the safety problem and that address drivers of all types of vehicles, including trucks, automobiles, and motorcycles;
- Develop a cooperative working relationship with other local, county, and State governmental agencies and community organizations on traffic safety issues;
- Issue and enforce policies on roadside sobriety checkpoints, safety belt use, pursuit driving, crash investigating and reporting, speed enforcement, and serious traffic violations; and
- Develop performance measures for PTS that are both qualitative and quantitative.

II. Resource Management

States should encourage law enforcement agencies to develop and maintain a comprehensive resource management plan to identify and deploy resources needed to effectively support enforcement programs. The resource management plan should include a specific component on traffic enforcement and safety, integrating traffic enforcement and safety initiatives into a total agency enforcement program. Law enforcement agencies should:

- Conduct periodic assessments of service demands and resources to meet identified needs;
- Develop a comprehensive resource management plan, including a specific traffic enforcement and safety component;
- Define the plan in terms of budget requirements and services to be provided; and
- Develop and implement operational policies for the deployment of resources to address program demands and to meet agency goals.

III. Traffic Law Enforcement

The enforcement of traffic laws and ordinances is a basic responsibility shared by all law enforcement agencies. The primary objective of this function is to encourage motorists and pedestrians to comply voluntarily with the laws. Administrators

should apply their enforcement resources in ways that ensure the greatest safety impact. Traffic law enforcement programs should be based on:

- Accurate problem identification;
- Countermeasures designed to address specific problems;
- Enforcement actions applied at appropriate times and places, coupled with a public information effort designed to make the motoring public aware of the problem and the planned enforcement action; and
- A system to document and publicize results.

IV. Public Information and Education

A. Necessity of Public Information and Education

Public awareness and knowledge about traffic enforcement are essential for sustaining increased compliance with all traffic laws. This requires a well-organized, effectively-managed public information and education program. The SHSA, in cooperation with law enforcement agencies, should develop a statewide public information and education campaign that:

- Identifies and targets specific audiences;
- Addresses enforcement of safety belt use and child passenger safety, impaired driving involving alcohol or other drugs, speed, and other serious traffic laws;
- Capitalizes on special events, such as Operation C.A.R.E., Child Passenger Safety Awareness, Buckle Up, America! and Drunk and Drugged Driving Awareness campaigns;
- Identifies and supports the efforts of traffic safety activist groups and the health and medical community to gain increased support of and attention to traffic safety and enforcement;
- Uses national themes, events, and materials; and
- Motivates the public to support increased enforcement of traffic laws.

The task of public information can be divided into two interconnected areas: external and internal information. Both areas, properly administered, will benefit the agency and work in concert to accomplish the goal of establishing and maintaining a positive police-public relationship.

B. Development of Public Information and Education Functions by Law Enforcement Agencies

External

- Educate and remind the public about traffic laws and safe driving behavior;
- Disseminate information to the public about agency activities and accomplishments;
- Enhance relationships with news media and the health and medical community;
- Provide safety education and community services;
- Provide legislative and judicial information and support; and
- Increase the public's understanding of the enforcement agency's role in traffic safety.

Internal

- Disseminate information about internal activities to sworn and civilian members of the agency;
- Enhance the agency's safety enforcement role and increase employee understanding and support; and
- Recognize employee achievements.

V. Data Collection and Analysis

The availability of valid data is critical to any approach intended to increase the level of highway safety. An effective records program provides fast and accurate information to field personnel who are performing primary traffic functions and to management for decision-making. Data are usually collected from crash reports, daily officer activity reports that contain workload and citation information, highway department records (e.g., traffic volume), citizen complaints, and officer observations. An effective records program should:

- Provide information rapidly and accurately;
- Provide routine compilations of data for management use in the decision making process;
- Provide data for operational planning and execution;
- Interface with a variety of data systems, including statewide traffic safety records system; and
- Be accessible to enforcement, planners, and management.

VI. Training

Training is one of the most important activities in a law enforcement agency, and it is essential to support the special requirements of traffic law enforcement and safety. It is essential for operational personnel to be prepared to effectively perform their duties. Traffic enforcement training can be conducted by the agency, the State POST (Police, or Peace, Officer Standards and Training) agency, or a commercial trainer.

A. Purpose and Goals of Training

Training accomplishes a wide variety of important and necessary goals. Proper training should:

- Prepare officers to act decisively and correctly;
- Increase compliance with agency enforcement goals;
- Assist in meeting priorities;
- Improve compliance with established policies;
- Result in greater productivity and effectiveness;
- Foster cooperation and unity of purpose;
- Help offset liability actions; and
- Motivate and enhance officer professionalism.

B. State, County and Local Law Enforcement Agencies Should:

- Periodically assess enforcement activities to determine training needs;
- Require traffic enforcement knowledge and skills in all recruits;
- Provide traffic enforcement in-service training to experienced officers;
- Provide specialized CMV in-service training to traffic enforcement officers;
- Conduct training to implement specialized traffic enforcement skills, techniques, or programs; and
- Train instructors, to increase agency capabilities and to ensure continuity of specialized enforcement skills and techniques.

VII. Evaluation

The SHSA, in conjunction with State, county and local law enforcement agencies, should develop a comprehensive evaluation program to measure progress toward established project goals and objectives; effectively plan and implement statewide, county and local PTS programs; optimize the allocation of limited resources; measure the impact of traffic enforcement on reducing crime and traffic crashes, injuries, and deaths; and compare costs of criminal activity to costs of traffic crashes. Law enforcement managers should:

- Include evaluation in initial program planning efforts to ensure that data will be available and that sufficient resources will be allocated;
- Report results regularly to project and program managers, to police field commanders and officers, and to the public and private sectors;
- Use results to guide future activities and to assist in justifying resources to legislative bodies;
- Conduct a variety of surveys to assist in determining program effectiveness, such as roadside sobriety surveys, speed surveys, license checks, belt use surveys, and surveys measuring public knowledge and attitudes about traffic enforcement programs;
- Evaluate the effectiveness of services provided in support of priority traffic safety areas; and
- Maintain and report traffic data to the International Association of Chiefs of Police *Traffic Data Report* and other appropriate repositories, such as the FBI *Uniform Crime Report,* FHWA's SAFETYNET system, and annual statewide reports.

HIGHWAY SAFETY PROGRAM GUIDELINE NO. 19—SPEED CONTROL

Each State, in cooperation with its political subdivisions, should have, as part of a comprehensive highway safety program, an effective speed control program that encourages its citizens to voluntarily comply with speed limits. The program should stress systematic and rational establishment of speed limits, a law enforcement commitment to controlling speed on all public roads, a commitment to utilize both traditional methods and state-of-the art equipment in setting and enforcing speed limits, and a strong public information and education program aimed at increasing driver compliance with speed limits.

I. Program Management

State and local law enforcement agencies, transportation departments, and the State Highway Safety Agency (SHSA) should establish speed control as a priority within their total highway safety program. The speed control program should contain the following elements: program management, procedures for establishing reasonable speed limits, coordinated enforcement efforts, public information and education, identification and utilization of new technology, legislative coordination and

commitment, training, and evaluation. When planning and developing a program to address speed control, the issue of speed should be examined in light of the empirical data available, current methods for setting speed limits, and the current public perception of speed compliance. Added to these elements is the law enforcement response, including the resources available to enforcement agencies. Only after these components have been examined and defined can the goals of a speed control program be formulated. In carrying out its responsibility of centralized program planning and coordination, the State should:

- Develop and implement a comprehensive speed control plan in cooperation with law enforcement leaders, traffic engineers, educators, injury control professionals, and leaders of the community;
- Provide leadership, training, and technical assistance to State and local law enforcement agencies and highway/traffic agencies;
- Generate broad based support for speed control programs through education on the scope and severity of the problem; and
- Integrate speed control into the overall traffic enforcement and engineering program.

II. Enforcement Program

Each State should strongly emphasize speed enforcement as part of its overall traffic enforcement program. The speed enforcement program should include enforcement strategies and other components of a comprehensive approach to address the speed issue. The plan should address the following concepts:

- Including public information and education components along with vigorous enforcement in State and local anti-speeding programs;
- Collecting data to help in problem identification and evaluation;
- Identifying high risk crash locations where speed or speed variance is a contributing factor in crashes;
- Integrating speed control programs into related highway safety activities such as drunk driving prevention, safety belt and safety programs for young people and other injury control activities;
- Targeting anti-speeding programs to address specific audiences and situations: young drivers, males, nighttime, adverse weather and traffic conditions (i.e., travel at speeds unsafe for conditions), drunk driving, commercial motor vehicle (CMV) drivers, school zones, construction and maintenance work zones, and roads and streets with major potential conflicts in traffic and with pedestrians and bicyclists;
- Using speed measuring devices that are both efficient and cost effective, including new speed measurement technology such as laser (LIDAR) speed measuring devices, electronic signing and photo-radar; and
- Training officers in the proper use of equipment and educating other members of the criminal justice system, such as judges and prosecutors, on the principles of devices using new technology.

III. Setting of Speed Limits

States and local governments should undertake comprehensive efforts to identify rational criteria for establishing speed limits and should include strategies to address the speed issue. These efforts should include:

- Identification of criteria used to establish speed limits, including the recognition of unique operational characteristics of CMV's;
- Use of state-of-the art technology to collect data to establish speed limits;
- Use of variable message speed limit signs to reinforce the appropriate speed limit for prevailing conditions;
- Identification of high hazard locations where speeding is a contributing factor;
- Coordination of an effort with enforcement agencies, educators, and community leaders to provide information on setting of speed limits; and
- Training of traffic and enforcement personnel in the proper techniques for establishing safe and reasonable speed limits and in the use and deployment of speed monitoring equipment.

IV. Public Information and Education

Focused public information and education campaigns are an essential part of a comprehensive speed control program. Research shows that compliance with and support for traffic laws can be increased through aggressive, targeted enforcement combined with an effective public information and education campaign. The SHSA, in cooperation with law enforcement and transportation agencies, should develop a Statewide public information and education campaign that:

- Identifies and targets specific audiences;
- Addresses criteria for setting speed limits and enforcement of speed limits particularly for locations experiencing excessive speed, speed variance, travel at speeds unsafe for conditions, or speed related crashes;
- Capitalizes on special events (cooperative, multi-jurisdictional enforcement efforts) and special holiday enforcement programs;
- Identifies and supports the efforts of traffic safety activist groups and members of the health and medical communities to gain increased support of and attention to speed control, traffic safety, and injury control issues;
- Uses national themes, events, and materials; and
- Motivates the public to support speed control by pointing out the public health issues of injury, death, and medical and other economic costs of speed related crashes.

V. Technology

New and updated technology for speed measurement is needed to determine appropriate speed limits for a variety of conditions and to achieve maximum enforcement activity with fewer available resources. Current technology for measuring speed, such as loop detectors, should be used not only to establish viable speed limits but also to vary speed limits to conform to existing conditions. For enforcement activities, State and local governments should only utilize speed measurement equipment that is approved or recognized as reliable and accurate. All law enforcement agencies should use the International Association of Chiefs of Police (IACP) regional testing laboratories to ensure that equipment used to measure speeds meets minimum standards. For CMV enforcement purposes, the FHWA will provide MCSAP funding only for those items of speed control equipment approved by the IACP or which meet other suitable standards. The SHSA, in conjunction with law enforcement and traffic/highway agencies, should support programs providing for:

- Collection of operational speed data to determine appropriate speed limits and for use of these data in conjunction with variable message signs;
- Police Radar and Laser (LIDAR) Model Minimum Specifications—NHTSA, in cooperation with the IACP and the National Institute of Standards and Technology (NIST), has developed model specifications and testing protocols for speed control devices. Using these model specifications, IACP in cooperation with manufacturers and NHTSA, has established a program to test speed control devices that are available for purchase by law enforcement agencies. Reports of the testing were published by IACP along with a Consumer Products List which provides law enforcement agencies with the names of devices conforming with the model performance specifications.
- Police Radar and Laser (LIDAR) Testing Program—To ensure that law enforcement agencies can continue to purchase and operate accurate speed control devices, IACP, in cooperation with manufacturers and NHTSA, has established an ongoing process of performance testing for newly developed devices and for maintaining existing equipment. Testing laboratories have been established at five universities. These laboratories will continue the testing program and will provide services to the law enforcement community.
- Model Performance Specifications and Test Protocols—NIST, Law Enforcement Standards Laboratory, is developing model minimum performance and testing protocols for automated speed enforcement (ASE) devices, including photo-radar devices;
- Basic Training Program in VASCAR Speed Measurement—NHTSA has developed a training course for the VASCAR (Visual Average Speed Computer and Recorder) time-distance speed measurement devices. This course was developed specifically for use by law enforcement officers; and
- Basic Training Program in Radar Speed Measurement—NHTSA has developed a basic training course which teaches the correct procedures for law enforcement's use of police radar and also the proper instructional techniques for those teaching the course.

VI. Legislation

To encourage voluntary compliance by drivers, speed limits must be safe, reasonable, and uniform to the greatest extent possible. Realistic speed limits on roadways should:

- Be based upon traffic and engineering investigations;
- Encourage drivers to comply with the posted limits and allow enforcement agencies to better target speeders;

- Be accompanied by sanctions, including court and administrative penalties, which are set by law;
- Be as consistent as possible with the physical and operational characteristics (actual and perceived) of the roadway; and
- Take into account the needs and safety of all highway users, motorists and non-motorists alike.

Legislative components of an effective speed control program should:

- Encourage the highway safety community to develop laws, rules, and regulations that will provide for reasonable and safe speed limits;
- Provide appropriate legislation to allow the establishment of regulatory variable speed limits, such as the provisions of Chapter 11, Article VIII of the Uniform Vehicle Code;
- Provide for public information and education programs to explain how speed limits are established and to convince drivers that speed limits are realistic, reasonable, and include sanctions; and
- Establish sanctions for speeding violations that are reasonable, uniform, and effective as a deterrent.

New devices and technology are available for use in determining appropriate speed limits and in law enforcement actions to measure the speed of vehicles. Transportation and law enforcement agencies should work closely with the SHSA to make certain new technologies can be used under existing legislation. As necessary, these groups should work together in ensuring development and adoption of legislation allowing use of new technologies.

VII. Training

NHTSA fully supports and encourages training for law enforcement officers in the use of speed measurement devices, model speed enforcement strategies, combined enforcement projects, and planning and implementing public information and education programs.

In support of law enforcement training, NHTSA will continue to publish and widely distribute training programs. These courses are related to established as well as new and emerging techniques of speed measurement and enforcement. The training courses are recommended for officers in law enforcement agencies using speed measuring devices. FHWA also provides training programs on CMV traffic enforcement.

Training for law enforcement officers involved in speed enforcement should include:

- Proper use of devices used to measure speed;
- How to use data and analysis to define the speed problem, to target enforcement activities, and to evaluate the results of countermeasures;
- How to relate speed enforcement to public safety;
- How to plan and implement a PI&E program on speed enforcement;
- Model speed enforcement strategies including examples of combined enforcement programs; and
- Assisting traffic engineers and technicians in deployment and use of speed measuring equipment.

Training for traffic engineers and technicians should include:

- Proper use and development of speed measurement equipment;
- Developing guidelines for setting speed limits;
- Establishing appropriate signing policies;
- Investigating alternative approaches to speed control (e.g., signing, stripping, channeling, barriers, speed undulations); and
- Interpreting geometric, operational and environmental data for their impact on roadway safety and user performance.

VIII. Evaluation

The SHSA, in conjunction with State and local law enforcement and transportation agencies should develop a comprehensive evaluation program to measure progress toward established project goals and objectives. The evaluation should measure the impact of speed control programs on traffic crashes, injuries, and deaths; and provide information for revised improved program planning. These agencies should:

- Include evaluation in initial program planning efforts to ensure that data will be available and that sufficient resources will be allocated;
- Report results regularly to project and program managers, to police field commanders and officers, to transportation engineers, to members of the highway safety and health and medical communities, and to the public and private sectors;
- Use results to verify problem identification, guide future speed control activities, and assist in justifying resources to legislative bodies;
- Conduct a variety of surveys to assist in determining program effectiveness, such as speed surveys and surveys measuring public knowledge and attitude about speed control programs;
- Analyze speed compliance and speed-related crashes in areas with actual hazards to the public;
- Evaluate the effectiveness of speed control activities provided in support of other priority traffic safety areas; and
- Maintain and report traffic data to the SHSA, *IACP Traffic Data Report* and other appropriate repositories, such as the FBI *Uniform Crime Reports* FHWA's SAFETYNET system, and annual statewide reports.

HIGHWAY SAFETY PROGRAM GUIDELINE NO. 20—OCCUPANT PROTECTION

Each State, in cooperation with its political subdivisions, should have a comprehensive occupant protection program that educates and motivates its citizens to use available motor vehicle occupant protection systems. A combination of use requirements, enforcement, public information, education, and incentives is necessary to achieve significant, lasting increases in safety belt usage, which will prevent fatalities and control the number and severity of injuries. Therefore, a well-balanced State occupant protection program should include the components described below.

I. Program Management

Each State should have centralized program planning, implementation and coordination to achieve and sustain high rates of safety belt use. Evaluation is also important for determining progress and ultimate success of occupant protection programs. The State Highway Safety Agency (SHSA) should:

- Provide leadership, training, and technical assistance to other state agencies and local occupant protection programs and projects;
- Convene an occupant protection advisory task force or coalition to organize and generate broad-based support for programs;
- Integrate occupant protection programs into community/corridor traffic safety and other injury prevention programs; and
- Evaluate the effectiveness of its occupant protection program.

II. Legislation, Regulation, and Policy

Each State should enact and enforce occupant protection use laws, regulations, and policies to provide clear guidance to the motoring public concerning motor vehicle occupant protection systems. This legal framework should include:

- Legislation, permitting primary enforcement, requiring all motor vehicle occupants to use the systems provided by the vehicle manufacturer and educational programs to explain their benefits and the correct way to use them;
- Legislation, permitting primary enforcement, requiring children up to 40 pounds (or five years old if weight cannot be determined) to ride in a safety device certified by the manufacturer to meet all applicable Federal performance standards;
- Regulations requiring employees of all levels of government to wear safety belts when traveling on official business;
- Official policy requiring that organizations receiving Federal highway safety program grant funds have and enforce an employee safety belt use policy; and
- Encouragement for automobile insurers to offer economic incentives for policy holders to wear safety belts, to secure small children in child safety seats, and to purchase cars equipped with air bags.

III. Enforcement Program

Each State should have a strong law enforcement program, coupled with public information and education, to increase safety belt and child safety seat use. Essential components of a law enforcement program include:

- Written, enforced belt use policies for law enforcement agencies with sanctions for noncompliance to protect law enforcement officers from harm and for officers to serve as role models for the motoring public;
- Vigorous enforcement of public safety belt use and child safety seat laws, including citations and warnings;
- Accurate reporting of occupant protection system information on accident report forms, including use or non-use of belts or child safety seats, type of belt, and presence of and deployment of air bag;
- Public information and education (PI&E) campaigns to inform the public about occupant protection laws and related enforcement activities;

- Routine monitoring of citation rates for non-use of safety belts and child safety seats; and
- Certification of an occupant protection training course for both basic and in-service training by the Police (or Peace) Officer Standards and Training (POST) board.

IV. Public Information and Education Program

As part of each State's public information and education program, the State should enlist the support of a variety of media, including mass media, to improve public awareness and knowledge about safety belts, air bags, and child safety seats. To sustain or increase rates of safety belt and child safety seat use, a well-organized, effectively managed public information program should:

- Identify and target specific audiences, (e.g., low-use, high risk motorists) and develop messages appropriate for these audiences;
- Address the enforcement of the State's belt use and child passenger safety laws; the safety benefits of regular, correct safety belt (both manual and automatic) and child safety seat use; and the additional protection provided by air bags;
- Capitalize on special events, such as nationally recognized safety and injury prevention weeks and local enforcement campaigns;
- Coordinate different materials and media campaigns where practicable, (e.g., by using a common theme and logo);
- Use national themes and materials to the fullest extent possible;
- Publicize belt-use surveys and other relevant statistics;
- Encourage news media to report belt use and non-use in motor vehicle crashes;
- Involve media representatives in planning and disseminating public information campaigns;
- Encourage private sector groups to incorporate belt-use messages into their media campaigns;
- Take advantage of all media outlets: television, radio, print, signs, billboards, theaters, sports events, health fairs; and
- Evaluate all media campaign efforts.

V. Health/Medical Program

Each State should integrate occupant protection into health programs. The failure of drivers and passengers to use occupant protection systems is a major public health problem that must be recognized by the medical and health care communities. The SHSA, the State Health Department, and other State or local medical organizations should collaborate in developing programs that:

- Integrate occupant protection into professional health training curricula and comprehensive public health planning;
- Promote occupant protection systems as a health promotion/injury prevention measure;
- Require public health and medical personnel to use available motor vehicle occupant protection systems when on the job;
- Provide technical assistance and education about the importance of motor vehicle occupant protection to primary caregivers (e.g., doctors, nurses, clinic staff);
- Include questions about safety belt use in health risk appraisals;
- Utilize health care providers as visible public spokespersons for belt use and child safety seat use;
- Provide information about availability of child safety seats through maternity hospitals and other pre-natal and natal care centers (see Program Component VI: Child Passenger Safety Program); and
- Collect, analyze, and publicize data on additional injuries and medical expenses resulting from non-use of occupant protection devices.

VI. Child Passenger Safety Program

Each State should vigorously promote the use of child safety seats. States should require every child up to 40 pounds to ride correctly secured in a child safety seat that meets Federal Motor Vehicle Safety Standards (see Program Component II: Legislation, Regulation, and Policy). State and community child passenger safety programs that will help to achieve that objective should be established to:

- Educate parents, pediatricians, hospitals, law enforcement, EMS and the general public about the safety risks to small children, the benefits of child safety seats, and their responsibilities for compliance with child passenger safety laws;
- Encourage child safety seat retailers and auto dealers to provide information about child seat and vehicle compatibility, as well as correct use;
- Require safe child transportation policies for certification of pre-school and day care providers;
- Require hospitals to ensure that newborn and other small children are correctly secured in an approved child safety seat or safety belt upon discharge;
- Make child safety seats available at affordable cost to low-income families, with appropriate education on how to use them; and
- Encourage local law enforcement to vigorously enforce child passenger safety laws, including safety belt use laws as they apply to children.

VII. School-Based Program

Each State should incorporate occupant protection education in school curricula. Buckling up is a good health habit and, like other health habits, must be taught at an early age and reinforced until the habit is well established. The State Department of Education and the State Highway Safety Agency should:

- Ensure that highway safety and traffic-related injury control in general, and occupant protection in particular, are included in the State-approved K–12 health and safety education curricula and textbooks;
- Establish and enforce written policies requiring that school employees operating a motor vehicle on the job use safety belts; and
- Encourage active promotion of regular safety belt use through classroom and extra-curricular activities as well as in the school-based health clinics.

VIII. Worksite Program

Each State should encourage all employers to require safety belt use on the job as a condition of employment. The Federal government has already taken that step for its employees. Private sector employers should follow the lead of Federal and State government employers and comply with all applicable FHWA Federal Motor Carrier Safety Regulations or Occupational Health and Safety (OSHA) regulations requiring private business employees to use safety belts on the job. All employers should:

- Establish and enforce a safety belt use policy with sanctions; and
- Conduct occupant protection education programs for employees on their belt use policies and the safety benefits of motor vehicle occupant protection.

IX. Outreach Program

Each State should encourage extensive community involvement in occupant protection education by involving individuals and organizations outside the traditional highway safety community. Community involvement broadens public support for the State's programs and can increase a State's ability to deliver highway safety education programs. To encourage community involvement, States should:

- Establish a coalition or task force of individuals and organizations to actively promote use of occupant protection systems;
- Create an effective communications network among coalition members to keep members informed; and
- Provide materials and resources necessary to conduct occupant protection education programs, especially directed toward young people, in local settings.

X. Evaluation Program

Each State should conduct several different types of evaluation to effectively measure progress and to plan and implement new program strategies. Program management should:

- Conduct and publicize at least one statewide observational survey of safety belt and child safety seat use annually, making every effort to ensure that it meets applicable federal guidelines;
- Maintain trend data on child safety seat use, safety belt use, and air bag deployment in fatal crashes;
- Identify target populations through observational surveys and crash statistics;
- Conduct and publicize statewide surveys of public knowledge and attitudes about occupant protection laws and systems;
- Obtain monthly or quarterly data from law enforcement agencies on the number of safety belt and child passenger safety citations and convictions;
- Evaluate the use of program resources and the effectiveness of existing general public and target population education programs;
- Obtain data on morbidity as well as the estimated cost of crashes, compare on the basis of safety belt usage and non-usage; and
- Ensure that evaluation results are an integral part of new program planning and problem identification.

HIGHWAY SAFETY PROGRAM GUIDELINE NO. 21—ROADWAY SAFETY

Each State, in cooperation with its political subdivisions, should have a comprehensive roadway safety program that is directed toward reducing the number and severity of traffic crashes. Roadway Safety applies to highway safety activities related to the roadway environment. (Section 402 funds may not be used for highway construction, maintenance, or design activities, but they may be used to develop and implement systems and procedures for carrying out safety construction and operation improvements.)

I. Program Management

The Federal Highway Administration (FHWA) provides administrative oversight for the Roadway Safety portion of the Section 402 highway safety program in close coordination with the State Highway Safety Agency (SHSA) and the State Highway Agency (SHA). An effective Roadway Safety program is based on sound analyses of roadway-related crash information and applies engineering principles in identifying highway design or operational improvements that will address the crash problem. The SHSA should:

- Assign program staff to work directly with the FHWA division safety engineer on roadway-related safety programs;
- Work in close harmony with the SHA, particularly with SHA staff who are responsible for traffic engineering, pedestrian and bicycle programs, commercial motor vehicle (CMV) safety, rail-highway crossing safety issues, work zone safety, design and operational improvements, and hazardous roadway locations;
- Foster an ongoing dialogue among all disciplines with a vested interest in highway safety, including engineers, enforcement personnel, traffic safety specialists, driver licensing administrators, CMV safety specialists, and data specialists;
- Promote a multi-disciplinary approach to addressing highway safety issues which focuses on comprehensive solutions to identified problems (e.g., a Community/ Corridor Traffic Safety Program (C/CTSP));
- Become familiar with the various highway-safety related categories of Federal-aid highway funds—in addition to Section 402—in order to maximize the safety benefits of the entire program;
- Become familiar with the State's traffic records system and play a role in the system's ongoing operation, maintenance and enhancement;
- Become familiar with the Motor Carrier Safety Assistance Program (MCSAP) and coordinate MCSAP and section 402 program activities; and
- Assist community leaders in managing and/or coordinating roadway safety issues which fall under the jurisdiction of local communities.

II. Identification and Surveillance of Crash Locations

Each state, in cooperation with county and other local governments, should have a program for identifying crash locations and for maintaining surveillance of those locations having high crash rates or losses. A model program should have the following characteristics:

- Procedures for accurate identification of crash locations on all roads and streets which identify crash experience on specific sections of the road and street system.
- An inventory of high crash locations and locations experiencing sharp increases in crashes and design and operational features with which high crash frequencies or severities are associated.
- Appropriate measures for reducing crashes and evaluating the effectiveness of safety improvements on any specific section of the road or street system.
- A systematically organized method to ensure continuing surveillance of the roadway network for potentially high crash locations and to develop methods for their correction.

III. Highway Design, Construction and Maintenance

Every state, in cooperation with county and local governments, should have a program of highway design, construction, and maintenance to improve highway safety. A model program should have the following characteristics:

- Design guidelines relating to safety features such as sight distances, horizontal and vertical curvature, spacing of decision points, width of lanes, etc., for all new construction or reconstruction on expressways, major streets and highways, and through-streets and highways.
- Street systems that are designated to provide a safe traffic environment for all roadway users when subdivisions and residential areas are developed or redeveloped.
- Efforts to ensure that roadway lighting or new technology, such as retroreflective materials, is provided or upgraded on a priority basis at expressways and other major arteries in urban areas, junctions of major highways in rural areas, locations or sections of streets and highways which have high ratios of night-to-day motor vehicle and/or pedestrian crashes, and tunnels and long underpasses.
- Guidelines for pavement design and construction with specific provisions for high skid resistance qualities.
- A program for resurfacing or other surface treatment with emphasis on correction of locations or sections of streets and highways with low skid resistance and high or potentially high crash rates susceptible to reduction by providing improved surfaces.
- Efforts to ensure that there is guidance, warning and regulation of traffic approaching and traveling over construction or repair sites and detours, in conformance with the Manual on Uniform Traffic Control Devices.
- A method for systematic identification and tabulation of all rail-highway grade crossings and a plan for the elimination of hazards and dangerous crossings.
- Projects which provide for the safe and efficient movement of traffic by ensuring that roadways and the roadsides are maintained consistent with the design guidelines which are followed in construction.
- Procedures to identify and correct hazards within the highway right-of-way.
- Procedures for incident management and congestion mitigation.
- Wherever possible for crash prevention and crash survivability, efforts to include at least the following highway design and construction features:

—roadsides which are clear of obstacles, with clear distance determined on the basis of traffic volumes, prevailing speeds, and the nature of development along the street or highway;
—supports for traffic control devices and lighting that are designed to yield or break away under impact wherever appropriate;
—protective devices that afford maximum protection to the occupants of vehicles where fixed objects cannot be reasonably removed or designed to yield;
—bridge railings and parapets which are designed to minimize severity of impact, redirect the vehicle so that it will move parallel to the roadway, and minimize danger to traffic below;
—guardrails, and other design features which protect people from out-of-control vehicles at locations of special hazard such as playgrounds, schoolyards and commercial areas.

- A post-crash program that includes at least the following:

—signs at freeway interchanges directing motorists to hospitals which have emergency care capabilities;
—maintenance personnel who are trained in procedures for summoning aid, protecting others from hazards at crash sites, and removing debris;
—provisions for access for emergency vehicles to and from freeway sections, where travel time would be reduced without reducing the safety benefits of access control.

IV. Traffic Engineering Services

Each State, in cooperation with its political subdivisions and with each Federal department or agency which controls highways open to public travel or supervises traffic operations, should have a program for applying traffic engineering measures and techniques, including the use of traffic control devices which are in conformance with the Manual on Uniform Traffic Control Devices, to reduce the number and severity of traffic crashes.

A model program should have the following characteristics:

- A comprehensive resource development plan to provide the necessary traffic engineering capability, including:

—provisions for supplying traffic engineering assistance to those jurisdictions that are unable to justify a full-time traffic engineering staff;
—provisions for upgrading the skills of practicing traffic engineers and for providing basic instruction in traffic engineering techniques to other professionals and technicians.

- Use of traffic engineering principles and expertise in the planning of public roadways, and in the application of traffic control devices.

• A traffic control device plan which includes:

—an inventory of all traffic control devices;
—periodic review of existing traffic control devices, including a systematic upgrading of substandard devices to conform with standards contained in the Manual on Uniform Traffic Control Devices;
—a maintenance schedule adequate to insure proper operation and timely repair of control devices, including daytime and nighttime inspections; and
—where appropriate, the application and evaluation of new ideas and concepts in applying control devices and in the modification of existing devices to improve their effectiveness through controlled experimentation.

• An implementation schedule which utilizes traffic engineering resources to:

—review road projects during the planning, design, and construction stages to detect and correct features that may lead to operational safety difficulties;
—install safety-related improvements as part of routine maintenance and/or repair activities;
—correct conditions noted during routine operational surveillance of the roadway system to rapidly adjust for the changes in traffic and road characteristics as a means of reducing the frequency and severity of crashes;
—conduct traffic engineering analyses of all high crash locations and develop corrective measures;
—analyze potentially hazardous locations—such as sharp curves, steep grades, and railroad grade crossings—and develop appropriate countermeasures;
—identify traffic control needs and determine short- and long-range requirements;
—evaluate the effectiveness of specific traffic control measures in reducing the frequency and severity of traffic crashes; and
—conduct traffic engineering studies to establish traffic regulations, such as fixed or variable speed limits.

Companion Highway Safety Program Manuals (February, 1974), which supplement this guideline, are available from the Federal Highway Administration's Office of Highway Safety. These supplements provide additional information to assist State and local agencies in implementing their roadway safety programs.

V. Outreach Program

While considerable progress has been made in reducing the highway death rate, forecasts of increased highway travel place new demands on the highway system. By necessity, roadways are being reconstructed while open to traffic, which places additional demands on motorists and construction workers. Increasing awareness of roadway-related safety issues will enhance highway safety in construction zones. A proactive roadway safety outreach program will provide critical information to the public on roadway safety issues, explain existing roadway safety features, and establish communication channels among engineers, planners, enforcement personnel, highway safety advocacy groups, and the motoring public. To encourage outreach in the roadway safety area, States should:

• Identify those groups or individuals that may have an interest in promoting roadway safety, including roadway safety advocacy groups, law enforcement, community advocacy, the medical community, and create an effective communication network among the groups to keep members informed;

• Target specific areas in which the public needs roadway safety information and develop appropriate public information and education materials on various roadway safety issues.

VI. Evaluation

Roadway Safety programs should be periodically evaluated by the State, or appropriate Federal department or agency where applicable, and the Federal Highway Administration should be provided with an evaluation summary. Evaluations should include measures of effectiveness in terms of crash reduction.

[FR Doc. 95–17418 Filed 7–17–95; 8:45 am]
BILLING CODE 4910–59–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 950

[Docket No. R–95–1742; FR–3646–C–03]

RIN 2577–AB43

Indian Housing Program: Amendments; Final Rule; Technical Corrections

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule; technical corrections.

SUMMARY: On April 10, 1995, HUD published a final rule amending the Indian Housing consolidated regulations and moving these regulations from part 905 to a new part 950. This document corrects several minor and inadvertent omissions from that final rule.

EFFECTIVE DATE: The effective date of this correction is July 18, 1995.

FOR FURTHER INFORMATION CONTACT: Dominic Nessi, Deputy Assistant Secretary for Native American Programs, Public and Indian Housing, Room B–133, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 755–0032. Hearing- or speech-impaired persons may use the TDD number (202) 708–0850. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On April 10, 1995, HUD published a final rule amending the Indian Housing consolidated regulations and moving these regulations from part 905 to a new part 950 (60 FR 18174). These amendments were necessary to simplify program processes, reduce the number of regulatory requirements, and provide more flexibility to local tribal and Indian housing authority officials in the administration of the Indian Housing program.

This document corrects several minor and inadvertent omissions from that final rule. First, this document reinstates the amendments to the definition of annual income that were made by HUD's Combined Income and Rent interim rule, published in the **Federal Register** on April 5, 1995 (60 FR 17388). The Indian Housing final rule and the Combined Income and Rent interim rule were in the final stages of departmental review at the same time. While HUD intended the Indian Housing final rule to be comprehensive, it did not intend to supplant the necessary changes that were made by the Combined Income and Rent interim rule.

Second, this document corrects the section of the Indian Housing final rule regarding the establishment of Indian Housing Authorities (IHAs) by tribal ordinance. The language of the section appears to provide that an IHA, and not the tribe, would enact such an ordinance. Such an interpretation would clearly be incorrect; therefore, this document clarifies that section to reflect that the tribe would enact the ordinance.

Third, this document inserts a provision clarifying that HUD's one-time approval of an IHA's Indian preference methods would continue to apply under the new regulations. This ''grandfather'' provision was inadvertently omitted from the Indian Housing final rule. HUD intended that those IHAs whose preference methods were already approved under previous requirements would not have to seek approval again under HUD's new, less prescriptive requirements.

Fourth, this document corrects language in the provisions of the Indian Housing final rule regarding the conversion of projects in the Mutual Help Homeownership Opportunity program and the Turnkey III Program. In the Indian Housing final rule, HUD simplified these provisions by eliminating the formal application process. This document will remove the references to that process that are now obsolete but that HUD inadvertently left in the rule.

Fifth, this document reinstates, in subpart H of the Indian Housing final